

**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
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Hope Calhoun

Dwayne Dickerson
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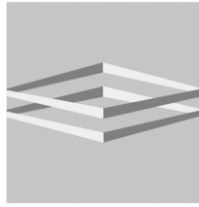
**Creighton Companies, LLC
7-Eleven Service Station
900 Pembroke Rd.
Project Narrative**

7-Eleven Inc. ("Applicant") is the developer of a 1.93 acre parcel located at 900 N. Pembroke Rd. in the City of Hallandale Beach ("Property") which is currently improved with vacant industrial buildings. The Applicant is proposing to demolish the existing industrial buildings on the Property and construct a 3,926 square foot service station with an enclosed automatic car wash and 12 gas fueling positions. ("Project"). The Property has a West RAC (Regional Activity Center) zoning designation, located within the Pembroke Road Subdistrict and a RAC (Regional Activity Center) future land use designation.

Per Table 32-160.a of the City of Hallandale Beach Code, service stations with accessory gas sales are a permitted use within the Pembroke Road Subdistrict of the West RAC, with a 1,500 distance separation between like uses. There are 2 service stations with accessory gas sales located within 1,500 feet of the Property. Therefore, the Applicant is submitting a request for a variance from the minimum distance separation requirement with the site plan application. Additionally, the application is requesting a variance from minimum 60% building frontage requirement.

The Applicant is proposing to sell only beer, no wine, or other alcoholic beverages for off-premises consumption in the service station. Section 5-6(g) of the City Code limits the hours of sales of beer for off-premises consumption when the establishment is within 1,000 feet of a church or school. Establishments located within 1,000 feet of a school are prohibited from selling beer between the hours of 7:00 a.m. and 9:00 a.m., and 11:00 a.m. and 4:00 p.m. on days when school is in session. Establishments located within 1,000 feet of a church are prohibited from selling beer between the hours of 8:00 a.m. and 1:00 p.m. on Sundays. The Property is located within 1,000 feet of a church

and a school. As a result of these restrictions, the Applicant is requesting a waiver from this code provision to allow the hours of the sale of beer to be limited to between 8:00 am and 2:00 am, Monday thru Saturday, and between 12:00 pm and 2:00 am on Sundays.



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**Creighton Companies, LLC
7-Eleven Service Station
900 Pembroke Rd.
Building Frontage & Distance Separation Variance Criteria**

CREIGHTON COMPANIES, LLC (“Applicant”) is the proposed developer of property located at 924 Pembroke Rd. in the City of Hallandale Beach (“Property”). The Applicant is proposing to construct a new service station with accessory gas sales (“Project”) on the Property. The Property is located within the West RAC (Regional Activity Center) and is located within the Pembroke Rd. Subdistrict. In order to develop the Project, the Applicant is requesting a variance from the minimum 60% building frontage requirement and from the minimum distance separation of at least 1,500 feet from another service station with accessory gas sales. The proposed site plan provides a building frontage with 77.67 feet. Section 32-965(b) of the City Code requires the Applicant to demonstrate compliance with the following criteria for the variance request:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not generally applicable to other lands, structures or building in the same zoning district.

The Property consists of 5 parcels that together have a peculiar, trapezoidal shape. The Property is directly abutting public rights-of-way along all four property lines; fronting Pembroke Rd. to the north, NW 10th Ave. to the west, NW 9th Ave. to the east and NW 10th St. to the south. Because of the odd shape of the lots, the building must be constructed on the eastern portion of the Property, where it is the widest. This building placement allows for the required parking and drainage retention are to be placed on the site. This is a situation unique to this Property when compared to other parcels within the same zoning district.

2. The special conditions and circumstances do not result from the actions of the applicant.

The peculiar shape of the land is not a result of the actions of the Applicant. The parcels are existing platted lots. The five parcels included in the Property are currently owned by one property owner and the Applicant is purchasing all five parcels in their existing condition, to be redeveloped for the service station.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same district.

Granting the variance to allow the building frontage to be less than 60% and to be located within 1,500 feet from another service station will not confer any special privilege that is denied to other properties within the same zoning district. Other lands that are small or have a peculiar shape within the same district could also request a variance to provide a building frontage smaller than 60%. Additionally, service stations are a permitted use within the Pembroke Rd. subdistrict of the West RAC, with a 1,500 foot minimum distance separation. The granting of this variance will not impact the ability to construct other service stations within the same zoning district.

4. Literal interpretation of the provisions of this chapter would deprive the applicant of the rights commonly enjoyed by the properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardships on the applicant.

Enforcing the minimum 60% building frontage would require redesigning the site in a way that would reduce the amount of parking on site and the size of the retention area, not meeting code requirements. The enforcement of the 1,500 foot distance separation would deny the Applicant the ability to redevelop the Property with a service station with accessory gas sales and deprive the Applicant of rights enjoyed by other properties within the same zoning district that do not have the lot configuration restraints of this Property.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

This request to provide less than the 60% building frontage is the minimum variance necessary to allow the site to be developed to meet all other dimensional requirements for the building and the parking, landscape and drainage requirements.

There are two service stations with accessory gas sales located within the 1,500 foot radius from the Property. The Orion gas station located at 1011 NW 8th Ave. is approximately 356 feet from the Property (measured from property line to property line) and the Shell Gas Station located at 2801 Pembroke Rd. is approximately 104 feet from the Property (measured property line to property line). These are the minimum distance separations required to develop the Property with a service station and accessory gas sales.

