

SPECIAL EXCEPTION USE AFFIDAVIT OF COMPLIANCE WITH CONDITIONS OF APPROVAL

[4571 Billiards LLC DBA Classic Billiards] (23-SE-005)

I, DAVID BARTOSIAK, being sworn, do hereby certify and affirm that the following statements are true:

I have read in its entirety the [4571 Billiards LLC DBA Classic Billiards & 23-SE-005] Development Review Report, any Supplemental Development Review Reports, and all attachments and exhibits associated with the special exception use application filed with the City of Lauderdale, Florida Planning and Zoning Division and understand its contents. *I further acknowledge that Special Exception Use applications are reviewed and will be subject to approval by the Lauderdale City Commission in a quasi-judicial hearing and my attendance at the hearing, or the attendance of my representative or designee, is required to ensure all facts pertaining to the matter are put on record.*

I have read and understand the below described conditions of approval and voluntarily agree to comply with all said conditions. I understand that no Special Exception will be executed or approved in final until and unless this signed Affidavit is submitted to the City:

1. This special exception use development order for a Billiard or Pool Parlor Use, is specifically granted to 4571 Billiards LLC and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another person. Further, this special exception use development order shall automatically expire and become null and void if change of ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision, if the use shall cease to operate or if Classic Billiards is sold, assigned, transferred or otherwise conveyed to another person.
2. The Billiard or Pool Parlor Use is restricted to a total of 3,900 square feet site located at 4569-4573 N. University Drive. Consistent with the Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of this use shall be unlawful unless the City Commission amends this development order to allow such expansion, alteration, enlargement or removal to another location. Seating must be consistent with state licensing requirements.
3. The hours of operation are limited to Sunday through Saturday from 1:00 P.M. until 2:00 A.M.
4. Alcoholic Beverage sales which are allowed by right in association with the existing Restaurant Bar Use must be in conformance with the requirement that 51% of sales must be food and nonalcoholic beverages.
5. Seating must be consistent with state licensing requirements.
6. Live Entertainment is prohibited unless a Special Exception is applied for and granted for said use.

SPECIAL EXCEPTION USE AFFIDAVIT OF COMPLIANCE WITH CONDITIONS OF APPROVAL

[4571 Billiards LLC DBA Classic Billiards] (23-SE-005)

7. Gambling is prohibited.
8. A maximum number of six (6) amusement devices are permitted on premises. The City must be notified if any such devices are to be utilized so they can be included within the Certificate of Use.
9. If there are any code enforcement violations or liens, this Special Exception Use Development Order may be brought before the City Commission to be reconsidered, at which time the development order, or the conditions of approval, may be subject to modification, suspension and/or revocation.
10. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both.
11. If the use which has been granted a Special Exception shall cease to operate for a period of one (1) year, the Special Exception Use approval shall expire.
12. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

I understand that I am swearing or affirming under oath the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include the modification, suspension or revocation of any resolution adopting the special exception use application and any certificate of use associated with the special exception use approval.

Print your name: DAVID BARTOSIAK
Sign your name: [Signature]
Date signed: 6/7/23

The foregoing instrument was acknowledged before me this 7th day of June, 2023, by DAVID BARTOSIAK, who is personally known to me or who has produced FL Drivers License as identification and who did take an oath.

Notary public

Print your name: Amy L Thompson
Sign your name: [Signature]

State of Florida at Large Seal

My Commission Expires: July 05, 2026

