

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: Z-2022-00226
Application Name: Paradise Point
Control No./Name: 2005-00191 (Smitz Rezoning)
Applicant: Paradise Point Homes, LLC
Owner: Paradise Point Homes, LLC
Agent: Schmidt Nichols - Josh Nichols
Telephone No.: (561) 684-6141
Project Manager: James Borsos, Site Planner II

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Residential Transitional (RT) Zoning District to the Single Family Residential (RS) Zoning District

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment for the Paradise Point development. The subject site has received Board of County Commissioners (BCC) approval on August 25, 2005 for an Official Zoning Map Amendment from RS to RT. The parcel is currently vacant.

The request will modify the zoning from RT to RS. The Property Owner intends to develop a Single Family Residence. Access will be from Paradise Point Road.

SITE DATA:

Location:	East side of Paradise Point Road approximately 500 feet north of Donald Ross Road
Property Control Number(s)	00-43-41-20-00-000-7020
Existing Future Land Use Designation:	Low Residential (LR-2)
Existing Zoning District:	Residential Transitional District (RT)
Proposed Zoning District:	Residential Single family (RS)
Total Acreage:	0.86 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Juno Beach, Jupiter, Palm Beach Gardens
Future Annexation Area	Jupiter
Commission District	District 1, Commissioner Maria G. Marino

RECOMMENDATION: Staff recommends approval of the request, subject to the Condition of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contact from the public regarding this application.

PROJECT HISTORY: The site is currently vacant and undeveloped and was the subject of a prior Official Zoning Map Amendment. A Single Family Residence was previously built on the site, but demolished in 2020.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Low Residential (LR-2)
Zoning District: Single-Family Residential District (RS)
Supporting: Residential (Control Name and No. n/a)

SOUTH:

FLU Designation: Low Residential (LR-2)
Zoning District: Residential Transitional Suburban District (RTS)
Supporting: Residential (Control Name and No. n/a)

EAST:

FLU Designation: CON (city) (CON (city))
Zoning District: (Other)
Supporting: Intracoastal Waterway (Control Name and No. n/a)

WEST:

FLU Designation: Low Residential (LR-2)
Zoning District: Single-Family Residential District (RS)
Supporting: Vacant (Control Name and No. n/a)

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standards District: When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An amendment that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

a. Consistency with the Plan - *The proposed amendment is consistent with the Plan.*

PLANNING DIVISION COMMENTS:

- o *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- o *Density:* The maximum number of allowable units for the proposed residential project with a Low Residential, 2 units per acre (LR-2) Future Land Use (FLU) designation in the Urban Suburban Tier is 2 dwelling units (0.86 acres x 2 FLU = 1.72 = 2 dwelling units maximum). The request to rezone to the Residential Single Family (RS) Zoning District to construct a single-family unit is consistent.
- o *Special Overlay District/Neighborhood Plan/Planning Study Area:* The property is located within the Coastal High Hazard Area (CHHA). The request to rezone does not seek to increase density within the CHHA, and is therefore consistent with CHHA policies.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed Residential Single Family (RS) Zoning District is consistent with the Future Land use Designation of Low Residential, 2 units per acre (LR-2) according to ULDC Article 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). Per ULDC Article 3.3.D.E.1.c, the Residential Transitional Suburban (RTS) district shall correspond to the RT district. The existing lot is conforming to the Property Development Regulations for the RT Zoning District per Table 3.D.1.A and continues to be conforming to the RS Zoning District. The subject site has 166 feet of frontage on Paradise Point Road, which exceeds the 65 ft. RS Zoning District width and frontage requirement and 368 ft. along the north property line, which exceeds the 75 ft. RS depth requirement. The proposed amendment will be consistent with the stated purpose and intent of the code to the greatest extent possible.

c. Compatibility with Surrounding Uses - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed zoning district is compatible with the surrounding properties and existing uses as the request seeks to continue the existing Single Family residential use. All surrounding uses are existing single family residences with the exception of a vacant lot to the west across Paradise Point Road. Adjacent properties to the north and to the west across Paradise Point Road and zoned Single Family Residential (RS). Therefore the request is consistent with the existing uses and surrounding Zoning Districts.

