

1401 EAST BROWARD BOULEVARD, SUITE 303 FORT LAUDERDALE, FLORIDA 33301 DIRECT DIAL: 954.779.1123

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July 9, 2018

VIA EMAIL Maggie.Barszewski@copbfl.com

Maggie Barszewski, Planner City of Pompano Beach 100 West Atlantic Boulevard Pompano Beach, FL 33060

> RE: Bridge Powerline – Termination/Release of Declaration of Restrictive Covenants Regarding Project Access – correction to ownership information

Dear Maggie,

On March 27, 2018, the Commission approved a Termination/Release of the Declaration of Restrictive Covenants regarding Project Access (ORB 46881 PG1473). The Termination/Release only cited one property owner: Bridge Powerline LLC, and the City approved and executed the instrument as it was presented. However, prior to transmitting the Termination/Release to Broward County for execution, the title search revealed that there are now two (2) owners of the property covered by the Termination (not one). Unbeknownst to me, approximately a few days before the Commission hearing, Bridge Powerline LLC, carved out and transferred the outparcel of the property to another Bridge entity (Bridge Powerline Frontage LLC). Because the Termination/Release needs to be signed by all owners, we are respectfully requesting the City to re-execute the Termination/Release with the updated ownership information and signature pages. Other than the additional owner, signature page and updated address, there are no substantive changes.

Attached are the following:

- 1 Property Appraiser print-outs;
- 2 City Commission approved Termination;
- 3 Redline comparing approved vs. revised Termination
- 4 Clean version of the Termination with the additional Bridge entity as owner

I apologize for any inconvenience this has caused. Should you have any questions or require additional information, please let me know.

Very truly yours,

Nectaria M. Chakas

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NMC/sa Enclosures

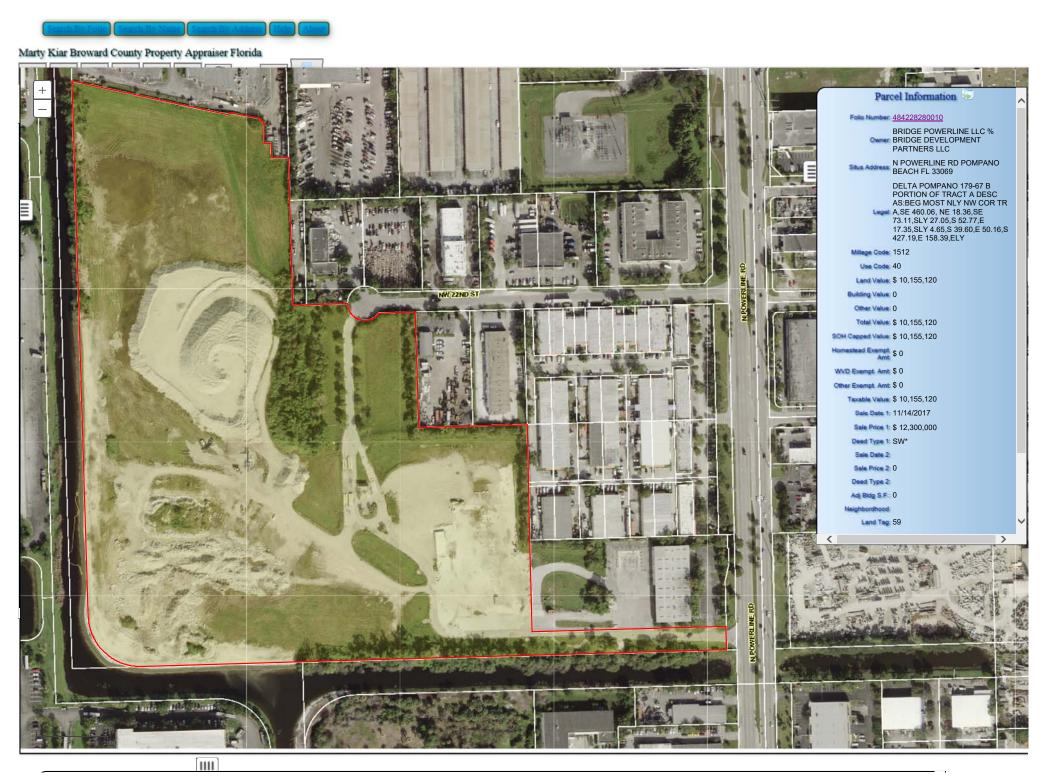
cc: David L. Recor, Development Services Director (via email)

