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RESOLUTION NO. 2020- 196

**CITY OF POMPANO BEACH
Broward County, Florida**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND CONSENTING TO A PARTIAL RELEASE OF DECLARATION OF COVENANTS AND RESTRICTIONS EXECUTED BY PPI, INC., FOR THE PROPERTY LOCATED AT 1800 SW 3RD STREET; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the City of Pompano Beach approves and consents to the Partial Release of Declaration of Covenants and Restrictions executed by PPI, Inc., for the property located at 1800 SW 3rd Street, copy of which Agreement is attached hereto and incorporated by reference as if set forth in full.

SECTION 2. That the proper officials are hereby authorized to execute said Partial Release indicating the City of Pompano Beach's approval and consent.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 23rd day of June, 2020.

DocuSigned by:
Rex Hardin
502CB780EB3F480...
REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Asceleta Hammond
775D4290316A490...
ASCELETA HAMMOND, CITY CLERK

MEB/jrm
4/20/2020
l:reso/2020-198



This Instrument prepared by:

Nicholas G. Milano, Esq.
Holland & Knight LLP
515 East Las Olas Boulevard
Suite 1200
Fort Lauderdale, FL 33301

**PARTIAL RELEASE OF DECLARATION
OF RESTRICTIVE COVENANTS**

THIS PARTIAL RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS (this “Release”) is made and executed this 29th day of June, 2020, by PPI, Inc., a Florida corporation, hereinafter referred to as “Facility”, with an address at 1800 SW 3rd Street, Pompano Beach, FL 33069.

WITNESSETH:

WHEREAS, the Facility, as fee title owner of that certain property, located in Broward County, Florida and more particularly described on Exhibit “A” attached hereto, entered into that certain Declaration of Restrictive Covenants dated January 14, 2005, recorded in Official Records Book 45585, Page 1197, as approved and affected by that certain Resolution No. 2005-253 recorded in Official Records Book 40077, Page 1098, both of the Public Records of Broward County, Florida, (hereinafter, the “Declaration”) for the benefit of the City of Pompano Beach, a political subdivision of the State of Florida (the “City”).

WHEREAS, Facility desires to release that certain real property described on Exhibit “B” attached hereto and made a part hereof from said Declaration.

NOW THEREFORE, in consideration of the premises hereof, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, Owner hereby covenants, stipulates and agrees as follows:

1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.
2. Partial Release of Declaration of Restrictive Covenants. The Declaration recorded in Official Records Book 45585, Page 1197, as approved and affected by that certain Resolution No. 2005-253 recorded in Official Records Book 40077, Page 1098, is hereby released as it relates to the real property more particularly described on Exhibit “B” attached hereto and made a part hereof.

3. City Consent. The City hereby consents to the release of the property described on Exhibit "B" from said Declaration.

4. Defined Terms. All capitalized terms not otherwise defined herein shall have the meaning ascribed to such term in the Declaration.

5. Governing Law. This Release shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF, Facility has caused this Release to be executed in the manner and form sufficient to bind it as of the day and year first above written.

FACILITY:

PPI, Inc., a Florida corporation

DocuSigned by:
Edmund L. Quatmann, Jr.
By: _____
E9D8B5C4EE143B
Name: Edmund L. Quatmann, Jr.
Its: Executive Vice President, Chief Legal Officer
and Secretary

STATE OF NEVADA)
) SS
COUNTY OF WASHOE)

The foregoing instrument was acknowledged before me by means of X remote appearance or _____ online notarization, this 1 day of June , 2020, by Edmund L. Quatmann, Jr., as Executive Vice President, Chief Legal Officer and Secretary of PPI, Inc., a Florida corporation, He [X] is personally known to me OR [] has produced _____ as identification.



M. Marcotte

(Signature of Notary Public)
Margo D. Marcotte
(Typed name of Notary Public)

Commission No.: 19-2130-2
My Commission Expires: 5/15/2023

CONSENT AND ACKNOWLEDGMENT BY THE CITY OF POMPANO BEACH

IN WITNESS WHEREOF, the undersigned acknowledges and consents to the foregoing
Release this 29th day of June, 2020.

CITY:

CITY OF POMPANO BEACH, a
political subdivision of the State of Florida

See City Signature Page Attached
By: _____

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 _____, 2020, by
_____, as _____ of the CITY OF POMPANO
BEACH, a political subdivision of the State of Florida, who is personally known to me or who has
produced _____ as identification.

