



Mail original copy to,
Derrek Moore, Impact Fee Manager
Planning, Zoning & Building
2300 N. Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5025

**DECLARATION AND RESTRICTIVE COVENANT REGARDING ROAD IMPACT FEE
(PLEASE READ CAREFULLY AND TYPE INFORMATION IN THE BLANK SPACES)**

This Declaration and Restrictive Covenant (hereinafter referred to as "Declaration"), is executed
this _____ day of _____, 20____ by _____

_____ (hereinafter referred to as "Owner"), and by Palm Beach County, a political subdivision of the State
of Florida (hereinafter referred to as "County"). The legal address of this property is

RECITALS

WHEREAS, County is empowered and authorized to adjust the amount of the Fair Share Contribution for Road Improvements fee (hereinafter "impact fee") pursuant to Article 13 of the Land Development Code and the laws of the State of Florida; and, both the County and the Owner have determined that it is in their best interests to execute this Declaration, and that this Declaration will further the aims of the Fair Share Contribution for Road Improvements Section, Article 13 of the Land Development Code (hereinafter referred to as "Article 13"); and

WHEREAS, Owner is developing a certain parcel of land (hereinafter referred to as "Parcel"), a legal description of which is contained in Exhibit "A", attached hereto and incorporated herein by reference. The land will be used as a _____

NOW, THEREFORE, in consideration of the County's adjusting the impact fee amount and the promises made by the parties hereto and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the parties, the parties hereto do covenant and agree as follows:

1. The County computed the impact fee for the use of the Parcel based on the traffic generation data for a _____ of _____ square footage as provided by qualified engineers. This traffic generation data has been submitted to and accepted by the County Engineer and the Impact Fee Manager pursuant to Article 13,



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Section 13.H. The approved trip rate for this land use is _____.

2. The County and Owner agree that the use of the Parcel may at some future time be converted to a use which may generate more traffic than originally estimated, provided it is in compliance with all laws, ordinances, and regulations. If such a conversion does occur, and the future use generates additional traffic, then, at that time, the Owner, or its successors in interests or assigns, covenant and agree to pay additional Article 13 impact fees as necessary to proceed with the conversion under the terms of Article 13, as amended.

3. The County and Owner agree that no future building permits for additional square footage will be issued, and no change of use to a more intensive use will be permitted, until a statement by the County Engineer verifies that any such changes will comply with Article 13.

4. Upon receipt of the County Engineer's statement and upon payment of the additional fees required by the Ordinance, as amended, the Planning, Zoning and Building Department of Palm Beach County will issue the necessary permits. Any fees originally paid by Owner will be credited to Owner towards the payment of these additional fees.

5. This Declaration may be amended or canceled in a properly executed and recorded document, indicating mutual consent of the parties to this Declaration or by their successors in interest. The Impact Fee Manager must execute the document.

6. If a provision of this Declaration is rendered void or unenforceable by a court of competent jurisdiction or by any act of the Legislature, the remaining provisions shall remain in effect to the degree they can be given effect.

7. This Declaration shall be and constitute an obligation on the property of the Owner, running with and binding on the Parcel, regardless of the title or ownership thereof, and regardless of any changes which may take place therein.

8. The terms of this Declaration shall be effective on the date of recording, and shall be binding upon and shall inure to all successors in interest to the parties to the Declaration, and shall run with the Owner's land.

9. Within fourteen (14) days after the parties have approved and executed this Declaration,



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the Developer shall record this Declaration with the Clerk of the Circuit Court, Palm Beach County, Florida. No permit shall be issued or use commenced on the Parcel until a certified recorded copy of this is delivered to the Palm Beach County Impact Fee Manager.

IN WITNESS WHEREOF, the Owner has executed this Declaration the day and year first above written.

WITNESSES

OWNER

 Typed or Printed Name

 Typed or Printed Name

 Telephone #:

 Typed or Printed Name

 Petition #:

 PR #:

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me, **by means of** **physical presence** or **online notarization** this ____ day of _____, 20____, by _____, who ____ is personally known to me or _____ who has produced _____ as identification, and who did/did not take an oath.

 NOTARY PUBLIC

My Commission Expires:



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The terms and conditions of the foregoing Declaration and Restrictive Covenant Regarding Road Impact Fee, to the extent the same are binding on Palm Beach County, are hereby accepted by the undersigned on behalf of Palm Beach County as its duly authorized representative this __ day of _____ 20__.

WITNESSES

PALM BEACH COUNTY, FLORIDA

Typed or Printed Name

Derrek Moore
 Impact Fee Manager
 Telephone #: (561) 233-5025

Typed or Printed Name

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me, **by means of** **physical presence** or **online notarization** this _____ day of _____, 20__, by _____, who _____ is personally known to me or _____ who has produced as identification, and who did/did not take an oath.

 NOTARY PUBLIC

APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

My Commission Expires:

 Ryan P. Maher
 Assistant County Attorney



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**LEGAL DESCRIPTION
EXHIBIT "A"**