

This Instrument Was Prepared By:

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Record and Return To:

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(Reserved)

### **DECLARATION OF RESTRICTIONS**

**THIS DECLARATION OF RESTRICTIONS** (“Declaration”) made this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by G.I. of Commercial, LLC (“Declarant”), a Florida limited liability company, its successors or assigns, with an address of 7050 West Commercial Boulevard, Lauderhill FL, 33319 shall be for the benefit of the City of Lauderhill, a municipal corporation of the State of Florida, with an address of 5581 W. Oakland Park Boulevard, Lauderhill Fl 33313 (“City”).

#### **WITNESSETH:**

WHEREAS Declarant is currently the owner of 7040 West Commerical Boulevard (“Parcel A”) and 7050 West Commercial Boulevard (“Parcel B”), in the City, and each parcel is more particularly described on Exhibit “A” and Exhibit “B” attached respectively hereto and made a part hereof; and

WHEREAS Declarant currently operates a fast food restaurant with a drive thru on Parcel A (“Existing Restaurant”); and

WHEREAS Declarant intends to construct a new fast food restaurant with a drive thru on Parcel B (“New Restaurant”); and

WHEREAS, in order to operate a fast food restaurant with drive thru on Parcel B, the Declarant must obtain special exception approval (“Application”) from the City; and

WHEREAS the Declarant must obtain site plan approval for the New Restaurant; and

WHEREAS, the Declarant has submitted the Application to the City, and as inducement for consideration of same, has agreed to provide this Declaration which provides that no other fast food restaurant, with a drive thru will operate on Parcel A once the New Restaurant is opened; and

WHEREAS the City Commission approved the Application on \_\_\_\_\_.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarant 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, all of which shall run with the Property and any part thereof and which shall be binding upon all parties having any right, title or interest in such Property or any part thereof, including their heirs, successors and assigns.

1. **Recitations.** The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.
2. **Property Development.** The Existing Restaurant will cease to operate on Parcel A, once the New Restaurant on Parcel B is open for business.
3. **Amendments.** This Declaration 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. The appropriate governmental authority of the City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida.
4. **Recordation and Effective Date.** This instrument shall become effective once recorded in the Public Records of Broward County, Florida. Once recorded, this Declaration shall run with the Property for the sole benefit of the City 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.** Articles and paragraph captions, headings and titles inserted throughout this Declaration 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 Declaration.
7. **Context.** Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

[Signatures Appear on Following Page]



**Parcel "A"**

LEGAL DESCRIPTION:

DRAFT

**Parcel "B"**  
**LEGAL DESCRIPTION:**

DRAFT