

Prepared by and record
and return to:

John C. Primeau, Esq.
Primeau Law, P.A.
12555 Orange Drive
Suite 100-B
Davie, FL 33330

P.C.N.# 12-43-46-17-72-000-0650

**DESIGNATION OF "WORKFORCE HOUSING UNIT"
UNDER WORKFORCE HOUSING COVENANT**

[Lot 65 of Atlantic Grove Plat No. 2, Plat Book 133, at Pages 44-46]

THIS DESIGNATION OF "WORKFORCE HOUSING UNIT" UNDER WORKFORCE HOUSING COVENANT (the "Designation") is entered into effective as of the 26th day of June, 2024, by **ATLANTIC GROVE PARTNERS, L.L.C.**, a Florida limited liability company, whose address is P.O. Box 8319, Delray Beach, FL 33482 (referred to herein as "**Developer**") which term shall include any assignee or successor to Developer).

RECITALS

WHEREAS, Developer is the developer of a fourteen unit townhome community with related amenities known as Atlantic Grove (the "Project" or "Community"), which lies in the City of Delray Beach, County of Palm Beach, and the State of Florida; and

WHEREAS, the City of Delray Beach (the "City") has implemented Affordability Controls as set forth in Article 4.7 of the Delray Beach Land Development Regulations ("Regulations" or "LDR") by establishing a Family/Work Force Housing Program for the City (hereinafter referred to as the "Affordable Housing Program"); and

WHEREAS, pursuant to LDR Section 4.4.13(H)(1), in order to utilize the CBD Residential Incentive Program to allow for an increase in density, Developer agreed to provide Workforce Housing which complies with the Affordable Housing Program ("Affordable Housing Lot") for the project known as Atlantic Grove by constructing one (1) "Workforce Housing Unit" in the Moderate-income price range which complies with the Affordable Housing Program; and

WHEREAS, in order to carry out certain principles, policies and objectives of the Comprehensive Plan and the Workforce Housing Ordinances of the City, Developer and the City entered into that Workforce Housing Covenant dated October 19, 2021, and recorded October 28, 2021, in Official Records Book 33001, Page 406, of the public records of Palm Beach County, Florida (the "Workforce Housing Covenant"); and

4874-9050-9248

WHEREAS, the Workforce Housing Covenant requires that one of the fourteen townhome units in the Project will be designated as an income-restricted Workforce Housing Unit which is subject to the terms and conditions set forth in the Workforce Housing Covenant; and

WHEREAS, at the time of the signing and recording of the Workforce Housing Covenant, the real property to be affected by the Workforce Housing Covenant was in the process of being platted, so Exhibit "A" to the Workforce Housing Covenant contained a notation which reads, "LEGAL DESCRIPTION TO BE SUPERSEDED AND REPLACED UPON PLAT RECORDATION AND DESIGNATION OF SPECIFIC LOT"; and

WHEREAS, the plat titled "ATLANTIC GROVE PLAT NO. 2" was subsequently recorded in Plat Book 133, at Pages 44-46, of the public records of Palm Beach County, Florida; and

WHEREAS, Developer is recording this *Designation of Workforce Housing Unit* to designate "Lot 65" of the Project as the single townhome lot which is the "Affordable Housing Lot" and "Workforce Housing Unit" subject to the Workforce Housing Covenant.

NOW, THEREFORE, in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, Developer does hereby:

1. Recitals. The recitations set forth above are true and correct and incorporated as if fully set forth herein.

2. Designation of Affordable Housing Lot / Workforce Housing Unit. Developer hereby designates "Lot 65," which is legally described on attached Exhibit A, with a street address of 63 NW 4th Avenue, Delray Beach, FL 33444, as the only lot or unit in the Project which serves as the single Affordable Housing Lot and Workforce Housing Unit under the Workforce Housing Covenant. Exhibit A attached to this Designation supersedes and replaces the legal description in Exhibit A attached to the Workforce Housing Covenant. Accordingly, the income requirements, sale and pre-approval procedures, and all other all requirements, limitations, terms, and provisions in the Workforce Housing Covenant applicable to the "Workforce Housing Unit" shall only apply to Lot 65, as described on attached Exhibit A to this Designation.

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IN WITNESS WHEREOF, said Developer has signed and sealed these presents the day and year first above written.

WITNESSES:

DEVELOPER

ATLANTIC GROVE PARTNERS, L.L.C., a Florida limited liability company

By: NEW URBAN ATLANTIC GROVE, L.L.C., a Florida limited liability company, its Manager

Christian M. Sarceno Robles
Witness #1 – Signature

Christian M. Sarceno Robles
Witness #1 – Print name

12 SE 7th Street, Suite 820
Witness #1 – Address

Ft Lauderdale, FL 33301
Witness #1 – City, State & Zip

Madline Gilice
Witness #2 – Signature

Madline Gilice
Witness #2 – Print name

12 SE 7th Street, Suite 820
Witness #2 – Address

Ft Lauderdale, FL 33301
Witness #2 – City, State & Zip

By: NEW URBAN COMMUNITIES CORPORATION, a Florida corporation, its Manager

Timothy L. Hernandez

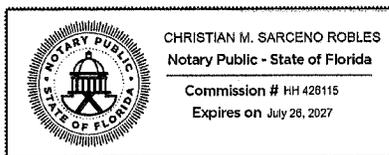
By: Timothy L. Hernandez, as Vice President

{Seal}

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me, by means of [] physical presence or [XX] online notarization, this 1ST day of July, 2024, by **Timothy L. Hernandez**, as Vice President of NEW URBAN COMMUNITIES CORPORATION, a Florida corporation, as the Manager of NEW URBAN ATLANTIC GROVE, L.L.C., a Florida limited liability company, as the Manager of ATLANTIC GROVE PARTNERS, L.L.C., a Florida limited liability company, on behalf of the limited liability companies and corporation under authority vested in him by the limited liability companies and corporation.

Personally known [] OR Produced Identification [xx]
Type of Identification Produced – Florida Drivers License



Christian M. Sarceno Robles
Notary Public – State of Florida
Christian M. Sarceno Robles

Notarized remotely online using communication technology via Proof.

CONSENT AND JOINDER BY MORTGAGE LENDER
[DESIGNATION OF "WORKFORCE HOUSING UNIT"
UNDER WORKFORCE HOUSING COVENANT]

PACIFIC NATIONAL BANK, whose address is 1390 Brickell Avenue, Miami, FL 33131 (Mortgagee), is the holder of that certain: (i) Mortgage and Security Agreement dated April 14, 2022, and recorded April 25, 2022, in Official Records Book 33497, at Page 1673, in the public records of Palm Beach County, Florida; as modified by that Note, Mortgage, and Loan Documents Modification and Partial Release dated March 19, 2023, and recorded June 5, 2023, in Official Records Book 34349, at Page 1741, of the public records of Palm Beach County, Florida (the "Mortgage"); (ii) Collateral Assignment of Leases, Rents and Income dated April 14, 2022, and recorded April 25, 2022, in Official Records Book 33497, at Page 1689, in the public records of Palm Beach County, Florida; as modified by that Note, Mortgage, and Loan Documents Modification and Partial Release dated March 19, 2023, and recorded June 5, 2023, in Official Records Book 34349, at Page 1741, of the public records of Palm Beach County, Florida (the "Collateral Assignment"); and (iii) UCC-1 Financing Statement recorded April 14, 2022, in Official Records Book 33497, at Page 1699, in the public records of Palm Beach County, Florida; as amended by that UCC-3 Amendment recorded June 5, 2023, in Official Records Book 34349, at Page 1754, of the public records of Palm Beach County, Florida ("UCC Financing Statement"); which encumber the following-described property, in Palm Beach County, Florida, to wit:

Lot 65 of ATLANTIC GROVE PLAT NO. 2, according to the Plat thereof, recorded in Plat Book 133, at Pages 44-46, of the public records of Palm Beach County, Florida.

The undersigned, Mortgagee, hereby consents to the foregoing *Designation of "Workforce Housing Unit" Under Workforce Housing Covenant* by **ATLANTIC GROVE PARTNERS, L.L.C.**, a Florida limited liability company.

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SIGNATURE PAGE FOR CONSENT AND JOINDER OF MORTGAGEE

WITNESSES:

MORTGAGE LENDER:

Christian M. Sarceno Robles

Witness #1 – Signature
Christian M. Sarceno Robles

Witness #1 – Print name
12 SE 7th Street, Suite 820

Witness #1 – Address
Ft Lauderdale, FL 33301

Witness #1 – City, State & Zip

Madline Gilice

Witness #2 – Signature
Madline Gilice

Witness #2 – Print name
12 SE 7th Street, Suite 820

Witness #2 – Address
Ft Lauderdale, FL 33301

Witness #2 – City, State & Zip

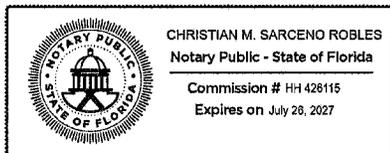
PACIFIC NATIONAL BANK

By: Jeffrey Cannon
Jeffrey Cannon, as Executive Vice President

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me, by means of [] physical presence or [XX] online notarization, this 1ST day of July, 2024, by **Jeffrey Cannon, as Executive Vice President of PACIFIC NATIONAL BANK**, on behalf of the bank under authority vested in him by the bank.

Personally known [] OR Produced Identification [xx]
Type of Identification Produced – Florida Drivers License



Christian M. Sarceno Robles
Notary Public – State of Florida
Christian M. Sarceno Robles

Notarized remotely online using communication technology via Proof.

**EXHIBIT A TO DESIGNATION OF
“WORKFORCE HOUSING UNIT” UNDER WORKFORCE HOUSING COVENANT
Legal Description of Real Property**

Lot 65 of ATLANTIC GROVE PLAT NO. 2, according to the Plat thereof, recorded in Plat Book 133, at Pages 44-46, of the public records of Palm Beach County, Florida

Note: The legal description in this Exhibit “A” supersedes and replaces the legal description contained in Exhibit “A” to the Workforce Housing Covenant recorded in Official Records Book 33001, at Page 406, of the public records of Palm Beach County, Florida.