

**PROPOSED RESOLUTION NO. 2014-R-18**

**RESOLUTION NO. 3426**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, DETERMINING THAT THE CHAPEL TRAIL DEVELOPMENT OF REGIONAL IMPACT IS ESSENTIALLY BUILT-OUT AS PROVIDED IN SECTION 380.06(15)(g), FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Pembroke Pines, Florida adopted Ordinance 843 on September 15, 1987 to approve a Development Order for the Chapel Trail Development of Regional Impact ("DRI") pursuant to Chapter 380, Florida Statutes; and

**WHEREAS**, Ordinance 843 was thereafter amended by Ordinance No. 943 adopted on November 28, 1990; by Ordinance No. 1009, adopted September 16, 1992; by Ordinance No. 1130 adopted August 2, 1995; by Ordinance No. 1332 adopted January 5, 2000; by Ordinance No. 1418 adopted September 4, 2002; by Ordinance 1462 adopted October 15, 2003; by Ordinance 1517 adopted June 8, 2005 and by Ordinance 1649 adopted August 4, 2009; and

**WHEREAS**, the DRI encompasses that property described in **Exhibit "A"**, which is attached hereto and incorporated herein by reference; and

**WHEREAS**, less than 1% of the land area within the DRI remains undeveloped; and

**WHEREAS**, the owners of the remaining undeveloped land within the DRI wish to be assured that the expiration of the DRI will not prevent them from developing their property; and

**WHEREAS**, the build out date for the Chapel Trail DRI is September 1, 2015 ("Build Out Date"); and

**WHEREAS**, Section 380.06(15)(g)3, Florida Statutes, permits development within a DRI to continue beyond the build out date provided that the development meets the criteria for being Essentially Built Out; and

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**WHEREAS**, the Planning and Zoning Board and City Commission have each held a public hearing to consider this Essentially Built Out determination, with notice provided to the nonresidential property owners within the DRI; and

**WHEREAS**, following those public hearings and based upon the facts set forth in this Resolution the City Commission has determined that the DRI is Essentially Built Out

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:**

**SECTION 1.** The foregoing "WHEREAS" clauses set forth above are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**SECTION 2.** The City Commission hereby finds that the Chapel Trail is essentially built out based upon the following facts.

1. The DRI is approved for 290,254 square feet of Retail/Commercial use, 100,000 square feet of Office use, 1,029,914 square feet of Industrial use and 189,816 square feet of Community Facilities.
2. Section 380.06(15)(g)3, Florida Statutes, defines a DRI to be Essentially Built Out when all mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the build out date for development occurring after the build out date and the proposed development that remains to be built is less than 40% of any applicable development of regional impact threshold.
3. All mitigation requirements of the DRI Development Order have been satisfied and the existing development within the DRI is in compliance with all applicable terms and conditions of the development order.
4. The Office use and Community Facility use are entirely built out.
5. Section 380.0651, Florida Statutes, was amended to delete the threshold for industrial use thereby exempting industrial use from DRI review pursuant to the Section 380.06(24), Florida Statutes.

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Therefore, industrial use is not subject to the 40% threshold determination or restriction.

6. The threshold for Commercial Use is 400,000 square feet. The remaining Commercial Use available in the DRI is 182,382 square feet. Following the Build Out Date the available Commercial Square footage in the DRI may be used to allow Commercial Use within portions of already constructed buildings, if consistent with the current land use and zoning for the Property; and, to allow the development of new commercial uses, provided that no more than 159,900 square feet of the 182,382 square feet of Commercial Use remaining may be for the construction of new commercial development.
7. Nothing in this resolution shall be interpreted to prohibit an amendment to the Comprehensive Plan to allow residential development on the property designated as Parcel A-1 by an Agreement For Amendment of Notation on Plat for the CT Industrial Plat recorded in Official Record Book 48520, Page 1740, of the Public Records of Broward County, Florida, which property is more particularly described in **Exhibit "B"** to this Resolution ("Parcel A-1"); provided that the residential development on Parcel A-1:
  - a) is consistent with the Comprehensive Plan;
  - b) does not exceed 40% of the residential DRI Threshold; and
  - c) does not increase the number of P.M. Peak Hour trips that would have been generated by the 90,000 square feet of commercial use approved for that parcel.
8. Nothing in this resolution shall be interpreted to prevent an owner of property within the DRI, from seeking a rescission of the DRI in the future, in the event that state law is amended so that the Chapel DRI qualifies for rescission.

**SECTION 3.** Building permits and certificates of occupancy and use consistent with this Resolution may continue to be issued within the Chapel Trail DRI following the build out date of September 1, 2015, subject to compliance with state, county, and local laws.

**SECTION 4.** If any clause, section, or other part or application this Resolution shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application

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shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**SECTION 5.** All Resolutions or parts of Resolutions in conflict herewith be and the same are repealed to the extent of such conflict.

