

Prepared by/Return to:
Debbie M. Orshefsky, Esq.
Holland & Knight LLP
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, Florida 33301

DECLARATION IN LIEU OF UNITY OF TITLE

KNOW ALL PERSONS BY THESE PRESENTS, that pursuant to the Ordinances of the City of Pompano Beach pertaining to zoning, the undersigned, Pompano Park Holdings, LLC, a Florida limited liability company, as to Parcels 1 and 2, PPI, Inc., a Florida corporation, as to Parcels 3 and 4, and Pompano Park JV Northwest Corner, LLC, a Delaware limited liability company, as to Parcel 5, each, respectively, being a fee owner (collectively, the "Owners") of a parcel of real property situated in the City of Pompano Beach, County of Broward, State of Florida and described on Exhibit "A", respectively, attached hereto and incorporated herein by reference (hereinafter collectively referred to as the "Subject Property"), do hereby make the following declaration of conditions, limitations, and restrictions on said lands, hereinafter to be known and referred to as a Declaration in Lieu of Unity of Title, as to the following particulars:

1. **Unified Control.** That the Subject Property shall hereinafter be regarded and is hereby declared to be under unified control such that:

Notwithstanding that the Subject Property has multiple owners and is platted as separate platted parcels, each of the Owners agrees to develop the portion of the Subject Property owned by it in conformity with the Planned Commercial District zoning ("PCD") as approved by the City of Pompano Beach City Commission on September 24, 2019, pursuant to Ordinance 2019-107, as the same may be amended from time to time as authorized by the applicable provisions of the City's Code of Ordinances (the "PCD Approval"). The parties agree that the Subject Property will operate as a unified plan of development in conformance with the PCD Approval. In the event of any amendment or modification to the PCD Approval, the parties agree that any such amendments will include an evaluation of the effect of such amendment upon the overall conformance of the Subject Property with applicable zoning requirements and the then current PCD Approval such that the Subject Property in its entirety continues to meet the applicable requirements of the City's Code of Ordinances.

2. **Covenant Running with the Land.** This Declaration on the part of the Owners shall constitute a covenant running with the title to the Subject Property and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns unless and until the same is modified or released by the Owners with the written consent of the City of Pompano Beach Development Services Director.

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PZ23-12000013
07/06/2023

3. **Term.** This Declaration is to run with title to the Subject Property and shall be binding upon the Subject Property for a period of thirty (30) years from the date this Declaration is recorded in the public records of Broward County, Florida, after which time it shall be extended automatically for successive periods of ten (10) years each, unless modified, amended or released as provided for herein.

4. **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Subject Property, or any portion thereof, by a written instrument executed by the Owners and the City of Pompano Beach Development Services Director.

5. **Enforcement.** The Owners on behalf of themselves and their respective heirs, successors and assigns to the Subject Property, hereby acknowledges and agrees this Declaration may be enforced by the City of Pompano Beach 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.

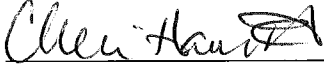
7. **Recording.** This Declaration shall be filed of record in the public records of Broward County, Florida.

8. **Restriction and Encumbrances.** Nothing contained herein is intended to prevent or inhibit the imposition of mortgages or other encumbrances upon all or a portion of the Subject Property.

(Signature appears on the following page.)

IN WITNESS WHEREOF, the Owners have executed this Declaration on the date set forth below.

