

98-684148 T#001
11-25-98 11:16AM**SHARED PARKING AGREEMENT**

THIS IS AN AGREEMENT made this the 28 day of OCTOBER,
1998, by and between:

CITY OF POMPANO BEACH, a municipal corporation of the
State of Florida, whose address is 100 West Atlantic Boulevard,
Pompano Beach, Florida 33060, hereinafter referred to as "CITY",

and

GALAXY DEVELOPMENT, INC., a Florida corporation, whose
address is 3500 N. Powerline Road
Pompano Beach, FL 33069, hereinafter
referred to as "OWNER".

WITNESSETH:

WHEREAS, Chapter 155, Section 155.112(A)(4) permit the use of up to seventy-five (75%) percent of the parking spaces of a use in operation during the daytime only may be used to satisfy the parking requirement of this chapter for use in operation during the nighttime only; or up to seventy-five (75%) percent of the parking spaces of a use in operation Monday through Friday may be used to satisfy the parking requirements for a use in operation on Saturday or Sunday only; or up to seventy-five (75) percent of the parking spaces of a use in operation Monday through Saturday only may be used to satisfy the parking requirement of this chapter for a use in operation on Sundays only; and

DEFERRED ITEM
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Business Operations

BA

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WHEREAS, Chapter 155, Section 155.112(A)(4)(a), City of Pompano Beach Code of Ordinances, requests that shared parking facilities shall be located upon the same parcel of land the facilities are intended to serve, or on an additional parcel of land within five hundred (500) feet airline measurement of the nearest property line of the premises the shared parking facilities are intended to serve; and

WHEREAS, Section 155.112(A)(4) requires a shared parking agreement between the property owners of the respective parcels and the CITY if a separate parcel is to be used for shared parking facilities; and

WHEREAS, OWNER owns the following described commercial property located in the City of Pompano Beach, Florida, wherein various tenant-run businesses are located:

See Exhibit "A" attached hereto and made a part hereof.

WHEREAS, OWNER leases, or will lease, a portion of the property specifically addressed in this Agreement to a tenant(s) for the purpose of operating a business facility at this location; the property so leased to tenant is indicated on Exhibit "B", attached hereto and made a part hereof and hereinafter referred to as "LEASED PROPERTY"; and

WHEREAS, the property described in Exhibit "A" contains a total of 84 parking spaces for the businesses located thereon as more fully described in Exhibit "B", and of those parking spaces, 11 parking spaces are required by the existing zoning ordinances for the LEASED PROPERTY.

IN CONSIDERATION of the mutual promises, terms and conditions contained herein, OWNER, and CITY agree as follows:



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1. OWNER gives tenant of the LEASED PROPERTY permission to use 9 additional parking spaces, as more fully described in Exhibit "B" (hereinafter referred to as "PARKING SPACES"), for shared parking in connection with said tenant's LEASED PROPERTY and to use said parking to satisfy said tenant's parking requirements. In consideration for said permission to utilize the PARKING SPACES for shared parking needed by a tenant for the LEASED PROPERTY, which allowance inures to the benefit of both OWNER and tenant, OWNER covenants and agrees that the PARKING SPACES shall only be used by the tenant and patrons of tenant of the LEASED PROPERTY during the daytime/nighttime hours before/after 6:00 a.m./p.m. and OWNER and OWNER's other tenants and patrons shall only use the PARKING SPACES during the nighttime/daytime hours prior to/after 6:00 p.m./a.m.

2. The PARKING SPACES shall at all times of this Agreement be marked by signage which states the times when the PARKING SPACES may be used by patrons of the tenant of the LEASED PROPERTY.

3. The provisions contained herein shall be restrictions and covenants running with the land and shall be binding upon the heirs, successors and assigns of the parties.

4. An additional parcel or parcels of land meeting the provisions of the City of Pompano Beach Code of Ordinances may be substituted for the PARKING SPACES, with the permission of the CITY, by means of an agreement of equal dignity to this Agreement and recorded in the Public Records of Broward County, Florida.

5. This Agreement shall be of no effect until it is properly executed by CITY and OWNER and recorded in the Public Records of Broward County, Florida, at the expense of OWNER.

