

RESOLUTION NO. 2019-

29

POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY

A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA), APPROVING AND AUTHORIZING THE PROPER OFFICIALS TO EXECUTE A UNITY OF USE AGREEMENT BETWEEN THE CRA AND TEPM, INC., BLAISE AND ALGALITE AUGUSTIN, WILLY FRANCOIS, OLD GOAT, LLC AND OLD TOWNE FLAGLER, LLC; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY THAT:

SECTION 1. That the Unity of Use Agreement, a copy of which is attached hereto and made part hereof as if set forth in full, is hereby approved.

SECTION 2. The proper officials are hereby authorized to execute said Agreement between the CRA and TEPM, INC., Blaise and Algalite Augustin, Willy Francois, Old Goat, LLC and Old Towne Flagler, LLC.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 16th day of April, 2019.



REX HARDIN, CHAIRPERSON

ATTEST:



MARSHA CARMICHAEL, SECRETARY

AAC

PZ19-12000006

09/23/19

This instrument was prepared by Kimberly Vazquez
Record and return to:

Pompano Beach Community Redevelopment Agency
100 W Atlantic Boulevard
Room 276
Pompano Beach, Florida 33060

Parcel Folio Numbers: 4842 3508 0170
4842 3508 0140
4842 3508 0110
4842 3508 0090
4842 3508 0100
4842 3508 0160
4842 3508 0150

UNITY OF USE AGREEMENT

April 29 THIS UNITY OF USE AGREEMENT ("Agreement") dated as of _____, 2019, is made among TEPM, INC., a Florida corporation ("TEPM"); BLAISE AND ALGALITE AUGUSTIN (collectively, "Augustin"); WILLY FRANCOIS (collectively, "Francois"); OLD GOAT, LLC (collectively, "Old Goat") a Florida corporation; OLD TOWNE FLAGLER, LLC (collectively "Old Towne"), a Florida corporation and the POMPANO BEACH COMMUNITY REDVELOPMENT AGENCY, a public body created pursuant to Part III of Chapter 163, Florida Statutes ("CRA").

RECITALS:

TEPM is the owner of two parcels of real property ("Parcel A" and "Parcel B," respectively), located in the City of Pompano Beach, Broward County, Florida and more particularly described in Exhibit A attached to this Agreement.

Augustin is the owner of a parcel of real property ("Parcel C") located in the City of Pompano Beach, Broward County, Florida and more particularly described in Exhibit A attached to this Agreement.

Francois is the owner of a parcel of real property ("Parcel D") located in the City of Pompano Beach, Broward County, Florida and more particularly described in Exhibit A attached to this Agreement.

Old Goat is the owner of a parcel of real property ("Parcel E") located in the City of Pompano Beach, Broward County, Florida and more particularly described in Exhibit A attached to this Agreement.

Old Towne is the owner of two parcels of real property ("Parcel F" and "Parcel G") located in the City of Pompano Beach, Broward County, Florida and more particularly described in Exhibit A attached to this Agreement.

Each of TEPM, Augustin, Francois, Old Goat and Old Towne is an "Owner," and they are collectively the "Owners."

Parcels A, B, C, D, E, F and G are collectively the "Parcels"

CRA is the tenant of Parcels A, B, C, D, E, F and G pursuant to the following leases (collectively, "CRA Leases"):

Lease Agreements between TEPM and CRA dated March 1, 2017, and January 22, 2019 ("TEPM Lease")

Lease Agreement between Augustin and CRA dated September 21, 2012 ("Augustin Lease")

Lease Agreement between Francois and CRA dated October 4, 2018 ("Francois Lease")

Lease Agreement between Old Goat and CRA dated January 22, 2019 ("Old Goat Lease")

Lease Agreement between Old Towne and CRA dated January 22, 2019 ("Old Towne Lease")

The City of Pompano Beach, Florida ("City") Planning and Zoning Board has approved the unified commercial plan for the Parcels pursuant to Development Order _____ adopted on _____ ("Development Order"). The approved unified commercial plan is attached as Exhibit B ("Unified Site Plan").

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties here to intending to be legally bound, do hereby agree as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. The Owners and CRA hereby agree that following the issuance of a building permit(s) for any improvements to be constructed on the Parcels in accordance with the Development Order and Unified Site Plan, the Parcels shall be developed as a unified project. Accordingly, in the event the Owners and CRA desire to amend the Unified Site Plan, the Owners and CRA shall submit one application to the City to obtain the City's review and approval of a proposed amendment to the Unified Site Plan.
3. The requirement for a Unified Site Plan shall not prohibit any Owner from independently submitting applications to the City for a change to the site plan for its respective Parcel.

