

This Instrument Was Prepared By:

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Boca Raton, FL 33432

Record and Return To:

Dwayne L. Dickerson, Esquire  
Dunay, Miskel and Backman, LLP  
14 S.E. 4<sup>th</sup> Street, Suite 36  
Boca Raton, FL 33432

(Reserved)

### **DECLARATION OF RESTRICTIONS**

**THIS DECLARATION OF RESTRICTIONS** (“Declaration”) made this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by 6500 Pines Holdings LLC, a Florida limited liability company, its successors or assigns, with an address of 151 N. Nob Hill Road, Suite 290, Plantation, Florida, 33324 (“6500 Pines”), 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, 6500 Pines is currently the owner of approximately 1.62 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 "Commercial"; and

WHEREAS, the Property had a “B-2A Planned Business Center” 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 Property from “B-2A Planned Business Center” to “B-3 General Business” to allow for the development of the property as a service station, convenience store and accessory automatic car wash; and

WHEREAS, 6500 Pines has offered to enter into this Declaration to restrict the permitted uses on the Property; and

WHEREAS, 6500 Pines 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, 6500 Pines 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, 6500 Pines 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 a service station, convenience store, and accessory automatic car wash 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]

IN WITNESS WHEREOF, 6500 Pines has executed this Declaration of Restrictions on the date set forth below.

WITNESSES:

6500 Pines Holdings LLC,  
a Florida limited liability company ("6500  
Pines")

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 6500 Pines Holdings LLC, a Florida limited liability company ("6500 Pines"), freely and voluntarily under authority duly vested in him by said company. He is personally known to me or who has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Typed, printed or stamped name of Notary Public

My Commission Expires: