

Prepared By and After  
Recording Return to:

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## **TERMINATION AND RELEASE OF DECLARATION OF RESTRICTIVE COVENANT**

**THIS TERMINATION AND RELEASE OF DECLARATION OF RESTRICTIVE COVENANT** (this "Termination") is made as of the \_\_\_\_ day of \_\_\_\_\_, 2023, by and among **LOXAHATCHEE EQUESTRIAN PARTNERS, LLC**, a Florida limited liability company, having its principal office located at 250 Delaware Avenue, Buffalo, New York 14202, and **SOLAR SPORTSYSTEMS, INC.**, a New York corporation, having its principal office located at 250 Delaware Avenue, Buffalo, New York 14202 (collectively, "Owner"), and the **TOWN OF LOXAHATCHEE GROVES**, a political subdivision of the State of Florida, with a mailing address of 155 F Road, Loxahatchee Groves, Florida 33470 (the "Town"), for the express purpose of terminating and forever releasing and discharging the Restrictive Covenant (as hereinafter defined).

**WHEREAS**, Owner owns that certain real property situated in Palm Beach County, Florida, generally located at the northeast corner of Southern Boulevard and "B" Road and more specifically described in Exhibit "A" attached hereto and incorporated herein (the "Property").

**WHEREAS**, Sundar Heeraman, Owner's predecessor in title to the Property ("Prior Owner"), entered into that certain Declaration of Restrictive Covenant with Palm Beach County, a political subdivision of the State of Florida ("PBC"), through its Department of Environmental Resources Management, which was recorded on November 28, 2005 in Official Records Book 19585, Page 0697, of the Public Records of Palm Beach County, Florida (the "Restrictive Covenant"), against the Restricted Parcel (defined below);

**WHEREAS**, Section 2 of the Restrictive Covenant provides, in pertinent part, that the sole use of the parcel described in Exhibit "A" of the Restrictive Covenant, described in Exhibit "B" attached hereto and incorporated herein, which contains approximately 3.1 acres of real property (the "Restricted Parcel"), and is a portion of the Property, is to be limited to bona fide agricultural purposes, unless and until the owner of the Restricted Parcel agrees to make a cash payment for the value of 3.1 acres to the Palm Beach County Natural Areas Stewardship Endowment Fund, or agrees to set aside 3.1 acres of contiguous area as approved by ERM containing quality native vegetation prior to the conversion of the Restricted Parcel to a nonagricultural land use required by the Vegetation Preservation and Protection Ordinance;

**WHEREAS**, Owner intends to construct a mixed-use commercial center at the Property, to be known as “Groves Town Center”, as approved by the Town via Ordinance 2018-08 (the “PUD Ordinance”) and Resolution 2018-84 (the “Site Plan Resolution”).

**WHEREAS**, Owner and the Town entered into that certain Restrictive Covenant and Limited Access and Conservation Easement, which was recorded on May 16, 2019, in Official Records Book 30616, Page 1289, of the Public Records of Palm Beach County, Florida (the “Limited Access and Conservation Easement”).

**WHEREAS**, the Limited Access and Conservation Easement created a conservation tract on the Property, a portion of which is 300-foot-wide along the Property’s northern and eastern boundaries and a portion of which is 100-foot-wide along the Property’s northern and western boundaries, which contains approximately 23.169 acres of contiguous land, as shown on the Master Plan in the PUD Ordinance and on the Site Plan in the Site Plan Resolution, and as more particularly described in Exhibit “C” attached hereto and incorporated herein (collectively, the “Conservation Tract”);

**WHEREAS**, PBC assigned, transferred, and set over to the Town all of PBC’s right, title and interest in and to the Restrictive Covenant pursuant to that certain Assignment of Declaration of Restrictive Covenants, which was recorded on July 2, 2021, in Official Records Book 32649, Page 0545, of the Public Records of Palm Beach County, Florida.

**WHEREAS**, Owner and the Town have agreed that Section 2 of the Restrictive Covenant has been satisfied by the Limited Access and Conservation Easement and the Restriction is no longer necessary because the intent behind the Restrictive Covenant has been satisfied by virtue of the Conservation Tract; and

**WHEREAS**, Owner and the Town hereby agree to terminate, release, and forever discharge the Restrictive Covenant.

**NOW, THEREFORE**, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and the Town, intending to be legally bound, do hereby agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. Effective as of the date hereof, the Restrictive Covenant is terminated, released, and discharged in its entirety; shall be of no further force or effect; and no longer a burden or encumbrance on title to the Restricted Parcel. The parties hereby direct the Clerk of Official Records, Palm Beach County, Florida, to cancel same of record.