6. The grant of the variance will be in harmony with the general intent and purpose of this chapter.

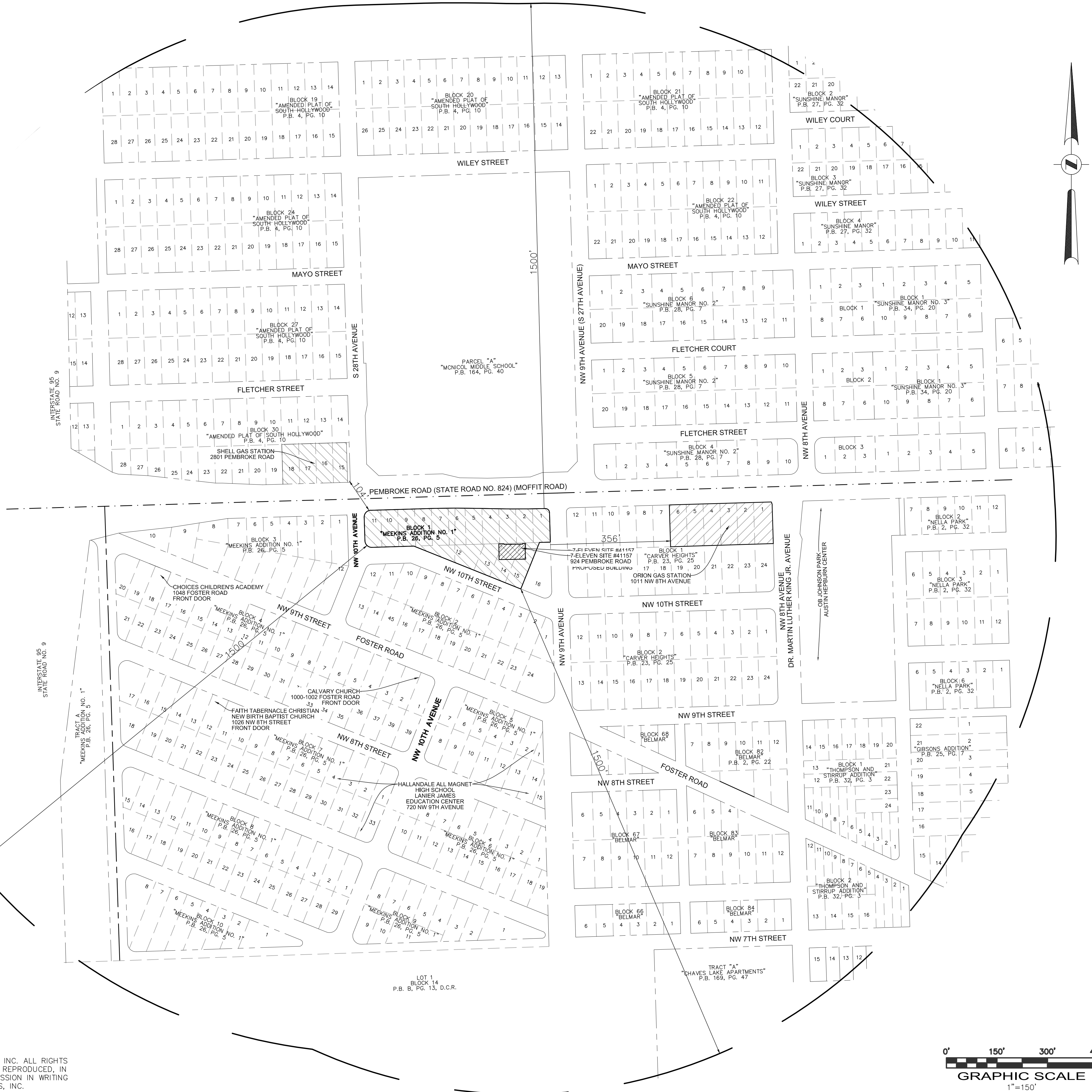
Granting the variance will be in harmony with the general intent and purpose of the West RAC zoning district to provide established residential neighborhoods with a mix of compatible neighborhood scale commercial uses. The proposed 7-Eleven service station will be developed as a neighborhood market store, providing a wide range of convenience items, including fresh food options for the surrounding residential neighborhoods within the West RAC.

7. Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

To the contrary, granting the variance will allow an underutilized Property with an existing heavy commercial use to be redeveloped with a commercial use that is consistent with the purpose and intent of the zoning district. The service station will provide a commercial use for the surrounding residents and general public travelling along Pembroke Rd.

LEGEND

O.R.B. OFFICIAL RECORDS BOOK
P.B. PLAT BOOK
PG. PAGE
R RADIUS
CA CENTRAL ANGLE
A ARC LENGTH



LEGAL DESCRIPTION:

A PORTION OF BLOCK 1, "MEEKINS ADDITION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 26, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

NOTES:

- 1) THIS SITE LIES IN SECTION 21, TOWNSHIP 51 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.
- 2) THE HORIZONTAL POSITIONAL ACCURACY OF THIS SURVEY IS $\pm 10'$.
- 3) THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTENCE, LOCATION AND DISTANCE FROM THE SUBJECT SITE AT 924 PEMBROKE ROAD TO ALL ALCOHOLIC SALES ESTABLISHMENTS AS SET FORTH IN CITY OF HALLANDALE BEACH MUNICIPAL CODE.
- 4) THIS SURVEY IS CERTIFIED EXCLUSIVELY TO: CREIGHTON COMPANIES, LLC.

