

THIS INSTRUMENT PREPARED BY:  
David M. Layman, Esq.  
GREENBERG, TRAUIG, HOFFMAN,  
LIPOFF, ROSEN & QUENTEL, P.A.  
777 S. Flagler Drive, Suite 310E  
West Palm Beach, Florida 33401

MAY-20-1997 4:15pm 97-179301  
ORB 9803 Pg 698  
1

Will Call Box #42 ✓

DECLARATION OF EASEMENT

THIS EASEMENT is made this 29 day of APRIL, 1997, by JAMES J. O'BRIEN, not personally or individually but as Trustee under Land Trust Agreement dated March 8, 1989, as Declarant.

WITNESSETH:

WHEREAS, Declarant is the owner of certain property located in Palm Beach County, Florida, more particularly described on Exhibit "A" (Mock/Reos Drawing No. A-3445 - set of 4 sheets) attached hereto (the "Easement Parcel"); and

WHEREAS, Declarant is the owner of certain property, which Declarant intends to plat as "WINSTON TRAILS PARCEL ELEVEN" plat also located in Palm Beach County, Florida, and more particularly described on Exhibit "B" attached hereto (the "Parcel Eleven Plat"); and

WHEREAS, in connection with the platting of the Parcel Eleven Plat, the County of Palm Beach requires that a non-exclusive easement be established for drainage purposes over the Easement Parcel for the benefit of the Winston Trails, P.U.D. (the "P.U.D."); and

WHEREAS, the Easement Parcel is subject to that certain Declaration of Covenants and Restrictions for Winston Trails recorded in the Palm Beach County Public Records, in Official Records Book 7820, Page 281, as same is or may be amended (the "Declaration"); and

WHEREAS, pursuant to the terms of Article IV and other provisions of the Declaration, Declarant may grant easements over the P.U.D., including Common Areas as defined therein; and

WHEREAS, pursuant to the Declaration The Winston Trails Foundation, Inc., a Florida not-for-profit corporation (the "Foundation"), may be charged with the responsibility for performance of certain duties, including maintenance of easements within the PUD.

NOW, THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration, the receipt of which is hereby acknowledged, Declarant hereby declares:

1. A non-exclusive perpetual easement and right-of-way for the benefit of the P.U.D. for purposes of providing drainage is hereby granted on, over, above and through the Easement Parcel for the benefit of all owners of real property within the P.U.D. Such easement shall include the right to construct, maintain, lay, install, operate, relocate, repair, replace, improve and inspect such drainage facilities and all appurtenances related thereto with the full right to ingress and egress therefor, and such easement shall provide flowage and storage of stormwater through the Easement Parcel. It being understood that the party constructing, maintaining, laying, installing, operating, relocating, repairing, replacing, improving and inspecting such drainage facilities and all appurtenances related thereto shall fully restore the Easement Parcel to the customary standards for such facilities.

2. All provisions of this instrument shall run with the land and shall be binding upon and inure to Declarant's successors and assigns.

3. The Foundation, its successors and assigns, shall at all times maintain and manage the Easement Parcel. The Foundation hereby indemnifies and holds Declarant harmless with respect to these responsibilities.

4. Declarant does hereby fully warrant that he has good title to the above described property and that he has full power and authority to grant this easement.

IN WITNESS WHEREOF, Declarant has hereunto set his hand and seal the date first above written.

Signed, sealed and delivered  
in the presence of:

*Michelle S. Siung*  
MICHELLE S. SIUNG

Print Name

*Regina Kyle*  
REGINA KYLE

Print Name

*James J. O'Brien*  
JAMES J. O'BRIEN, not personally or  
individually but as Trustee under Land Trust  
Agreement dated March 8, 1989

Address: 6101 Winston Trails Blvd.  
Lake Worth, FL 33463

STATE OF FLORIDA )

) ss.:

ORB 9803 Pg 700

COUNTY OF Palm Beach )

The foregoing instrument was acknowledged before me this 29 day of April, 1997, by JAMES J. O'BRIEN, not personally or individually but as Trustee under Land Trust Agreement dated March 8, 1989.