d. Effect on Natural Environment – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

- o *Vegetation Protection:* The property is an existing single-family residence.
- o *Wellfield Protection Zone:* The property is not located within a Wellfield Protection Zone.
- o *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

- **ENVIRONMENTAL IMPACTS:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.
- e. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed RS Zoning district will allow the Applicant to develop the property with a Single Family Residential structure. The request is consistent with the RS Zoning District of the adjacent properties to the north and to the west across Paradise Point Road. The RT district, which has larger setback requirements. The majority of the area to the north, south, and east is RS zoning. Rezoning to RS will be consistent with the zoning and pattern of the area.

- f. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

There are no proposed engineering conditions at this time.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

The School Board has no issues with this proposal.

PARKS AND RECREATION:

Proposal for one single family home, and the Parks and Recreation Department ULDC requirements do not apply.

- g. **Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

As per Article 4 Use Matrices, a Single Family residence is a permitted use in both the RT and the RS Zoning Districts. The Applicant desires to build a Single Family residence. This is a development enjoyed by all other lots in the immediate area. Such construction due to the neighbor's leasehold interest in a large portion of the subject site and that the westerly right-of-way line for the Intracoastal Waterway limits the buildable area to the eastern 1/3 of the subject site. The proposed rezoning from RT to RS will allow for the proposed future development without the need for a variance request approval.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request, subject to the Condition of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C – Official Zoning Map Amendment

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Zoning Commission
Application No. Z-2022-00226

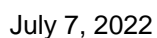


Figure 2 - Zoning Map

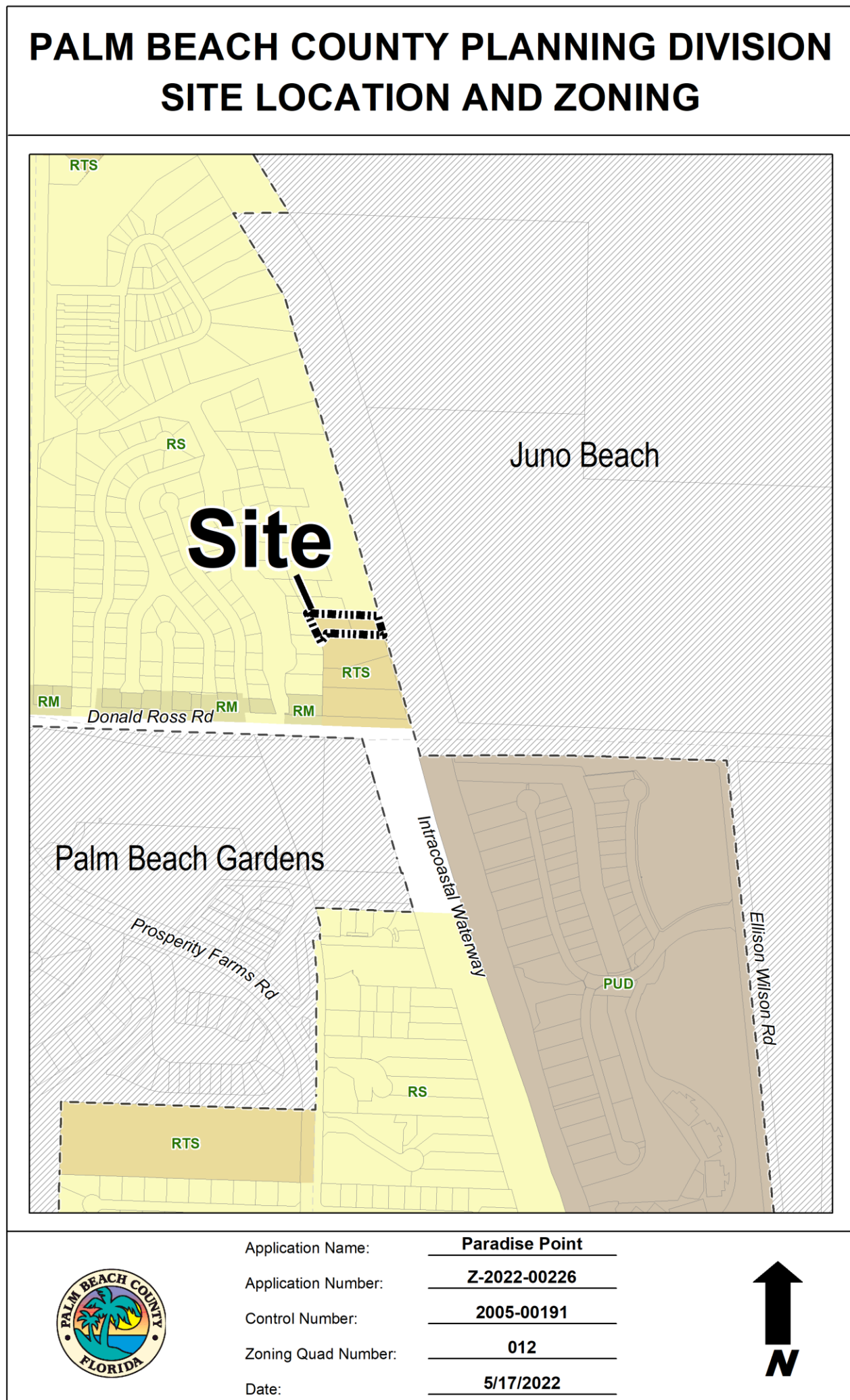
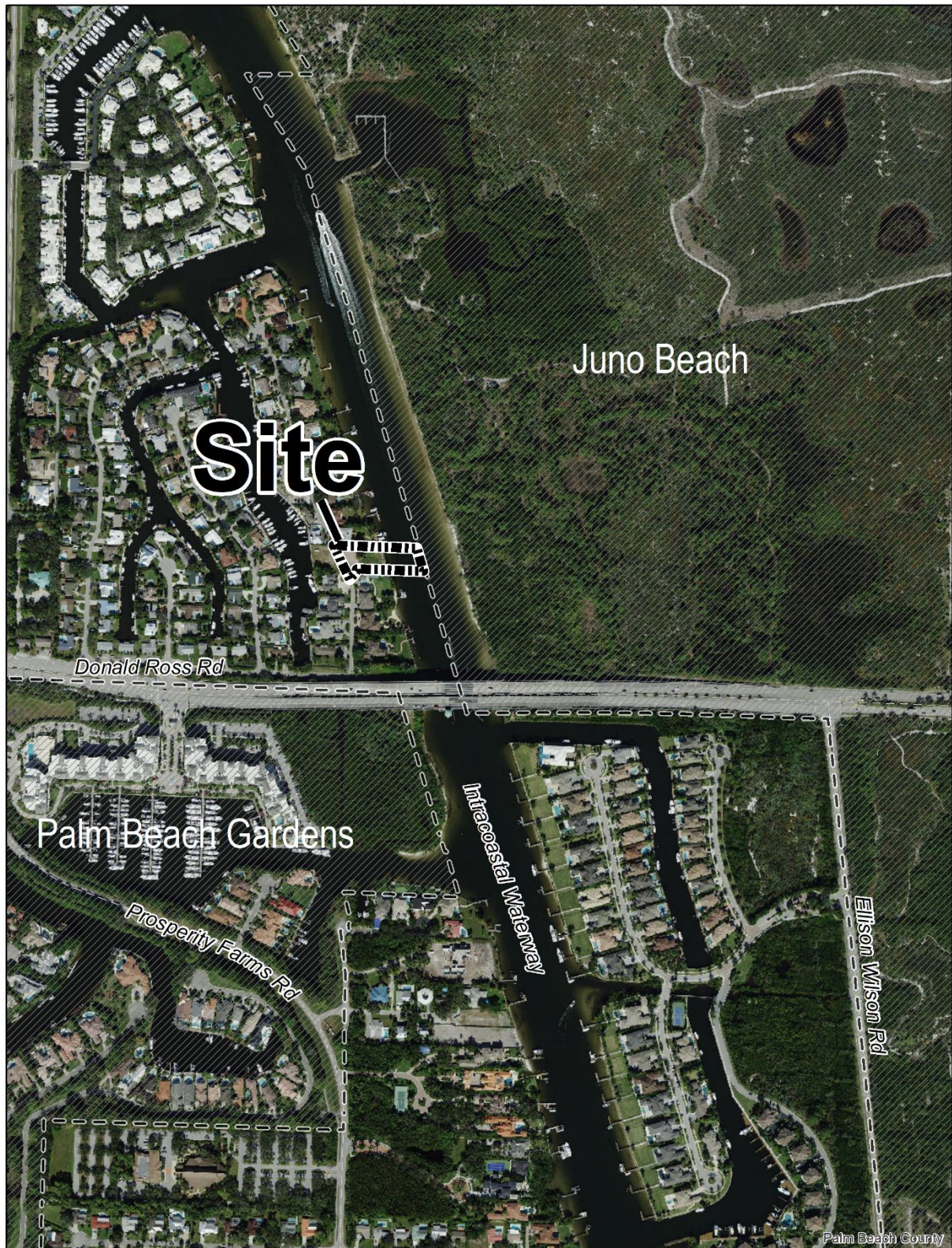


