

PZ25-12000010 This instrument prepared by and return to:  
10/01/2025

Christina Bilenki, Esq.  
Dunay, Miskel & Backman, LLP  
14 SE 4<sup>th</sup> Street, Suite 36  
Boca Raton, Florida 33432

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**DECLARATION OF UNITY OF CONTROL**

THIS DECLARATION OF UNITY OF CONTROL ("Declaration") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2023, 3885 N Federal, LLC, a Florida limited liability company whose address is 220 Butts Road, Suite 300, Boca Raton, Florida, 33431 ("Declarant"). Declarant is the fee simple owner of property as further described herein as Exhibit "A" ("Property"), which is located in the City of Pompano Beach, Florida. Declarant does hereby make the following declaration of conditions, limitations, and restrictions on said lands, hereinafter to be known and referred to as a "Declaration of Unity of Control," as to the following particulars:

1. **Unified Control.** The aforesaid plot or combination of separate lots, plots, parcels acreage, or portions thereof shall hereinafter be regarded and is hereby declared to be under unified control such that:
  - a. The Property shall be developed in substantial conformity with the site plan and Development Order No. 22-12000030 attached hereto as Exhibit "B" and incorporated herein by reference (the "Site Plan") and shall be considered an undivided parcel for zoning purposes.
  - b. Declarant shall not convey any portion of the Property to other parties unless and until the Declarant has executed and recorded a separate Declaration of Restrictions and easement documents which shall, among other things, provide:
    - i. For appropriate easement over the private roads and accessways to provide vehicular and pedestrian ingress and egress between and among each of the uses constructed or to be constructed within the Property; and
    - ii. For appropriate easements for parking, drainage and other shared infrastructure within the Property between and among each of the uses constructed or to be constructed upon the Property.

2. **Covenant Running with the Land.** This Declaration on the part of the Declarant shall constitute a covenant running with the title to the Property and shall remain in full force and effect and be binding upon the undersigned Declarant, and its heirs, successors and assigns unless and until the same is modified or released by the City of Pompano Beach Development Services Director.
3. **Term.** This Declaration is to run with title to the Property and shall be binding upon the Property for a period of thirty (30) years from the date this Declaration is recorded in the public records of Broward County, after which time it shall be extended automatically for successive periods of ten (10) years each, unless modified, amended or released as provided herein.
4. **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the Declarant and the City of Pompano Beach, as provided in Paragraph 2 above.
5. **Enforcement.** The Declarant on behalf of itself and its heirs, successors and assigns to the Property, hereby acknowledges and agrees this Declaration may be enforced by the City by injunctive relief. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such attorneys' fees as the Court may adjudge to be reasonable. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
6. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
7. **Recording.** This Declaration shall be filed of record in the public records of Broward County, Florida.
8. **Restriction and Encumbrances.** Nothing contained herein is intended to prevent or inhibit the recordation of a Declaration of Covenant against the Property, nor is this Declaration of Unity of Control intended to prevent or inhibit the imposition of mortgages or other encumbrances upon all or a portion of the Property.

(SIGNATURES APPEAR OF THE FOLLOWING PAGES)

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IN WITNESS WHEREOF, this instrument is executed on the day and year first written below.

Signed, sealed and delivered  
in the presence of:

WITNESS:

3885 N Federal, LLC, a Florida limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Brian Schmier

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Title: Manager

Date: \_\_\_\_\_

STATE OF FLORIDA )

) SS:

COUNTY OF BROWARD )

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by Brian Schmier, as Manager of 3885 N Federal, LLC, on behalf of the company. He is personally known to me or who has produced \_\_\_\_\_ (*type of identification*) as identification.

NOTARY PUBLIC:

(Seal)

My commission expires:

\_\_\_\_\_

Print Name: \_\_\_\_\_

DRC

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EXHIBIT A

Legal Description of Property

EXHIBIT B

Site Plan & Development Order