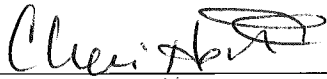
Signed, sealed and delivered in the presence of:



Print Name: Chen Hamilton



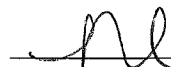
Print Name: Henri LaFerriere



Print Name: Chen Hamilton



Print Name: Henri LaFerriere



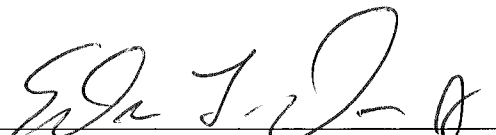
Print Name: Aunja Eldridge



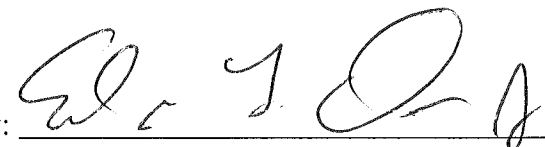
Print Name: Kevin DiGrazia

OWNERS:

POMPANO PARK HOLDINGS, LLC, a Florida limited liability company

By: 
Edmund L. Quatmann, Jr.
Executive Vice President, Chief Legal Officer and Secretary

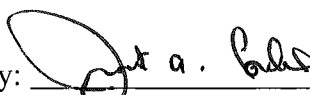
PPI, INC., a Florida corporation

By: 
Edmund L. Quatmann, Jr.
Executive Vice President, Chief Legal Officer and Secretary

POMPANO PARK JV NORTHWEST CORNER, LLC, a Delaware limited liability company

By: Pompano Park JV Holdings, LLC, a Delaware limited liability company, its Sole Member

By: Pompano Park JV Holdings Investors, LLC, a Maryland limited liability company, Its Managing Member

By: 
Jonathan A. Cordish, Co-Managing Member

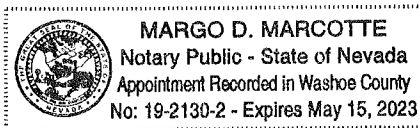
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STATE OF NEVADA)
)SS:
COUNTY OF WASHOE)

The foregoing instrument was acknowledged and sworn to before me this 5 day of November, 2020, by Edmund L. Quatmann, Jr., as Executive Vice President, Chief Legal Officer and Secretary, of POMPANO PARK HOLDINGS, L.L.C., a Florida limited liability company, on behalf of the company, who is personally known to me or has produced _____ as identification.

STATE OF NEVADA)
)SS:
COUNTY OF WASHOE)

The foregoing instrument was acknowledged and sworn to before me this 5 day of November, 2020, by Edmund L. Quatmann, Jr., as Executive Vice President, Chief Legal Officer and Secretary of PPI, INC., a Florida corporation, on behalf of the corporation, who is personally known to me or has produced _____ as identification.

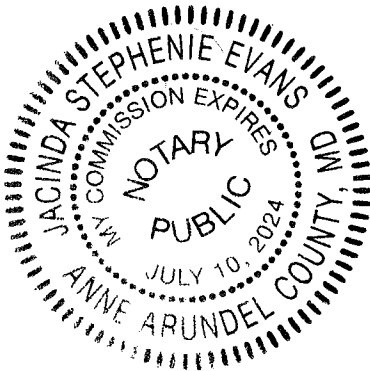


M. Quatmann
(SIGNATURE OF PERSON TAKING
ACKNOWLEDGMENT)
Margo D. Marcotte
(Name of acknowledger, typed, printed or stamped)
19-2130-2
(Title or rank (serial number, if any))

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STATE OF MARYLAND)
)SS:
COUNTY OF BALTIMORE)

The foregoing instrument was acknowledged and sworn to before me this 4th day of November, 2020, by Jonathan A. Cordish, as Co-Managing Member of POMPANO PARK JV HOLDINGS INVESTORS, a Maryland limited liability company, as Managing Member of POMPANO PARK JV HOLDINGS, LLC, a Delaware limited liability company, as Sole Member of POMPANO PARK JV NORTHWEST CORNER, L.L.C., a Delaware limited liability company, on behalf of the company, who is personally known to me or has produced N/A as identification.



Jacinda S. Evans
(SIGNATURE OF PERSON TAKING
ACKNOWLEDGMENT)
JACINDA S. EVANS.
(Name of acknowledger, typed, printed or stamped)
N/A
(Title or rank (serial number, if any))

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EXHIBIT "A"

Parcel 1:

A portion of Tract "B" of Arvida Pompano Park, according to the Plat thereof, recorded in Plat Book 137, Page 33, of the Public Records of Broward County, Florida, being more particularly described as follows:

A parcel of land being a portion of Government Lots 5 and 6, Section 3, Township 49 South, Range 42 East, being more particularly described as follows:

Commence at the Northwest corner of said Section 3; thence on an assumed bearing of South along the West line of said Section 3 a distance of 1707.69 feet to a point on the North line of Government Lots 5 and 6 of said Section 3, said point also being on the Westerly extension of the centerline of Race Track Road; thence S 88° 01' 37" E along said North line, and along said centerline and the extension thereof, a distance of 1328.63 feet; thence S 00° 09' 21" E a distance of 53.00 feet to a point on a line 53.00 feet South of and parallel with the said North line, said point also being on the South right-of-way line of Race Track Road, said point also being the Point of Beginning; thence S 88° 01' 37" E along said parallel line, along said South right-of-way line a distance of 571.42 feet; thence S 00° 09' 21" E a distance of 763.84 feet; thence S 89° 46' 38" W a distance of 585.81 feet; thence N 45° 11' 21" W a distance of 49.53 feet; thence N 00° 09' 21" W a distance of 680.99 feet; thence S 88° 01' 37" E a distance of 49.86 feet; thence N 00° 09' 21" W a distance of 71.60 feet to the Point of Beginning.

Said lands situate, lying and being in Broward County, Florida.

Parcel 2:

A portion of Government Lot 6 of Section 03, Township 49 South, Range 42 East; said portion also being a part of Tract "B" of Arvida Pompano Park, according to the Plat thereof recorded in Plat Book 137, at Page 33, being more particularly described as follows:

Commence at the Northwest corner of the aforementioned Section 3; run thence on an assumed bearing of South 00 degrees 00 minutes 26 seconds West along the West line of said Section 3, a distance of 1708.26 feet to the Northwest corner of Government Lot 5 of said Section 3; thence South 88 degrees 01 minutes 37 seconds East along the North line of said Government Lot 5 and along the Westerly extension of the centerline of Race Track Road and along said centerline, a distance of 1328.63 feet; thence South 00 degrees 09 minutes 21 seconds East a distance of 53.04 feet to a point on the South right-of-way line of Race Track Road as shown on the aforesaid plat of Arvida Pompano Park; thence South 88 degrees 01 minutes 37 seconds East along said South right-of-way line, a distance of 571.42 feet to the Northeast corner of lands described in Official Records Book 15678, at Page 145, of the aforementioned Public Records and the Point of Beginning of the lands herein described; thence, continuing South 88 degrees 01 minutes 37 seconds East along said South right-of-way line, a distance of 689.71 feet to a point for corner; thence South 00 degrees 09 minutes 21 seconds East a distance of 710.57 feet; thence South 51 degrees 23 minutes 55 seconds West a distance of 43.24 feet to a point on the South line of the aforementioned Tract "B", Arvida Pompano Park; thence South 89 degrees 46 minutes 38 seconds West along said South line, a distance of 655.37 feet to the Southeast corner of the aforesaid lands described in Official Records Book 15678, Page 145; thence North 00 degrees 09 minutes 21 seconds West along the East line of said lands, a distance of 763.84 feet to the Point of Beginning.