CERTIFICATION:

I HEREBY CERTIFY THAT THE DISTANCES INDICATED HEREON ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND AS MEASURED UNDER MY DIRECT SUPERVISION. OTHER THAN SHOWN HEREON, THERE ARE NO ALCOHOLIC SALES ESTABLISHMENTS WITHIN THE SPECIFIED DISTANCE FROM THE SUBJECT SITE AT 924 PEMBROKE ROAD. DISTANCES SHOWN HEREON ARE MEASURED IN COMPLIANCE WITH THE CRITERIA SET FORTH IN CITY OF HALLANDALE BEACH MUNICIPAL CODE.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR A DIGITAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

John F. Pulice, PSM
□ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
□ BENJ. BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
□ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
STATE OF FLORIDA

7	MISC. REVISIONS-02/24/20	B.E.
6	INCREASED DISTANCE	L.S.
4	REQUIREMENTS REVISED-11/19/19	B.E.
3	REQUIREMENTS REVISED-09/19/19	B.E.
2	66373-INCREASED DISTANCE-09/09/19	B.E.
1	MISC. REVISIONS-08/15/19	B.E.
NO.	REVISIONS	BY

DISTANCE SURVEY
7-ELEVEN SITE #41157
924 PEMBROKE ROAD
HALLANDALE BEACH, BROWARD COUNTY
FLORIDA 33309

SPECIFIC PURPOSE SURVEY

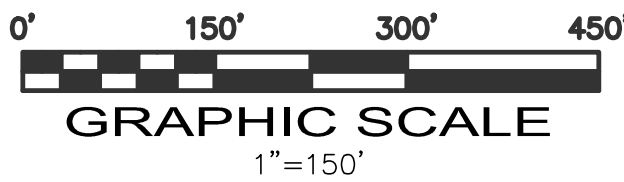


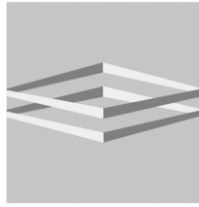
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777
FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com
WEBSITE: www.pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870

DRAWN BY: B.E.
CHECKED BY: J.F.P.

SCALE: 1" = 150'
SURVEY DATE: 09/09/19

FILE: CREIGHTON COMPANIES, LLC
ORDER NO.: 66373





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**Creighton Companies, LLC
7-Eleven Service Station
900 Pembroke Rd.
Waiver Request Regarding the Hours of Sales for Beer**

7-Eleven Inc. (the "Applicant") proposes the redevelopment of five (5) parcels of property at 900 Pembroke Road in the City of Hallandale Beach. This subject property will be redeveloped with a new 7-Eleven convenience store and gas station ("Project"). With this, the Applicant proposes to sell beer only (no wine or liquor) for off-premise consumption. This letter is the Applicant's formal request for a waiver from the City of Hallandale Beach's Code of Ordinances (the "Code") related to the hours of the sale of beer for off-premises consumption when the establishment is located within 1,000 feet of a church or school. In this case, the Project is located 198 feet away from McNicol Middle School/Purpose Center Family Church, 452 feet from Hallandale All Magnet High School, 458 feet from Calvary Church and 957 feet from Faith Tabernacle Christian. All of these distances are measured from the front door of the proposed service station to the property line of the school/church.

Specifically, the City's Code provides:

Section 5-6(b)(2): No place of business licensed to sell beer, wine and liquor with consumption off the premises may be located within 600 feet, measured by the most direct route from main entrance to main entrance, of another place of business licensed to sell beer, wine and liquor with consumption off the premises, nor may it be located within 1,000 feet, measured by the most direct route from main entrance to main entrance, of any of the types of businesses enumerated in subsection (b)(1) of this section.

Section 5-6(d): Church, school and public park distances: No establishment other than that specified in subsection (g) hereof may sell any alcoholic or other intoxicating beverage within 500 feet of a public park or within 1,000 feet of a church, school or property owned by a church or school and designated for use as a church or school. In order for a church or school to put on notice a property owner of its intention to erect a structure on a site, it must submit an affidavit to the city clerk setting forth the legal description of its property, affirming that the property is owned by the church, and which affidavit shall state the intention of the church to build a structure on the site. For the purposes of this section, the distances shall be determined by the most direct route from the main entrance of the establishment to the nearest property line of the church, school or public park.

Section 5-6(g) Off-premises beer establishments. Subsection (d) of this section shall not apply to establishments licensed under F.S. § 563.02 to sell beer off the premises; however, such establishments located within 1,000 feet of a school measured in the manner set forth in subsection (d) of this section shall be prohibited from selling beer between the hours of 7:00 a.m. and 9:00 a.m., and 11:00 a.m.

and 4:00 p.m. on days when school is in session, and establishments located within 1,000 feet of a church measured in the manner set forth in subsection (d) of this section shall be prohibited from selling beer between the hours of 8:00 a.m. and 1:00 p.m. on Sundays.

1. As stated above, the Applicant will be licensed to only sell beer as a part of the Project. Therefore, according to Section 5-6(g) the distance separation parameters outlined in Sections 5-6(b)(2) and Section 5-6(d) do not apply. As such, with regard to the Project, the Applicant may sell beer only during prescribed hours. This request is hereby submitted to modify the hours during which the Applicant may sell beer for off premise consumption. Specifically, the Applicant would like the opportunity to sell beer for off premise consumption during the following hours: Monday-Saturday: 8am-2am and Sunday: 12pm-2am.

