

Prepared by and return to:

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DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Covenant") made this _____ of _____, 20____ by _____ ("Owner"), shall be for the benefit of City of Pompano Beach ("City").

WITNESSETH:

WHEREAS, Owner is the fee simple owner of land located on the north side of Martin Luther King Boulevard west of Powerline Road in the City and more particularly described in **Exhibit "A"** attached hereto ("Property"); and

WHEREAS, Owner, has made an application to the City ("City") to change the zoning of the Property from B-3 to B-4 (PZ #19-13000007) ("Application"); and

WHEREAS, Owner voluntarily agrees to restrict certain uses from being developed on the Property; and

WHEREAS, Owner agrees to grant this Covenant upon the date which the rezoning becomes effective.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Owner hereby declares that the Property specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth.

1. **Recitations.** The recitations set forth above are true and correct and are incorporated into this Covenant by this reference.

2. **Use Restrictions.** The Property shall be used for any or all uses permitted by the City of Pompano Beach Code of Ordinances for the B-4 zoning district, which include but are not limited to contractor's offices and warehouse storage with ancillary office/retail space, except for the uses listed on **Exhibit "B"** attached hereto and made a part hereof ("Prohibited Uses").

3. **Amendments.** 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 or owners of the portion of the Property affected by such modification, amendment, or release and approved in writing by the City. Any amendment, modification or release of this Covenant shall be recorded in the Public Records of Broward County, Florida.

4. Recordation and Effective Date. This instrument shall not become effective until recorded in the Public Records of Broward County, Florida. Once recorded, this Covenant shall run with the Property and shall bind all successors and assigns to the title of the Property.

5. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

6. Captions, Headings and Titles. Headings and titles inserted throughout this Covenant are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Covenant.

SIGNATURES ON FOLLOWING PAGE

EXHIBIT "A"

A portion of the Northeast one-quarter (NE 1/4) of Section 33, Township 48 South, Range 42 East, more fully described as follows:

Commencing at the Northeast corner of said Section 33; thence South 88°28'20" West, on the North line of said Section 33, a distance of 257.68 feet to the Point of Beginning; thence continuing South 88°28'20" West, on the North line of said Section 33 a distance of 402.64 feet; thence South 01°22'37" East, on the East line of Pompano Manor, according to the plat thereof, as recorded in Plat Book 22, Page 14, of the public records of Broward County, Florida, a distance of 284.56 feet to a point on a curve, and to a point on the Northerly Right-of-Way line of Hammondville Road thence Southeasterly on said Northerly right-of-way line and said curve to the right, with a radius of 3869.93 feet, a central angle of 06°38'49", an arc distance of 448.94 feet; thence North 01°05'26" West, on a line 257.68 feet West of and parallel with the East line of said Section 33, a distance of 488.87 feet to the Point of Beginning.

Said land situate, lying and being in the City of Pompano Beach, Broward County, Florida and containing 153,341 square feet or 3.5202 acres more or less.

EXHIBIT “B”
Prohibited Uses

1. Amusement arcade
2. Auto repair & maintenance facility
3. House of Worship
4. Thrift stores
5. Pawn Brokers
6. Laundry, dry cleaning, carpet cleaning or dyeing facility
7. Used automobile & light truck sales with indoor display only
8. Used automobile & light truck sales with outdoor display
9. Automobile painting or body shop
10. Automobile wrecker service
11. Fire training facility
12. Animal shelter or kennel
13. Outdoor boat or marine repair and servicing
14. Outdoor boat towing service
15. Golf driving range
16. Miniature golf course
17. Sport shooting and training range
18. Taxi or limousine service facility
19. Crematory
20. Flea market
21. Fuel oil or bottled gas distribution
22. Urgent care facility 24 hours
23. Specialty hospital
24. General hospital
25. Civic center
26. Arena, stadium, or amphitheater
27. Automotive parts sales with installation
28. Muffler/transmission sales and installation
29. Tire sales and mounting
30. Heavy truck/recreation vehicle/trailer rental