[NOTARIAL SEAL]

Notary: Regina Lyle

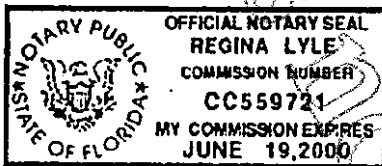
Print Name: REGINA LYLE

Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

Personally Known OR  Produced Identification

Type of Identification Produced FL DRIVERS LICENSE



This is a certified copy



**LEGAL DESCRIPTION**

THREE PARCELS OF LAND SITUATE IN SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING EASEMENTS 20, 40 AND 40 FEET IN WIDTH, LYING 10.00, 20.00 AND 20.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 2; THENCE NORTH 00°25'27" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 2, A DISTANCE OF 1244.23 FEET TO REFERENCE POINT A; THENCE SOUTH 89°34'33" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 505.49 FEET TO THE POINT OF BEGINNING OF CENTERLINE NO. 1;

CENTERLINE NO. 1:  
FROM SAID POINT OF BEGINNING: THENCE NORTH 07°13'52" WEST, A DISTANCE OF 97.58 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE NO. 1;

FROM SAID REFERENCE POINT A: THENCE NORTH 00°25'27" WEST, ALONG THE AFOREMENTIONED EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 2, A DISTANCE OF 1735.85 FEET; THENCE SOUTH 89°34'33" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 522.22 FEET TO THE POINT OF BEGINNING OF CENTERLINE NO. 2;

CENTERLINE NO. 2:  
FROM SAID POINT OF BEGINNING: THENCE NORTH 56°56'08" WEST, A DISTANCE OF 122.00 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE NO. 2.

FROM SAID POINT OF TERMINATION OF SAID CENTERLINE NO. 2: THENCE NORTH 61°09'36" WEST, A DISTANCE OF 206.82 FEET TO THE POINT OF BEGINNING OF CENTERLINE NO. 3;

CENTERLINE NO. 3:  
FROM SAID POINT OF BEGINNING: THENCE NORTH 11°10'49" WEST, A DISTANCE OF 120.00 FEET; THENCE NORTH 37°07'14" WEST, A DISTANCE OF 55.60 FEET; THENCE NORTH 11°10'49" WEST, A DISTANCE OF 345.33 FEET TO A POINT ON THE SOUTH LINE OF WATER MANAGEMENT TRACT B, WINSTON TRAILS PARCEL THIRTEEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, 48 THROUGH 51, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF TERMINATION OF CENTERLINE NO. 3.

LEGAL DESCRIPTION CONTINUED ON SHEET 2 OF 4

SHEET 1 OF 4  
SEC. 2, TWP. 45 S, RGE. 42 E

REV: -	 <b>MOCK • ROOS</b> ENGINEERS • SURVEYORS • PLANNERS 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113, fax 478-7248	DRAINAGE EASEMENT WINSTON TRAILS P.U.D.	SCALE: N/A
FIELD: -			DATE: 03-05-97
DRAWN: KMB			P.A.NO. 95176.30
APPR: MHC			DR. NO. A-3445

ORB 9803 Pg 703

LEGAL DESCRIPTION (CONTINUED)

THE SIDES OF THE ABOVE DESCRIBED EASEMENTS SHALL BE LENGTHENED OR SHORTENED, AS NECESSARY, IN ORDER TO MAINTAIN A CONTINUOUS STRIP OF LAND 20.00, 40.00 AND 40.00 FEET IN WIDTH AND TO INTERSECT EXISTING EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEARING BEING NORTH 00°25'27" WEST.

NOT VALID WITHOUT ACCOMPANYING SKETCH. SHEETS 3 AND 4 OF 4

NOTES:


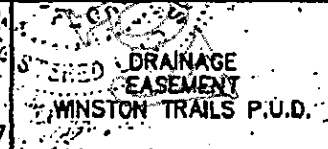
- 1. INFORMATION SHOWN HEREON DOES NOT CONSTITUTE, NOR DOES IT REPRESENT, A SURVEY OF THE SUBJECT PREMISES.
- 2. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