**SECTION 6.** This Resolution shall become effective immediately upon passage and adoption.

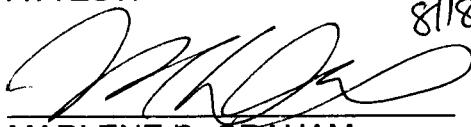
PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THIS 6 DAY OF AUGUST, 2014.

CITY OF PEMBROKE PINES, FLORIDA

By: \_\_\_\_\_

MAYOR FRANK C. ORTIS

ATTEST:

 8/18/14

MARLENE D. GRAHAM,  
CITY CLERK

ORTIS AYE

CASTILLO AYE

SCHWARTZ AYE

APPROVED AS TO FORM:

SHECHTER AYE

SIPLE AYE



OFFICE OF THE  
CITY ATTORNEY

**EXHIBIT A**

**LEGAL DESCRIPTION OF DRI PROPERTY**

BEING ALL OF PARCEL "H", TOGETHER WITH A PORTION OF PARCEL "G" AND A PORTION OF 208<sup>th</sup> AVENUE (NOW VACATED), ALL AS SHOWN ON THE PLAT OF CHAPEL TRAIL II AS RECORDED IN PLAT BOOK 112, PAGE 16 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF JOHNSON STREET AND THE EAST LINE OF SECTION 10, TOWNSHIP 51 SOUTH, RANGE 39 EAST, BROWARD COUNTY, FLORIDA, AS SHOWN ON SAID CHAPEL TRAIL II PLAT; THENCE SOUTH 89°50'41" WEST, A DISTANCE OF 1315.55 FEET; THENCE SOUTH 88°18'41" WEST, A DISTANCE OF 560.63 FEET; THENCE SOUTH 89°50'41" WEST, A DISTANCE OF 166.75 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 42°50'00" AND AN ARC DISTANCE OF 18.69 FEET TO THE POINT OF TANGENCY; SOUTHEASTERLY; THENCE NORTHWESTERLY, WESTERLY, SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE. HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 222°50'00" AND AN ARC DISTANCE OF 194.46; THE LAST FIVE COURSES AND DISTANCES BEING ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF JOHNSON STREET AS SHOWN ON SAID CHAPEL TRAIL II PLAT; THENCE SOUTH 89°50'41" WEST, ALONG THE SOUTHERLY MOST LINE OF SAID PARCEL "G", A DISTANCE OF 210.76 FEET; THENCE NORTH 03°16'37" WEST, A DISTANCE OF 70.10 FEET; THENCE NORTH 45°58'30" WEST, A DISTANCE OF 69.69 FEET; THENCE NORTH OF 01°47'41" WEST, A DISTANCE OF 2434.28 FEET; THENCE NORTH 44°02'03" EAST, A DISTANCE OF 71.73 FEET; THENCE NORTH OF 03°17'57" WEST, A DISTANCE OF 55.08 FEET. THE LAST FIVE COURSES AND DISTANCES BEING ALONG THE EASTERNLY RIGHT-OF-WAY LINE OF U.S. 27 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP NO. 86060-2511, SHEETS 9, 10 AND 11; THENCE NORTH 89°51'47" EAST, ALONG THE SOUTHERLY LINE OF TRACTS 58 AND 59 OF EVERGLADE LAND COMPANYS SUBDIVISION OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 10, AS SHOWN ON SAID CHAPEL TRAIL II PLAT, A DISTANCE OF 660.25 FEET; THENCE NORTH OF 01°48'25" WEST, ALONG THE EAST LINE OF SAID TRACT 59, AS SHOWN ON SAID CHAPEL TRAIL II PLAT, A DISTANCE OF 661.04 FEET; THENCE SOUTH 89°52'03" WEST, ALONG THE NORTH LINE OF SAID TRACT 59, AS SHOWN ON SAID CHAPEL TRAIL II PLAT, A DISTANCE OF 329.97 FEET; THENCE NORTH 01°48'24" WEST, ALONG THE EAST LINE OF TRACTS 39, 26 AND 7 OF SAID EVERGLADE LAND COMPANYS SUBDIVISION, AS SHOWN ON SAID CHAPEL TRAIL II PLAT, A DISTANCE OF 1883.17 FEET TO A POINT OF THE SOUTH PLAT; THENCE NORTH 89°52'53" EAST, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF SHERIDAN STREET, A DISTANCE OF 1319.86 FEET; THENCE SOUTH 01°48'27" EAST, ALONG THE WEST LINE OF TRACT 2 OF SAID EVERGLADE LAND COMPANYS SUBDIVISION, AS SHOWN ON SAID CHAPEL TRAIL II PLAT, A