In order to obtain a waiver from the hours of off premises beer sales provision, City Code Section 5-6(h)(1)(d) provides that “the applicant is required to demonstrate that the granting of the waiver will not have any substantial or material adverse effect on the parties sought to be protected by the particular provision sought to be varied, and that the spirit and intent of this section will not be violated.” In response to this requirement, the Applicant offers the following:

The granting of the waiver will not have any substantial adverse effect on the parties sought to be protected. Specifically, since package sales must be consumed off-premises, there is no increased risk of consumption on-site. Therefore, the use is safer than a restaurant that allows on-site consumption. Furthermore, within proximity of the subject property, two other establishments sell alcohol as package sales and Applicant is unaware of any adverse consequences that have resulted from package sales at these locations. Alcohol sales is an ancillary product to the other products provided by 7-Eleven. Also, the proposed 7-Eleven will be open for business 24 hours a day, 7 days a week. However, the proposed hours for the sale of beer will be limited to between 8:00 am and 2:00 am, Monday thru Saturday, and between 12:00 pm and 2:00 am on Sundays. Therefore, not as restricted as provided in the Code, but still restricted.

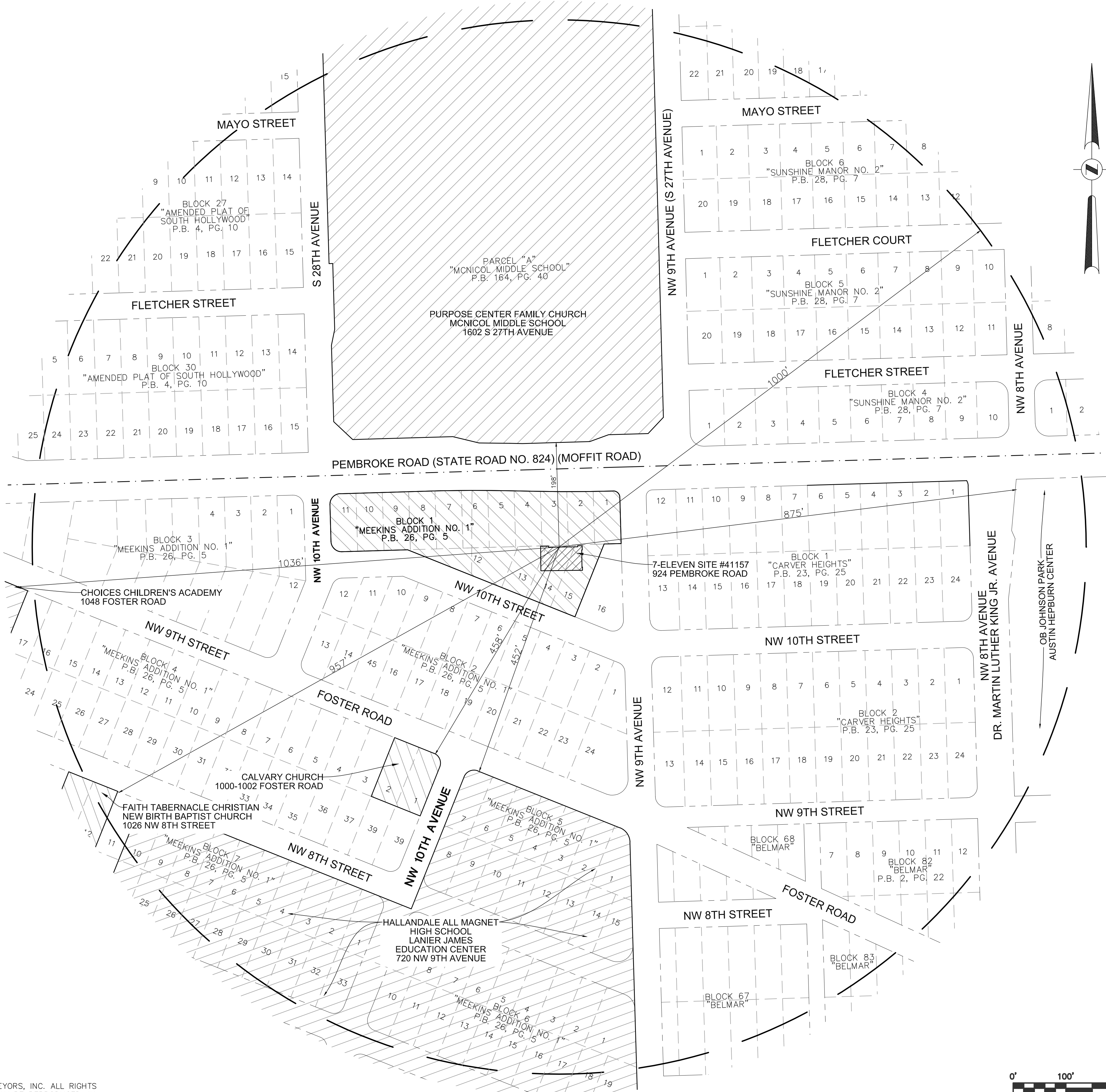
Further, the intent of the section will not be violated because 7-11 will limit the hours of off premises beer sales while at the same time bringing a new neighborhood market concept to the area. The new proposed neighborhood market store provides a wide range of convenience items, including fresh food options that are demanded by today’s new generation of consumer. These improvements include catering to the needs of the neighborhood and travelers alike. As such, the requested waiver will not have any substantial and material adverse effect on community schools, churches, or businesses in the area. The Project is located within the City’s Regional Activity Center Future Land Use district and the West Regional Activity Center zoning district. The West RAC is intended to provide neighborhood scale commercial uses, such as small convenience stores without sacrificing the existing image and character of the surrounding neighborhood. Within the Pembroke Road subdistrict, a wide variety of commercial uses are permitted many of which could sell alcohol either as package sales or for consumption on-site. The proposed limitation limits the sale of alcohol to beer only and still limits the hours.

