

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH FRANK'S RISTORANTE, INC., PERMITTING THE SECOND FLOOR OF THE RESTAURANT TO BE OPERATED DURING THE NIGHT TIME ONLY UNDER CERTAIN PRESCRIBED CONDITIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 50.44(d), Zoning Code, allows a portion of the parking facilities of a use in operation during the day time only to be used to satisfy the parking facilities for a use in operation during the night time only, provided an Agreement is entered into with the City of Pompano Beach; and

WHEREAS, the owner of the night time use is willing to enter into an Agreement with the City of Pompano Beach in accordance with the provisions of Section 50.44(d), Zoning Code; now, therefore

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

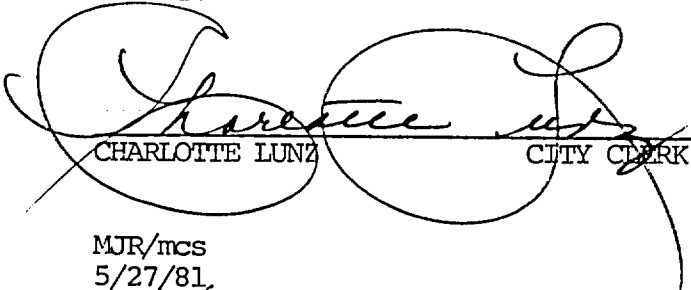
SECTION 1: That the proper City officials are hereby authorized to execute an Agreement with Frank's Ristorante, Inc., a Florida corporation, providing that certain parking facilities of a use in operation during the day time only may be used to satisfy the parking requirements for the second floor of the restaurant in operation during the night time only as more fully set forth therein, a copy of which Agreement is attached hereto and made a part hereof as if set forth in full.


SECTION 2: This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 2nd day of June, 1981.


EMMA LOU OLSON MAYOR

ATTEST:


CHARLOTTE LUNZ CITY CLERK

MJR/mcs
5/27/81
#270 

81-167862

RES: 81-180

SPECIAL EXCEPTION AGREEMENT

AGREEMENT Made this 2nd day of June, 1981,
between the City of Pompano Beach, and Frank's Ristorante,
Inc.

WHEREAS, FRANK'S RISTORANTE, INC. conducts a restaurant
business upon a portion of the following described property:

Lot 3 and Lots 18 through 28, inclusive in
Block 6 of POMPANO BEACH BLOUNT BROS. REALTY
CO.'S SUBDIVISION, excepting therefrom the
West 15 feet of Lots 18, 19 and 20, in
Block 6, of POMPANO BEACH BLOUNT BROS. REALTY
CO.'S SUBDIVISION, according to the Plat
thereof, recorded in Plat Book 2, Page 43,
of the Public Records of Broward County,
Florida.

and

Lot 29, less the East 16 inches thereof and
less State Road right-of-way, in Block 6, of
POMPANO BEACH BLOUNT BROS. REALTY CO.'S
SUBDIVISION, according to the Plat thereof,
recorded in Plat Book 2, Page 43, of the Public
Records of Broward County, Florida.

also less

The State Road right-of-way on the North portion
of said lots 20 through 28 inclusive.

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

WHEREAS, the City of Pompano Beach has enacted Ordinance
No. 81-37 providing for the joint use of parking facilities
by businesses under certain conditions, and

WHEREAS, Frank's Ristorante, Inc. has applied to the
Zoning Board of Appeals to grant such special parking exception,
and

WHEREAS, the Zoning Board of Appeals will grant the
special exception requested upon the following conditions.

RETURN TO: CHARLOTTE LUNZ, CITY CLERK
CITY OF POMPANO BEACH
P. O. BOX 1300
POMPANO BEACH, FLA. 33061

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June

NOW, THEREFORE, it is agreed:

1. The parties stipulate and agree:

a. The above described property contains 59 parking spaces for the businesses located thereon.

b. Of those 59 parking spaces, 25 are required by the existing zoning ordinances for the restaurant business operated by Frank's Ristorante, Inc., excluding the present second floor of the restaurant.

c. Of the remaining 34 parking spaces used by the other businesses during the day, 75% or 25 spaces are available for use by Frank's Ristorante, Inc. during the night time under Ordinance No. 81-37.

d. Under existing ordinances the second floor of the restaurant requires twenty parking spaces.

e. The parking facilities are located on adjoining lots not separated by waterways, streets or right-of-ways.

f. The second floor of the restaurant is located on Lot 28, Block 6 of Pompano Beach Blount Bros. Realty Co.'s Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 43, of the Public Records of Broward County, Florida.

2. Based upon the facts set forth in paragraph one, the second floor of the premises located upon the land described in subparagraph f above may be operated as a restaurant under the following conditions:

a. The second floor of the premises shall be used only during the nighttime, provided the other businesses on the property (described

on page 1) are not open and do not need the twenty spaces allocated to the second floor restaurant use.

b. The second floor area may be used only for restaurant purposes.

3. These covenants are to run with the land and shall be for the benefit of, and be binding upon, all parties and all persons claiming under them until this agreement is terminated by mutual consent of the parties hereto or their successors in interest.

IN WITNESS WHEREOF, the parties have signed this agreement the day and year first above written.

SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF:

CITY OF POMPANO BEACH

Theda Loughurst
Edith D. Parsons

BY: Emma Lou Olson
EMMA LOU OLSON, Mayor
BY: John H. Schoeberlein
JOHN H. SCHOEBERLEIN,
City Manager,

(CORPORATE SEAL)

ATTEST:

Charlotte Lutz
CHARLOTTE LUTZ, City Clerk

APPROVED AS TO FORM

BY: Donald C. Roberge
DONALD C. ROBERGE,
City Attorney

FRANK'S RISTORANTE, INC.

BY: Frank DiMaria
FRANK DIMARIA, President

(CORPORATE SEAL)

PLAZA DEL MARE, INC.

BY: Frank DiMaria
FRANK DIMARIA, President

(CORPORATE SEAL)

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STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared EMMA LOU OLSON, Mayor of the City of Pompano Beach, JOHN H. SCHOEBERLEIN, City Manager of the City of Pompano Beach, and CHARLOTTE LUNZ, City Clerk of the City of Pompano Beach, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of June, 1981.


NOTARY PUBLIC

My Commission Expires:
Notary Public, State of Florida at Large
My Commission Expires Jan. 11, 1984
Bonded By American Fire & Casualty Company

STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared FRANK DiMARIA, President of Frank's Ristorante, Inc., to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of May, 1981.


NOTARY PUBLIC

My Commission Expires:
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 8 1982
BONDED THRU GENERAL INS. UNDERWRITERS

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STATE OF FLORIDA
COUNTY OF BROWARD

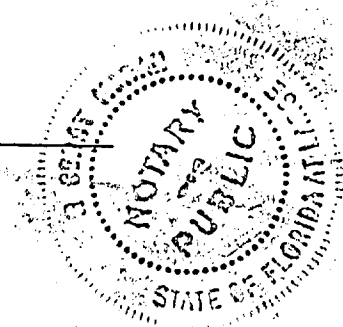
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared FRANK DiMARIA, President of PLAZA DEL MARE, INC., to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this *22nd* day of May, 1981.


NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 8 1982
BOND'D THRU GENER. INS. UNDERWRITERS



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RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
GRAHAM W. WATT
COUNTY ADMINISTRATOR