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	Paradise Point
Application Number:	Z-2022-00226
Control Number:	2005-00191
Atlas Page Number:	021
Date:	5/17/2022



Zoning Commission
Application No. Z-2022-00226

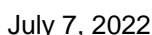


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Karla Bernstein, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] MGR _____ [position - e.g., president, partner, trustee] of Paradise Point Homes, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 240 Isle Verde Way
Palm Beach Gardens, FL 33418
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Karla Bernstein
 Karla Bernstein, Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
 COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27th day of December, 2021 by Karla Bernstein (name of person acknowledging). He/she is personally known to me or has produced well known (type of identification) as identification and did not take an oath (circle correct response).

Laura Jones
 (Name - type, stamp or print clearly)

Laura Jones
 (Signature)

My Commission Expires on: Nov 8th, 2024



EXHIBIT "A"**PROPERTY****PARCEL 1:**
14100 PARADISE POINT ROAD

LOT 5 OF UNRECORDED PORTION OF PARADISE PORT, LYING EAST OF FRENCHMAN'S CREEK, LYING THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 20, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 20 WITH THE WESTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY, AS SHOWN ON THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 17, PAGE 6; THENCE NORTH 15 DEGREES 50'59" WEST ON SAID RIGHT-OF-WAY LINE, A DISTANCE OF 612.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN CONVEYED, SAID POINT BEING THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) SAID SECTION 20; THENCE NORTH 87 DEGREES 27'16" WEST, A DISTANCE OF 105.15 FEET TO A POINT ON THE CENTERLINE OF THE PRIVATE ROAD KNOWN AS PARADISE POINT ROAD; THENCE SOUTH 25 DEGREES 02' 30" EAST ON SAID CENTERLINE, A DISTANCE OF 166.52 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 146.88 FEET AND A CENTRAL ANGLE OF 26 DEGREES 36'22"; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, A DISTANCE OF 68.21 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 87 DEGREES 27'16" EAST, A DISTANCE OF 15 FEET TO A POINT ON THE SAID EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 20; THENCE NORTH 01 DEGREES 33'52" EAST ON SAID QUARTER SECTION LINE, A DISTANCE OF 213.10 FEET TO THE POINT OF BEGINNING. SUBJECT AN EASEMENT OVER THE WESTERLY 15 FEET THEREOF FOR RIGHT-OF-WAY FOR PARADISE POINT ROAD.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL.:

