

96-250640 T#001
05-23-96 01:59PM

WILL CALL
TWO TIM

Prepared By and Return To:
WILSON C. ATKINSON, III, Esquire
Atkinson, Diner, Stone,
Black & Mankuta, P.A.
1946 Tyler Street
P.O. Drawer 2088
Hollywood, Florida 33022-2088

Property Appraiser's Parcel
Identifying No: 1226-11-112

RESTRICTIVE COVENANT - AMENDED

WHEREAS, the undersigned, DIPLOMAT YACHT CLUB, INC. (hereinafter referred to as the "Club"), has applied to the City of Hallandale (hereinafter referred to as the "City") for a conditional use approval under Application #60-94-CU to construct and operate a marina (the "Marina") at that certain property situated in the City of Hallandale, Broward County, and more particularly described as follows:

All of Block 13, DIPLOMAT GOLF ESTATES, as recorded in Plat Book 46, Page 24, of the Public Records of Broward County, Florida, extending eastward to the center line of DeSota Waterway abutting the property.

(A/K/A 500 Diplomat Parkway)

WHEREAS, the City has agreed to grant such conditional use approval pursuant to said application upon condition that use of the property be restricted as hereinafter required; and

WHEREAS, the Club in consideration of the granting of such conditional approval, hereby agrees that its use of the above described property shall be restricted in the manner hereinafter indicated.

NOW, THEREFORE, in consideration of the foregoing premises, the undersigned hereby agrees as follows:

1. The recitals hereinabove set forth are true and correct and incorporated herein.

2. The use of the Marina pursuant to said conditional use approval is dependent upon the continued existence and operation of the Diplomat Resort and County Club and operation of the Marina shall cease if the golf course is not being operated in conjunction with the Marina.

3. That the Marina will not operate or conduct any uses or activities on the premises that are prohibited by City Code.

4. That any structures or uses of the above-described property not included in said Application are not permitted and shall require City Commission approval by separate conditional use application or as an amendment to the permit for said property.

5. The Southerly two piers of the Marina will be restricted so as to prohibit the dockage of ocean racing boats, and the remaining piers to the North will be utilized prior to the Southerly two piers.

6. This agreement shall be binding upon the successors and assigns of the undersigned.

7. This Covenant and Agreement supersedes and replaces the prior recorded restrictive covenant recorded at ORB 22993, page 451.

BK 24916PG0719

8. This agreement may not be amended or altered without the written consent of the City pursuant to a duly executed and recorded amendment hereto.

IN WITNESS WHEREOF, the undersigned has duly executed and delivered this Agreement on February 1, 1996.

Signed, sealed and delivered in the presence of:

Anna Felsher

Name: Anna Felsher
(type or print)

W. C. Atkinson

Name: W. C. Atkinson
(type or print)

DIPLOMAT YACHT CLUB, INC.

By: Jeffrey M. Walsh
Jeffrey M. Walsh

Its: President
(Corporate Seal)

Post Office Address:

501 Diplomat Way
Hallandale, FL 33009

STATE OF FLORIDA

COUNTY OF BROWARD

SWORN TO AND SUBSCRIBED before me this 1 day of February, 1996, by Jeffrey M. Walsh, as President of DIPLOMAT YACHT CLUB, INC., to me personally known (Yes) or produced identification _____. Type of identification produced _____.

Gene H. McCoy
Notary Public

DIPLO. COV/TXTLEGAL



GENE H. McCOY
COMMISSION # CC 518645
EXPIRES JAN 30, 2000
BONDED THRU
ATLANTIC BONDING CO., INC.

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATOR

BK 24916PG0720

ATKINSON, DINER, STONE & MANKUTA, P.A.

ATTORNEYS AT LAW

WILSON C. ATKINSON, III
JESSE H. DINER
ADELE I. STONE *
DAVID B. MANKUTA
EDWARD HEILBRONNER **
DOUGLAS KNISKERN ***
LAWRENCE M. PLOUCHA
MARK A. COEL
PATRICK J. NEWTON *
DIANE ANGELLA
KIMBERLY HALL DOYLE

RECEIVED
CITY OF HALLANDALE

JUN 15 1996
LEGAL DEPARTMENT

POST OFFICE DRAWER 2088
1946 TYLER STREET
HOLLYWOOD, FLORIDA 33022-2088
TELEPHONE (954) 925-5501
MIAMI (305) 944-1882
BOCA RATON (407) 429-3882
TELEFAX (954) 920-2711

* BOARD CERTIFIED IN REAL ESTATE
** BOARD CERTIFIED IN TAXATION
*** BOARD CERTIFIED IN WILLS, TRUSTS
AND ESTATES

June 11, 1996

Richard Kane, Esquire
City of Hallandale
308 S. Dixie Highway
Hallandale, FL 33009

Re: Restrictive Covenant - Amended
Diplomat Yacht Club, Inc.
Our File: 93-0025

Dear Dick:

Enclosed please find original Restrictive Covenant as amended, which has been duly executed and recorded in Official Records Book 24916, Page 719, of the Public Records of Broward County, Florida.

Very truly yours,


WILSON C. ATKINSON, III

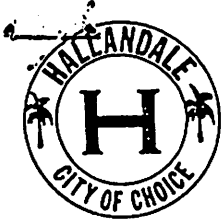
WCA:cgc
Enclosure

cc: Christy Dominguez
cc: Raymond Briscuso

Thanks.
The original is filed
with the City Clerk.
Dick Kane

cc City Clerk
Gov. Mgt.

96 JUN 17 PM 4:08
CITY OF HALLANDALE
CITY CLERK



City of Hallandale

308 S. Dixie Highway
Hallandale, Florida 33009
Broward: (305) 458-3251
Dade: (305) 949-9912
FAX: (305) 457-1342

April 14, 1995

WILSON C. ATKINSON, III, Esquire
ATKINSON, DINER, STONE,
BLACK & MANKUTA, P.A.
P.O. Drawer 2088
Hollywood, Florida 33022

Re: Diplomat Yacht Club, Inc.
Your File No: 93-0025

Dear Wilson:

You called in response to my letter of February 15 and I have gone over the covenant for needed changes. I find

- a) No. 7 should be deleted;
- b) In no. 2, delete "permanently" on the last line and "that" on the next line up. If you are uncomfortable with that, please call to discuss.

I have marked the enclosed copy as an aid to discussion.

With kind regards, I am

Very truly yours,

RICHARD KANE

RK/jb
Enclosure

cc: Growth Management Department

CITY OF HALLANDALE
CITY CLERK
96 JUN 20 AM 10:27