4. This Agreement shall constitute a covenant running with the land, as provided by law, and shall be binding upon the undersigned, their successors and assigns, and all parties claiming hereunder.
5. The parties agree this instrument shall be recorded in the Public Records of Broward County, Florida.
6. Except as expressly provided herein, this Agreement may not be terminated or amended without the express written consent of the Zoning Director of the City.
7. This Agreement may be executed in counter parts, each of which shall be deemed to be an original, but all constituting only one Agreement.

[SIGNATURE BLOCKS ON FOLLOWING PAGES]

Witnesses:

Christine L. King

Print name: Christine King

Robert Liff

Print name: Robert Liff

TEPM, INC, a Florida corporation

By: T E McMahon

Print name: T E McMahon

Title: President

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF BROWARD

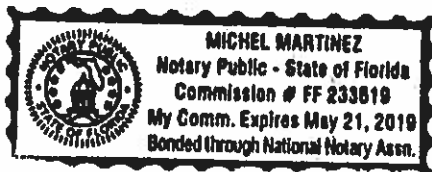
The foregoing instrument was acknowledged before me this 8th day of April, 2019, by Thomas McMahon as President of TEPM, INC., a Florida corporation, on behalf of the corporation. He or she is personally known to me or has produced as identification.

NOTARY SEAL

Notary Public, State of Florida

Print name: Michel Martine

My commission expires: 5-21-19



Witnesses:



Print name:


Kimberly VAZQUEZ



Print name:

NGUYEN TRAN

Blaise and Algalite Augustin, Owners



Blaise Augustin



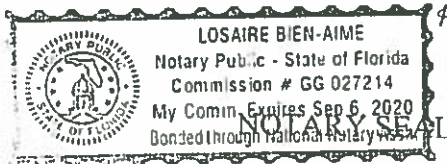
Algalite Augustin

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 10th day of April, 2019, by Blaise and Algalite Augustin, owners. They are personally known to me or have produced FDL A223-06053-119-D as identification.

FDL A223-015-56-53-0



Notary Public, State of Florida

Print name: LOSAIRE Bien-Aime

My commission expires: _____

Witnesses:

[Signature]

Print name: Nguyen Tran

[Signature]

Print name: Marsha Carmichael

Willy Francois, Owner

By: [Signature]

Print name: Willy Francois

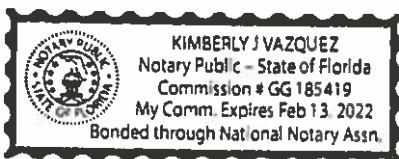
ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 10th day of April, 2019, by Willy Francois as owner of WILLY FRANCOIS, owner. He or she is personally known to me or has produced FL652880614490 as identification.
FLDC

NOTARY SEAL



[Signature]
Notary Public, State of Florida
Print name: Kimberly Vazquez
My commission expires: 02/13/2022

Old Goat, LLC, a Florida limited liability corporation

Witnesses:

Yanis Balano
Print name: Yanis Balano

Danielle DeVine
Print name: Danielle DeVine

ED BROCCOLI
Print name: ED BROCCOLI

By: [Signature]
Print name: FEDERICA DOUGHI
Title: Manager

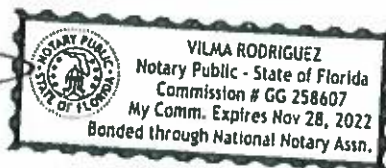
By: _____
Print name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 11 day of April, 2019, by FEDERICA DOUGHI as MANAGER of OLD GOAT, LLC, a Florida limited liability corporation, on behalf of the corporation. He or she is personally known to me or has produced _____ as identification.

[Signature]



Old Towne Flagler, LLC, a Florida limited liability corporation

Witnesses:

Janice M. Pennington
Print name: JANICE M. PENNINGTON

Print name: _____

Janice M. Pennington
Print name: JANICE M. PENNINGTON

By: Christopher J. Brown
Print name: CHRISTOPHER J. BROWN
Title: MEMBER

By: Kim Brieschmeister
Print name: Kim Brieschmeister
Title: President, MetroStrategies, Inc.
as Member

ACKNOWLEDGMENT

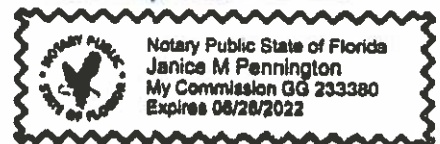
STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 2nd day of April, 2019, by Christopher J. Brown as Member of OLD TOWNE FLAGLER, LLC, a Florida limited liability corporation, on behalf of the corporation. He or she is personally known to me or has produced _____ as identification.

NOTARY SEAL

Janice M. Pennington
Notary Public, State of Florida
Print name: JANICE M. PENNINGTON
My commission expires: 6/28/2022



Witnesses:

POMPANO BEACH COMMUNITY
REDEVELOPMENT AGENCY

Sandra M. Morway

Print Name: SANDRA M MORWAY

Audrey G. Suttle

Print Name: Audrey G. Suttle

Kimberly Vazquez

Print Name: Kimberly Vazquez

By: _____

Rex Hardin, Chairman

By: _____

Gregory P. Harrison, Executive Director

ATTEST:

Marsha Carmichael
Marsha Carmichael, Secretary

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 29th day of April, 2019 by Rex Hardin, as Chairman, Gregory P. Harrison as Executive Director, and Marsha Carmichael as Secretary, all of the Pompano Beach Community Redevelopment Agency, who are personally known to me.

NOTARY'S SEAL:

Kimberly S Vazquez
NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

00188419
Commission Number

Exhibit A

LEGAL DESCRIPTIONS FOR PARCELS A, B, C, D, E, F and

PARCEL A
(owned by TEPM, Inc.)

Resubdivision of Lot 15 of Section 35, Township 48 South, Range 42 E, according to the Plat thereof, as recorded in Plat Book "B" Page 76, D Lot 8 W 56.80 of East 110 of S 20 of Resubdivision of Lot 15 TOG with Lot 9 East, 110 OF North ½.

PARCEL B
(owned by TEPM, Inc.)

A PORTION OF LOT 9, RE-SUBDIVISION OF LOT 15 OF SUBDIVISION OF SEC. 35 T.48.S. R.42E., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THAT N.E. CORNER OF LOT 8 OF SAID PLAT; THENCE SOUTH 88°56'30" WEST, ALONG THE NORTH LINE OF SAID LOT 8, 5.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF N.E. 1st AVENUE AS SHOWN ON THE CITY OF POMPANO BEACH RIGHT OF WAY MAP NO. 74, S ½ OF S.E. ¼, SEC. 35, TWP. 48 S., R. 42 E., DATED 4/26/71; THENCE SOUTH 01°10'38" EAST, ALONG SAID WEST RIGHT OF WAY LINE, 200.28 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THAT 10.00 FOOT ALLEY AS SHOWN ON SAID CITY RIGHT OF WAY MAP, ALSO BEING THE SOUTH LINE OF SAID LOT 9; THENCE SOUTH 88°56'30" WEST, ALONG SAID SOUTH LOT LINE, 95.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LOT LINE, SOUTH 88°56'30" WEST, 15.00 FEET; THENCE NORTH 01°11'46" WEST, 50.07 FEET; THENCE NORTH 88°56'30" EAST, 15.00 FEET; THENCE SOUTH 01°11'46" EAST, 50.07 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 751 SQUARE FEET (0.017 ACRES) MORE OR LESS.

PARCEL C
(owned by Willy Francois)

The East 72 Feet of the following described property:

The North 27.00 Feet of the South 47.00 Feet of Lot 8, of the Resubdivision of Lot 15, of the Subdivision of Section 35, Township 48 South, Range 42 East, according to the Plat thereof, as recorded in Plat Book "B", Page 76, of the Public Records of Dade County, Florida. Said lands situate, lying and being in Broward County, Florida.

PARCEL D
(owned by Blaise and Algalite Augustin)

The East 72 Feet of the following described property:

The North 53.00 Feet of Lot 8, of the Resubdivision of Lot 15, of the Subdivision of Section 35, Township 48 South, Range 42 East, according to the Plat thereof, as recorded in Plat Book "B", Page 76, of the Public Records of Dade County, Florida. Said lands situate, lying and being in Broward County, Florida.

PARCEL E
(owned by Old Goat, LLC)

A PORTION OF LOT 8, RE-SUBDIVISION OF LOT 15 OF SUBDIVISION OF SEC. 35 T.48.S. R.42E., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THAT N.E. CORNER OF LOT 8 OF SAID PLAT; THENCE SOUTH 88°56'30" WEST, ALONG THE NORTH LINE OF SAID LOT 8, 5.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF N.E. 1st AVENUE AS SHOWN ON THE CITY OF POMPANO BEACH RIGHT OF WAY MAP NO. 74, S $\frac{1}{2}$ OF S.E. $\frac{1}{4}$, SEC. 35, TWP. 48 S., R. 42 E., DATED 4/26/71; THENCE SOUTH 01°10'38" EAST, ALONG SAID WEST RIGHT OF WAY LINE, 100.14 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 8; THENCE SOUTH 88°56'30" WEST, ALONG SAID SOUTH LINE, 105.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 88°56'30" WEST, 15.97 FEET TO THE EAST FACE OF A BUILDING; THENCE NORTH 00°37'29" WEST, ALONG SAID BUILDING FACE, 20.00 FEET; THENCE NORTH 88°56'30" EAST, 15.78 FEET; THENCE SOUTH 01°10'37" EAST, 20.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 318 SQUARE FEET (0.007 ACRES) MORE OR LESS.

PARCEL F
(owned by Old Towne Flagler, LLC)

A PORTION OF LOT 9, RE-SUBDIVISION OF LOT 15 OF SUBDIVISION OF SEC. 35 T.48.S. R.42E., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THAT N.E. CORNER OF LOT 8 OF SAID PLAT; THENCE SOUTH 88°56'30" WEST, ALONG THE NORTH LINE OF SAID LOT 8, 5.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF N.E. 1st AVENUE AS SHOWN ON THE CITY OF POMPANO BEACH RIGHT OF WAY MAP NO. 74, S ½ OF S.E. ¼, SEC. 35, TWP. 48 S., R. 42 E., DATED 4/26/71; THENCE SOUTH 01°10'38" EAST, ALONG SAID WEST RIGHT OF WAY LINE, 200.28 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THAT 10.00 FOOT ALLEY AS SHOWN ON SAID CITY RIGHT OF WAY MAP, ALSO BEING THE SOUTH LINE OF SAID LOT 9; THENCE SOUTH 88°56'30" WEST, ALONG SAID SOUTH LOT LINE, 110.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 88°56'30" WEST, 117.70 FEET; THENCE NORTH 13°35'48" EAST, 12.67 FEET TO THE SOUTH FACE OF A BUILDING; THENCE NORTH 89°45'43" EAST, ALONG SAID BUILDING FACE, 100.60 FEET TO THE EAST FACE OF SAID BUILDING; THENCE NORTH 01°27'26" WEST, ALONG SAID BUILDING FACE, 39.25 FEET; THENCE NORTH 88°56'30" EAST, 14.06 FEET; THENCE SOUTH 01°11'46" EAST, 50.07 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 1,879 SQUARE FEET (0.043 ACRES) MORE OR LESS.

PARCEL G
(owned by Old Towne Flagler, LLC)

A PORTION OF LOT 9, RE-SUBDIVISION OF LOT 15 OF SUBDIVISION OF SEC. 35 T.48.S. R.42E., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THAT N.E. CORNER OF LOT 8 OF SAID PLAT; THENCE SOUTH 88°56'30" WEST, ALONG THE NORTH LINE OF SAID LOT 8, 5.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF N.E. 1st AVENUE AS SHOWN ON THE CITY OF POMPANO BEACH RIGHT OF WAY MAP NO. 74, S ½ OF S.E. ¼, SEC. 35, TWP. 48 S., R. 42 E., DATED 4/26/71; THENCE SOUTH 01°10'38" EAST, ALONG SAID WEST RIGHT OF WAY LINE, 100.14 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 9; THENCE SOUTH 88°56'30" WEST, ALONG SAID NORTH LINE, 105.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°10'37" EAST, 50.07 FEET; THENCE SOUTH 88°56'30" WEST, 16.45 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST FACE OF A BUILDING; THENCE NORTH 00°37'29" WEST, ALONG SAID EAST FACE AND ITS SOUTHERLY EXTENSION, 50.07 FEET; THENCE NORTH 88°56'30" EAST, 15.97 FEET TO THE POINT OF BEGINNING

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, AND CONTAINING 812 SQUARE FEET (0.019 ACRES) MORE OR LESS.

Exhibit B
UNIFIED SITE PLAN

