

This Instrument Prepared By and Return to:  
Blair LittleJohn, Esq.  
School Board of Palm Beach County, Florida  
3300 Forest Hill Boulevard C-302  
West Palm Beach, Florida 33406

## **MODIFICATION OF RESTRICTIONS**

**THIS AMENDED** Modification of Restrictions, made this \_\_\_\_\_ day of \_\_\_\_\_ 2007, by and between The School Board of Palm Beach County, Florida, a corporate body politic pursuant to the Constitution of the State of Florida, having an address at 3300 Forest Hill Boulevard, Suite B-246, West Palm Beach, Florida 33406, (herein after referred to as Grantor), and the City of Pahokee, Florida, a municipal corporation whose address is \_\_\_\_\_, Pahokee, Florida 33476, (hereinafter referred to as Grantee).

## **WITNESETH**

**WHEREAS**, the Grantor transferred to the Grantee by Special Warranty Deed recorded in Official Record Book 5821, Page 847, Public Records of Palm Beach County, Florida, as re-recorded by that certain corrected deed recorded in Official Record Book 6995, Pages 1527, Public Records of Palm Beach County, Florida, (hereinafter collectively referred to as the "Deed") the following described real property attached as Exhibit A, and by this reference incorporated herein, lying in Palm Beach County, Florida, (hereinafter referred to as Real Property); and

**WHEREAS**, in January 1993, Grantor agreed to modify the reverter clause in the Deed to permit community uses of the Real Property as the Grantee had been unable to accomplish commercial development of the Real Property within the timeframe set forth in the Deed.

**WHEREAS**, Grantee now desires to further modify the restrictions set forth in the Deed to allow the Real Property to be leased to Everglades Preparatory Academy Charter School for the term of ten (10) years and a rental rate of \$2,500 per month and one optional ten (10) year renewal term (the "Lease") and for all rentals received from this Lease to be retained by the Grantee.

**NOW THEREFORE** in consideration of the sum of \$10.00 and other good and valuable consideration, receipt of which the parties acknowledge, the parties agree as follows:

1. The Reverter contained in the Deed is hereby modified to provide as follows:

"The Grantee shall use the property for civic, governmental, recreational and other associated activities. In the event the Grantee should either sell or lease the property for any other purpose other than for those purposes more particularly enumerated herein, the Grantee shall share any such revenue derived from the same with the Grantor on a fifty-fifty basis. This shall be a covenant running with the land so long as the Grantee retains title to property. Notwithstanding the foregoing, Grantor hereby waives its right to fifty percent of the rentals collected by the Grantee from that certain lease between Grantee and Everglades Preparatory Academy Charter School during the initial term of the lease beginning February, 2007 and terminating February, 2017, and if duly exercised by the parties the ten (10) year renewal term beginning February, 2017 and terminating February, 2027, wherein annual rental is \$2,500.00 per month. This waiver shall not be interpreted as a waiver of Grantor's right to fifty percent of the rentals collected in the event of a lease extension or renewal to Everglades Preparatory Academy Charter

School beyond that set forth herein, a lease to any other entity or the sale of the property.”

IN WITNESS WHEREOF, Grantor has hereunto set Grantor’s hand and seal the day and year first above written.

WITNESSES: (Two are required)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

GRANTEE:

THE CITY OF PAHOKEE, FLORIDA  
A Florida municipal corporation

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

Attest:  
BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

Date Executed by Buyer: \_\_\_\_\_

STATE OF FLORIDA                    )  
                                                  ) SS:  
COUNTY OF PALM BEACH        )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by \_\_\_\_\_ and \_\_\_\_\_, as the \_\_\_\_\_ and \_\_\_\_\_, respectively, of The City of Pahokee, Florida, a Florida municipal corporation, freely and voluntarily on behalf of said municipal corporation. They are personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2007.

My Commission Expires:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

GRANTOR:

THE SCHOOL BOARD OF PALM BEACH  
COUNTY, FLORIDA

BY \_\_\_\_\_  
William G. Graham, Chairman

Board Approval Date: \_\_\_\_\_ BY \_\_\_\_\_  
Arthur C. Johnson, Ph.D., Superintendent

REVIEWED AND APPROVED AS TO  
LEGAL FORM

  
\_\_\_\_\_  
School Board Attorney

STATE OF FLORIDA                    )  
                                                  ) SS:  
COUNTY OF PALM BEACH         )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by \_\_\_\_\_ and Arthur C. Johnson, as the Chairman and Superintendent, respectively, of The School Board of Palm Beach County, Florida, a corporate body politic, freely and voluntarily on behalf of said corporate body politic. They are personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

My Commission Expires:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

# EXHIBIT “A”

## OLD PAHOKEE SCHOOL

LAND DESCRIPTION AS PART OF THIS SURVEY:

PORTIONS OF LOTS 5, 6, 7, 8, 9, 10 AND 11; PLAT OF “RIDGEWAY BEACH,” LYING SOUTHERLY FROM THE NORTHEASTERLY RIGHT-OF-WAY OF STATE ROAD 15 (MAIN STREET) SECTION 93130, DATED 10/20/71, RECORDED IN PLAT BOOK 7, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

PORTIONS OF THAT CERTAIN 20.00 FOOT ALLEY, ABANDONED JULY 14, 1958, BY ORDINANCE NO 7-58 CITY OF PAHOKEE, FLORIDA, RECORDED IN OFFICIAL RECORD BOOK 217, PAGE 357, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THIS ALLEY WAS PREVIOUSLY ABANDONED BY TOWN ORDINANCE ACCORDING TO THE BOUNDARY SURVEY PERFORMED FOR THE “BOARD OF PUBLIC INSTRUCTION OF PALM BEACH COUNTY, FLORIDA”, CERTIFIED BY E.L. BAIRE, FLORIDA CERTIFICATE NO. 509, MARCH 1928, H.C. FUGATE ENGINEERING COMPANY, DRAWING NO. T.F. 234, LYING IN THE PLAT OF “RIDGEWAY BEACH”, RECORDED IN PLAT BOOK 7, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

PORTIONS OF TRACTS 1, 2 AND 3, PLAT OF “RIDGEWAY BEACH”, RECORDED IN PLAT BOOK 7, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR THE PURPOSE OF THIS DESCRIPTION THE EAST LINE OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 37 EAST IS ASSUMED TO BEAR SOUTH 01° 06' 00" WEST AND ALL BEARINGS RECITED HEREIN ARE RELATED THERETO.

COMMENCING AT THE MEANDER CORNER (LAKE OKEECHOBEE) ALONG THE EAST BOUNDARY OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA; AS SHOWN ON THE PLAT TITLED “OKEELANTA PLANTATION COMPANY’S SUBDIVISION”, RECORDED IN PLAT BOOK 16, PAGE 34,

PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND REFERENCED HERETO WITH THE PLAT TITLED "ADDITION TO THE TOWN OF PAHOKEE, PALM BEACH COUNTY, FLORIDA", RECORDED IN PLAT BOOK 16, PAGE 31, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE SOUTH 01° 06' 00" WEST ALONG THE EAST LINE OF SAID SECTION 18; SAID LINE ALSO BEING THE CENTERLINE OF A 60.00 FOOT RIGHT-OF-WAY KNOWN AS SOUTHEAST FORTH AVENUE (BARFIELD ROAD) A DISTANCE OF 131.67 FEET, MORE OR LESS, INTERSECTING THE NORTHEASTERLY CENTERLINE OF A 20.00 FOOT ALLEY, NOW ABANDONED AND RECORDED IN OFFICIAL RECORD BOOK 217, PAGE 357, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 60° 04' 09" WEST ALONG THE SAID CENTERLINE OF THE 20.00 ALLEY EXTENSION, A DISTANCE OF 35.01 FEET, MORE OR LESS, INTERSECTING THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHEAST FORTH AVENUE (BARFIELD ROAD) AS NOW LAID OUT AND IN USE, RECORDED IN OFFICIAL RECORD BOOK 204, PAGE 100, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED LAND; THENCE CONTINUE SOUTH 60° 04' 09" WEST ALONG SAID CENTERLINE OF THAT 20.00 ABANDONED ALLEY (PARALLELING THE SOUTHERLY BOUNDARY OF LOTS 1 THROUGH 4, PLAT OF RIDGEWAY BEACH, RECORDED IN PLAT BOOK 7, PAGE 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA), A DISTANCE OF 218.89 FEET, MORE OR LESS, INTERSECTING THE WESTERLY BOUNDARY OF SAID LOT 4, EXTENDED TO INTERSECT THE CENTERLINE OF SAID 20.00 FOOT ABANDONED ALLEY; THENCE NORTH 29° 56' 18" WEST ALONG SAID WESTERLY BOUNDARY OF LOT 4 EXTENDED TO INTERSECT SAID 20.00 FOOT ABANDONED ALLEY A DISTANCE 193.31 FEET, MORE OR LESS, INTERSECTING THE MOST SOUTHERLY RIGHT-OF-WAY LINE OF "MAIN STREET" (ALSO KNOWN AS STATE ROAD 15, DESIGNATED SECTION 93130, DATED OCTOBER 20, 1941, RECORDED AT THE FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT 4, FT. LAUDERDALE, FLORIDA); THENCE SOUTH 60° 41' 20" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 454.86 FEET, MORE OR LESS, INTERSECTING THE MOST EASTERLY BOUNDARY OF LOT 12, SAID PLAT OF RIDGEWAY BEACH; THENCE SOUTH 29° 32' 38" EAST ALONG SAID MOST EASTERLY BOUNDARY EXTENDED TO THE CENTERLINE OF SAID 20.00 FOOT ABANDONED ALLEY, A DISTANCE OF 198.23 FEET, MORE OR LESS, TO SAID CENTERLINE OF 20.00 FOOT ABANDONED ALLEY; THENCE SOUTH 60° 04' 09" WEST ALONG SAID CENTERLINE OF 20.00 FOOT ABANDONED ALLEY THAT PARALLELS AND LYING 10.00 FEET SOUTHERLY WITH THE MOST SOUTHERLY BOUNDARY OF LOTS 12, 12A, 13, 14, 15, 16 AND 17, SAID PLAT OF RIDGEWAY BEACH, A DISTANCE OF 456.27 FEET INTERSECTING THE MOST EASTERLY RIGHT-OF-WAY LINE OF ANNON AVENUE, A 40.00 FOOT RIGHT-OF-WAY AS LAID OUT AND IN USE AS OF 4/30/91; THENCE SOUTH 29° 08' 58" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 62.07 FEET; MORE OR LESS, INTERSECTING THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTHEAST FIRST STREET, AS RECORDED IN OFFICIAL RECORD BOOK 204, PAGE 100, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (FORMERLY RIDGEWAY AVENUE); THENCE SOUTH 89° 29' 15" EAST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF SOUTHEAST FIRST STREET, A DISTANCE OF 938.23 FEET INTERSECTING THE WESTERLY RIGHT-OF-

WAY LINE OF SOUTHEAST FORTH AVENUE (BARFIELD ROAD); THENCE NORTH 01 ° 06' 00" EAST ALONG SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 627.22 FEET TO THE POINT OF BEGINNING.

CONTAINS 9.58 ACRES, MORE OR LESS.

SUBJECTS TO RIGHTS-OF-WAY AND EASEMENTS, RECORDED OR UNRECORDED.