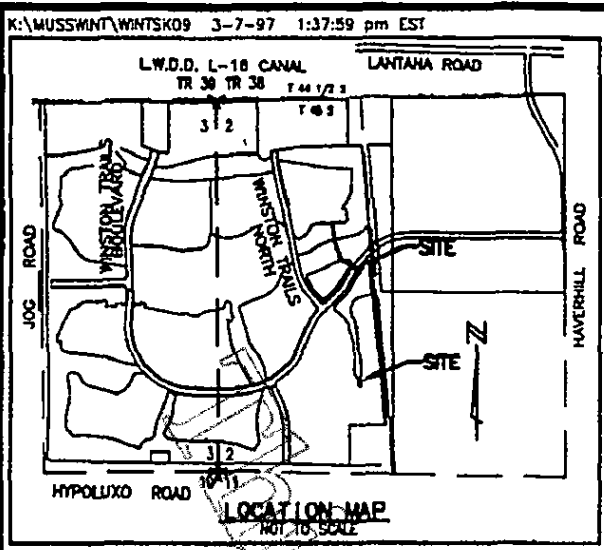
*Mary Hanna Clodfelter*

MARY HANNA CLODFELTER  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NO. 4763



SHEET 2 OF 4  
SEC. 2, TWP. 45 S, RGE. 42 E

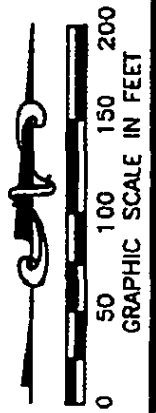
REV: -	 <b>MOCK • ROOS</b> ENGINEERS • SURVEYORS • PLANNERS 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113, fax 478-7248	 SEALED DRAINAGE EASEMENT WINSTON TRAILS P.U.D.	SCALE: N/A
FIELD: -			DATE: 03-05-97
DRAWN: KMB			P.A.N.O. 95176.30
APPR: MHC <i>MHC</i>			DR. NO. A-3445



