

Return to: (enclose self-addressed stamped envelope)

Name: Stephanie Toothaker

Address:

Tripp Scott  
110 Southeast 6<sup>th</sup> Street, #15  
Fort Lauderdale, Florida 33301

This Instrument Prepared by:

Stephanie Toothaker, Esq.  
Tripp Scott  
110 Southeast 6th Street, #15  
Fort Lauderdale, Florida 33301

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### **UNIFIED DEVELOPMENT AGREEMENT**

THIS UNIFIED DEVELOPMENT AGREEMENT ('Agreement') dated this \_\_\_\_ day of \_\_\_\_\_ 2018, is entered into by 1380 SOUTH OCEAN BOULEVARD FL, LLC, a Florida limited liability company ("Owner"), having an address of 4218 NE 2<sup>nd</sup> Avenue, 2<sup>nd</sup> Floor, Miami, Florida 33137, and the CITY OF POMPANO BEACH, a Florida municipal corporation ("City") having an address of 100 West Atlantic Boulevard, Pompano Beach, Florida 33060.

### **WITNESSETH:**

WHEREAS, 1380 SOUTH OCEAN BOULEVARD FL, LLC, a Florida limited liability company, is the owner of the Property described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, Owner has submitted an application requesting to rezone the Property from RM-45HR (Multifamily Residential High Rise Overlay) to PD-I (Planned Development-Infill),

and intends to develop the Property with 239 multi-family residential units and 11,000 square feet of accessory uses; and

WHEREAS, Owner intends to submit a Site Plan providing for the approval of the above-mentioned 239 multi-family units, including corresponding spa, parking and beach access (“Site Plan”); and

WHEREAS, the City has requested the execution of an acknowledgment by Owner to evidence that Owner and its successors-in-title to the Property are required to abide by all applicable terms and conditions of the City Code of Ordinances, and any conditions of approval that were or may be placed on the Site Plan and shall be maintained as unified development; and

WHEREAS, Owner and Owner’s successors-in-title to the Property desire to accede to the City’s request.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

1. The foregoing recitations are true and correct and are incorporated herein by this reference.
2. Upon approval of the Site Plan, Owner acknowledges that Owner, its successors or assigns, are required to abide by the Site Plan and all applicable provisions of the Site Plan approval.
3. Owner binds itself and successors in title to comply with the provisions of the Site Plan, as the same may be amended from time to time; unless and until said Property is no longer zoned PD-I pursuant to the terms and conditions contained below.

4. At such time as the Property or any portion thereof is, at the request of the Owner of the Property, rezoned from PD-I to any other zoning designation, this Agreement shall automatically terminate and become void and of no effect to the Property or any portion thereof rezoned from PD-I to such other zoning designation.

5. Except as described in section 4 above, this Agreement shall not be modified, amended, or released as to any portion of the Property except by written instrument, executed by the Owner or the then owner(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the City. The City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. This Agreement and any amendment, modification or release of this Agreement shall be recorded in the Public Records of Broward County, Florida. Accordingly, this Agreement shall run with the land unless released by the City.

6. If any court of competent jurisdiction shall declare any section, paragraph or part of this Agreement 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.

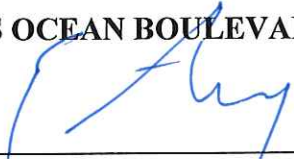
7. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

8. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida and venue for any litigation arising hereunder shall be Broward County, Florida.

IN WITNESS WHEREOF, Owner has executed this Agreement as of the day and year set forth above.

**OWNER:**

**1380 S OCEAN BOULEVARD FL, LLC**

By:   
OPHIR STERNBERG, as Managing Member of Oz Holdings of Miami, LLC, as the Managing Member of Lionheart Capital, LLC, as the Managing Member of Lionheart Gold Coast, LLC, as the Operating Member of 1380 South Ocean Boulevard, LLC, as Sole Member of 1380 S Ocean Boulevard FL, LLC

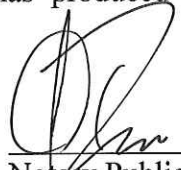
**WITNESSES:**

  
Print Name: Milagros Medrano

  
Print Name: SANDRA KAHAKURA

STATE OF FLORIDA  
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 22nd day of March, 2018, by **OPHIR STERNBERG**, as Managing Member of Oz Holdings of Miami, LLC, as the Managing Member of Lionheart Capital, LLC, as the Managing Member of Lionheart Gold Coast, LLC, as the Operating Member of 1380 SOUTH OCEAN BOULEVARD, LLC, as Sole Member of **1380 SOUTH OCEAN BOULEVARD FL, LLC**, a Florida limited liability company, who is personally known to me or has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires:

**“CITY”:**

Witnesses:

**CITY OF POMPANO BEACH**

\_\_\_\_\_

By: \_\_\_\_\_  
LAMAR FISHER, MAYOR

\_\_\_\_\_

By: \_\_\_\_\_  
GREGORY P. HARRISON, CITY  
MANAGER

Attest:

(SEAL)

\_\_\_\_\_  
ASCELETA HAMMOND, CITY CLERK

Approved As To Form:

\_\_\_\_\_  
MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
2018 by **LAMAR FISHER** as Mayor, **GREGORY P. HARRISON** as City Manager and  
**ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal  
corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY’S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or  
Stamped)

\_\_\_\_\_  
Commission Number