

This Instrument Was Prepared By:

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14 S.E. 4th Street, Suite 36
Boca Raton, FL 33432

Record and Return To:

Dwayne L. Dickerson, Esquire
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14 S.E. 4th Street, Suite 36
Boca Raton, FL 33432

(Reserved)

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS ("Declaration") made this _____ day of _____, 2022 by M&M Land Enterprises Development LLC, a Florida limited liability company, its successors or assigns, with an address of 3482 Derby Lane, Weston, Florida, 33331 ("M&M"), 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, M&M is currently the owner of approximately 0.89 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, the Property has a land use designation of "Residential with a Commercial Flexibility Allocation"; and

WHEREAS, the Property had a "B-2 Community Business" zoning designation; and

WHEREAS, the City Commission approved an amendment to the City's Zoning Map on _____, 2022 pursuant to Ordinance No. _____ to change the zoning designation of the Property from "B-2 Community Business" to "B-3 General Business" to allow for the development of the Property as an automatic car wash facility; and

WHEREAS, M&M has offered to enter into this Declaration to restrict the permitted uses on the Property; and

WHEREAS, M&M agrees to grant this Declaration to the City, and the City agrees to

accept this Declaration in order to place certain restrictions on the development of the Property;
and

WHEREAS, in conjunction with such Zoning Map change, M&M has offered to restrict, by this Declaration, the use of the Property for certain commercial uses that would otherwise be permitted under the zoning designation of "B-3 General Business," 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, M&M hereby declares that the Property 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 Property and any part thereof and which shall be binding upon all parties having any right, title or interest in such Property 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 Declaration by this reference.
- 2. Property Development.** The Property may be used for an automatic car wash facility as permitted in the City's "B-3 General Business" zoning district and for all other "B-2 Community Business" uses permitted by the applicable zoning authority. Manual car wash/detailing and all other "B-3 General Business" uses, although permitted by the applicable zoning authority, are hereby specifically prohibited on the Property.
- 3. Amendments.** This Declaration shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners of the portion of the Property 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 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 Declaration shall run with the Property for the sole benefit of the City and shall bind all successors and assigns to the title of the Property.
- 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 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

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]

Exhibit “A”

LEGAL DESCRIPTION:

LEGAL DESCRIPTION

EZ Express Car Wash – Pembroke Pines, FL

THE EAST 200 FEET OF PARCEL A, LESS THE NORTH 15 FEET THEREOF, OF "RESUBDIVISION OF BLOCKS 1 AND 15, WELWYN PARK FIRST ADDITION", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 53, PAGE 7, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOTAL: 0.8921 ACRES (38,859 SF)