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OR BK 00721 PG 0497  
SHARON ROBERTSON, CLERK OF CIRCUIT COURT  
OKEECHOBEE COUNTY, FLORIDA  
RECORDED 10/19/2012 03:26:30 PM  
RECORDING FEES 40.00  
RECORDED BY G Newbourn  
Pgs 0497 - 499; (3pgs)

**NON-USE COMMITMENT NO. 1620  
BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

WHEREAS, the South Florida Water Management District, a public corporation of the State of Florida, organized and existing under Chapter 373, Florida Statutes, did convey by Quitclaim Deed, recorded June 10, 1991 in Official Records Book 323, page 1875, Okeechobee County, Florida, Public Records, the following described land:

A PARCEL OF LAND LYING IN LOTS 42 AND 45, AS SHOWN ON THE PLAT OF A SURVEY OF SECTION 7, AND FRACTIONAL SECTIONS 5, 6, 8, 17, 18 AND 19, TOWNSHIP 38 SOUTH, RANGE 35 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 31, OKEECHOBEE COUNTY, FLORIDA, PUBLIC RECORDS, KNOWN ALSO AS EAGLE BAY SURVEY, AND IN THE UNSURVEYED PORTION OF SECTIONS 19 AND 20, TOWNSHIP 38 SOUTH, RANGE 35 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AN IRON PIPE MARKING THE NORTHWEST (NW) CORNER OF SAID LOT 42, BEAR SOUTH 00°10'26" WEST ALONG THE WEST LINE OF LOT 42, A DISTANCE OF 540.38 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH LINE OF THE NORTH ONE-HALF (N1/2) OF SAID LOT 42; THENCE, SOUTH 88°34'49" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 842.91 FEET TO THE INTERSECTION THEREOF WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW STATE ROAD 78 AND THE POINT OF BEGINNING;

THENCE, CONTINUE SOUTH 88°34'49" EAST, A DISTANCE OF 186.67 FEET TO THE INTERSECTION THEREOF WITH THE STATE 17 FOOT CONTOUR LINE OF LAKE OKEECHOBEE; SAID INTERSECTION POINT IS ALSO THE SOUTHEAST (SE) CORNER OF THE NORTH ONE-HALF (N1/2) OF SAID LOT 42; THENCE, NORTH 28°53'09" EAST, ALONG SAID STATE 17 FOOT CONTOUR LINE, A DISTANCE OF 397.56 FEET; THENCE, NORTH 23°04'23" EAST, CONTINUING ALONG STATE 17 FOOT CONTOUR LINE, A DISTANCE OF 208.82 FEET TO THE INTERSECTION THEREOF WITH THE TOE OF LEVEE DIKE 4 (LD-4); SAID INTERSECTION POINT LIES ON A CURVE CONCAVE TO THE NORTHWEST (NW), HAVING A RADIUS OF 715.00 FEET, A CENTRAL ANGLE OF 48°05'50" AND A LOCAL CHORD BEARING OF NORTH 55°13'45" EAST; THENCE, NORTHEASTERLY, ALONG THE TOE OF SAID LEVEE DIKE 4 AND THE ARC OF SAID CURVE, A DISTANCE OF 600.21 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 31°11'00" EAST, A DISTANCE OF 110.00 FEET; THENCE, SOUTH 58°49'00" EAST, A DISTANCE OF 500.00 FEET; THENCE, SOUTH 01°31'45" WEST, A DISTANCE OF 2594.26 FEET; THENCE, SOUTH 84°06'41" EAST, A DISTANCE OF 100.00 FEET; THENCE, SOUTH 05°53'19" WEST, A DISTANCE OF 610.00 FEET; THENCE, NORTH 84°06'41" WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST (NE), HAVING A RADIUS OF 2735.00 FEET AND A CENTRAL ANGLE OF 48°23'52"; THENCE, NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, SAID CURVE LYING 610.00 FEET SOUTHERLY OF, CONCENTRIC WITH A PORTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF CANAL 38, A DISTANCE OF 2310.26 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 35°42'49" WEST, A DISTANCE OF 458.33 FEET TO THE INTERSECTION THEREOF WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW STATE ROAD 78; THENCE, NORTH 57°48'43" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 163.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST (NW), HAVING A RADIUS OF 1985.08 FEET, AND A CENTRAL ANGLE OF 31°48'13"; THENCE,

NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, SAID CURVE BEING THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW STATE ROAD 78, A DISTANCE OF 1101.87 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 26°00'30" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF THE NEW STATE ROAD 78, A DISTANCE OF 116.24 FEET TO THE POINT OF BEGINNING.

WHEREAS, the following reservations were reserved by the South Florida Water Management District in said deed:

Reserving to the South Florida Water Management District an undivided three-fourths interest in all phosphate, minerals and metals that are in, on, or under said land; and, also, an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to move and develop the same pursuant to Chapter 270.11, Florida Statutes.

WHEREAS, the SOUTH FLORIDA WATER MANAGEMENT DISTRICT does not desire to release any mineral rights which it may have in and to said property.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a public corporation, in compliance with and by virtue of the authority in it vested under the Laws of the State of Florida, and for and in consideration of the sum of TEN and 00/100 DOLLARS (\$10.00) and other valuable considerations received on behalf of OKEECHOBEE COUNTY, a political subdivision of the State of Florida, c/o Bill Royce, Planning Department, 1700 NW 9<sup>th</sup> Avenue, Suite A, Okeechobee, Florida 34972, does hereby agree not to make use of the reservations of oil, gas and other minerals in, on or under the land above described, subject to the following conditions:

- (1) In the event oil, gas or other minerals shall be produced from the aforementioned land by the present owner or assigns or successors in title, this non-use commitment shall thereupon become extinguished and the right to make use of the reserved interest in said District in oil, gas and other minerals shall revert.
- (2) That this non-use commitment shall not be revocable except for non-compliance by the holder of title with the conditions hereof, or by mutual consent of the District and the holder of title.

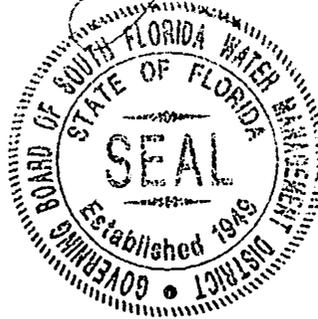
IN WITNESS WHEREOF, the SOUTH FLORIDA WATER MANAGEMENT DISTRICT has caused these presents to be executed in its name and its official seal affixed hereto by its Governing Board, acting by the Chairman of said board and attested by its Secretary, at West Palm Beach, Palm Beach County, State of Florida, this the 11th day of October, A.D., 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,  
BY ITS GOVERNING BOARD

BY: *Joe Collins*  
Joe Collins, Chairman

ATTEST:

*Jacki McGorty*  
Jacki McGorty, Secretary



STATE OF FLORIDA )  
                                  )  
COUNTY OF PALM BEACH )

I HEREBY CERTIFY, that on this the 11th day of October, A.D., 2012, before me, the undersigned authority, personally appeared Joe Collins, Chairman, and Jacki McGorty, Secretary, of the Governing Board of SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, to me known to be the persons who signed the foregoing instrument as such officers, and acknowledged the execution thereof to be their free act and deed as such officers for the purposes and uses therein mentioned, and that they affixed thereto the official seal of the Governing Board of SOUTH FLORIDA WATER MANAGEMENT DISTRICT, and that the said instrument is the act and deed of said SOUTH FLORIDA WATER MANAGEMENT DISTRICT and the Governing Board thereof. They are personally known to me.

WITNESS my signature and official seal at West Palm Beach, said County and State, the day and year last aforesaid.



*Brenda E Low*  
Notary Public - Signature

Brenda E. Low  
Print

My Commission Expires: 2-27-2015