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PLAT REL

Return recorded to:

Broward County Highway Construction &
Engineering Division
1 North University Drive, Suite 300B
Plantation, FL 33324-2038

Document prepared by:

Erik Juliano, P.E., P.S.M.
Creech Engineers, Inc
4450 W Eau Gallie Blvd, Suite 232
Melbourne, Florida 32934

NOTICE: PURCHASERS, GRANTEES, HEIRS, SUCCESSORS AND ASSIGNS OF ANY INTEREST IN THE PROPERTY SET FORTH ON EXHIBIT "A" ARE HEREBY PUT ON NOTICE OF THE OBLIGATIONS SET FORTH WITHIN THIS AGREEMENT WHICH SHALL RUN WITH THE PROPERTY UNTIL FULLY PERFORMED.

AMENDMENT TO NONVEHICULAR ACCESS LINES

This is an Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

RaceTrac Petroleum, Inc, its successors and assigns, hereinafter referred to as "DEVELOPER."

WHEREAS, the DEVELOPER holds fee simple title to the property described in Exhibit "A" attached hereto and made a part hereof, hereinafter referred to as "Property"; and

WHEREAS, vehicular access to said Property is restricted by virtue of that certain Nonvehicular Access Line which is reflected on the Engstrom Plat Plat, Plat No./Clerk's File No. 089-MP-89, hereinafter referred to as the "PLAT"; or, if applicable, which is reflected on a previous Amendment to the Nonvehicular Access Line approved by the COUNTY on June 18, 1991; and

WHEREAS, a description of the platted area, including the Nonvehicular Access Line, is attached hereto as Exhibit "B" and made a part hereof; and

WHEREAS, the DEVELOPER desires to modify vehicular access to said Property at locations over and across the existing Nonvehicular Access Line; and

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Approved BCC 8/21/12, #54
Submitted By Highway Construction + Engineer
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9/15/2021

WHEREAS, on August 21, 2012 the COUNTY approved DEVELOPER's Delegation Request for an amendment to the Nonvehicular Access Line in order to establish a new configuration more particularly described in Exhibit "C," attached hereto and made a part hereof; and

WHEREAS, Chapter 5, Article IX of the Broward County Code of Ordinances permits the amendment of Nonvehicular Access Lines; and

WHEREAS, the DEVELOPER has submitted the required approval of the amendment to the Nonvehicular Access Line by other governmental entities with jurisdiction over the adjacent roadways; and

WHEREAS, the COUNTY has no objection to amending the Nonvehicular Access Line; and

WHEREAS, the DEVELOPER has complied with all the conditions of approval imposed by the COUNTY, including execution of this Agreement; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, considerations, and promises set forth below, the COUNTY and DEVELOPER agree as follows:

1. The above recitals are true and correct and incorporated herein.
2. The COUNTY hereby amends the Nonvehicular Access Line on the Property reflected on the PLAT described in Exhibit "B," and replaces said Nonvehicular Access Line by the establishment of a new Nonvehicular Access Line as described in Exhibit "C."
3. The DEVELOPER shall obtain vehicular access to said Property through driveway openings and connections which are consistent with the new Nonvehicular Access Line as described in Exhibit "C."
4. The DEVELOPER shall obtain all necessary permits for construction of the driveway opening and connections from the appropriate unit of government prior to construction of any driveway connections.
5. This Agreement shall be recorded in the Official Records of Broward County at the DEVELOPER's expense, and the Nonvehicular Access Line created herein and the DEVELOPER's obligation set forth herein shall run with the Property described in Exhibit "A."
6. NOTICE. Whenever any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving of notice shall remain such until it is changed by written notice in compliance with the provisions of

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this paragraph. For the present, the parties designate the following as the respective places for giving notice:

For the COUNTY:

Director of the Broward County Highway Construction
and Engineering Division
1 North University Drive, Suite 300B
Plantation, FL 33324-2038

For the DEVELOPER:

RaceTrac Petroleum, Inc Attn: General Counsel

3225 Cumberland Blvd, Suite 100

Atlanta, Georgia 30339

7. VENUE; CHOICE OF LAW. Any controversies or legal issues arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State Courts of the Seventeenth Judicial Circuit of Broward County, Florida, the venue situs, and shall be governed by the laws of the state of Florida.
8. CHANGES TO FORM AGREEMENT. DEVELOPER represents and warrants that there have been no amendments or revisions whatsoever to the form Agreement without the prior written consent of the County Attorney's Office. Any unapproved changes shall be deemed a default of this Agreement and of no legal effect.
9. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only and in no way define, describe, extend, or limit the scope or intent of this Agreement, nor the intent of any provisions hereof.
10. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted, and any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.
11. EXHIBITS. All Exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference. Typewritten or handwritten provisions inserted in this Agreement or attached hereto shall control all printed provisions in conflict therewith.
12. FURTHER ASSURANCES. The parties hereby agree to execute, acknowledge, and deliver and cause to be done, executed, acknowledged, and delivered all

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further assurances and to perform such acts as shall reasonably be requested of them in order to carry out this Agreement.

