

MAR-04-1996 9:31am 96-070776
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THIS INSTRUMENT PREPARED BY
AND RETURN TO:
Jill A. Jarkesy, Esq.
Perry, Shapiro, Jarkesy & Adams, P.A.
1645 Palm Beach Lakes Blvd., Suite 600
West Palm Beach, Florida 33401

BENEFICIAL USE EASEMENT

THIS BENEFICIAL USE EASEMENT is granted this 22nd day of January, 1996 by BOCA ISLES SOUTH PROPERTY OWNERS ASSOCIATION, INC., a Florida not for profit corporation, ("Grantor") to BOCA GREENS, INC., its successors and/or assigns, ("Grantee") (hereinafter referred to as "Owners") whose address is 12230 Forest Hill Boulevard, West Palm Beach, Florida 33414.

R E C I T A L S

A. Grantor is the owner of the land located in Palm Beach County, Florida and shown on Exhibit "A" attached hereto and made a part hereof (the "Subject Property").

B. As shown on said Exhibit "A", the subject property abuts various platted residential lots. Such lots are referred to herein as the "Lots" and each as a "Lot".

C. The subject property serves as a buffer between the lots and the adjacent landscape buffer owned by Grantor and also provides drainage to both the lots and the overall Boca Isles development.

D. Grantor has determined that, except as provided above, it has no other need for the use of the Subject Property whereas the various owners (the "Owners") of the Lots would benefit from being granted the right to use same as functional extensions of their Lots.

E. In exchange for being granted such benefits, the Owners have determined that it is fair and reasonable that they be responsible for maintaining their respective portions of the Subject Property as provided below.

NOW, THEREFORE, by virtue of the foregoing and in consideration of the mutual covenants and agreements set forth herein and for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants this Beneficial Use Easement on the following terms and conditions:

1. Grant of Easement. Grantor hereby grants to the Owner of each Lot an easement over the portion of the Benefitted Property adjacent to the Lot as shown on Exhibit "A" hereto for the use and enjoyment of each respective Owner and the Owner's family members, tenants, guests and invitees.

2. Purpose of Easement. The purpose of such easement shall be to require Owner to maintain as an extension of the Owner's backyard, the Lot's respective portion of the Subject Property and to use same for such purpose, subject to the conditions of this Beneficial Use Easement. The additional purpose of easement shall be to accommodate drainage retention of the overall Boca Isles development.

3. Maintenance. Each Owner shall continuously maintain his/her respective portion of the Subject Property in the same manner, and subject to the same standards as imposed by the Association, as the Owner maintains the rear portion of the Owner's Lot. Furthermore, each Owner shall ensure that nothing within the Owner's respective portion of the Subject Property interferes with overall drainage retention.

By its execution hereof, Grantor hereby reserves the right and authority (but not the obligation) to enforce such maintenance requirements.

4. Nature of Easement. This easement shall be appurtenant to each of the Lots and shall pass with title thereto without the need for any deed or other conveyance instrument effecting such Lot to recite same. Further, this easement shall exist in perpetuity and shall be deemed (i) exclusive, as to each Owner's right to use and enjoy his respective portion of the Subject Property but (ii) non-exclusive insofar as Grantor does hereby retain the right to use the Subject Property for the customary and reasonable drainage of the overall development.

5. No Improvements. No Owner shall place any landscaping (other than sod), buildings, play structures or other improvements or items within the Subject Property. Rather, each Owner's respective portion of the Subject Property shall be used as an open lawn area and shall be maintained as such as provided above.

IN WITNESS WHEREOF, Grantor has executed this Beneficial Use Easement as of the date and year first above written.

WITNESSES:

BOCA ISLES SOUTH PROPERTY OWNERS ASSOCIATION, INC.,
a Florida not for profit corporation

Rebecca S Harper

Print Name: Rebecca S. Harper

Jocelyn W. DeNatal

Print Name: Jocelyn W. DeNatal

By: Tammy McDonald

Print Name: TAMMY McDONALD

Title: Pres

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

SS:

The foregoing instrument was acknowledged before me this 22 day of January, 1996 by Tammy McDonald as President of BOCA ISLES SOUTH PROPERTY OWNERS ASSOCIATION, INC. and N/A is personally known to me or has produced N/A as identification.

Sandi M Cooper
NOTARY PUBLIC, STATE OF FLORIDA

Print Name: Sandi M Cooper

Commission Expires: _____

Commission No.: _____



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JOINDER BY BOCA GREENS, INC., OWNER, GRANTEE

BOCA GREENS, INC., a Florida corporation, as Grantee, hereby joins in the foregoing Beneficial Use Easement for the purposes therein expressed.