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 20, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT -OF-WAY LINE OF THE INTRACOASTAL WATERWAY, AS SHOWN ON THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 17, PAGE 6 AND THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 20; THENCE SOUTH 01 DEGREES 09'01" WEST (SAID BEARING RELATIVE TO PALM BEACH COUNTY SECTION DATUM AND ALL OTHER BEARINGS SHOWN HEREIN ARE RELATIVE THERETO) ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW 1/4) A DISTANCE OF 107.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 DEGREES 09'01" WEST, ALONG SAID EAST LINE, A DISTANCE OF 105.67 FEET; THENCE NORTH 87 DEGRESS 52'07" WEST, ALONG A NON RADIAL LINE, A DISTANCE OF 15.00 FEET TO A POINT OF CURVE HAVING A TANGENT OF NORTH 01 DEGREES 09'01" EAST, A RADIUS OF 146.88 FEET AND A CENTRAL ANGLE OF 26 DEGREES 36'22"., SAID POINT OF CURVE LYING ON THE CENTERLINE OF A PRIVATE ROAD KNOWN AS PARADISE POINT ROAD; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE AND CENTERLINE OF SAID PRIVATE ROAD, A DISTANCE OF 68.21 FEET: THENCE NORTH 38 DEGREES 46'40" EAST A DISTANCE OF 50.04 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY EASEMENT LINE OF THE INTRACOASTAL WATERWAY, AS SHOWN ON THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 17, PAGE 6 AND THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 20; THENCE SOUTH 87 DEGREES 55'01' EAST ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4), A DISTANCE OF 263.39 FEET TO A POINT ON THE CENTERLINE OF INTRACOASTAL WATERWAY 500 FOOT RIGHT-OF-WAY EASEMENT PER SAID PLAT BOOK 17, PAGE 6; THENCE SOUTH 16 DEGREES 15'54" EAST ALONG SAID CENTERLINE A DISTANCE OF 105.36 FEET; THENCE NORTH 87 DEGREES 55'01" WEST A DISTANCE OF 294.93 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4); THENCE NORTH 01 DEGREES 09'01" EAST (SAID BEARING IS RELATIVE TO PALM BEACH COUNTY SECTION DATUM AND ALL OTHER BEARINGS SHOWN HEREIN ARE RELATIVE THERETO) ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4) A DISTANCE OF 100.01 FEET TO THE POINT OF BEGINNING.

ALL TOGETHER CONTAINING 0.857 ACRES MORE OR LESS.

UPLAND CONTAINING 0.500 ACRES OR 21775 SQUARE FEET MORE OR LESS

LEASED UPLAND CONTAINING 0.133 ACRES OR 5778 SQUARE FEET MORE OR LESS

BEARING BASE:

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 41 SOUTH RANGE 43 EAST, PALM BEACH COUNTY IS TAKEN TO BEAR A GRID BEARING OF S87°55'01"E AND ALL OTHER BEARING ARE RELATIVE THERETO.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

James Nichols 240 Isle Verde Way, Palm Beach Gardens, FL 33418 50%

Karla Bernstein 240 Isle Verde Way, Palm Beach Gardens, FL 33418 50%

*Disclosure of Beneficial Interest – Property form
Form # 9*

Page 4 of 4

Revised 12/27/2019
Web Format 2011

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[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared James Nichols, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ MGR _____ [position - e.g., president, partner, trustee] of Paradise Point Homes, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 240 Isle Verde Way
Palm Beach Gardens, FL 33418
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
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6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

James Nichols
James Nichols, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

Connecticut
STATE OF FLORIDA
COUNTY OF PALM BEACH New London

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20 day of December, 2021 by James Nichols (name of person acknowledging). He/she is personally known to me or has produced FL license (type of identification) as identification and did/did not take an oath (circle correct response).

KAREN C. POMPEA
Notary Public, State of Connecticut
My Commission Expires 10/31/2025
(Name - type, stamp or print clearly)

Karen C. Pompea
(Signature)

My Commission Expires on: 10/31/21

NOTARY'S S

EXHIBIT “A”
PROPERTY

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EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
James Nichols	240 Isle Verde Way, Palm Beach Gardens, FL 33418 50%
Karla Bernstein	240 Isle Verde Way, Palm Beach Gardens, FL 33418 50%