It is also important to note that 7-Eleven is committed to the safety and wellbeing of the community and its customers and believes that responsibly selling a range of beverage options will not harm consumers. 7-Eleven has an exceptional training program for alcohol sales, which prevents the purchase of these items by underage youth. 7-Eleven understands the sensitive location of this store, which is close to two schools and churches, and will ensure that each employee undergoes the proper training necessary to ensure

strict adherence to the company's no tolerance policy for underage alcohol sales to minors. Lastly, no additional traffic impacts are anticipated from the sale of beer for off premises consumption. As a result of the forgoing, the Applicant believes that the requested waiver should be granted.

LEGEND

O.R.B. OFFICIAL RECORDS BOOK
P.B. PLAT BOOK
PG. PAGE
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- NOTES:
- 1) THIS SITE LIES IN SECTION 21, TOWNSHIP 51 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.
 - 2) THE HORIZONTAL POSITIONAL ACCURACY OF THIS SURVEY IS $\pm 10'$.
 - 3) THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTENCE, LOCATION AND DISTANCE FROM THE SUBJECT SITE AT 924 PEMBROKE ROAD TO ALL SCHOOLS, CHURCHES AND PUBLIC PARKS AS SET FORTH IN CITY OF HALLANDALE BEACH MUNICIPAL CODE.
 - 4) THIS SURVEY IS CERTIFIED EXCLUSIVELY TO: CREIGHTON CONSTRUCTION & MANAGEMENT.

CERTIFICATION:
I HEREBY CERTIFY THAT THE DISTANCES INDICATED HEREON ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND AS MEASURED UNDER MY DIRECT SUPERVISION. OTHER THAN SHOWN HEREON, THERE ARE NO SCHOOLS, CHURCHES OR PUBLIC PARKS WITHIN THE SPECIFIED DISTANCE FROM THE SUBJECT SITE AT 924 PEMBROKE ROAD. DISTANCES SHOWN HEREON ARE MEASURED IN COMPLIANCE WITH THE CRITERIA SET FORTH IN CITY OF HALLANDALE BEACH MUNICIPAL CODE.

- ☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
STATE OF FLORIDA

5			
4			
3	MISC. REVISIONS-02/24/20	B.E.	
2	MISC. REVISIONS-11/19/19	B.E.	
1	MISC. REVISIONS-08/15/19	B.E.	
NO.	REVISIONS	BY	

DISTANCE SURVEY

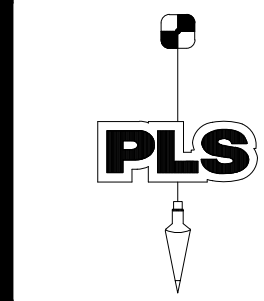
7-ELEVEN SITE #41157

924 PEMBROKE ROAD

HALLANDALE BEACH, BROWARD COUNTY

FLORIDA 33309

SPECIFIC PURPOSE SURVEY



PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

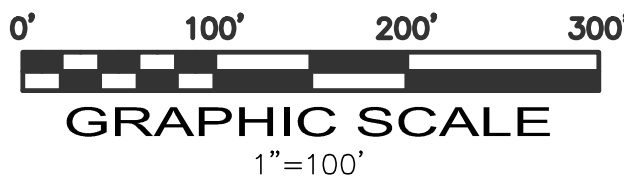
TELEPHONE: (954) 572-1777
FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com
WEBSITE: www.pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870

DRAWN BY: B.E.
CHECKED BY: J.F.P.

SCALE: 1" = 100'
SURVEY DATE: 08/05/19

FILE: CREIGHTON CONSTRUCTION & MANAGEMENT
ORDER NO.: 66285



Instrument Prepared by and after Recording Return to:

DUNAY, MISKEL AND BACKMAN LLP
14 SE 4th Street, Suite 36
Boca Raton, Florida 33432
Attention: Eric Coffman

Cross Reference: ORB 12818, Page 926

Space Above for Recorder's Use

RELEASE OF COVENANT OF USE

THIS RELEASE OF COVENANT OF USE is made as of _____, 2020, by **CREIGHTON COMPANIES, LLC**, a Florida limited liability company (the "**Owner**"), having an address located at 900 SW Pine Island Road, Suite 202, Cape Coral, FL 33991

WHEREAS, the undersigned Owner is the fee simple owner of the real property described on Exhibit A attached hereto (the "**Property**"), which includes all the real property subject to that certain Covenant of Use dated July 2, 1985 and recorded in the Official Records of Broward County, Florida on September 12, 1985 at Official Records Book 12818, Page 926 (the "**Covenant**"), and

WHEREAS, in connection with Owner's redevelop of the Property and as a condition of Owner's site plan approval for the Property from the City of Hallandale Beach, Florida, the undersigned desires to release and terminate the Covenant and, in lieu thereof, record a Declaration of Unity of Title.