(Signature)

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IN WITNESS WHEREOF, the parties hereto have executed this Shared Parking Agreement the date first written above.

"OWNER":

Witnesses:

Paul E. Blade
PAUL E. BLADE
William P. Blade
William P. Blade

GALAXY DEVELOPMENT, INC.

By: John T. Mihalovich
JOHN T. MIHALOVICH
Name Typed, Printed or Stamped

Title: PRESIDENT

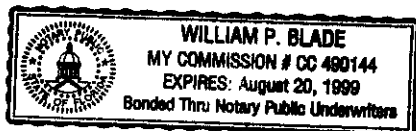
(SEAL)

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 29 day of October, 1998 by John T. Mihalovich as President of GALAXY DEVELOPMENT, INC. He/she is personally known to me or who has produced _____

(type of identification) as identification.

NOTARY'S SEAL:



William P. Blade
NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

"CITY":

Witnesses:

CITY OF POMPANO BEACH

Shelby R. Bartholomew By: William F. Griffin
WILLIAM F. GRIFFIN, MAYOR

Ascelisa Hammond By: C. William Hargett, Jr.
C. WILLIAM HARGETT, JR.,
CITY MANAGER

Attest:
Mary L. Chambers
MARY L. CHAMBERS
CITY CLERK

(SEAL)

Approved As To Form:
Gordon B. Linn
GORDON B. LINN
CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

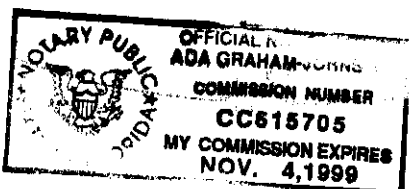
The foregoing instrument was acknowledged before me this 17th day of November, 1998 by WILLIAM F. GRIFFIN, as Mayor of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:

Ada Graham-Johns
NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

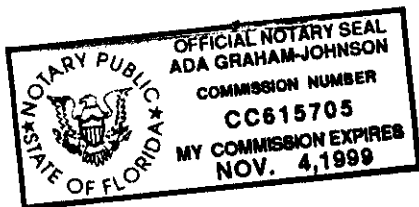
Commission Number



STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 17th day of November, 1998 by C. WILLIAM HARGETT, JR., as City Manager of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:



Ada Graham-Johnson
NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

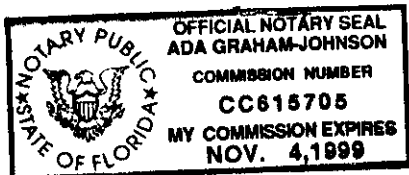
Commission Number

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STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 17th day of NOVember, 1998 by MARY L. CHAMBERS as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:



Ada Graham-Johnson
NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

EXHIBIT "A"

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

THOSE PORTIONS OF TRINITY ACRES AND PARCEL A OF TRINITY ACRES AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 141, PAGE 50 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

