

This instrument prepared by:

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Keith and Associates, Inc.
301 East Atlantic Boulevard
Pompano Beach, FL 33060

DECLARATION OF RESTRICTIVE COVENANTS

Property Appraiser Tax Folio Numbers: 4942 02 03 0130

This Declaration of Restrictive Covenants ("Declaration"), made this _____ day of _____, 2019 ("Effective Date"), by Aloha 1, LLC, a Delaware for Limited Liability Corporation, hereinafter referred to as "OWNER."

WHEREAS, OWNER is the fee title owner of that certain real property legally described in Exhibit "A," attached hereto and incorporated herein (the "Property"); and

WHEREAS, OWNER wishes to rezone that certain real property legally described in Exhibit "A," attached hereto and incorporated herein (the "Property"); from RM-20 (Multiple Family Residence 20) to RM-45 (Multiple Family Residence 45); and

WHEREAS, the Property shall be subject to the voluntary covenants, restrictions, and other requirements, as set forth herein.

NOW, THEREFORE, OWNER hereby declares that the Property shall be held, transferred, sold, conveyed, leased, mortgaged, used, and improved subject to these covenants and restrictions, which run in favor of CITY (as hereinafter defined in Section 3) and other requirements, all as hereinafter set forth:


1. The recitals set forth above are true and correct and are incorporated into these restrictive covenants.
2. Restrictive Covenants. OWNER hereby declares that the Property shall be subject to the following covenants and restrictions, which covenants and restrictions shall be covenants running with the

land in perpetuity and commencing upon the date of the recording of this Declaration:

- (a) The maximum density on the Property shall not exceed thirty-two (32) units per acre;
 - (b) The maximum height of any building on said Property shall be restricted to four-stories;
 - (c) The OWNER shall construct and maintain a Type "B" buffer as described in Table 155.5203.F.3 in the Pompano Beach Code of Ordinances along the north and west property lines; and
 - (d) All buildings within the Property shall have an increased setback of approximate 65 feet from all property lines abutting residential.
3. When used herein, the term "CITY" shall mean the City of Pompano Beach, Broward County, Florida, its successors and assigns. The term "OWNER" shall mean the person or persons or legal entity or entities holding interests of record to the Property or any portion of the Property. Wherever used herein, the terms "OWNER" and "CITY" shall include their heirs, personal representatives, successors, agents, and assigns.
 4. CITY is the beneficiary of these covenants and restrictions, and, as such, CITY may enforce these covenants and restrictions by action at law or in equity, including, without limitation, a decree of specific performance or mandatory or prohibitory injunction against any person or persons, entity, or entities, violating or attempting to violate the terms of these covenants and restrictions.
 5. Any failure of CITY to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter. No waiver, modification, or termination of this instrument shall be effective unless contained in a written document executed by CITY. Any waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver. If any covenant, restriction, condition, or provision contained in this document is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other: covenant, restriction, condition, or provision herein contained, all of which shall remain in full force and effect. This document shall be construed in accordance with the laws of Florida and venue shall be Broward County, Florida.
 6. This Declaration shall be recorded by the OWNER in the Public Records of Broward County, Florida, and shall become effective upon recordation.

IN WITNESS WHEREOF, OWNER has executed this Declaration of Restrictive Covenants as follows:

Aloha 1, LLC a Delaware Limited Liability Corporation


Thomas J. Datorre

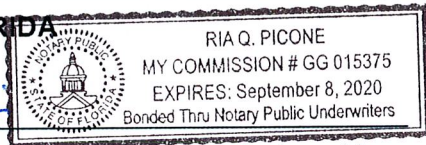
Print Name

SWORN AND SUBSCRIBED before me this 11 day of July, 2019.

FLORIDA

NOTARY PUBLIC, STATE OF FLORIDA





(Name of Notary Public: Print, stamp, or Type as Commissioned.)

