

PREPARED BY AND RETURN TO:
Alan L. Gabriel, Esq.
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
200 East Broward Boulevard, Suite 1900
Fort Lauderdale, FL 33301

TERMINATION AND RELEASE OF
DECLARATION OF RESTRICTIVE COVENANTS
Land Use Plan Amendment PC 04-22

THIS RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS (the "Release") is made as of the ____ day of _____, 2019 by **BROWARD COUNTY**, a political subdivision of the State of Florida, with a post office address at 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 (the "County"), and **THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**, with a post office address of 600 Southeast 3rd Avenue, Fort Lauderdale, Florida 33301 (the "School Board").

WITNESSETH:

WHEREAS, **GOLF-TAM, INC.**, a Florida corporation, ("Golf-Tam") executed that certain Declaration of Restrictive Covenants dated August 30, 2005 and recorded in Official Records Book 40448, Pages 864-880, Public Records of Broward County, Florida (the "Declaration") affecting certain real property located in the City of Oakland Park, Florida, in Broward County, more particularly described in Exhibit "A" attached hereto (the "Original Parcel"); and

WHEREAS, Golf-Tam, subsequently executed that certain Amended Declaration of Restrictive Covenants dated November 15, 2005 and recorded in Official Records Book 40917, Pages 1604-1614, Public Records of Broward County, Florida (the "Amended Declaration") affecting only the Original Parcel; and

WHEREAS, Golf-Tam filed Land Use Plan Amendment PC 04-22 with the intention of developing 30 townhouse residential units, which units have not been permitted or developed; and

WHEREAS, **BLACKWOOD PARTNERS, LLC** and **BLACKSHORE PARTNERS, LLC** are the current owners ("Current Owners") of approximately 140.7 acres commonly referred to as the Oak Tree Golf Course property ("Oak Tree Property"). The Original Parcel is a 5 acre portion of the Oak Tree Property all of which is located in the City of Oakland Park, Florida; and

WHEREAS, the Current Owners of the Oak Tree Property have filed Land Use Plan Amendment PC 19-2 to change the Land Use Plan designation on the Oak Tree Property to Irregular Residential 2.88 dwelling units per acre. The Oak Tree Property development plan as proposed will consist of 273 single family and 132 townhouse residential units. Development on the Original Parcel is now intended to consist of single family residential lots; and

WHEREAS, since the development as contemplated by PC 04-22 and evidenced by the recorded Declaration and the Amended Declaration is inconsistent with the current development plan for the Oak Tree

Property, the Current Owners have requested their release as the current property owners from these obligations; and

WHEREAS, any subsequent change of use or release of the Declaration and the Amended Declaration would require further public school concurrency review by the Broward School District at the plat or site plan (or functional equivalent) phase of development review of the Oak Tree Property; and

WHEREAS, the County and School Board are willing to release the Declaration and the Amended Declaration and their effect on the Original Property and the Oak Tree Property, as further identified herein.

NOW THEREFORE, in consideration of the mutual covenants, promises and benefits contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. The County and the School Board hereby agree that the Declaration and the Amended Declaration are terminated and of no further force and effect as of the date hereof as to the Original Property, as more particularly described in Exhibit "A", attached hereto.
3. The County and the School Board hereby agree that the Declaration is terminated and of no further force and effect as of the date hereof as to the Oak Tree Property, as more particularly described herein, as the Land Use Plan designation on the Oak Tree Property has been changed to Irregular Residential 2.88 dwelling units per acre. The Oak Tree Property development plan as proposed will consist of 273 single family and 132 townhouse residential units and development on the Original Parcel will now consist of single family residential lots and shall be subject to and satisfy applicable Broward County Public School Concurrency review regulations.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties have made and executed this Termination on the respective dates under each signature: BROWARD COUNTY through its Board of County Commissioners, acting by and through its Mayor or Vice Mayor, authorized to execute same; and THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA acting by and through its Chair, duly authorized to execute same.

WITNESSES:

COUNTY

Name: _____

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

Name: _____

By _____
Mark D. Bogen, Mayor

____ day of _____, 2019

County Administrator and
Ex-Officio Clerk of the
Board of County Commissioners
of Broward County, Florida

Approved as to form by
Office of County Attorney
Broward County, Florida
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Assistant County Attorney

____ day of _____, 2019

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Mark D. Bogen, Mayor, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2019.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

SCHOOL BOARD:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

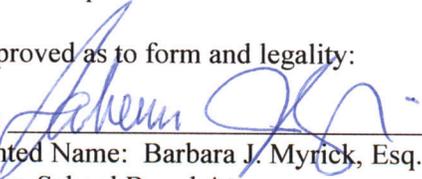
By: _____
Heather P. Brinkworth, Chair

Dated: _____

Attest:

By: _____
Robert W. Runcie
Superintendent of Schools

Approved as to form and legality:

By: 
Printed Name: Barbara J. Myrick, Esq.
Title: School Board Attorney

Dated: _____

WITNESSES:

Name: _____

Name: _____

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Heather P. Brinkworth, Chair, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2019.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION OF DECLARATION
And AMENDED DECLARATION

SKETCH AND DESCRIPTION

PORTION OF
SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A
1 of 2

LAND DESCRIPTION:

A parcel of land lying in Section 17, Township 49 South, Range 42 East, being more particularly described as follows:

