

This Instrument Was Prepared By:

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City of Pembroke Pines

Received

MAY 3 2018

Planning & Economic Development

(Reserved)

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### **AMENDED AND RESTATED DECLARATION OF RESTRICTIONS**

**THIS AMENDED AND RESTATED DECLARATION OF RESTRICTIONS** ("Amended Declaration") made this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by Sunshine Broward Property Holding, LLC, a Florida limited liability company, its successors or assigns, with an address of 6040 S. Durango Drive, Suite 105, Las Vegas, NV 89113 ("Sunshine Broward"), shall be for the benefit of the CITY OF PEMBROKE PINES, a municipal corporation of the State of Florida, with an address of 601 City Center Way, Pembroke Pines, Florida, 33025 ("City").

#### **WITNESSETH:**

WHEREAS, Sunshine Broward is currently the owner of approximately 9.14 acres (+/-) of land in Pembroke Pines, Florida which is located in Broward County, Florida, and which is more particularly described on Exhibit "A" attached hereto and made a part hereof ("Property"); and

WHEREAS, Sunshine Broward entered into a Declaration of Restrictions which is recorded in Official Records Book 44069, Page 663 of the Public Records of Broward County, Florida hereinafter referred to as the "Original Declaration"; and

WHEREAS, Sunshine Broward desires to amend and restate in its entirety the Original Declaration; and

WHEREAS, the Property has a land use designation of "Commercial"; and

WHEREAS, approximately 1.97 acres (+/-) of the Property has an "A-1 Limited Agricultural" zoning designation and approximately 7.17 acres (+/-) of the Property had a "B-3 General Business" zoning designation; and

WHEREAS, the City Commission approved an amendment to the City's Zoning Map on \_\_\_\_\_ pursuant to Ordinance No.\_\_\_\_\_ to change the zoning designation of the approximate 7.17 acre (+/-) "B-3 General Business" portion of the Property to "C-1 Commercial," which is more particularly described on Exhibit "B" attached hereto and made a part hereof ("Rezoned Parcel"), to allow for the development of portions of the Rezoned Parcel as a self-storage facility; and

WHEREAS, Sunshine Broward has offered to enter into this Amended Declaration to restrict the permitted uses on the Rezoned Parcel; and

WHEREAS, Sunshine Broward agrees to grant this Amended Declaration to the City, and the City agrees to accept this Amended Declaration in order to place certain restrictions on the development of the Rezoned Parcel; and

WHEREAS, in conjunction with such Zoning Map change, Sunshine Broward has offered to restrict, by an Amended Declaration of Restrictions, the use of the Rezoned Parcel for certain commercial uses that would otherwise be permitted under the zoning designation of "C-1 Commercial," in order to assure the City of the compatibility of the proposed development with the adjacent uses.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Sunshine Broward hereby declares that the Rezoned Parcel specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the Rezoned Parcel and any part thereof and which shall be binding upon all parties having any right, title or interest in such Rezoned Parcel or any part thereof, including their heirs, successors and assigns.

- 1. Recitations.** The recitations set forth above are true and correct and are incorporated into this Amended Declaration by this reference.
- 2. Rezoned Parcel Development.** The Rezoned Parcel shall be used for a self-storage facility as permitted in the City's "C-1 Commercial" zoning district, and all other "B-3 General Business" uses. Outdoor storage and any other "C-1 Commercial" uses, although permitted are hereby specifically prohibited.
- 3. Amendments.** This Amended Declaration shall not be modified, amended or released as to any portion of the Rezoned Parcel except by written instrument, executed by the then owner or owners of the portion of the Rezoned Parcel affected by such modification, amendment, or release and approved in writing by the City. The appropriate governmental authority of the City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Amended Declaration shall be recorded in the Public Records of Broward County, Florida.
- 4. Recordation and Effective Date.** This instrument shall become effective once recorded in the Public Records of Broward County, Florida. Once recorded, this Amended Declaration shall run with the Rezoned Parcel for the sole benefit of the City and shall

bind all successors and assigns to the title of the Rezoned Parcel.

5. **Severability.** If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.
6. **Captions, Headings and Titles.** Articles and paragraph captions, headings and titles inserted throughout this Amended Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Amended Declaration.
7. **Context.** Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

[Signatures Appear on Following Page]

IN WITNESS WHEREOF, Sunshine Broward has executed this Amended and Restated Declaration of Restrictions on the date set forth below.

**WITNESSES:**

Sunshine Broward Property Holding, LLC, a Florida limited liability company (“Sunshine Broward”)

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

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by \_\_\_\_\_, Managing Member of Sunshine Broward Property Holding, LLC, a Florida limited liability company ("Sunshine Broward"), freely and voluntarily under authority duly vested in him by said company. He is personally known to me or who has produced \_\_\_\_\_ as identification.

## Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires: