

Prepared by and return to:

Name: Richard G. Coker, Jr., Esquire  
Coker & Feiner  
Address: 1404 South Andrews Avenue  
Fort Lauderdale, FL 33316-1840  
Telephone: (954) 761-3636

**FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS**  
**WESTERRA**

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS ("Amendment") dated this 5<sup>th</sup> day of October, 2018, by SAWGRASS TECH LAND ASSOCIATES LTD., a Florida limited partnership (hereinafter referred to as "Owner"), in favor of BROWARD COUNTY, a political subdivision of the State of Florida ("County").

**WITNESSETH:**

WHEREAS, a land use plan amendment for the Westerra Local Activity Center ("Westerra LAC") was approved by the City of Sunrise and Broward County in 2009 subject to the Declaration of Restrictive Covenants-Westerra dated May 12, 2009, recorded on July 22, 2010 in Official Records Book 47245, Page 37 and re-recorded on August 9, 2010 at Official Records Book 47291, Page 1466 of the Public Records of Broward County, Florida ("LAC Declaration"); and,

WHEREAS, concurrently with the approval of the Westerra LAC, the Westerra development of regional impact ("Westerra DRI") was approved by the City of Sunrise ("City") by the adoption of Ordinance No. 237-X-09-A on February 10, 2009 amending the Harrison Park DRI Development Order ("Westerra DRI Development Order"); and,

WHEREAS, the Westerra DRI Development Order contained certain traffic mitigation requirements in sections 3.7.1, 3.7.2, 3.7.3, 3.7.4 and 3.7.5 which traffic mitigation requirements were incorporated into Section 3 and Exhibit "4" of the LAC Declaration; and,

WHEREAS, upon the application of the Owner, the City amended the Westerra DRI Development Order by Ordinance No. 237-X-18-A on April 10, 2018 ("Westerra DRI Amended

Development Order”) which amendment modified the traffic mitigation requirement for the Westerra DRI; and,

WHEREAS, the Owner has applied to County for an amendment to the LAC Declaration to reflect the amendments to the traffic mitigation requirements as set forth in the Westerra DRI Amended Development Order and County, with input from the City, has considered the proposed amendment to the LAC Declaration and approved the amendment at its meeting of

April 10<sup>th</sup>, 2018; and,

WHEREAS, Owner, as used in this Amendment, shall mean Sawgrass Tech Land Associates, Ltd., the fee simple title holder to a portion of the Westerra Property legally described as follows:

See **Exhibit "A"** attached hereto and made a part hereof ("Westerra Phase 1 Property");

NOW, THEREFORE, in consideration of the foregoing, the Owner hereby agrees and declares as follows:

1. Recitals. That the above recitals are true and are incorporated herein by reference.

2. Amendment to LAC Declaration. Section 3 of the LAC Declaration, Traffic Mitigation Requirements, is amended by deleting **Composite Exhibit "4"** in its entirety and substituting therefor **Amended Composite Exhibit "4"** attached hereto and made a part hereof.

4. Ratification of LAC Declaration. Except as amended hereby, the LAC Declaration is hereby ratified and re-confirmed.

5. Severability. Invalidation of any one of these covenants by judgment of a court of competent jurisdiction shall not affect any of the other provisions of this Amendment, which shall remain in full force and effect.

6. Covenant Running with the Land. Upon recordation, this instrument shall constitute a covenant running with the title to the Westerra Property and be binding upon the Owner, its successors and assigns.

7. Effective Date. This Amendment shall become effective upon its recordation in the Public Records of Broward County.

IN WITNESS WHEREOF, the undersigned has executed this Declaration on this 5<sup>th</sup>  
day of October, 2018.

Signed, sealed and delivered in the  
presence of:

[Signature]

Signature: [Signature]

Printed Name

[Signature]

Signature: [Signature]

Printed Name

SAWGRASS TECH LAND  
ASSOCIATES, LTD. a Florida limited  
partnership

By: Sawgrass Tech Land Associates,  
LLC, a Florida limited liability  
company, its sole general partner

By: [Signature]

Name: Rocco Ferrera

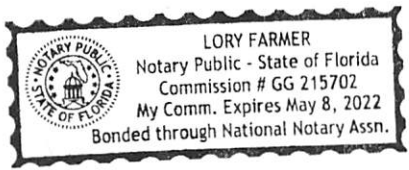
Title: VP

Date: 10-5-2018

STATE OF FLORIDA :  
: SS.  
COUNTY OF BROWARD :

I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take  
acknowledgments, personally appeared Rocco Ferrera as Vice President of Sawgrass Tech  
Land Associates, LLC, the sole general partner of Sawgrass Tech Land Associates, Ltd, on  
behalf of the company. He is known to me to be the person described in and who executed  
the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5<sup>th</sup>  
day of October, 2018.