DISTANCE OF 560.92 FEET; THENCE NORTH 89°52'36" EAST, ALONG THE SOUTH LINE OF SAID TRACT 2, A DISTANCE OF 140.30 FEET; THENCE SOUTH 00°07'24" EAST, A DISTANCE OF 206.67 FEET; THENCE SOUTH 33°23'32" WEST, A DISTANCE OF 249.89 FEET; THENCE SOUTH 01°48'29" EAST, A DISTANCE OF 2638.10 FEET; THENCE NORTH 88°11'31" EAST, A DISTANCE OF 669.53 FEET TO A POINT ON THE SAID EAST LINE OF SECTION 10; THENCE SOUTH 01°48'29" EAST, ALONG THE SAID EAST LINE OF SECTION 10, A DISTANCE OF 1512.75 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA AND A CONTAINING 272.227 ACRES MORE OR LESS.

TOGETHER WITH:

A PORTION OF PARCEL "A", "B", "C", "D", "E", "F" AND "G", ALL OF CHAPEL TRAIL II, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 112, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO BEING A PORTION OF THE RIGHT-OF-WAY OF JOHNSON STREET (NOW VACATED), 196<sup>th</sup> AVENUE (TO BE VACATED), 200<sup>th</sup> AVENUE (TO BE VACATED) AND 208<sup>th</sup> AVENUE (NOW VACATED), TOGETHER WITH A PORTION OF CHAPEL TRAIL, ACCORDING O THE PLAT THEREOF AS RECORDED IN PLAT BOOK 112, PAGE 15 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE NORTH HALF OF SECTION 13, TOWNSHIP 51 SOUTH, RANGE 39 EAST, LESS THE RIGHT-OF-WAY OF HOLLYWOOD BOULEVARD (NOW KNOWN AS PINES BOULEVARD), ALSO LESS THE RIGHT-OF-WAY OF 184<sup>th</sup> AVENUE, BOTH AS SHOWN ON THE SAID PLAT OF CHAPEL TRAIL II;

TOGETHER WITH:

ALL OF THE SOUTH HALF OF SECTION 12, TOWNSHIP 51 SOUTH, RANGE 39 EAST, LESS THE RIGHT-OF-WAY 184<sup>th</sup> AVENUE AS SHOWN ON THE SAID PLAT OF CHAPEL TRAIL II;

TOGETHER WITH:

ALL OF THE SECTION 11, TOWNSHIP 51 SOUTH, RANGE 39 EAST, LESS TRACTS 1, 5, 6, 8, 9, 10, 11, 12, 25, 26, 33, AND 49 OF EVERGLADE LAND COMPANYS SUBDIVISION OF THE NORTH ONE-HALF (N. 1/2) OF SECTION 11, TOWNSHIP 51 SOUTH, RANGE 39 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 1 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALSO LESS TRACT 50 OF FLORIDA FRUIT LANDS COMPANYS SUBDIVISION NO. 1 OF THE SOUTH ONE-HALF (S. 1/2) OF SAID SECTION 11, AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALL AS SHOWN ON THE SAID PLAT OF CHAPEL II TRAIL;

TOGETHER WITH:

ALL OF THE NORTH HALF OF SECTION 14, TOWNSHIP 51 SOUTH, RANGE 39 EAST, LESS THE RIGHT-OF-WAY OF HOLLYWOOD BOULEVARD (NOW KNOWN AS PINES BOULEVARD) AS SHOWN ON THE PLAT OF CHAPEL TRAIL, AS RECORDED IN PLAT BOOK 112, PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF THE RIGHT-OF-WAY OF JOHNSON STREET (NOW VACATED), TOGETHER WITH A PORTION OF SAID PARCEL "G", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11; THENCE SOUTH 01°48'29" EAST, ALONG THE WEST LINE OF SAID SECTION 11, A DISTANCE OF 660.91 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF TRACT 1 OF EVERGLADE LAND COMPANYS SUBDIVISION OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 10, TOWNSHIP 51 SOUTH, RANGE 39 EAST, AS RECORDED IN SAID PLAT BOOK 2, PAGE 1 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE SOUTH 89°52'36" WEST, ALONG THE SOUTH LINE OF SAID TRACT 1 AND CONTINUING ALONG A PORTION OF THE SOUTH LINE OF SAID SUBDIVISION OF THE NORTHEAST ONE-QUARTER (N.E. 1/4), A DISTANCE OF 319.63 FEET; THENCE SOUTH 00°07'24" EAST, A DISTANCE OF 206.67 FEET; THENCE SOUTH 33°23'32" WEST, A DISTANCE OF 249.89 FEET; THENCE SOUTH 01°48'29" EAST, A DISTANCE OF 2638.10 FEET; THENCE NORTH 88°11'31" EAST, A DISTANCE OF 669.53 FEET TO A POINT ON THE SAID WEST LINE OF SECTION 11; THENCE NORTH 01°48'29" WEST, ALONG THE SAID WEST LINE OF SECTION 11, A DISTANCE OF 3033.60 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA, CONTAINING 1522.892 ACRES MORE OR LESS.