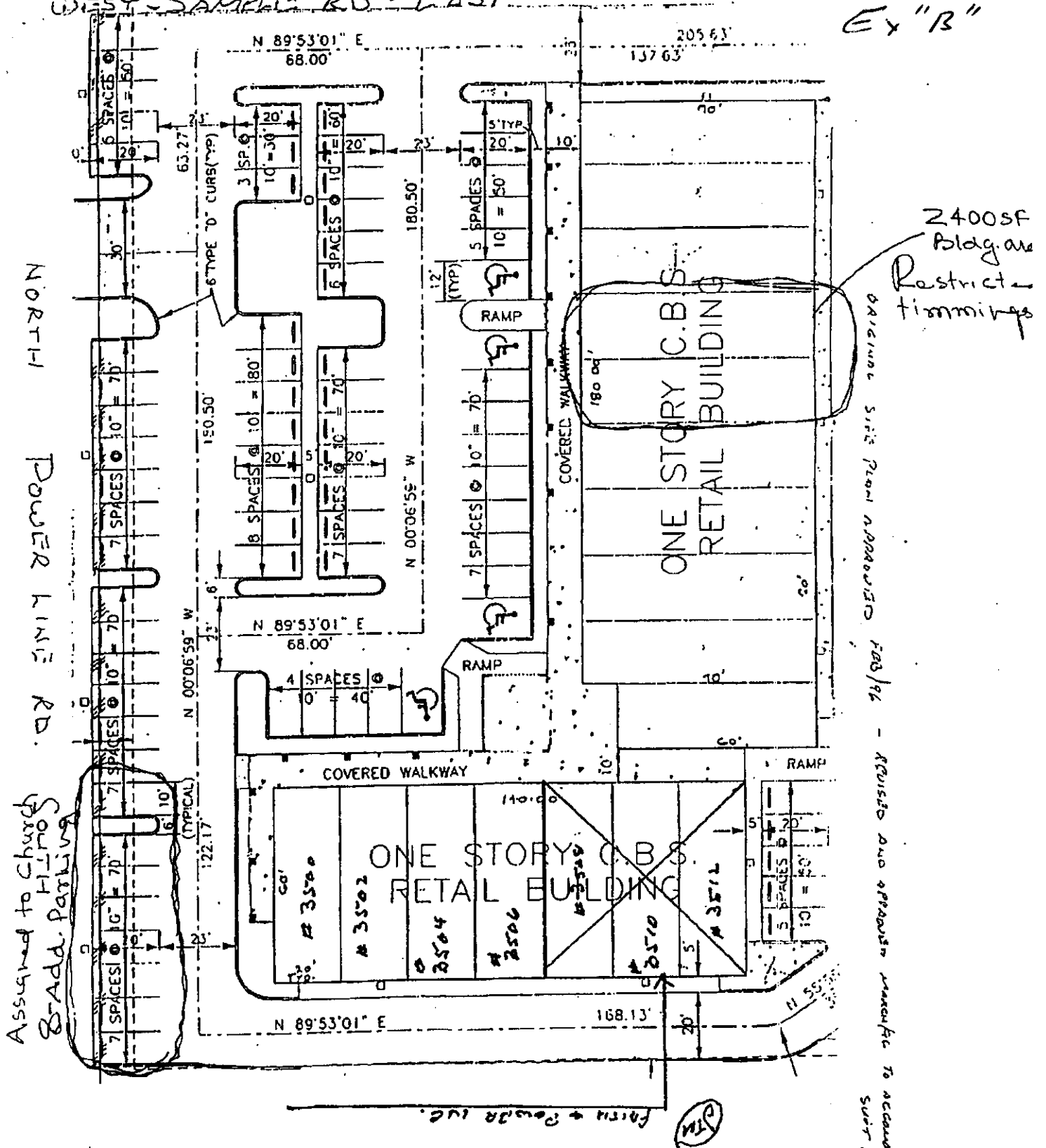
COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL A FOR A POINT OF BEGINNING AND RUN THENCE SOUTH 89°31'29" WEST ALONG THE SOUTH BOUNDARY OF SAID PARCEL A, A DISTANCE OF 278.93 FEET; THENCE NORTH 2°58'24" EAST, A DISTANCE OF 214.28 FEET; THENCE NORTH 0°04'45" WEST PARALLEL WITH AND 66.00 FEET EAST OF THE WEST BOUNDARY OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 42 EAST, A DISTANCE OF 129.72 FEET; THENCE NORTH 89°27'54" EAST PARALLEL WITH AND 305.00 FEET SOUTH OF THE NORTH BOUNDARY OF SAID SECTION 22, A DISTANCE OF 267.58 FEET TO AN INTERSECTION WITH THE EAST BOUNDARY OF SAID PARCEL A; THENCE SOUTH 0°04'10" EAST ALONG SAID EAST BOUNDARY, A DISTANCE OF 343.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 93,188 SQUARE FEET OR 2.14 ACRES MORE OR LESS.

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WEST-SAMPLE RD - EAST

Ex "B"



Church - available spaces - 12 Parking allocated - 20 Parking

RECORDED IN THE OFFICIAL RECORDS BOOK OF BROWARD COUNTY, FLORIDA COUNTY ADMINISTRATOR

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