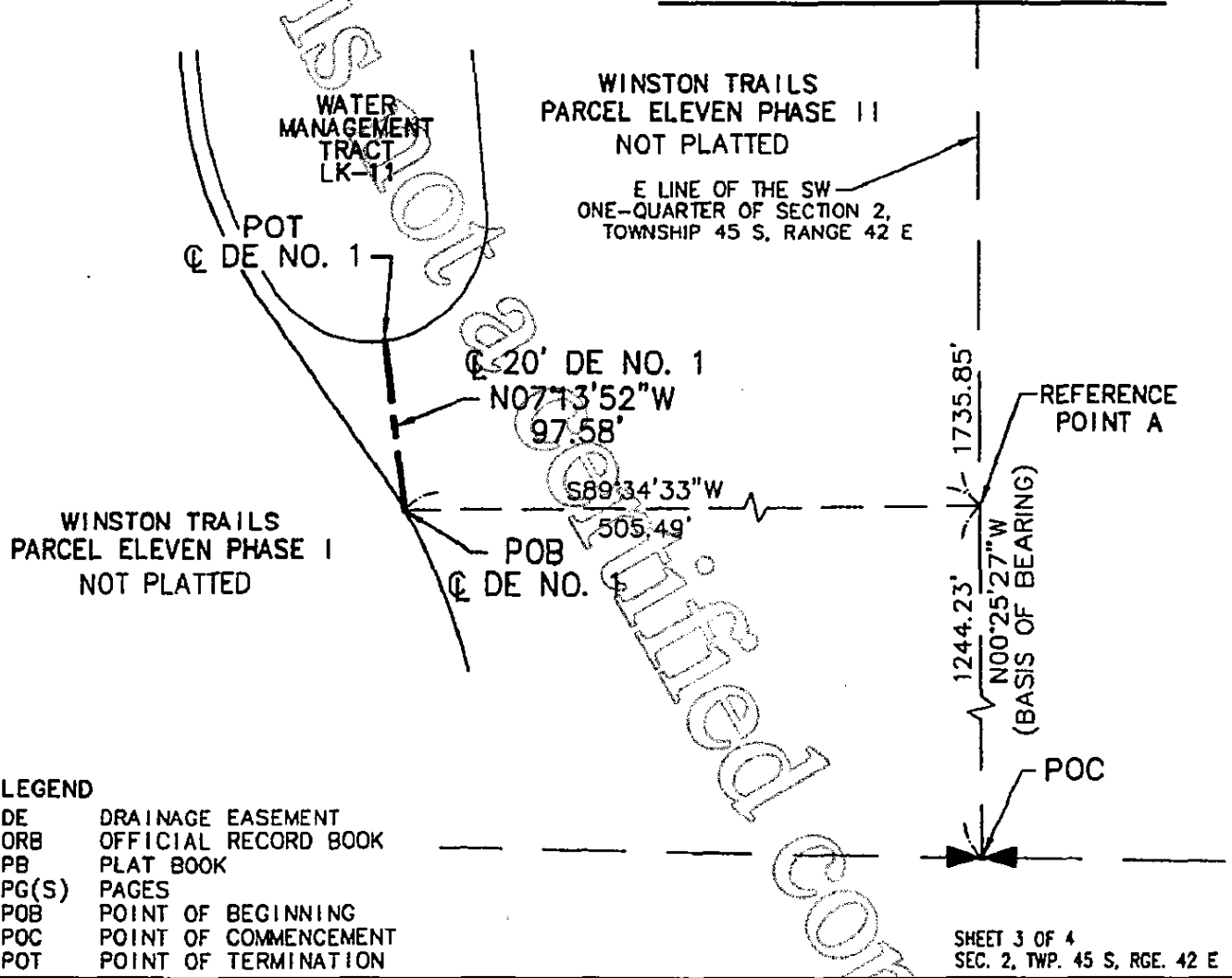
ORB 9803 Pg 704

NOTES:

1. INFORMATION SHOWN HEREON DOES NOT CONSTITUTE, NOR DOES IT REPRESENT, A SURVEY OF THE SUBJECT PREMISES.
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MATCH LINE  
SEE SHEET 4 OF 4



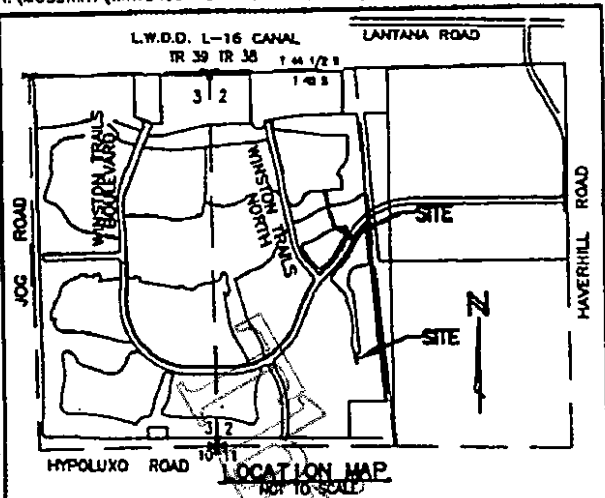
LEGEND

- DE DRAINAGE EASEMENT
- ORB OFFICIAL RECORD BOOK
- PB PLAT BOOK
- PG(S) PAGES
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- POT POINT OF TERMINATION

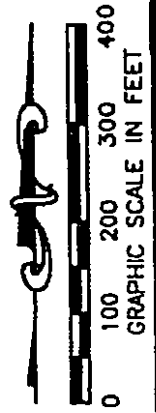
SHEET 3 OF 4  
SEC. 2, TWP. 45 S, RGE. 42 E

REV: -	 <b>MOCK • ROOS</b> ENGINEERS • SURVEYORS • PLANNERS 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113, fax 478-7248	DRAINAGE EASEMENT WINSTON TRAILS P.U.D.	SCALE: 1"=100'
FIELD: -			DATE: 03-05-97
DRAWN: KMB			P.A.NO. 95176.30
APPR: MHC			DR. NO. A-3445