(Signature of Notary Public)

(Typed name of Notary Public)

Commission No.: _____

My Commission Expires: _____

“CITY”:

Attest:

CITY OF POMPANO BEACH

DocuSigned by:
Ascelita Hammond
775D4290316A490

ASCELETA HAMMOND
CITY CLERK

DocuSigned by:
Rezo Hardin
502CB780EB3F480...
By: _____
REX HARDIN, MAYOR

DocuSigned by:
Gregory P. Harrison
7052A67E15A44C8...
By: _____
GREGORY P. HARRISON, CITY MANAGER

(SEAL)

Approved As To Form:

DocuSigned by:
Mark E. Berman
B4DD5E1CDA804A1

MARK E. BERMAN
CITY ATTORNEY



EXHIBIT "A"

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;

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 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.

EXHIBIT "B"

Parcel 1 - Eastern Parcel

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; AND a portion of Tract "B", ARVIDA POMPANO PARK, according to the plat thereof, as recorded in Plat Book 137, Page 33, of the public records of Broward County, Florida, all more fully described as follows:

Beginning at the Northeast corner of said Tract "B"; thence South 13°03'47" West, on the East line of Tract "B", a distance of 571.93 feet; thence South 89°33'40" West, a distance of 983.82 feet; thence South 00°12'27" East, a distance of 417.01 feet to a point of curve; thence Southerly and Westerly on said curve to the right, with a radius of 35.00 feet, a central angle of 68°04'48", an arc distance of 41.59 feet to a point of tangency; thence South 67°52'22" West, a distance of 793.38 feet; thence North 00°13'22" West, a distance of 612.10 feet; thence North 89°46'38" East, on a North line of said Parcel "A", a distance of 693.12 feet; thence North 00°12'27" West, a distance of 737.15 feet; thence South 88°01'37" East, on the North line of said Tract "B", a distance of 93.02 feet; thence South 88°07'14" East, on said North line, a distance of 1087.87 feet to the Point of Beginning.

Parcel 2 – Western/Southern Parcel

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:

Commencing at the most South, Southeast corner of Tract "A" of 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 South 89°46'38" West, on a North line of said Parcel "A", a distance of 233.99 feet to the Point of Beginning; thence South 00°13'22" East, a distance of 1294.17 feet to a point of curve; thence Southerly and Easterly on said curve to the left, with a radius of 381.54 feet, a central angle of 112°53'46", an arc distance of 751.78 feet to a point of tangency; thence North 66°52'52" East, a distance of 608.35 feet; thence North 89°18'19" East, a distance of 1302.66 feet; thence South 13°03'47" West, on the East line of said Parcel "A", a distance of 819.93 feet to the Southeast corner of said Parcel "A"; thence North 86°02'56" West, on the South line of said Parcel "A", a distance of 3027.64 feet to the Southwest corner of said Parcel "A"; thence Northerly on the Westerly line of said Parcel "A", the following fifteen (15) courses and distances; 1) thence North 00°00'00" East, a distance of 243.52 feet; 2) thence North 90°00'00" West, a distance of 12.00 feet; 3) thence North 00°00'00" East, a distance of 110.00 feet; 4) thence North 90°00'00" East, a distance of 3.00 feet; 5) thence North 00°00'00" East, a distance of 40.00 feet; 6) thence North 90°00'00" West, a distance of 3.00 feet; 7) thence North 00°00'00" East, a distance of 967.18 feet; 8) thence North 90°00'00" East, a distance of 3.00 feet;

9) thence North 00°00'00" East, a distance of 40.00 feet; 10) thence North 90°00'00" West, a distance of 3.00 feet; 11) thence North 00°00'00" East, a distance of 131.17 feet; 12) thence North 13°29'45" East, a distance of 51.42 feet; 13) North 00°00'00" East, a distance of 291.83 feet; 14) thence North 45°00'00" East, a distance of 25.45 feet; 15) thence North 00°13'22" West, a distance of 84.24 feet to the end of said fifteen (15) courses and distances; thence North 89°46'38" East, on a North line of said Parcel "A", a distance of 789.68 feet to the Point of Beginning.

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

Parcel 3 – Roadway Parcel – Lucky Drive

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).