A PORTION OF FLORIDA FRUIT LANDS COMPANY'S SUB. NO.1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17. OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF PARCEL "H", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 112, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL "H", THENCE SOUTH 89°49'31" WEST ALONG A PORTION OF THE NORTH RIGHT-OF-WAY LINE OF PINES BOULEVARD (FORMERLY KNOWN AS HOLLYWOOD BOULEVARD) AS SHOWN ON THE SAID PLAT OF CHAPEL TRAIL II, A DISTANCE OF 1399.91 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27 AS SHOWN ON THE SAID PLAT OF CHAPEL TRAIL II; THENCE NORTH 01°47'41" WEST ALONG A PORTION OF SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 56.58 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORtherly AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1442.00 FEET, A CENTRAL ANGLE OF 11°47'41" AND AN ARC DISTANCE OF 296.85 FEET TO THE POINT OF TANGENCY; THENCE NORTH 13°35'22" WEST, A

DISTANCE OF 200.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1358.00 FEET, A CENTRAL ANGLE OF 11°47'41" AND AN ARC DISTANCE OF 279.55 FEET TO THE POINT OF TANGENCY; THENCE NORTH 01°47'41" WEST, A DISTANCE OF 506.12 FEET; THENCE NORTH 44°01'30" EAST, A DISTANCE OF 50.20 FEET; THENCE NORTH 89°50'41" EAST, A DISTANCE OF 934.72 FEET; THENCE SOUTH 54°55'30" EAST, A DISTANCE OF 40.38 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 880.00 FEET, A CENTRAL ANGLE OF 03°28'33" AND AN ARC DISTANCE OF 53.39 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 23°10'13" EAST, A DISTANCE OF 507.30 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 46°31'25" AND AN ARC DISTANCE OF 430.36 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 01°46'02" EAST ALONG A LINE NOT RADIAL TO THE LAST DESCRIBED CURVE AND ALONG A PORTION OF THE WEST LINE OF SAID PARCEL "H" A DISTANCE OF 563.85 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA, CONTAINING 40.647 ACRES MORE OR LESS.

TOGETHER WITH:

TRACT 1 OF THE FLORIDA FRUIT LANDS COMPANY'S SUB. NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF PEMBROKE PINES BROWARD COUNTY, FLORIDA CONTAINING 9.5 ACRES, MORE OR LESS.

**EXHIBIT B**

**DESCRIPTION OF PARCEL A-1 AS SET FORTH IN AGREEMENT FOR  
AMENDMENT OF NOTATION ON PLAT FOR THE CT INDUSTRIAL PLAT  
RECORDED IN OFFICIAL RECORD BOOK 48520, PAGE 1740, OF THE PUBLIC  
RECORDS OF BROWARD COUNTY, FLORIDA.**

A PORTION OF PARCEL A, CT INDUSTRIAL PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 167, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERN-MOST CORNER OF SAID PARCEL A; THENCE SOUTH  $89^{\circ}49'30''$  WEST, ALONG THE SOUTH BOUNDARY OF SAID PARCEL A, A DISTANCE OF 711.34 FEET; THENCE NORTH  $00^{\circ}10'30''$  WEST, ALONG A LINE 50.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH A WEST BOUNDARY OF SAID PARCEL A, A DISTANCE OF 623.50 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY; THENCE NORtherly, NORtheasterly AND easterly, along the arc of said curve, having a radius of 25.00 FEET, a central angle of  $90^{\circ}00'00''$ , for an arc distance of 39.27 FEET, to the point of tangency; thence North  $89^{\circ}49'30''$  EAST, a distance of 674.58 FEET to the point of curvature of a curve concave southeasterly; thence easterly and southeasterly, along the arc of said curve, having a radius of 25.00 FEET, a central angle of  $78^{\circ}04'08''$ , for an arc distance of 34.06 FEET to the point of compound curvature of a curve concave westerly; thence southerly, along the arc of said curve, having a radius of 800.00 FEET, a central angle of  $11^{\circ}55'53''$ , for an arc distance of 166.59 FEET to the point of tangency; thence South  $00^{\circ}10'30''$  EAST, a distance of 433.26 FEET; thence South  $44^{\circ}49'44''$  WEST, a distance of 42.43 FEET TO THE POINT OF BEGINNING, THE LAST THREE (3) DESCRIBED COURSES BEING COINCIDENT WITH THE EAST BOUNDARY OF SAID PARCEL A.

SAID LANDS SITUATE IN THE CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA, CONTAINING 478,750 SQUARE FEET OR 10.991 ACRES, MORE OR LESS.