

This Instrument Was Prepared By:

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Boca Raton, FL 33432

Record and Return To:

Dwayne L. Dickerson, Esquire  
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Boca Raton, FL 33432

(Reserved)

**VOLUNTARY DECLARATION OF RESTRICTIONS**

**THIS VOLUNTARY DECLARATION OF RESTRICTIONS** (“Declaration”) made this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by ST 33 LLC, a Florida limited liability company, and LC 33 LLC, a Florida limited liability company, and DS 33 LLC, a Florida limited liability company, and MZ 33, LLC, a Florida limited liability company, and VAS 33, LLC, a Florida limited liability company, their successors or assigns, all with an address of 47-14 32<sup>nd</sup> Place, Long Island City, NY 11101 (collectively “Declarants”), shall be for the benefit of the CITY OF POMPANO BEACH, a municipal corporation of the State of Florida, with an address of 100 West Atlantic Boulevard, Pompano Beach, FL 33060 (“City”).

**WITNESSETH:**

WHEREAS, the Declarants are currently the owners of approximately 4.7 acres (+/-) of land in Pompano Beach, 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 "Industrial"; and

WHEREAS, the Property had a “I-1 General Industrial” 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 “I-1 General Industrial” to “I-1X Special Industrial” to allow for the future redevelopment of the Property; and

WHEREAS, the Declarants have offered to enter into this Voluntary Declaration to restrict the permitted uses on the Property; and

WHEREAS, the Declarants agree to grant this Voluntary 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, the Declarants have offered to restrict, by this Voluntary Declaration, the use of the Property for certain industrial uses that would otherwise be permitted under the zoning designation of "I-1X Special Industrial," in order to assure the City of the compatibility of the future development with the adjacent uses.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, the Declarants hereby declare 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 all permitted uses within the City's "I-1X Special Industrial" zoning district, except as described herein. Sexually oriented businesses and fortune-telling establishments, although permitted by the applicable zoning authority in the "I-1X Special Industrial" zoning district, 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:

Lots 1, 2, 3 and 4, R.L. SCHREIBER INDUSTRIAL SITE, according to the map or plat thereof, as recorded in Plat Book 108, Page 38, of the public records of Broward County, Florida,

TOGETHER WITH:

The South half (aka South 15 feet) of the vacated street known as NW 34th Court, lying adjacent to the North line of Lot 4.

AND

Tract 21, of an UNRECORDED SALES PLAT OF POMPANO FARMS, legally described as follows:

The East  $\frac{1}{2}$  of the East half of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 22, Township 48 South, Range 42 East;

LESS AND EXCEPT the South 25 feet thereof.

Said lands situate, lying and being in the City of Pompano Beach, Broward County.