Mark Berman, City Attorney (via email)

BCPA Web Map



BCPA Web Map



Deg. 14

RESOLUTION NO. 2018- 121

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 TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS BY AND BETWEEN BRIDGE POWERLINE, LLC AND BROWARD COUNTY; 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 Termination/Release of Declaration of Restrictive Covenants for Project Access, 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 Agreement indicating the City of Pompano Beach's approval and consent.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 27th day of March , 2018.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm 3/9/18 1:reso/2018-143

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RESOLUTION NO. 2018- 121

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 TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS BY AND BETWEEN BRIDGE POWERLINE, LLC AND BROWARD COUNTY; PROVIDING AN EFFECTIVE DATE.

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SECTION 1. That the City of Pompano Beach approves and consents to the Termination/Release of Declaration of Restrictive Covenants for Project Access, copy of which Agreement is attached hereto and incorporated by reference as if set forth in full.

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PASSED AND ADOPTED this 27th day of March , 2018.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm 3/9/18 1:reso/2018-143 Prepared by and return to:

Nectaria M. Chakas, Esq. Lochrie & Chakas, P.A. 1401 E. Broward Boulevard, Suite 200 Ft. Lauderdale, FL 33301

Folio No. 484228280010 and 484228280011

TERMINATION / RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS

This TERMINATION/RELEASE	OF DECLARATION	OF RESTRICTIVE C	COVENANTS FOR
PROJECT ACCESS is entered into this	day of		18 by and between
BRIDGE POWERLINE, LLC, a Florida l	imited liability compa	any having a principal	address of 350 W.
Hubbard Street, Suite 430, Chicago, IL	60654 ("DEVELO	PER") and Broward	County, a political
subdivision of the State of Florida, having	g an address of 115 S	S. Andrews Avenue, F	ort Lauderdale, FL
33301 ("County").			

RECITALS:

WHEREAS, on November 14, 2017, DEVELOPER became the fee simple owner of a parcel of land located in the City of Pompano Beach, which parcel is subject to the Delta Pompano Plat recorded in Plat Book 179, Page 67 of the Public Records of Broward County, Florida and more particularly described on **Exhibit A** attached hereto and made a part hereof (the "Plat");

WHEREAS, as a condition of approval of the Plat, the County required DEVELOPER'S predecessor in title to record a declaration which limited and restricted the location and operation of access to, from, and throughout the Plat; and

WHEREAS, to comply with the condition of approval, a Declaration of Restrictive Covenants for Project Access in favor of the County dated January 15, 2010, was recorded in Official Records Book 46881, Page 1473, of the Public Records of Broward County, Florida (the "Declaration").

WHEREAS, DEVELOPER requested to amend the Plat to modify the project access; and

WHEREAS, as a result of the modifications to the project access, the Declaration is no longer needed and the parties wish to terminate the Declaration; and

WHEREAS, the County and City of Pompano Beach have no objection and consent to the termination/release of the Declaration;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto intending to be legally bound do hereby agree as follows:

- 1. Recitals. The foregoing recitals are true and correct and incorporated herein.
- **2. Release/Termination.** County hereby consents to and acknowledges the termination of the Declaration and releases and discharges the Plat from the covenants and restrictions established by the Declaration except those covenants and restrictions that specifically survive the early termination of the Declaration under the terms of the Declaration.
- 3. Consent by City of Pompano/Broward County. In accordance with Section 6 of the Declaration, the City of Pompano Beach and Broward County hereby approve and consent to the termination/release of the Declaration.

IN WITNESS WHEREOF, the County, City of Pompano Beach, and DEVELOPER have made and executed this TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, acting by and through its Mayor or Vice-Mayor, authorized to execute same; CITY OF POMPANO BEACH through its Commission, acting by and through its Mayor or Vice Mayor, authorized to execute same, and DEVELOPER, acting by and through its manager, duly authorized to execute same.

COUNTY

ATTEST:	BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS
County Administrator and Ex-Officio Clerk of the Board of County Commissioners of Broward County, Florida	By Mayor day of, 20
	Approved as to form by Office of County Attorney Broward County, Florida Governmental Center, Suite 423 115 South Andrews Avenue Fort Lauderdale, Florida 33301 Telephone: (954) 357-7600 Telecopier: (954) 357-6968
	By Assistant County Attorney
	day of, 20

TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS

WITNESSES:	CITY OF POMPANO BEACH, a municipal corporation of the State of Florida
Printed Name: Betty J. Manes Stolly R. Bartholomew Printed Name: Shelley R. Bartholomew	By: Lamar Pisher, Mayor Date: 4/3/2018 By: Gregory Harrison, City Manager Date: 4/3/2018
By: Asceleta Hammond, Municipal Clerk Approved As to Form:	
By: Mark Berman, City Attorney	
STATE OF FLORIDA COUNTY OF BROWARD	nl
The foregoing instrument was acknown, 2018 by LAMAR FISHER Manager and ASCELETA HAMMOND as City municipal corporation, on behalf of the municipal	as Mayor, GREGORY P. HARRISON as City Clerk of the City of Pompano Beach, Florida, a
J	TARY PUBLIC, STATE OF FLORIDA ennelle Houester William
JENNETTE FORRESTER WILLIAMS Notary Public - State of Florida	ited Name

Commission # FF 993881 My Comm. Expires May 18, 2020 Bonded through National Notary Assn. I have read and acknowledge the above paragraphs; and hereby request the release of Declaration referenced above.

WITNESSES:	DEVELOPER: BRIDGE POWERLINE, LLC, a Florida
	limited liability company
Printed Name: Beign Lutts	Print Name: KEVIN CALROLL
nah	Print Name: KEVIN (ALROLL Title: MGN
Printed Name: Nectaria Chakas	
STATE OF FLORIDA) COUNTY OF Braward)	
The foregoing instrument was acknowledged be 2018 by Kevin Carrow, as LLC, a Florida limited liability company, on be known to me or has produced	Manager, of <u>BRIDGE POWERLINE</u> , chalf of the company. He/She is personally
Commission # FF 222821 My Comm. Expires Apr 21, 2019 Bonded through National Notary Assn.	Public, State of Florida Elizabeth Merde Z ed Name

EXHIBIT A

TRACT A OF "DELTA POMPANO" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 179, PAGE 67 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Prepared by and return to:

Nectaria M. Chakas, Esq. Lochrie & Chakas, P.A. 1401 E. Broward Boulevard, Suite 200 Ft. Lauderdale, FL 33301

Folio No. 484228280010 and 484228280011

TERMINATION / RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS

This TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS is entered into this ______ day of _______, 2018 by and betweenamong BRIDGE POWERLINE, LLC, a Florida limited liability company having a principal address of 3501000 W. Hubbard StreetIrving Park Road, Suite 430, Chicago 150, Itasca, IL 60654 ("60143, BRIDGE POWERLINE FRONTAGE, LLC having a principal address of 1000 W. Irving Park Road, Suite 150, Itasca, IL 60143 (collectively "DEVELOPER") and Broward County, a political subdivision of the State of Florida, having an address of 115 S. Andrews Avenue, Fort Lauderdale, FL 33301 ("County").

RECITALS:

WHEREAS, on November 14, 2017, DEVELOPER became is the fee simple owner of a parcel of land located in the City of Pompano Beach, which parcel is subject to the Delta Pompano Plat recorded in Plat Book 179, Page 67 of the Public Records of Broward County, Florida and more particularly described on Exhibit A attached hereto and made a part hereof (the "Plat");

WHEREAS, as a condition of approval of the Plat, the County required DEVELOPER'S predecessor in title to record a declaration which limited and restricted the location and operation of access to, from, and throughout the Plat; and

WHEREAS, to comply with the condition of approval, a Declaration of Restrictive Covenants for Project Access in favor of the County dated January 15, 2010, was recorded in Official Records Book 46881, Page 1473, of the Public Records of Broward County, Florida (the "Declaration").

WHEREAS, DEVELOPER requested to amend the Plat to modify the project access; and

WHEREAS, as a result of the modifications to the project access, the Declaration is no longer needed and the parties wish to terminate the Declaration; and

WHEREAS, the County and City of Pompano Beach have no objection and consent to the termination/release of the Declaration;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto intending to be legally bound do hereby agree as follows:

- 1. Recitals. The foregoing recitals are true and correct and incorporated herein.
- 2. Release/Termination. County hereby consents to and acknowledges the termination of the Declaration and releases and discharges the Plat from the covenants and restrictions established by the Declaration except those covenants and restrictions that specifically survive the early termination of the Declaration under the terms of the Declaration.
- **3.** Consent by City of Pompano/Broward County. In accordance with Section 6 of the Declaration, the City of Pompano Beach and Broward County hereby approve and consent to the termination/release of the Declaration.

IN WITNESS WHEREOF, the County, City of Pompano Beach, and DEVELOPER have made and executed this TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, acting by and through its Mayor or Vice-Mayor, authorized to execute same; CITY OF POMPANO BEACH through its Commission, acting by and through its Mayor or Vice Mayor, authorized to execute same, and DEVELOPER, acting by and through its manager, duly authorized to execute same.

COUNTY ATTEST: BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS County Administrator and Ex-Officio Clerk of the Mayor **Board of County Commissioners** of Broward County, Florida _ day of ______, 20___ Approved as to form by Office of County Attorney Broward County, Florida Governmental Center, Suite 423 115 South Andrews Avenue Fort Lauderdale, Florida 33301 Telephone: (954) 357-7600 Telecopier: (954) 357-6968

 $By_{\underline{}}$

Assistant County Attorney

TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS

WITNESSES:	CITY OF POMPANO BEACH, a municipal corporation of the State of Florida
Printed Name:	By: Lamar Fisher, Mayor
	Date:
Printed Name:	
	By: Gregory Harrison, City Manager Date:
ATTEST:	
By:Asceleta Hammond, Municipal Cler	<u></u>
By:Mark Berman, City Attorney	
STATE OF FLORIDA) COUNTY OF)	
by LAMAR FISHER, as Mayor, of CITY O	ed before me this day of, 2018 DF POMPANO BEACH, a municipal corporation of n to me or has produced as
	Notary Public, State of Florida
	Printed Name

eferenced above.	ove paragraphs; and hereby request the release of Declaration
WITNESSES:	DEVELOPER: BRIDGE POWERLINE, LLC, a Florida limited liability company
Printed Name:	By:
	Print Name:
Printed Name:	Title:
STATE OF FLORIDA) COUNTY OF)	
2018 by	day of, as, of BRIDGE iability company, on behalf of the company. He/She is d as identification.
	Notary Public, State of Florida
	Printed Name

I have read and acknowledge the above referenced above.	paragraphs; and hereby request the release of Declaration
WITNESSES:	DEVELOPER: BRIDGE POWERLINE FRONTAGE, LLC, a Florida limited liability company
Printed Name:	<u>By:</u>
	Print Name:
Printed Name:	<u>Title:</u>
STATE OF FLORIDA) COUNTY OF)	
	ted before me this day of , as , of BRIDGE POWERLINE ity company, on behalf of the company. He/She is
personally known to me or has produced	as identification.
	_
	Notary Public, State of Florida
	Printed Name

Formatted: Font: Not Bold, No underline

EXHIBIT A

TRACT A OF "DELTA POMPANO" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 179, PAGE 67 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Prepared by and return to:

Nectaria M. Chakas, Esq. Lochrie & Chakas, P.A. 1401 E. Broward Boulevard, Suite 200 Ft. Lauderdale, FL 33301

Folio No. 484228280010 and 484228280011

TERMINATION / RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS

This TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR
PROJECT ACCESS is entered into this day of, 2018 among BRIDGE
POWERLINE, LLC, a Florida limited liability company having a principal address of 1000 W. Irving
Park Road, Suite 150, Itasca, IL 60143, BRIDGE POWERLINE FRONTAGE, LLC having a principal
address of 1000 W. Irving Park Road, Suite 150, Itasca, IL 60143 (collectively "DEVELOPER") and
Broward County, a political subdivision of the State of Florida, having an address of 115 S. Andrews
Avenue, Fort Lauderdale, FL 33301 ("County").

RECITALS:

WHEREAS, DEVELOPER is the fee simple owner of a parcel of land located in the City of Pompano Beach, which parcel is subject to the Delta Pompano Plat recorded in Plat Book 179, Page 67 of the Public Records of Broward County, Florida and more particularly described on **Exhibit A** attached hereto and made a part hereof (the "Plat");

WHEREAS, as a condition of approval of the Plat, the County required DEVELOPER'S predecessor in title to record a declaration which limited and restricted the location and operation of access to, from, and throughout the Plat; and

WHEREAS, to comply with the condition of approval, a Declaration of Restrictive Covenants for Project Access in favor of the County dated January 15, 2010, was recorded in Official Records Book 46881, Page 1473, of the Public Records of Broward County, Florida (the "Declaration").

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- **3.** Consent by City of Pompano/Broward County. In accordance with Section 6 of the Declaration, the City of Pompano Beach and Broward County hereby approve and consent to the termination/release of the Declaration.

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COUNTY

ATTEST:	BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS
County Administrator and Ex-Officio Clerk of the	By
Board of County Commissioners of Broward County, Florida	day of, 20
	Approved as to form by
	Office of County Attorney
	Broward County, Florida
	Governmental Center, Suite 423 115 South Andrews Avenue
	Fort Lauderdale, Florida 33301 Telephone: (954) 357-7600
	Telecopier: (954) 357-6968
	By
	Assistant County Attorney
	day of, 20

TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS

WITNESSES:	CITY OF POMPANO BEACH, a municipal corporation of the State of Florida
Printed Name:	$\mathbf{p}_{\mathbf{r}}$
Printed Name:	
ATTEST: By: Asceleta Hammond, Municipal Cler	rk
By: Mark Berman, City Attorney	
STATE OF FLORIDA) COUNTY OF)	
LAMAR FISHER, as Mayor, of CITY OF	ed before me this day of, 2018 by POMPANO BEACH, a municipal corporation of the n to me or has produced as
	Notary Public, State of Florida
	Printed Name

referenced above.	
WITNESSES:	DEVELOPER: BRIDGE POWERLINE, LLC, a Florida limited liability company
Printed Name:	R_{V}
	Print Name:
	Title:
Printed Name:	
STATE OF FLORIDA) COUNTY OF)	
	edged before me this day of
2018 by	, as, of <u>BRIDGE POWERLINE</u> ny, on behalf of the company. He/She is personally as identification.
	Notary Public, State of Florida
	Printed Name

I have read and acknowledge the above paragraphs; and hereby request the release of Declaration

referenced above.	
WITNESSES:	DEVELOPER: BRIDGE POWERLINE FRONTAGE LLC, a Florida limited liability company
Printed Name:	By:
	Print Name:
	Title:
Printed Name:	
STATE OF FLORIDA) COUNTY OF)	
	edged before me this day of
	, as, of <u>BRIDGE POWERLINE</u> bility company, on behalf of the company. He/She is as identification.
	Notary Public, State of Florida
	Printed Name

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