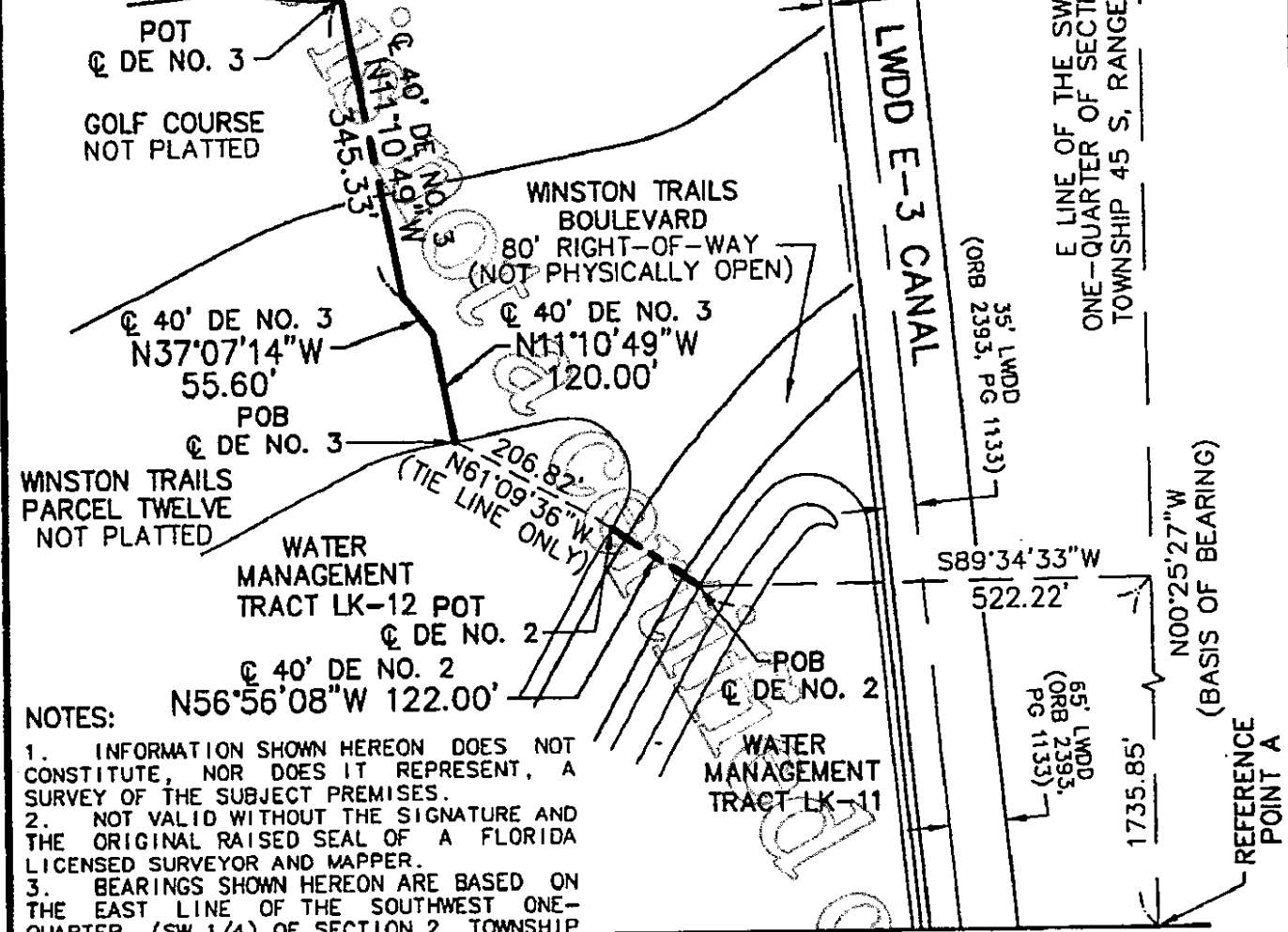
ORB 9803 Pg 705  
 DOROTHY H. WILKEN, CLERK PB COUNTY, FL



**LEGEND**  
 DE DRAINAGE EASEMENT  
 ORB OFFICIAL RECORD BOOK  
 PB PLAT BOOK  
 PG(S) PAGES  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 POT POINT OF TERMINATION



WATER MANAGEMENT TRACT B  
 WINSTON TRAILS PARCEL THIRTEEN  
 PB 78, PGS 48-51



E LINE OF THE SW  
 ONE-QUARTER OF SECTION 2,  
 TOWNSHIP 45 S, RANGE 42 E

110'  
 10' LWDD  
 (ORB 6840,  
 PG 382)  
 35' LWDD  
 (ORB 2393, PG 1133)  
 522.22'  
 589'34'33"W  
 1735.85'  
 65' LWDD  
 (ORB 2393,  
 PG 1133)  
 N00°25'27"W  
 (BASIS OF BEARING)  
 REFERENCE  
 POINT A

- NOTES:
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MATCH LINE  
 SEE SHEET 3 OF 4 SHEET 4 OF 4  
 SEC. 2, TWP. 45 S, RGE. 42 E

REV: -  
 FIELD: -  
 DRAWN: KMB  
 APPR: MHC

**MOCK • ROOS**  
 ENGINEERS • SURVEYORS • PLANNERS

5720 Corporate Way, West Palm Beach, Florida 33407  
 (561) 683-3113, fax 478-7248

DRAINAGE  
 EASEMENT  
 WINSTON TRAILS P.U.D.

SCALE: 1"=200'  
 DATE: 03-05-97  
 P.A.NO. 95176.30  
 DR. NO. A-3445