13. ASSIGNMENT AND ASSUMPTION. DEVELOPER may assign all or any portion of its obligations pursuant to this Agreement to a grantee of the fee title to all or any portion of the property described in Exhibit "A." DEVELOPER agrees that any assignment shall contain a provision which clearly states that such assignment is subject to the obligations of this Agreement and recorded in the public records of Broward County, Florida.
14. AMENDMENTS. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the COUNTY and DEVELOPER.

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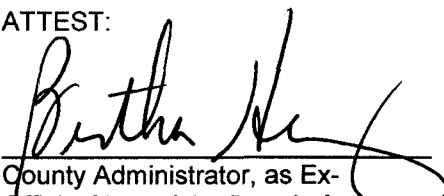
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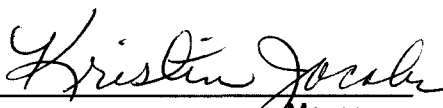
IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action on the 21st day of AUGUST, 2012, and DEVELOPER, signing by and through its Senior VP duly authorized to execute same.

COUNTY

ATTEST:

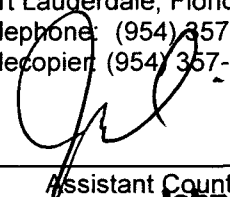

County Administrator, as Ex-
Officio Clerk of the Board of
County Commissioners of
Broward County, Florida

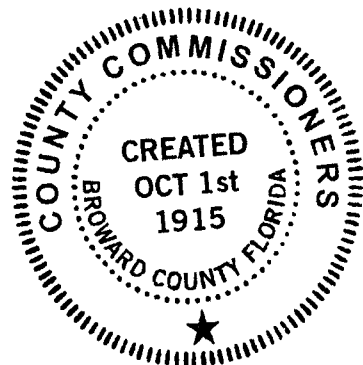
BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

By 
Mayor

27 day of November, 2012

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
John E. Naclerio III
31 day of October, 2012



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BROWARD
COUNTY
FLORIDA

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DEVELOPER-CORPORATION/PARTNERSHIP

Witnesses (if partnership):

[Signature]
(Signature)

Print name: Cory M. Hopkins

[Signature]
(Signature)

Print name: Jeffrey Baird

RaceTrac Petroleum, Inc.

Name of Developer (corporation/partnership)

By [Signature]

(Signature)

Print name: William Milam

Title: Senior Vice President

Address: 3225 Cumberland Blvd, Ste 100
Atlanta, Georgia 30339

28th day of September, 2012

ATTEST (if corporation):

(Secretary Signature)

Print Name of Secretary: _____

(CORPORATE SEAL)

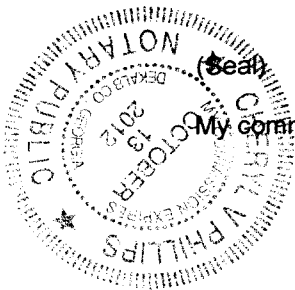
ACKNOWLEDGMENT - CORPORATION/PARTNERSHIP

STATE OF GEORGIA)
) SS.
COUNTY OF COBB)

The foregoing instrument was acknowledged before me this 28 day of SEPTEMBER, 2012, by WILLIAM MILAM, as SR. VP of RACETRAC PETROLEUM, INC., a GEORGIA corporation/partnership, on behalf of the corporation/ partnership. He or she is:

☒ personally known to me, or

☐ produced identification. Type of identification produced _____



My commission expires: 10-13-12

NOTARY PUBLIC:

[Signature]
Print name: CHERYL V. PHILLIPS

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EXHIBIT 'A'

LEGAL DESCRIPTION: RACETRAC PARCEL

PARCEL 'A', ENGSTROM PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 152, PAGE 45, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LESS AND EXCEPT: THE NORTH 15 FEET THEREOF, AS TAKEN BY THE CITY OF POMPANO BEACH, BY VIRTUE OF ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 30362, PAGE 53.

