

Return to: (enclose self-addressed stamped envelope)

Name:

Steven E. Wallace, Esq.

Address:

The Wallace Law Group, PL
2240 W. Woolbright Road #403
Boynton Beach, Florida 33426

This Instrument Prepared by:

Steven E. Wallace, Esq.
2240 W. Woolbright Road #403
Boynton Beach, Florida 33426

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DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (“Declaration”) dated the 28 day of FEBRUARY, 2019, by and among TLH SABRA 2, LLC, a Florida limited liability company, its successors and assigns (“Declarant”), BROWARD COUNTY, a Political Subdivision of the State of Florida (“County”), and the CITY OF PARKLAND, a Florida municipal corporation.

W I T N E S S E T H:

WHEREAS, Declarant is the owner of the property located in the City as further described on **Exhibit A** attached hereto and made a part hereof (the “Property”); and

WHEREAS, Declarant has offered to enter into this Declaration of the benefit of the County and City with respect to the development of the Property; and

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarant hereby declares that the Property shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to restrictions 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 the Property or any part thereof, their heirs, successors and assigns.

1. **Recitations.** The foregoing recitations are true and correct and are incorporated herein by this reference.

2. **Property Development and Use.** In connection with the Development of the Property, Declarant agrees to develop the Property with up to 129 single family homes on the Property. Declarant declares that the single family homes to be developed on the Property are intended for “Housing for Older Persons” as such term is defined under the Fair Housing Amendments Act of 1988 and/or the Broward County Human Rights Act, as amended from time to time. The single family homes developed on the Property shall be restricted as follows: at least eighty percent (80%) of the single family homes shall be occupied by at least one (1) person fifty-five (55) years of age or

older per unit; provided that no person under the age of eighteen (18) shall be a permanent resident of any single family home located on the Property.

3. Recordation/Effective Date. This Declaration shall not be effective until this Declaration is recorded in the Public Records of Broward County, Florida. Once recorded, this Declaration shall run with the Property for the sole benefit of the County and City and shall bind all successors and assigns to title of the Property.

4. Amendment. This Declaration may not be modified, amended or terminated without the prior written approval of the owner(s) and the Property and joinder and consent of the County and the City.

5. Waiver. No waiver of any of the provisions of this Declaration shall be effective unless it is in writing, signed by the party against whom it is asserted and any such waiver shall only be applicable to the specific instance in which it relates and shall not be deemed to be a continuing or future waiver.

6. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of Florida and venue for any litigation arising hereunder shall be Broward County, Florida.

7. Captions. The captions and paragraph headings contained in this Declaration are for reference and convenience only and in no way define, describe, extend or limit the scope or intent of this Declaration, nor the intent of the provisions hereto.

8. Severability. Unless otherwise provided herein, if any provision of this Declaration shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

9. Counterparts. This Declaration may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which shall constitute one and the same Declaration.

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EXHIBIT "A"

PROPERTY

A PARCEL OF LAND BEING A PORTION OF TRACTS 18, 19, 20, 21, 22, 23 AND 29, BLOCK 3, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN THE SOUTH HALF (S ½) OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE NORTH 89°34'38" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 19, A DISTANCE OF 639.70 FEET; THENCE NORTH 00°02'46" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHEAST CORNER OF SABRA PLAT NO. 1, AS RECORDED IN PLAT BOOK 180, PAGES 87 AND 88, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE NORTH 00°02'46" WEST ALONG THE EAST LINE OF SAID SABRA PLAT NO. 1, A DISTANCE OF 1940.36 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LOXAHATCHEE ROAD, FORMERLY KNOWN AS STATE ROAD 827 ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF HILLSBORO CANAL AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93240-2501 AND 86002-2501 AND THE HILLSBORO CANAL RIGHT-OF-WAY SURVEY MAP, DRAWING NO. HILLS -25, ALSO BEING THE SOUTH LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 49340, PAGE 1818, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 71°59'53" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1351.48 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE SOUTH 17°31'02" WEST A DISTANCE OF 1490.74 FEET; THENCE NORTH 89°34'38" EAST ALONG A LINE PARALLEL WITH AND 110 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THE SOUTHEAST QUARTER (SW ¼) OF SAID SECTION 19, A DISTANCE OF 714.32 FEET; THENCE NORTH 89°34'41" EAST ALONG A LINE PARALLEL WITH AND 110 FEET NORTH OF AS MEASURE AT RIGHT ANGLES TO THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) A DISTANCE OF 58.29 FEET; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF BISHOP PIT ROAD AS RECORDED IN OFFICIAL RECORD BOOK 3522, PAGE 645, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°41'28" EAST A DISTANCE OF 110.00 FEET; THENCE SOUTH 89°34'41" WEST ALONG SAID SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 19, A DISTANCE OF 58.81; THENCE SOUTH 89°34'38" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 19 A DISTANCE OF 749.93 FEET; THENCE NORTH 17°31'02" EAST ALONG THE WEST LINE OF PARCEL B AS DESCRIBED IN OFFICIAL RECORD BOOK 10481, PAGE 1715, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 15.77 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 20; THENCE SOUTH 89°34'38" WEST ALONG SAID SOUTH LINE OF TRACTS 20 AND 21, A DISTANCE OF 805.05 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 44.600 ACRES 1,942,797 SQUARE FEET MORE OR LESS.

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Name:

Steven E. Wallace, Esq.

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DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (“Declaration”) dated the 28th day of FEBRUARY, 2019, by and among TLH SABRA 2, LLC, a Florida limited liability company, its successors and assigns (“Declarant”), BROWARD COUNTY, a Political Subdivision of the State of Florida (“County”), and the CITY OF PARKLAND, a Florida municipal corporation.

WITNESSETH:

WHEREAS, Declarant is the owner of the property located in the City of Parkland as further described on Exhibit A attached hereto and made a part hereof (the “Property”); and

WHEREAS, Declarant has offered to enter into this Declaration for the benefit of the County with respect to the development of the Property; and

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarant hereby declares that the Property shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to restrictions 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 the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The foregoing recitations are true and correct and are incorporated herein by this reference.

2. Affordable Housing Mitigation. As a contribution towards the affordable housing program implemented by the County, Declarant shall provide the County with Affordable Housing Payments of One and no/100 Dollar (\$1.00) per square foot of Gross Square Footage of each of the 129 Dwelling Units to be constructed on the Property (“Affordable Housing Payment(s)”). The term “Dwelling Unit” means each residential dwelling unit to be built on the Property for which the Owner has pulled building permits, and does not include any improvements other than residential dwelling units to be built on the Property. By way of example and not limitation, Dwelling Units do not include entry features, guard houses, club houses, common areas or commercial space. The

Affordable Housing Payment(s) shall be due in the amount of the Gross Square Footage of the particular Dwelling Unit for which the Owner is then obtaining building permits. The term "Gross Square Footage" means the sum (in square feet) of the area of each floor level, measured from principal outside faces of exterior walls, including, but not limited to, (a) basements, corridors, hallways, utility areas, elevators, storage rooms, stair cases, and mezzanines, (b) areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use and (c) areas which are not enclosed, but roofed; however, the calculation of Gross Square Footage excludes architectural projections and unroofed areas. Compliance with this provision shall be a precondition to receipt of environmental approval for a building permit for each Dwelling Unit to be constructed on the Property.

3. Recordation/Effective Date. This Declaration shall not be effective until this Declaration is recorded in the Public Records of Broward County, Florida. Once recorded, this Declaration shall run with the Property for the sole benefit of the County and shall bind all successors and assigns to title of the Property.

4. Amendment. This Declaration may not be modified, amended or terminated without the prior written approval of the then owner(s) of the Property and joinder and consent of the County.

5. Waiver. No waiver of any of the provisions of this Declaration shall be effective unless it is in writing, signed by the party against whom it is asserted and any such waiver shall only be applicable to the specific instance in which it relates and shall not be deemed to be a continuing or future waiver.

6. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of Florida and venue for any litigation arising hereunder shall be Broward County, Florida.

7. Captions. The captions and paragraph headings contained in this Declaration are for reference and convenience only and in no way define, describe, extend or limit the scope or intent of this Declaration, nor the intent of the provisions hereto.