WITNESSES:

BOCA GREENS, INC., a Florida corporation

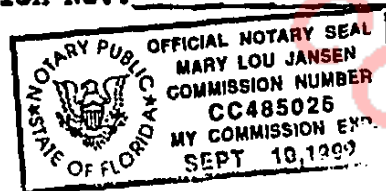
Karen L. Driver
 Print Name: KAREN L. DRIVER
A. Cathleen Whalen
 Print Name: A. Cathleen Whalen

By: [Signature]
 Print Name: TOM HERMAN
 Title: J.P.

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

The foregoing instrument was acknowledged before me this 13th day of February, 1996 by TOM HERMAN as VICE PRESIDENT of BOCA GREENS, INC., a Florida corporation, on behalf of the corporation. TOM HERMAN is personally known to me or has produced _____ as identification.

Mary Lou Jansen
 NOTARY PUBLIC, STATE OF FLORIDA
 Print Name: MARY LOU JANSEN
 Commission Expires: _____
 Commission No.: _____



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CARNAHAN-PROCTOR & ASSOCIATES, INC.

CONSULTING ENGINEERS • SURVEYORS • PLANNERS
LAND DEVELOPMENT CONSULTANTS

6191 WEST ATLANTIC BLVD., MARGATE, FL 33063 (305)972-3959 FAX (305)972-4178

NOT A SURVEY (SKETCH AND LEGAL DESCRIPTION)

TRACT "E"
BOCA ISLES SOUTH PHASE 5E

LEGAL DESCRIPTION

THAT PORTION OF TRACT "E", "BOCA ISLES SOUTH PHASE 5E", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 75, PAGES 18 THROUGH 21 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERNMOST CORNER OF LOT 1 BLOCK 11 OF SAID PLAT; THENCE SOUTH 89°02'38" WEST, ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT "E", A DISTANCE OF 35.56 FEET; THENCE NORTH 00°57'22" WEST, ALONG A LINE 65.00 FEET EAST OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE WESTERLY BOUNDARY OF SAID TRACT "E" A DISTANCE OF 278.54 FEET; THENCE SOUTH 27°56'00" EAST, ALONG THE EASTERLY BOUNDARY OF SAID TRACT "E", A DISTANCE OF 211.29 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS SOUTH 48°59'28" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING SAID EASTERLY BOUNDARY, HAVING A RADIUS OF 379.60 FEET AND A CENTRAL ANGLE OF 16°26'14", A DISTANCE OF 108.90 FEET TO THE POINT OF BEGINNING.

(BEARINGS BASED ON THE SOUTHERLY BOUNDARY OF SAID TRACT "E" BEARING SOUTH 89°02'38" WEST, ACCORDING TO SAID PLAT).

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 0.337 ACRES, MORE OR LESS.

NOTE

01. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
02. THIS DRAWING IS THE PROPERTY OF CARNAHAN-PROCTOR & ASSOCIATES, INC., AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
03. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE UNDERSIGNED FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS OF RECORD. SUCH INFORMATION SHOULD BE OBTAINED AND VERIFIED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION.
04. THE LANDS SHOWN HEREON ARE SUBJECT TO ALL EASEMENTS, RESERVATIONS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.
05. DATA SHOWN HEREON WAS COMPILED FROM OTHERS INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

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ABBREVIATION

A	- ARC LENGTH	D.E.	- DRAINAGE EASEMENT	P.G.	- PAGE (S)
A.E.	- ANCHOR EASEMENT	F.P.L.	- FLORIDA POWER & LIGHT	P.O.B.	- POINT OF BEGINNING
C	- CENTERLINE	N.T.S.	- NOT TO SCALE	P.O.C.	- POINT OF COMMENCEMENT
D	- DELTA (CENTRAL ANGLE)	P.B.	- PLAT BOOK	R	- RADIUS
D.B.	- DEED BOOK	P.B.C.R.	- PALM BEACH COUNTY RECORDS	U.E.	- UTILITY EASEMENT

I:\WP\CADD\SURVEY\870606ZE\TR-E.S&L

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID DESCRIPTION AND SKETCH IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Steven A. Berg
STEVEN A. BERG
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NO. 4886

