

RECORD AND RETURN TO:
This instrument was prepared by:
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J. Patrick Fitzgerald & Associates, P.A.
110 Merrick Way, Suite 3-B
Coral Gables, Florida 33134

Declaration of Restrictive Covenants

Know All Men By These Presents That the undersigned St. Elizabeth Gardens, Inc., a Florida not-for-profit corporation, and having its principal place of business at 11410 North Kendall Drive, Suite 306, Miami, Florida 33176 ("Owner") voluntarily makes this Declaration Of Restrictive Covenants this ____ day of _____, 2019, for the benefit of The City Of Pompano Beach, Florida ("City"), in consideration for certain developmental approvals granted to the property identified below by the City.

WITNESSETH:

WHEREAS, Owner is seeking Flexibility Allocation and Rezoning by the City for certain property located at 801 NE 33 Street, Pompano Beach, FL 33064 ("Property") in the City which is legally described in the attached Exhibit "A."

WHEREAS, as part of developmental approvals granted and to be granted by the City to Owner, Owner has offered to enter into this covenant and restrict the use of the Property as set out herein.

NOW THEREFORE, in consideration of the promises and covenants contained herein, the Owner hereby agrees and declares that the Property specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants and restrictions herein, and which shall be binding upon all parties having any right, title, or interest in the Property or any part thereof and all of their heirs, successors or assigns.

1. Recitals: That the above recitals are true and are incorporate herein by reference.
2. Property Use: Owner shall restrict the use of the Property to meet the requirements of City and Broward County Codes as set forth below.
 - a) Pursuant to Broward County Comprehensive Plan, Affordable Housing Bonus Density Policy 2.16.3, Owner shall restrict 140 units to maintain affordability for fifteen (15) years from the Effective Date of this Declaration; and
 - b) Pursuant to City Code, Section 154.61 (E)(3)(c)5 of the Affordable Housing Requirements of the City of Pompano Beach, Owner shall require affordability for 11 out of 15 flexibility units be maintained for 30 years from the Effective Date of this Declaration.

3. Term of Covenant: The Covenants shall be in effect for the Property and any portion thereof until modified, amended or released in writing by the City. The appropriate governmental authority of the City shall execute a written instrument effectuating and acknowledging any 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. Inspection: It is understood and agreed that any official inspector of the City has the right at any time during normal business hours to determine if the conditions of this Declaration are being complied with Owner, its successor or assigns.

5. Enforcement: The City, through its City Commission, its successors and assigns, is the beneficiary of these restrictive covenants and, as such, the City may enforce these restrictive covenants by actions at law or equity against any persons, entity or entities violating or attempting to violate the terms of these restrictions. Any failure of the City to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter.

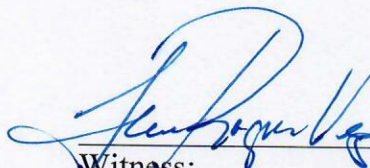
6. Severability: Invalidation of any one of these covenants by judgment of a court of competent jurisdiction shall not affect any of the other provisions of this Declaration, which shall remain in full force and effect.

7. Effective Date: This Declaration shall become effective upon its recordation in the Public Records of Broward County, Florida and shall constitute a covenant running with the land and shall be binding on the Owner, its successors or assigns.

8. Captions: 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 caption, heading or title define, limit, or in any other way affect the subject matter of any terms or provisions thereunder or the terms and provisions of this Declaration.

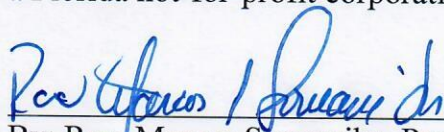
9. Context: Whenever the context requires or admits any pronoun used herein may be deemed to mean the corresponding masculine, feminine, or neutral form thereof, and the singular of any nouns or pronouns herein may be deemed to mean the corresponding plural thereof or vice versa as needed by the Declaration and its intent.

IN WITNESS WHEREOF, the undersigned has executed this Declaration this 4th day of June, 2019.


Witness:


Witness:

St. Elizabeth Gardens, Inc.
a Florida not-for-profit corporation


By: Rev. Marcos Somarriba, President

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 4 day of June, 2019, by Rev. Marcos Somarriba as President of St. Elizabeth Gardens, Inc., a Florida not-for-profit corporation who is personally known to me and who did not take an oath.



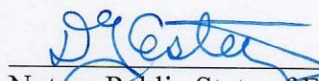

Notary Public State of Florida

Exhibit A
Legal Description

The West 470 feet of the East 1165 feet of Lots 3 and 4 of the Subdivision of Section 24, Township 48 South, Range 42 East, Plat Book "B", Page 164, of the Public Records of Dade County (now Broward County), Florida; less the South 25 feet in N.E. 33rd Street.

Said lands situate in the City of Pompano Beach, Broward County, Florida.