NOW THEREFORE, for good and valuable consideration, the undersigned Owner declares as follows:

1. The Covenant is hereby released, discharged and rendered a nullity by the execution and recording of this instrument.
2. To the extent that the Property described therein was restricted or affected by the Covenant, the same is hereby released and discharged from the provisions of that Covenant.

[SIGNATURE ON FOLLOWING PAGE]

EXECUTED as of the date first written above.

WITNESSES:

Print Name: _____

Print Name: _____

OWNER:

Creighton Companies, LLC, a Florida
limited liability company

By: _____

Name: _____

Its: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2020, by _____, as Manager of **Creighton Companies, LLC**, a Florida limited liability company, on behalf of the company, who is personally known to me or has produced _____ as identification.

[NOTARY SEAL]

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any): _____

EXHIBIT A

Legal Description of Property

Parcel 1:

Lots 1, 2, 3, 4, 5 and 6, Block 1, MEEKINS ADDITION NO. 1, according to the plat thereof as recorded in Plat Book 26, Page 5, Public Records of Broward County, Florida.

LESS AND EXCEPT that part of said Lots 1 and 2 in Block 1 more particularly described as follows:

Beginning at a point on the East line of and 88 feet N 1°41'02" W from the Southeast corner of said Lot 1, said point being the beginning of a radial return concave to the Southwesterly, run Northwesterly along the arc of said radial return having a central angle of 89°59'30" and a radius of 12 feet, a distance of 18.85 feet and the end of said radial return and the beginning of a reverse curve concave to the Northeasterly and having a tangent bearing of S 88°19'28" W through said point; thence Westerly on said curve having a central angle of 02°55'22" and a radius of 2904.79 feet a distance of 88.04 feet through an angle of 01°44'12" to a point on the West line of said Lot 2; thence Northerly a distance of 8.66 feet on said West line to the Northwest corner of said Lot 2; thence N 88°19'28" E on the North line of said Lots 2 and 1, a distance of 80 feet, to the beginning of a radial return concave to the Southwesterly; thence Southeasterly on said radial return having a central angle of 89°59'30" and a radius of 20 feet a distance of 31.41 feet to the end of said radial return and a point on the East line of said Lot 1; thence S. 01°41'02" E on said East line of said Lot 1 a distance of 2.0 feet to the POINT OF BEGINNING.

LESS AND EXCEPT that part of said Lots 3 and 4 in Block 1 more particularly described as follows:

Beginning at a point on the East line of and 101.34 feet Northerly from the Southeast corner of said Lot 3, being on a curve to the Northeasterly and having a tangent bearing N 89°56'20" W. through said point; thence Westerly on said curve having a central angle of 02°55'22" and a radius of 2904.79 feet a distance of 60.14 feet through an angle of 01°11'10" to the end of said curve; thence N 88°45'10" W a distance of 39.97 feet to a point on the West line of said Lot 4; thence Northerly on said West line a distance of 4.19 feet to the Northwest corner of said Lot 4; thence N 88°19'28" E a distance of 100 feet on the North line of said Lots 4 and 3 to the Northeast corner of said Lot 3; thence Southerly on the East line of said Lot 3 a distance of 8.66 feet to the POINT OF BEGINNING.

LESS AND EXCEPT that part of said Lots 5 and 6 in Block 1 more particularly described as follows:

Beginning at a point on the East line of and 105.81 feet Northerly of the Southeast corner of said Lot 5; thence North 88°45'10" West a distance of 10.03 feet to a point being the beginning of a curve concave to the Southwesterly; thence Westerly on said curve having a central angle of 02°55'22" and a radius of 2824.79 feet a distance of 90.03 feet through an angle of 01°49'34" to a point on the West line of and 109.48 feet North of the Southwest corner of said Lot 6; thence Northerly on the West line of said Lot 6 a distance of 0.52 feet to the Northwest corner of said Lot 6; thence North 88°19'28" East on the North line of said Lots 6 and 5, a distance of 100 feet to the Northeast corner of said Lot 5; thence Southerly on the East line of said Lot 5, a distance of 4.19 feet to the POINT OF BEGINNING.

Parcels 2 and 3:

Lots 7 and 8, Block 1, MEEKINS ADDITION NO. 1, according to the plat thereof as recorded in Plat Book 26, Page 5, Public Records of Broward County, Florida.

LESS AND EXCEPT that part of the East 39.50 feet of Lot 7, Block 1, of MEEKINS ADDITION NO. 1,

Section 21, Township 51 South, Range 42 East, according to the plat as recorded in Plat Book 26, Page 5, Public Records of Broward County, Florida, and being more particularly described as follows:

Begin on the East boundary of said Lot 7, at a point 109.48 feet Northerly from the Southeast corner of said Lot 7; run along said East boundary a distance of 0.52 feet to the Northeast corner of said Lot 7; thence S 88°19'28" W along the North line of said Lot 7, a distance of 39.50 feet; thence N 89°04'43" E, a distance of 39.50 feet, more or less to the POINT OF BEGINNING.