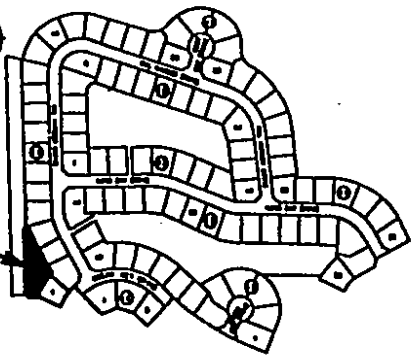
DATE OF LAST FIELD WORK: NOT A SURVEY

BOCA ISLES SOUTH 5E

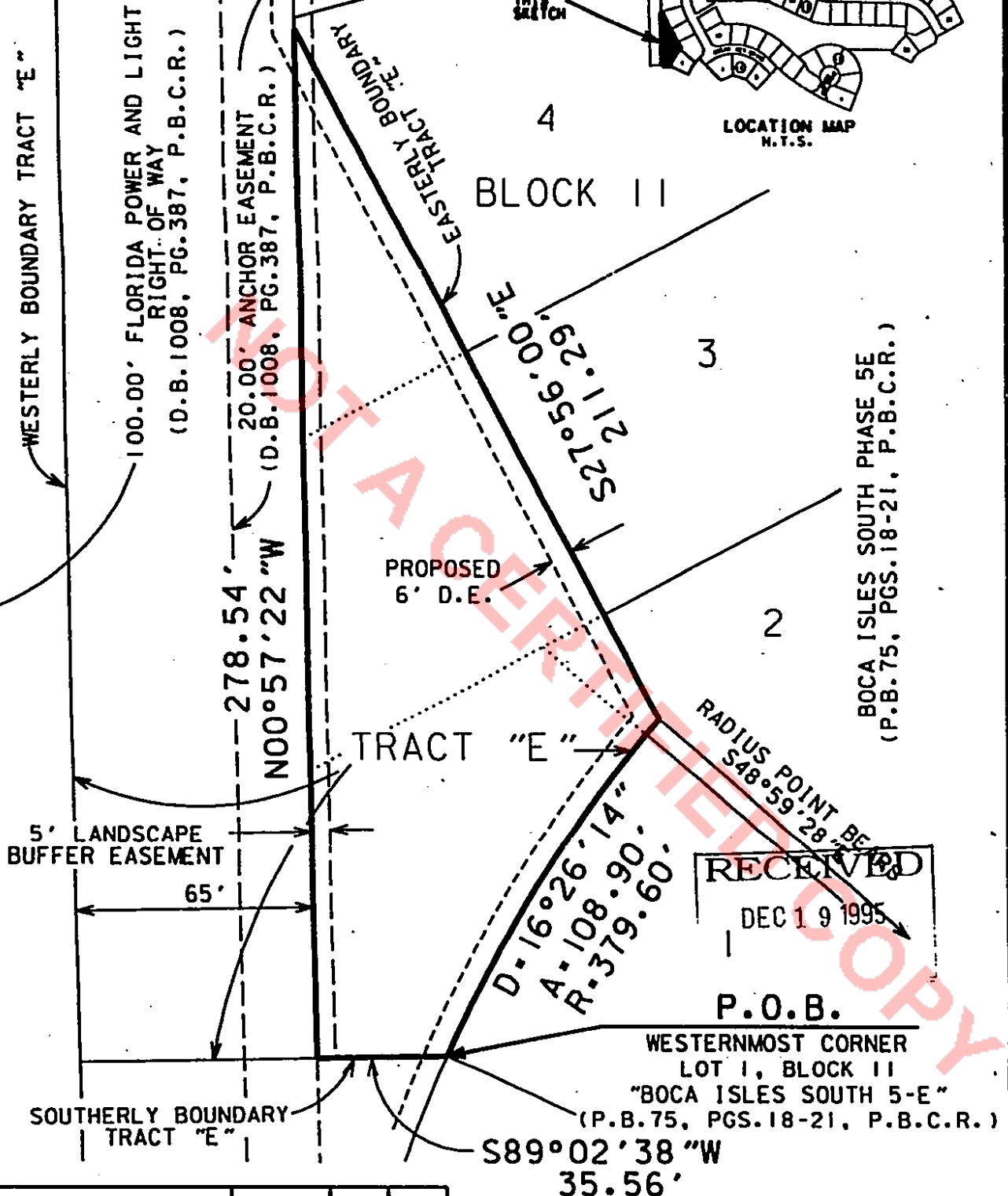
JOB NO.: 870606ZE

DATE: 12-14-95

SHEET 1 OF 2 SHEETS



LOCATION MAP
N.T.S.



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P.O.B.

WESTERMOST CORNER
LOT 1, BLOCK 11
"BOCA ISLES SOUTH 5-E"
(P.B. 75, PGS. 18-21, P.B.C.R.)

ADDENDUM	F.B./PG.	DATE	BY	CK'D
JOB NO. - 870606ZE	DWG BY: JSH	SCALE: 1" = 40'	TRACT "E"	
BOCA ISLES SE	CK'D By: JPB	DATE: 12-14-95	SHEET 2 OF 2 SHEETS	