[Signatures Appear on the Following Pages]

[Signature Page to Termination and Release of Restrictive Covenant]

IN WITNESS WHEREOF, Owner and the Town have executed this Termination as of the date first written above.

**Witnesses**

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

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

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

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

**OWNER:**

**LOXAHATCHEE EQUESTRIAN PARTNERS, LLC, a Florida limited liability company**

By: Solar Sportsystems, Inc., a New York corporation, its sole member

By: \_\_\_\_\_  
Name: Daniel J. Zimmer  
Title: Treasurer

**SOLAR SPORTSYSTEMS, INC., a New York corporation**

By: \_\_\_\_\_  
Name: Daniel J. Zimmer  
Title: Treasurer

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2023, by Daniel J. Zimmer, as Treasurer of Solar Sportsystems, Inc., a New York corporation, on behalf of the corporation and as the sole member of Loxahatchee Equestrian Partners, LLC, a Florida limited liability company,, on behalf of the company.

(Seal)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Print, Type or Stamp Name of Notary

Personally Known: \_\_\_\_\_

OR Produced Identification: \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Lakisha Burch, Town Clerk

Approved as to Form and Legal  
Sufficiency:

\_\_\_\_\_  
Office of the Town Attorney

**TOWN:**

**TOWN OF LOXAHATCHEE GROVES,**  
a political subdivision of the State of Florida

By: \_\_\_\_\_  
Laura Danowski, Chair

**EXHIBIT "A"**

Legal Description of the Property

**EXHIBIT "B"**

Legal Description of the Restricted Parcel

**EXHIBIT "C"**

Legal Description of the Conservation Tract

[A PORTION OF TRACTS 4, 5 AND 6 BLOCK "I", LOXAHATCHEE GROVES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT-OF-WAY DEED IN DEED BOOK 1005, PAGE 577, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE S.E. CORNER OF SAID TRACT 6, THENCE N 2° 10' 14" E ALONG THE EAST LINE OF SAID TRACT 6, A DISTANCE OF 617.92 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE N 87° 49' 46" E, A DISTANCE OF 273.80 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 470.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°11'43", A DISTANCE OF 26.21 FEET TO A LINE 300 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID TRACT 6; THENCE ALONG SAID LINE N 2° 10' 14" E, A DISTANCE OF 1139.17 FEET TO A LINE 300 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 6; THENCE ALONG SAID LINE N 89° 12' 34" W, A DISTANCE OF 1272.95 FEET TO A LINE 100 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID TRACT 5; THENCE ALONG SAID LINE S 2° 10' 14" W, A DISTANCE OF 745.10 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°23'00", A DISTANCE OF 156.00 FEET TO THE POINT OF TANGENCY; THENCE N 88°26'46" W ALONG A LINE 100 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTH 1000.00 FEET OF SAID TRACT 4, A DISTANCE OF 821.41 FEET TO THE EAST LINE OF "B" ROAD; THENCE ALONG SAID LINE N 2° 10' 14" E, A DISTANCE OF 100.01 FEET TO SAID NORTH LINE OF THE SOUTH 1000.00 FEET OF SAID TRACT 4; THENCE ALONG SAID NORTH LINE S 88°26'46" E TO THE WEST LINE OF SAID TRACT 5, A DISTANCE OF 820.33 FEET; THENCE N 2° 10' 14" E ALONG SAID WEST LINE OF TRACT 5, A DISTANCE OF 1042.78 FEET TO THE NORTH LINE OF SAID TRACT 5; THENCE S 89°12'34" E ALONG SAID NORTH LINE OF TRACTS 5 AND 6, A DISTANCE OF 1673.07 FEET TO THE EAST LINE OF TRACT 6; THENCE S 2° 10' 14" W ALONG SAID EAST LINE, A DISTANCE OF 1447.22 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

CONTAINING 1,009,244 SF, 23.169 ACRES, MORE OR LESS.]