8. Severability. Unless otherwise provided herein, if any provision of this Declaration shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

9. Counterparts. This Declaration may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which shall constitute one and the same Declaration.

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IN WITNESS WHEREOF, the parties have executed this Declaration the day and year first above written.

WITNESSES:

TLH SABRA 2, LLC,
By: NEM, LLC, a Florida limited liability company,
its manager

By: *Michael Tuttle*
Michael Tuttle, Manager

[Signature]
Print Name: KEE EVANS

Date: 2/28/2019

[Signature]
Print Name: THOMAS Hinkelmann Dias

STATE OF FLORIDA)
COUNTY OF Broward) SS:

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 MICHAEL TUTTLE, Manager of NEM, LLC, as Manager of TLH SABRA 2, LLC, a Florida limited liability company, freely and voluntarily under authority duly vested in him/her by said corporation on behalf of the limited liability company. He is personally known to me or who has produced FL DL as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 28th day of February, 2019.

[Signature]
Notary Public
Thomas Hinkelmann Dias
Typed, printed or stamped name of Notary Public

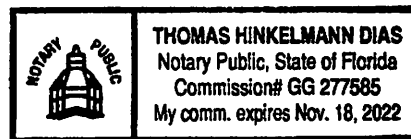


EXHIBIT "A"

PROPERTY

PARCEL 1:

A PARCEL OF LAND BEING A PORTION OF TRACTS 18, 19, 20, 21, 22, AND 23, BLOCK 3, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN THE SOUTH HALF (S 1/2) OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE NORTH 89°34'38" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 19, A DISTANCE OF 639.70 FEET; THENCE NORTH 00°02'46" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHEAST CORNER OF SABRA PLAT NO. 1, AS RECORDED IN PLAT BOOK 180 PAGES 87 AND 88, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE NORTH 00°02'46" WEST ALONG THE EAST LINE OF SAID SABRA PLAT NO. 1, A DISTANCE OF 1940.36 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LOXAHATCHEE ROAD, FORMERLY KNOWN AS STATE ROAD 827 ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF HILLSBORO CANAL AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93240-2501 AND 86002-2501 AND THE HILLSBORO CANAL RIGHT-OF-WAY SURVEY MAP, DRAWING NO. HILLS - 25, ALSO BEING THE SOUTH LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 49340, PAGE 1818, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 71°59'53" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1351.48 FEET; THENCE SOUTH 17°31'02" WEST, A DISTANCE OF 1590.50 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACTS 20 AND 21; THENCE SOUTH 89°34'38" WEST ALONG SAID SOUTH LINE OF TRACTS 20 AND 21, A DISTANCE OF 805.05 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PORTION OF TRACTS 20 AND 29, TOGETHER WITH A PORTION OF THE PLATTED RIGHTS-OF-WAY SOUTH OF AND ADJACENT TO TRACTS 20 AND 29, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1 PAGE 102, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO BEING A PORTION OF PARCEL B AS DESCRIBED IN OFFICIAL RECORD BOOK 10481, PAGE 1715, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN THE SOUTH HALF (S 1/2) OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER (S 1/4) CORNER OF SAID SECTION 19; THENCE SOUTH 89°34'38" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 19, A DISTANCE OF 749.93 FEET; THENCE NORTH 17°31'02"; EAST ALONG THE WEST LINE OF SAID PARCEL B, A DISTANCE OF 115.62 FEET; THENCE NORTH 89°34'38" EAST ALONG A LINE PARALLEL WITH AND 110.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 19, A DISTANCE OF 714.32 FEET; THENCE NORTH 89°34'41" EAST ALONG A LINE PARALLEL WITH AND 110.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 19, A DISTANCE OF 58.29 FEET TO THE WEST RIGHT-OF-WAY LINE OF BISHOP PIT ROAD AS RECORDED IN OFFICIAL RECORD BOOK 3522, PAGE 645, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°41'28" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 110.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE1/4) OF SECTION 19; THENCE SOUTH 89°34'41" WEST ALONG SAID SOUTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 19, A DISTANCE OF 58.81 FEET TO THE POINT OF BEGINNING.