Parcel 4:

Lots 9, 10 and 11, Block 1, of MEEKINS ADDITION NO. 1, A RESUBDIVISION OF THE AMENDED PLAT OF FIRST ADDITION TO SOUTH HOLLYWOOD, as recorded in Plat Book 4, Page 15, Public Records of Broward County, Florida, according to the Plat of MEEKINS ADDITION NO. 1, recorded in Plat Book 26, Page 5, Public Records of Broward County, Florida, and being more particularly described as follows:

Beginning at a point tangent at the Northeasterly end of the radius curve connecting the Easterly right of way line of N.W. 10th Avenue (50 feet wide) with the Southerly right of way line of Moffitt Road (70 feet wide); extending thence (1) along said Southerly right of way of Moffitt Road, North 87 degrees 56 minutes 24 seconds East 130.0 feet to a pipe in concrete at the Northeasterly corner of said Lot 9; thence (2) along the Easterly line of said Lot 9, South 02 degrees 03 minutes 36 seconds East 110.00 feet to an iron pipe in concrete on the Northerly right of way line of N.W. 10th Road (50 feet wide) at the Southeasterly corner of said Lot 9; thence (3) along said Northerly right of way line of N.W. 10th Road South 87 degrees 56 minutes 24 seconds West 130.00 feet to a point of curve at the Southeasterly end of the radius curve which connects said Northerly right of way line of N.W. 10th Road with the Easterly right of way line of N.W. 10th Avenue; thence (4) along said last mentioned radius curve in a Northwesterly direction bearing to the right with a radius of 20.0 feet the arc distance of 31.42 feet to a point of tangent on said Easterly right of way line of N.W. 10th Avenue, the chord bearing and distance of said arc being North 47 degrees 03 minutes 36 seconds West 28.28 feet; thence (5) along said Easterly right of way line of N.W. 10th Avenue, North 02 degrees 03 minutes 36 seconds West 70.0 feet to a point of curve at the Southwesterly end of said radius curve connecting the Easterly right of way line of N.W. 10th Avenue with the Southerly right of way line of Moffitt Road; and thence (6) along said last mentioned radius curve in a Northeasterly direction bearing to the right with a radius of 20.0 feet the arc distance of 31.42 feet to the place of Beginning, the chord bearing and distance of said arc being North 42 degrees 56 minutes 24 seconds East 28.28 feet.

Parcel 5:

Lots 12, 13, 14 and 15, Block 1, MEEKINS ADDITION NO. 1, according to the plat thereof as recorded in Plat Book 26, Page 5, Public Records of Broward County, Florida.

Instrument Prepared by and after Recording Return to:

DUNAY, MISKEL AND BACKMAN LLP
14 SE 4th Street, Suite 36
Boca Raton, Florida 33432
Attention: Eric Coffman

Space Above for Recorder's Use

DECLARATION OF UNITY OF TITLE

KNOW ALL MEN BY THESE PRESENTS, that on this ___ day of _____, 2020, pursuant to the applicable ordinances of the City of Hallandale Beach pertaining to the issuance of building permits, site plan approvals, and regulating building construction, the undersigned, **CREIGHTON COMPANIES, LLC**, a Florida limited liability company (the “**Owner**”), being the fee simple owner of the following described real property lying, being and situate in the City of Hallandale Beach, County of Broward and State of Florida, to-wit:

See Exhibit A attached hereto (the “**Property**”),

does hereby make the following declarations of conditions, limitations and restrictions on the Property.

NOW THEREFORE, for good and valuable consideration, the undersigned Owner declares as follows:

1. The plots, parcels or combinations of separate lots comprising the Property be and the same is hereby established and declared to be unified as an indivisible building site.
2. This Declaration of Unity of Title shall constitute a covenant running with the land, as provided by law, and shall be binding upon the undersigned, its successors and assigns, and all parties claiming thereunder and no portion of the Property shall be sold, assigned, transferred, conveyed or devised separately except in its entirety as one plot or parcel until such time as the same may be released in writing under the order of the Planning and Zoning Division of the City of Hallandale Beach, or its successor authority.
3. The undersigned Owner does further agree that this instrument will be filed for record among the Public Records of Broward County, Florida.

[SIGNATURE ON FOLLOWING PAGE]

EXECUTED as of the date first written above.

WITNESSES:

Print Name: _____

Print Name: _____

OWNER:

Creighton Companies, LLC, a Florida limited liability company

By: _____

Name: _____

Its: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2020, by _____, as Manager of **Creighton Companies, LLC**, a Florida limited liability company, on behalf of the company, who is personally known to me or has produced _____ as identification.

[NOTARY SEAL]

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any): _____

EXHIBIT A

Legal Description of Property

Parcel 1:

Lots 1, 2, 3, 4, 5 and 6, Block 1, MEEKINS ADDITION NO. 1, according to the plat thereof as recorded in Plat Book 26, Page 5, Public Records of Broward County, Florida.

LESS AND EXCEPT that part of said Lots 1 and 2 in Block 1 more particularly described as follows:

Beginning at a point on the East line of and 88 feet N 1°41'02" W from the Southeast corner of said Lot 1, said point being the beginning of a radial return concave to the Southwesterly, run Northwesterly along the arc of said radial return having a central angle of 89°59'30" and a radius of 12 feet, a distance of 18.85 feet and the end of said radial return and the beginning of a reverse curve concave to the Northeasterly and having a tangent bearing of S 88°19'28" W through said point; thence Westerly on said curve having a central angle of 02°55'22" and a radius of 2904.79 feet a distance of 88.04 feet through an angle of 01°44'12" to a point on the West line of said Lot 2; thence Northerly a distance of 8.66 feet on said West line to the Northwest corner of said Lot 2; thence N 88°19'28" E on the North line of said Lots 2 and 1, a distance of 80 feet, to the beginning of a radial return concave to the Southwesterly; thence Southeasterly on said radial return having a central angle of 89°59'30" and a radius of 20 feet a distance of 31.41 feet to the end of said radial return and a point on the East line of said Lot 1; thence S. 01°41'02" E on said East line of said Lot 1 a distance of 2.0 feet to the POINT OF BEGINNING.

