

Prepared by and return to:
Suzanne A. Dockerty, Esquire
J. Patrick Fitzgerald & Associates, P.A.
110 Merrick Way, Suite 3B
Coral Gables, Florida 33134

BUILDING HEIGHT AND DENSITY RESTRICTED COVENANT

KNOW ALL BY THESE PRESENTS that The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole, with an address at 9401 Biscayne Boulevard, Miami Shores, Florida 33138 (the "Owner") hereby makes, declares and imposes on the land herein described, these covenants running with the title to the land, which shall be binding on the Owner, all heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through or under them:

WHEREAS, Owner holds the fee simple title to the land in Broward County, Florida, described in Exhibit "A," attached hereto and made a part of hereof, hereinafter called the "Property".

WHEREAS, Owner has filed a Rezoning Application with the City of Pompano Beach, Florida (the "City") and a Small Scale Land Use Plan Amendment Application with the City and with Broward County, Florida (the "County") to allow development of up to a 251 unit residential apartment for low income seniors; and

WHEREAS, Owner currently has a church and ancillary uses on the Property which will remain active; and

WHEREAS, in order to assure the City and the County that the representations made to them by the Owner in the Rezoning Application and the Small Scale Land Use Plan Amendment Applications will be abided by, the Owner, its successors and assigns, freely, voluntarily and without duress, makes the following Covenant covering and running with the Property:

NOW, THEREFORE, in consideration of the covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, applicant, its successors and assigns, does hereby covenant and agree as follows:

1. **General.** Owner agrees to develop the Property with up to a maximum of 251 unit residential apartment. The height of the residential apartment buildings shall be restricted to a maximum of 49 feet measured from the finish floor elevation at grade to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. The height limitations shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human

occupancy; nor to chimneys, ventilators, skylights, water tanks, elevator rooms/shafts, bulkheads, similar features, telecommunications antennas, and necessary mechanical appurtenances usually carried above the roof level.

2. Covenant Running With the Land. This Covenant shall constitute covenant running with the land and shall be recorded in the Public Records of Broward County, Florida, and shall remain in full force and effect and shall be binding upon applicant and its successors and assigns until such time as the same is modified or released or as otherwise provided in this Covenant.
3. Amendments. This Covenant runs in favor of and for the benefit of the City and County. This Covenant shall not be modified, amended, or released as to any portion of the Property except by written instrument, executed by the then owner(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the City and County. Any modification, amendment, or release of this Covenant shall be recorded in the Public Records of Broward County, Florida
4. Governing Law. This Covenant shall be governed by and construed in accordance with the laws of the State of Florida, both as to substantive rights and those governing remedies.
5. Notice. Any notice required to be given herein shall be given by personal delivery or by certified U.S. mail or overnight express delivery at the address specified above.
6. Severability. If any provision of this Covenant shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired.

[Signature Pages Directly Follow]

Signed, witnessed, executed and acknowledged on this 8th day of Oct, 2012.

Witnesses

By: Sister Elizabeth Worley
Print Name: Sister Elizabeth Worley

By: Thomas G. Wenski
The Most Reverend Thomas G. Wenski,
Archbishop of the Archdiocese of Miami, his
successors in office, a corporation sole

By: Janet Bancano
Print Name: Janet Bancano

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me the 8th day of October, 2012
by the Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami, his
successors in office, a corporation sole

Notary Public

Janeth McPherson Arguello
Print Name: Janeth McPherson-Arguello
My Commission Expires: 5/28/2015



Janeth McPherson-Arguello
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE095931
Expires 5/28/2015

Exhibit "A"
Legal Description

The Plat of "St. Joseph Haitian Catholic Mission" as recorded in Plat Book 142 at Page 5, of the Public Records of Broward County, Florida,

THE SAME BEING DESCRIBED AS FOLLOWS:

A parcel of land in the South 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 35, Township 48 South, Range 42 East, said parcel being more particularly described as follows:

Commencing at the intersection of the North line of said South 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 35, with the Easterly Right of Way Line of N. W. 6th Avenue; thence run South 0 degrees 48 minutes 19 seconds East (on an assumed bearing) 221.92 feet along said Easterly Right of Way line to the Point of Beginning; thence run North 89 degrees 50 minutes 35 seconds East 829.59 feet along a line parallel with the South line of the Northeast 1/4 of the Northwest 1/4 of Section 35; thence run South 0 degrees 17 minutes 59 seconds West 442.42 feet along the West line of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4, to an intersection with said South line of the Northeast 1/4 of the Northwest 1/4 of said Section 35; thence run South 89 degrees 50 minutes 35 seconds West 821.06 feet along said South line, to an intersection with said East Right of Way line of N. W. 6th Avenue; thence run North 0 degrees 48 minutes 19 seconds West 442.42 feet along said East Right of Way line, to the Point of Beginning.

Said lands situate in the City of Pompano Beach, Broward County, Florida, and containing 8.382 Acres, more or less.