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Parcel 3:

All of the following described lands lying in and being a part of Section 3, Township 49 South, Range 42 East, Broward County, Florida:

The South 1/2 of the Northwest 1/4, Except the West 33 feet thereof for road right-of-way;

And that part of the South 1/2 of the Northeast 1/4 lying West of the Seaboard Coast Line Railroad;

And Government Lot 5, Except the West 33 feet thereof for road right-of-way, and also Except Arvida Pompano Park, as recorded in Plat Book 137, Page 33, of the Public Records of Broward County, Florida;

And that part of Government Lot 6 lying South of said Plat Book 137, Page 33;

And that part of Government Lot 7 lying South of said Plat Book 137, Page 33 and West of the Seaboard Coast Line Railroad;

Together With a portion of Tract B, of the aforesaid Arvida Pompano Park;

Said lands being more particularly described as follows: Commence at the Northwest corner of the aforementioned Section 3; run

Thence on an assumed bearing of South 00 degrees 00 minutes 26 seconds West along the West line of said Section 3, a distance of 1708.26 feet to the Northwest corner of the aforesaid Government Lot 5;

Thence South 88 degrees 01 minutes 37 seconds East along the North line of said Government Lot 5 and along the Westerly extension of the centerline of Race Track Road and along said centerline, a distance of 1328.63 feet;

Thence South 00 degrees 09 minutes 21 seconds East a distance of 53.03 feet to a point on the South right-of-way line of Race Track Road as shown on the aforementioned Plat of Arvida Pompano Park;

Thence South 88 degrees 01 minutes 37 seconds East along said South of right-of-way, a distance of 571.42 feet to the Northeast corner of the lands described in Official Records Book 15678 at Page 145, of the aforesaid Public Records;

Thence continue South 88 degrees 01 minutes 37 seconds East along said South right-of-way line, a distance of 689.71 feet to the Point of Beginning of the lands herein described;

Thence continue along said right-of-way the following two courses and distances:

South 88 degrees 01 minutes 37 seconds East, a distance of 100.00 feet;

South 88 degrees 07 minutes 14 seconds East, a distance of 1087.87 feet to the point of the aforementioned Westerly right-of-way line of the Seaboard Coast Line Railroad;

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Thence South 13 degrees 04 minutes 16 seconds West along said Westerly right-of-way line, a distance of 2969.90 feet to a point of the South line of the aforesaid South 1/2 of the Northeast 1/4;

Thence North 86 degrees 02 minutes 40 seconds West along said South line and the South line of the aforesaid South 1/2 of the Northwest 1/4, a distance of 3078.57 feet to a point on the East right-of-way line of Powerline Road said point being 33.00 feet by right angle measurement East of the West line of the aforesaid Northwest 1/4 of Section 3;

Thence North 00 degrees 00 minutes 26 seconds East parallel with said West line of the Northwest 1/4 and along said East right-of-way line, a distance of 2039.93 feet to a point on the boundary on the aforesaid Arvida Pompano Park;

Thence along said boundary the following thirteen courses and distances:

South 45 degrees 06 minutes 41 seconds East a distance of 94.55 feet;

North 89 degrees 46 minutes 38 seconds East, a distance of 1025.36 feet;

North 44 degrees 56 minutes 16 seconds East, a distance of 49.49 feet (North 44 degrees 48 minutes 39 seconds East, 49.47 feet per plat);

North 00 degrees 09 minutes 21 seconds West, a distance of 685.69 feet;

North 88 degrees 01 minutes 37 seconds West, a distance of 50.25 feet;

North 00 degrees 09 minutes 21 seconds West, a distance of 71.66 feet (71.60 feet per plat) to a point on the aforementioned South right-of-way line of Racetrack Road;

South 88 degrees 01 minutes 37 seconds East along said South right-of-way line, a distance of 220.15 feet (220.20 feet per plat);

South 00 degrees 09 minutes 21 seconds East, a distance of 71.66 feet (71.60 feet per plat);

North 88 degrees 01 minutes 37 seconds West, a distance of 49.86 feet;

South 00 degrees 09 minutes 21 seconds East, a distance of 680.94 feet 680.99 feet per plat);

South 45 degrees 11 minutes 21 seconds East, a distance of 49.53 feet;

North 89 degrees 46 minutes 38 seconds East, a distance of 1241.18 feet;

North 51 degrees 23 minutes 55 seconds East, a distance of 43.24 feet;

Thence North 00 degrees 09 minutes 21 seconds West, a distance of 710.57 feet to the Point of Beginning.