COMMENCE at the Northeast corner of the Northwest One-Quarter (NW 1/4) of the Southeast One-Quarter (SE 1/4) of said Section 17; thence S88°01'31"W, 100.00 feet; thence S01°40'16"E, along the west line of Prospect Road, 441.16 feet to a point of curvature of a curve concave to the East, having a radius of 1246.28 feet and a central angle of 12°07'37"; thence southerly on arc distance of 263.78 feet to the POINT OF BEGINNING; thence continue along said arc, having a radius of 1246.28 feet and a central of 12°36'46"; thence southerly on arc distance of 274.35 feet; thence S88°21'04"W, 857.71 feet; thence N57°50'54"W, 100.00 feet; thence N32°09'06"E, 98.57 feet to a point of curvature of a curve concave to the northwest, having a radius of 100.00 feet and a central angle of 33°56'25"; thence northerly an arc distance of 59.24 feet to a point of tangency; thence N01°47'19"W, 39.39 feet to a point of curvature of a curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°00'00"; thence northerly an arc distance of 39.27 feet to a point of tangency; the preceding five courses and distances being along a private road and Lot 1, as shown on the the plat of GOLF-TAM VILLAGE, as recorded at Plat Book 119, Page 18 of the Public Records of Broward County, Florida; thence N88°12'41"E, 757.56 feet to the POINT OF BEGINNING.

Said lands lying and situate in Broward County, Florida, containing 217,812 square feet, (5.0003 acres) more or less.

NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. No underground improvements were located.
6. Bearings shown hereon are relative to the north line of the N.W. 1/4, S.E. 1/4, of Section 17, Township 49 South, Range 42 East having a bearing of S88°01'31"W.
7. Abbreviation Legend: L = Arc Length; L.B.= Licensed Business; P.B.= Plat Book; B.C.R.= Broward County Records; PG.= Page; P.L.S.= Professional Land Surveyor; P.O.B.= Point of Beginning; P.O.C.= Point of Commencement; R = Radius; Δ= Central Angle.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 5/10/04

John V. Doogan
JOHN V. DOOGAN, P.L.S.
Florida Registration No. 4409
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

SKETCH NOT VALID WITHOUT SHEET 1 & 2

REVISIONS		AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 80 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2694, FAX (561) 394-7125 ©2004 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.	JOB NO.7428
			SCALE: 1" = 150'
			DATE: 05/05/04
			DRAWN BY: C.L.P.
			SHEET: 1 OF: 2

SKETCH AND DESCRIPTION
 PORTION OF
 SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST

EXHIBIT A
 2 of 2

NORTH LINE OF THE
 N.E. 1/4, S.E. 1/4, SECTION 17

S88°01'31"W
 100.00'



SCALE: 1"=150'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	59.24	100.00	33°56'25"
C2	39.27	25.00	90°00'00"

LINE TABLE		
LINE	LENGTH	BEARING
L1	98.57	N32°09'06"E
L2	39.39	N01°47'19"W

P.O.C.
 N.E. CORNER
 N.W. 1/4, S.E. 1/4
 SECTION 17-49-42

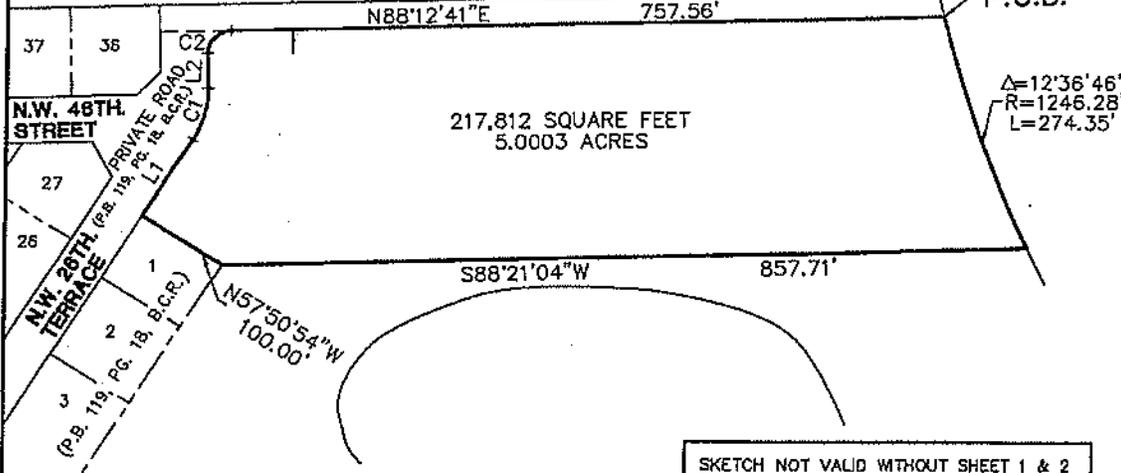
WEST LINE
 S01°40'16"E
 441.16'

PROSPECT ROAD

Δ=12°07'37"
 R=1246.28'
 L=263.78'

30' ROADWAY EASEMENT
 (O.R.B. 9529, PG. 156, B.C.R.)

P.O.B.



REVISIONS



AVIROM & ASSOCIATES, INC.
 SURVEYING & MAPPING
 50 S.W. 2ND AVENUE, SUITE 102
 BOCA RATON, FLORIDA 33432
 TEL. (561) 392-2594, FAX (561) 394-7125
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JOB NO.7428

SCALE: 1" = 150'

DATE: 05/05/04

DRAWN BY: C.L.P.

SHEET: 2 OF: 2