BEGIN AT THE SOUTHEAST CORNER OF SAID PARCEL 'A', SAID POINT BEING ON THE EAST LINE OF SAID PARCEL 'A' AND THE NORTH RIGHT OF WAY LINE OF WEST ATLANTIC BOULEVARD (STATE ROAD 814); THENCE SOUTH 88°50'44" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 272.77 FEET; THENCE NORTH 46°11'32" WEST, A DISTANCE OF 42.40 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NW 30th AVENUE; THENCE NORTH 01°13'47" WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 149.21 FEET; THENCE NORTH 88°51'33" EAST, A DISTANCE OF 302.95 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 'A'; THENCE SOUTH 01°09'31" EAST, ALONG SAID EAST LINE, A DISTANCE OF 179.10 FEET TO THE POINT OF BEGINNING.

CONTAINING: 53800.26 SQUARE FEET.

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EXHIBIT 'B' **LEGAL DESCRIPTION** **FOR** **EXISTING NON-VEHICULAR ACCESS LINE**

LEGAL DESCRIPTION:

AN EXISTING NON-VEHICULAR ACCESS LINE AS SHOWN ON PARCEL 'A', 'ENGSTROM PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 152, PAGE 45 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
 BEING MORE PARTICULARLY DESCRIBED FOLLOWS:


COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL 'A'; THENCE SOUTH 88°50'44" WEST, ALONG THE SOUTH LINE OF SAID PARCEL 'A', A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°50'44" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 222.76 FEET; THENCE NORTH 46°11'32" WEST, A DISTANCE OF 42.40 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 'A' AND EAST RIGHT OF WAY LINE OF NW 30TH AVENUE; THENCE NORTH 01°13'47" WEST, ALONG SAID WEST LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF TERMINUS.

NOTES:

1. THIS SKETCH OF LEGAL DESCRIPTION DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE BEARING BASE OF THIS SKETCH OF LEGAL DESCRIPTION IS S.88°50'44"W. THE NORTH RIGHT OF WAY LINE OF WEST ATLANTIC BOULEVARD.
3. THE INFORMATION WAS PROVIDED BY "RACETRAC PETROLEUM, INC."
4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER J5-17, FLORIDA STATUTES, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.


 ROBERT BLOOMSTER JR.
 PROFESSIONAL LAND SURVEYOR
 NO. 4134 STATE OF FLORIDA

BLOOMSTER PROFESSIONAL LAND SURVEYORS, INC. <small>FLORIDA L.B. # 6018</small>
641 NORTHEAST SPENCER STREET JENSEN BEACH, FLORIDA 34957 PHONE 772-334-0868

SHEET 1 OF 2 SCALE: 1" = 50' DATE: 8/28/12 F.B. SKETCH JOB NO. 11050 REVISIONS 9/28/12 COMMENTS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PREPARED FOR: RACETRAC PETROLEUM, INC. SITE LOCATED: WEST ATLANTIC BLVD and NW 30th AVE. CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA

NOT VALID WITHOUT SHEET 2 OF 2 -8-

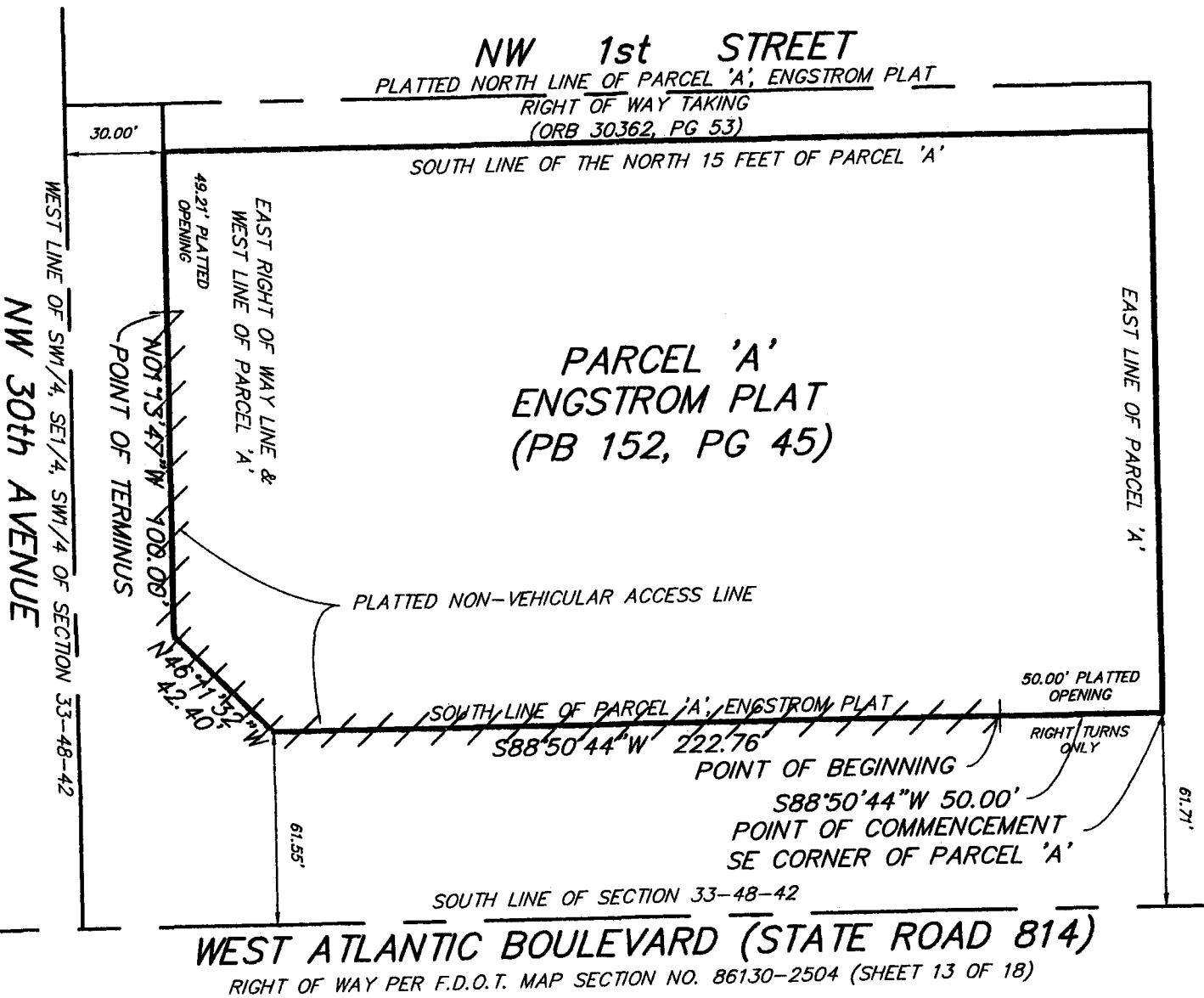
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EXHIBIT 'B'
SKETCH OF DESCRIPTION
FOR
EXISTING NON-VEHICULAR ACCESS LINE



LEGEND:

F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
ORB = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE

SHEET 2 OF 2 (SCALE: 1"=50')
NOT VALID WITHOUT SHEET 1 OF 2

BLOOMSTER
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FLORIDA L.B. # 6018

641 NORTHEAST SPENCER STREET
JENSEN BEACH, FLORIDA 34957
PHONE 772-334-0868

EXHIBIT 'C'
LEGAL DESCRIPTION
FOR
NEW NON-VEHICULAR ACCESS LINE

LEGAL DESCRIPTION:

A NON-VEHICULAR ACCESS LINE LYING IN A PORTION OF SECTION 33, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, AND ON PARCEL 'A', ENGSTROM PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 152, PAGE 45 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED FOLLOWS:

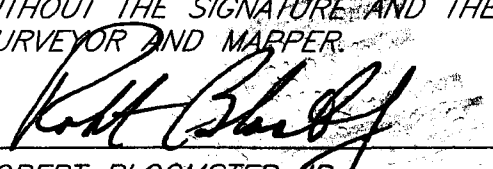
COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL 'A'; THENCE SOUTH 01°09'31" EAST, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF PARCEL 'A', ENGSTROM PLAT, A DISTANCE OF 12.00 FEET TO A POINT THAT IS 12 FEET SOUTH OF AND PARALLEL WITH SOUTH LINE OF SAID PARCEL 'A'; THENCE SOUTH 88°50'44" WEST, ALONG SAID LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°50'44" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 203.67 FEET; THENCE NORTH 46°11'32" WEST, A DISTANCE OF 16.98 FEET TO A POINT ON SAID SOUTH LINE OF PARCEL 'A', ENGSTROM PLAT; THENCE SOUTH 88°50'44" WEST, ALONG SAID LINE, A DISTANCE OF 7.08 FEET; THENCE NORTH 46°11'32" WEST, A DISTANCE OF 42.40 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 'A' AND EAST RIGHT OF WAY LINE OF NW 30TH AVENUE; THENCE NORTH 01°13'47" WEST, ALONG SAID WEST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF TERMINUS.

NOTES:

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3. THE INFORMATION WAS PROVIDED BY "RACETRAC PETROLEUM, INC."
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JENSEN BEACH, FLORIDA 34957
PHONE 772-334-0868

SHEET 1 OF 2	
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F.B.	SKETCH
JOB NO.	11050
REVISIONS	
9/17/12	BEARING CORRECTION
9/28/12	COMMENTS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PREPARED FOR: RACETRAC PETROLEUM, INC.

SITE LOCATED: WEST ATLANTIC BLVD and NW 30th AVE.
CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA

NOT VALID WITHOUT SHEET 2 OF 2 -10-

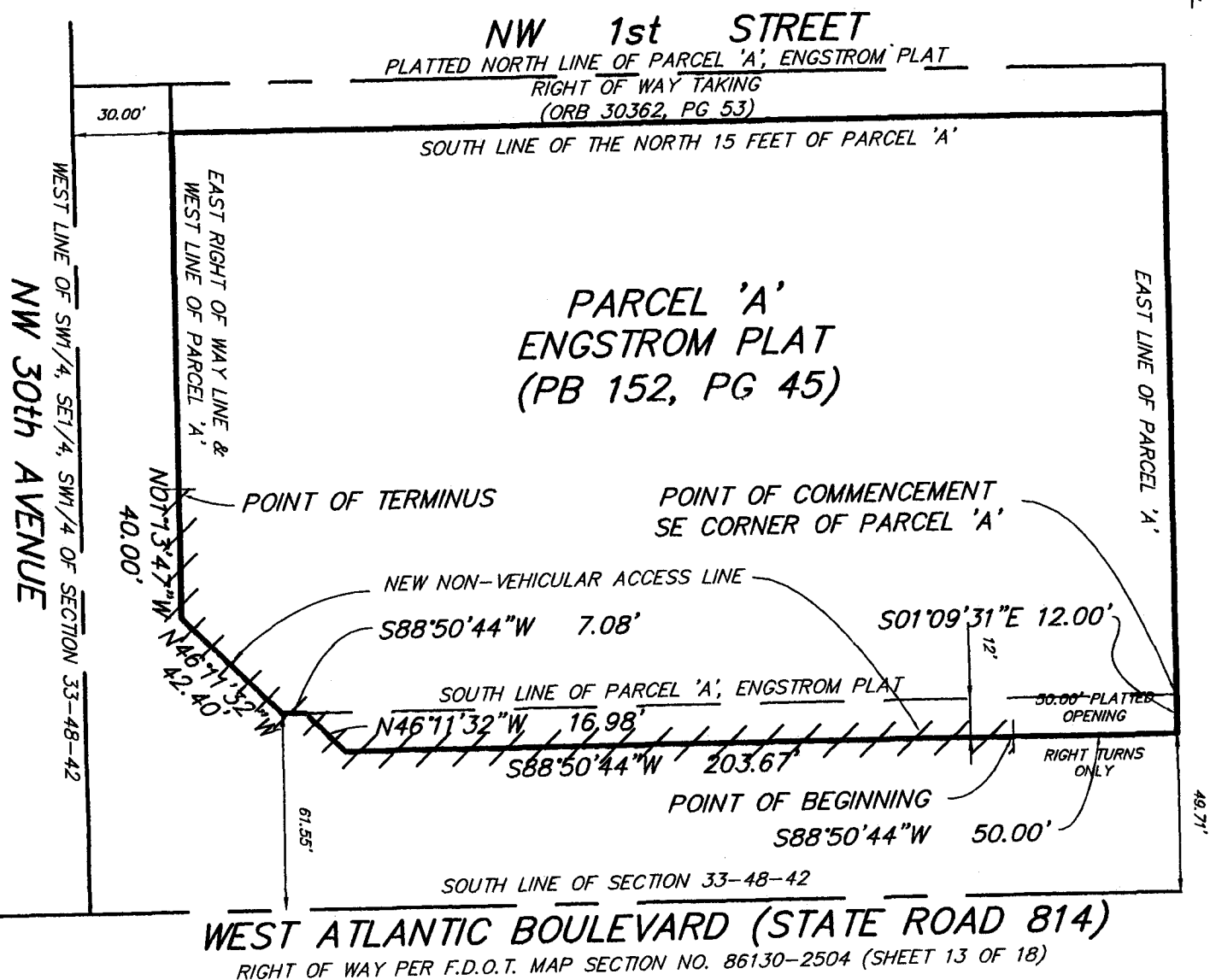
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EXHIBIT 'C'
SKETCH OF DESCRIPTION
FOR
NEW NON-VEHICULAR ACCESS LINE



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