Less and Except that portion conveyed to the State of Florida Department of Transportation by

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virtue of Warranty Deed recorded July 13, 2007 in Official Records Book 44327, Page 355, of the Public Records of Broward County, Florida.

Also Less and Except that portion located within the plat of Pompano Park Racino Plat, according to the Plat thereof, recorded in Plat Book 181, Page 22, of the Public Records of Broward County, Florida,

Parcel 4:

Parcel A of Pompano Park Racino Plat, according to the Plat thereof, recorded in Plat Book 181, Page 22, of the Public Records of Broward County, Florida.

Less and Except:

A portion of Parcel "A", POMPANO PARK RACINO PLAT, according to the plat thereof, as recorded in Plat Book 181, Pages 22 to 27, of the public records of Broward County, Florida, more fully described as follows:

Beginning (1) at most South, Southeast corner of Tract "A" ARVIDA POMPANO PARK, according to the plat thereof, as recorded in Plat Book 137, Page 33, of the public records of Broward County, Florida; thence Northerly on the East line of said Tract "A", the following four (4) courses and distances; 1) thence North 44°48'39" East, a distance of 49.47 feet; 2) thence North 00°09'21" West, a distance of 685.69 feet; 3) thence North 88°01'37" West, a distance of 50.25 feet; 4) thence North 00°09'21" West, a distance of 59.59 feet to the end of said four (4) courses and distances; thence South 88°01'37" East, on the North line of said Parcel "A", a distance of 220.20 feet; thence Southerly on the West line of Tract "B", of said ARVIDA POMPANO PARK, the following four (4) courses and distances; 1) thence South 00°09'21" East, a distance of 59.59 feet; 2) thence North 88°01'37" West, a distance of 49.86 feet; 3) thence South 00°09'21" East, a distance of 681.01 feet; 4) thence South 45°11'21" East, a distance of 49.53 feet to the end of said four (4) courses and distances; thence South 89°46'38" West, a distance of 190.00 feet to the Point of Beginning (1).

Parcel 5:

Tract "A" of Arvida Pompano Park, according to the Plat thereof, recorded in Plat Book 137, Page 33, of the Public Records of Broward County, Florida; said lands situate, lying and being in Broward County, Florida.

Together With:

A portion of Parcel "A", POMPANO PARK RACINO PLAT, according to the plat thereof, as recorded in Plat Book 181, Pages 22 to 27, of the public records of Broward County, Florida, more fully described as follows:

Beginning (1) at most South, Southeast corner of Tract "A" ARVIDA POMPANO PARK, according to the plat thereof, as recorded in Plat Book 137, Page 33, of the public records of Broward County, Florida; thence Northerly on the East line of said Tract "A", the following four (4) courses and distances; 1) thence North $44^{\circ}48'39''$ East, a distance of 49.47 feet; 2) thence North $00^{\circ}09'21''$ West, a distance of 685.69 feet; 3) thence North $88^{\circ}01'37''$ West, a distance of 50.25 feet; 4) thence North $00^{\circ}09'21''$ West, a distance of 59.59 feet to the end of said four (4) courses and distances; thence South $88^{\circ}01'37''$ East, on the North line of said Parcel "A", a distance of 220.20 feet; thence Southerly on the West line of Tract "B", of said ARVIDA POMPANO PARK, the following four (4) courses and distances; 1) thence South $00^{\circ}09'21''$ East, a distance of 59.59 feet; 2) thence North $88^{\circ}01'37''$ West, a distance of 49.86 feet; 3) thence South $00^{\circ}09'21''$ East, a distance of 681.01 feet; 4) thence South $45^{\circ}11'21''$ East, a distance of 49.53 feet to the end of said four (4) courses and distances; thence South $89^{\circ}46'38''$ West, a distance of 190.00 feet to the Point of Beginning (1)