LESS AND EXCEPT that part of said Lots 3 and 4 in Block 1 more particularly described as follows:

Beginning at a point on the East line of and 101.34 feet Northerly from the Southeast corner of said Lot 3, being on a curve to the Northeasterly and having a tangent bearing N 89°56'20" W. through said point; thence Westerly on said curve having a central angle of 02°55'22" and a radius of 2904.79 feet a distance of 60.14 feet through an angle of 01°11'10" to the end of said curve; thence N 88°45'10" W a distance of 39.97 feet to a point on the West line of said Lot 4; thence Northerly on said West line a distance of 4.19 feet to the Northwest corner of said Lot 4; thence N 88°19'28" E a distance of 100 feet on the North line of said Lots 4 and 3 to the Northeast corner of said Lot 3; thence Southerly on the East line of said Lot 3 a distance of 8.66 feet to the POINT OF BEGINNING.

LESS AND EXCEPT that part of said Lots 5 and 6 in Block 1 more particularly described as follows:

Beginning at a point on the East line of and 105.81 feet Northerly of the Southeast corner of said Lot 5; thence North 88°45'10" West a distance of 10.03 feet to a point being the beginning of a curve concave to the Southwesterly; thence Westerly on said curve having a central angle of 02°55'22" and a radius of 2824.79 feet a distance of 90.03 feet through an angle of 01°49'34" to a point on the West line of and 109.48 feet North of the Southwest corner of said Lot 6; thence Northerly on the West line of said Lot 6 a distance of 0.52 feet to the Northwest corner of said Lot 6; thence North 88°19'28" East on the North line of said Lots 6 and 5, a distance of 100 feet to the Northeast corner of said Lot 5; thence Southerly on the East line of said Lot 5, a distance of 4.19 feet to the POINT OF BEGINNING.

Parcels 2 and 3:

Lots 7 and 8, Block 1, MEEKINS ADDITION NO. 1, according to the plat thereof as recorded in Plat Book 26, Page 5, Public Records of Broward County, Florida.

LESS AND EXCEPT that part of the East 39.50 feet of Lot 7, Block 1, of MEEKINS ADDITION NO. 1,

Section 21, Township 51 South, Range 42 East, according to the plat as recorded in Plat Book 26, Page 5, Public Records of Broward County, Florida, and being more particularly described as follows:

Begin on the East boundary of said Lot 7, at a point 109.48 feet Northerly from the Southeast corner of said Lot 7; run along said East boundary a distance of 0.52 feet to the Northeast corner of said Lot 7; thence S 88°19'28" W along the North line of said Lot 7, a distance of 39.50 feet; thence N 89°04'43" E, a distance of 39.50 feet, more or less to the POINT OF BEGINNING.

Parcel 4:

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Beginning at a point tangent at the Northeasterly end of the radius curve connecting the Easterly right of way line of N.W. 10th Avenue (50 feet wide) with the Southerly right of way line of Moffitt Road (70 feet wide); extending thence (1) along said Southerly right of way of Moffitt Road, North 87 degrees 56 minutes 24 seconds East 130.0 feet to a pipe in concrete at the Northeasterly corner of said Lot 9; thence (2) along the Easterly line of said Lot 9, South 02 degrees 03 minutes 36 seconds East 110.00 feet to an iron pipe in concrete on the Northerly right of way line of N.W. 10th Road (50 feet wide) at the Southeasterly corner of said Lot 9; thence (3) along said Northerly right of way line of N.W. 10th Road South 87 degrees 56 minutes 24 seconds West 130.00 feet to a point of curve at the Southeasterly end of the radius curve which connects said Northerly right of way line of N.W. 10th Road with the Easterly right of way line of N.W. 10th Avenue; thence (4) along said last mentioned radius curve in a Northwesterly direction bearing to the right with a radius of 20.0 feet the arc distance of 31.42 feet to a point of tangent on said Easterly right of way line of N.W. 10th Avenue, the chord bearing and distance of said arc being North 47 degrees 03 minutes 36 seconds West 28.28 feet; thence (5) along said Easterly right of way line of N.W. 10th Avenue, North 02 degrees 03 minutes 36 seconds West 70.0 feet to a point of curve at the Southwesterly end of said radius curve connecting the Easterly right of way line of N.W. 10th Avenue with the Southerly right of way line of Moffitt Road; and thence (6) along said last mentioned radius curve in a Northeasterly direction bearing to the right with a radius of 20.0 feet the arc distance of 31.42 feet to the place of Beginning, the chord bearing and distance of said arc being North 42 degrees 56 minutes 24 seconds East 28.28 feet.

Parcel 5:

Lots 12, 13, 14 and 15, Block 1, MEEKINS ADDITION NO. 1, according to the plat thereof as recorded in Plat Book 26, Page 5, Public Records of Broward County, Florida.