Personally know to me, or

Produced identification: D 360-810-77-296-0 %

(Type of Identification Produced)

EXHIBIT "A"

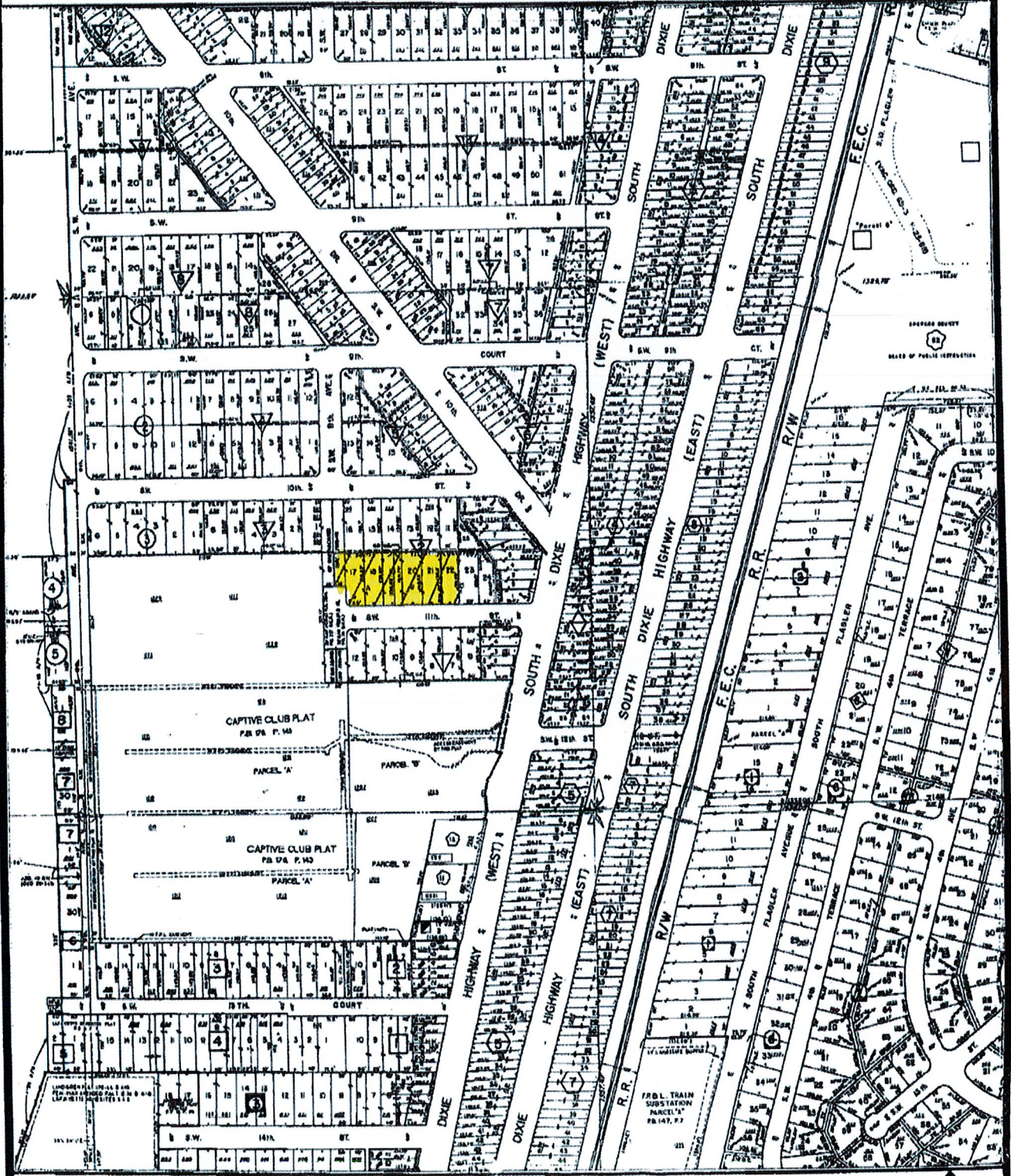
PROPERTY DESCRIPTION

Exhibit A

Legal Description

ALL OF THE LOTS 17, 18, 19, 20, 21 and 22 BLOCK 2, AMENDED PLAT OF FAIRVIEW, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 25 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF VACATED RIGHT-OF WAY DESCRIBED IN OFFICIAL RECORDS BOOK 38974 AT PAGE 372, SAID LAND SITUATE WITHIN BROWARD COUNTY, FLORIDA.

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: NTS

↑
NORTH