[Signature]  
Signature of Notary or Officer

[Signature]  
Printed Name of Notary Public

AMENDED COMPOSITE EXHIBIT 4

TRAFFIC MITIGATION REQUIREMENTS

Prior to the issuance of a Certificate of Occupancy for a new permanent structure, the Developer shall fund, construct or cause the construction of, as applicable, the improvements outlined in Revised Exhibit D to the Westerra DRI Amended Development Order ("Amended Development Order"). A copy of Revised Exhibit D to the Amended Development Order is attached.

1. Within 90 days of the effective date of the Development Order, the Developer shall pay Broward County the sum of \$55,000.00 for the purpose of partially funding software for a TMS Fiber-Optic Signal Upgrade Package at intersections on Sunrise Boulevard, NW 136 Avenue and Flamingo Road ("Signal Upgrade Package"). This payment has been made.

2. ~~On or before June 30, 2010, or eighteen (18) months from the legally effective date of the corresponding Local Activity Center Land Use Plan Amendment, whichever last occurs,~~ The Developer shall pay Broward County the sum of ~~\$385~~\$845,000.00 for the purpose of partially funding installation of the Signal

Upgrade package, \$100,000.00 of which shall be earmarked  
for and transit oriented improvements or equipment. The  
\$845,000.00 (indexed annually to the CPI for all urban  
consumers (U.S. City average) starting on January 8,  
2016 shall be paid in eight (8) payments, each  
comprising of \$93,125.00 towards signal system  
improvements and \$12,500.00 towards transit system  
improvements, totaling \$105,625.00 each payment. The  
payments shall be made as follows and the trip  
generation rates shown in Exhibit C shall be used for  
the calculations:

a. The first payment shall be due prior to the  
issuance of building permits for land uses generating  
greater than 875 Net New External PM Peak Hour Trips or  
for any development generating one or more trips above  
the existing built development on the property.

b. The second payment shall be due prior to the  
issuance of building permits for land uses generating  
greater than 1,139 Net New External PM Peak Hour Trips.

c. The third payment shall be due prior to the  
issuance of building permits for land uses generating  
greater than 1,402 Net New External PM Peak Hour Trips.

d. The fourth payment shall be due prior to the issuance of building permits for land uses generating greater than 1,666 Net New External PM Peak Hour Trips.

e. The fifth payment shall be due prior to the issuance of building permits for land uses generating greater than 1,929 Net New External PM Peak Hour Trips.

f. The sixth payment shall be due prior to the issuance of building permits for land uses generating greater than 2,188 Net New External PM Peak Hour Trips.

g. The seventh payment shall be due prior to the issuance of building permits for land uses generating greater than 2,448 Net New External PM Peak Hour Trips.

h. The eighth payment shall be due prior to the issuance of building permits for land uses generating greater than 2,707 Net New External PM Peak Hour Trips, prior to final buildout of the approved DRI which allows for 2,965 Net New External PM Peak Hour Trips

3. Prior to the issuance of a Certificate of Occupancy for land uses generating more than 1,616 PM External Trips Peak Hour Trip ends, as calculated using the trip generation rates shown in Exhibit C to the Development Order, the Developer ~~shall pay Broward County the sum of \$450,000.00 for additional partial funding of the Signal Upgrade Package and shall fund,~~

construct or cause the construction of, as applicable, the improvements outlined in Revised Exhibit E to the Amended Development Order, a copy of which is attached. Further, the Developer shall pay to the City for transportation and transit improvements and services, the sum of \$354,346.00 to be paid as follows:

a. The sum of \$94,394.00 prior to the issuance of a certificate of occupancy for a new permanent structure.

b. The sum of \$129,976.00 prior to the issuance of a certificate of occupancy for land uses generating more than 875 Net New External PM Peak Hour Trips , as calculated using the trip generation rates shown in Exhibit C.

c. The sum of \$129,976.00 prior to the issuance of a certificate of occupancy for land uses generating more than 1,572 Net New External PM Peak Hour Trips as calculated using the trip generation rates shown in Exhibit C.

4. Prior to the issuance of a Certificate of Occupancy for land uses generating more than 1,885 P.M. External Peak Hour Trip Ends, as calculated using the trip generation rates shown in Exhibit C to the Development Order, the Developer shall fund, construct or cause the construction of, as applicable, the

improvements outlined in Exhibit F to the Development  
Order, a copy of which is attached,



**EXHIBIT C - TRIP GENERATION RATES**

LAND USE	ITE CODE	<u>AM PEAK HOUR TRIP GENERATION RATE</u> <sup>(1)</sup>
<b>EXISTING USES</b>		
General Office	710	$\text{Ln}(T) = 0.80\text{Ln}(X) + 1.55(88/12)$
Industrial Park	130	$T = 0.84(X) (82/18)$
<b>PROPOSED USES</b>		
General Office	710	$\text{Ln}(T) = 0.80\text{Ln}(X) + 1.55(88/12)$
Industrial Park	130	$T = 0.84(X) (82/18)$
Retail	820	$\text{Ln}(T) = 0.60 \text{Ln}(X) + 2.29(61/39)$
Hotel	310	$\text{Ln}(T) = 1.24\text{Ln}(X) - 2.00(61/39)$
High-Rise Condominium	232	$T = 0.29(X) + 28.86(19/81)$
Townhouse	230	$\text{Ln}(T) = 0.80\text{Ln}(X) + 0.26(17/83)$
General Office	710	$\text{Ln}(T) = 0.80\text{Ln}(X) + 1.55(88/12)$
LAND USE	ITE CODE	<u>PM PEAK HOUR TRIP GENERATION RATE</u> <sup>(1)</sup>
<b>EXISTING USES</b>		
General Office	710	$T = 1.12(X) + 78.81(17/83)$
Industrial Park	130	$T = 0.77(X) + 42.11(21/79)$
<b>PROPOSED USES</b>		
General Office	710	$T = 1.12(X) + 78.81(17/83)$
Industrial Park	130	$T = 0.77(X) + 42.11(21/79)$
Retail	820	$\text{Ln}(T) = 0.66 \text{Ln}(X) + 3.40(48/52)$
Hotel	310	$T = 0.59(X) (53/47)$
High-Rise Condominium	232	$T = 0.34(X) + 15.47(62/38)$
Townhouse	230	$\text{Ln}(T) = 0.82 \text{Ln}(X) + 0.32(67/33)$

<sup>1</sup> Source: ITE *Trip Generation* manual, 7<sup>th</sup> Edition, utilized for Existing Uses and for Proposed Uses.

Note: Net Trips to be calculated per transportation methodology utilized in the Application for Development Approval (ADA) for the 2008 substantial deviation.

**REVISED EXHIBIT D – 2008 AND 2009 INTERSECTION IMPROVEMENTS**

INTERSECTION	ANALYSIS YEAR 2008 PM PEAK HOUR TRIPS = 643	ANALYSIS YEAR 2009 NET NEW EXTERNAL PM PEAK HOUR TRIPS = 875
	Improvement	Improvement
Sunrise Blvd. at Sawgrass Expressway – southbound ramp		<del>Re-strip westbound through lane to westbound through plus left turn lane.</del> <u>Similar improvements included in Florida Turnpike Enterprise Project FPN 437155-1.</u>
Sunrise Blvd. at Sawgrass Expressway – northbound ramp		
Sunrise Blvd. at Sawgrass Corporate Parkway	<del>Re-strip northbound through plus right turn lane to northbound through plus left turn lane.</del> <u>Similar improvements included in Florida Turnpike Enterprise Project FPN 437155-1.</u> <u>One northbound free flow, right turn lane. Similar improvements included in Florida Turnpike Enterprise Project FPN 437155-1.</u>	
Sunrise Blvd. at Driveway B		
Sunrise Blvd. at NW 136 <sup>th</sup> Avenue		<del>2 Bus Bays Stops on</del> Southbound NW 136 <sup>th</sup> Avenue.
Sunrise Blvd, At Yellow Toucan Road		

**REVISED EXHIBIT E - 2012 INTERSECTION IMPROVEMENTS**

	ANALYSIS YEAR 2012 Net New External PM Peak Hour Trips = 1,572 Improvement
Sunrise Blvd. at Sawgrass Expressway - southbound ramp	<u>One southbound left turn lane. Similar improvements included in Florida Turnpike Enterprise Project FPN 437155-1.</u>
Sunrise Blvd. at Sawgrass Expressway - northbound ramp	<u>One northbound free flow, right turn lane. Similar improvements included in Florida Turnpike Enterprise Project FPN 437155-1.</u>
	<u>One eastbound through lane. Similar improvements included in Florida Turnpike Enterprise Project FPN 437155-1.</u>
Sunrise Blvd. at Sawgrass Corporate Parkway	<u>Convert one eastbound right turn lane to one east bound free-flow, right turn lane. Similar Improvements Included in Florida Turnpike Enterprise Project FPN 437155-1.</u>
Sunrise Blvd. at Driveway B	Signalize. Restrict southbound movements to right-turn only.
Sunrise Blvd. at NW 136 <sup>th</sup> Avenue	
Sunrise Blvd. at Yellow Toucan Road	

**EXHIBIT F - 2013 AND 2018 INTERSECTION IMPROVEMENTS**

INTERSECTION	ANALYSIS YEAR 2013 Net New External PM Peak Hour Trips = 1,804	ANALYSIS YEAR 2018 Net New External PM Peak Hour Trips = 2,965
	Improvement	Improvement
Sunrise Blvd. at Sawgrass Expressway - southbound ramp		
Sunrise Blvd. at Sawgrass Expressway - northbound ramp		
Sunrise Blvd. at Sawgrass Corporate Parkway		
Sunrise Blvd. at Driveway B		
Sunrise Blvd. at NW 136th Avenue	Northbound right-turn lane permitted plus overlap; southbound right-turn lane permitted plus overlap.	
Sunrise Blvd. at Yellow Toucan Road		Re-stripe southbound through lane to southbound left-turn lane; re-stripe southbound right-turn lane to southbound through plus right-turn lane.