

Return recorded copy to:
Broward County Facilities Management Division
Real Property Section
115 South Andrews Avenue, Room 501
Fort Lauderdale, Florida 33301

This document prepared by
and approved as to form by:
Irma Qureshi
Broward County Attorney's Office
115 South Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301

Folio Numbers:
5142-11-00-0010
5142-11-00-0020
5142-11-00-0080

**MODIFICATION OF THE DECLARATION OF RESTRICTIVE COVENANTS
TO RELEASE A PORTION OF THE REAL PROPERTY COVERED THEREBY
FROM THE STATED RESTRICTIVE COVENANTS**

This MODIFICATION OF THE DECLARATION OF RESTRICTIVE COVENANTS TO RELEASE A PORTION OF THE REAL PROPERTY COVERED THEREBY FROM THE STATED RESTRICTIVE COVENANTS ("Release") is made this ____ day of _____, 2019 by BROWARD COUNTY, a political subdivision of the State of Florida, whose address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 ("County").

RECITALS

- A. The County owns that certain real property located at 1200 Sheridan Street, Hollywood, Florida 33019, identified as folio numbers 5142-11-00-0010, 5142-11-00-0020 and 5142-11-00-0080, and known as West Lake Regional Park ("County Property").
- B. On or about December 12, 2006, the Board of County Commissioners of Broward County, Florida (the "Board"), approved that certain Declaration of Restrictive Covenants, recorded July 18, 2007, as Instrument Number 107227098 in the Official Records of Broward County, Florida ("Declaration"), which restricted the permitted uses on the County Property.
- C. The County desires to use (i) a portion of the County Property, as more particularly described in **Exhibit A** attached to and made a part of this Release ("Parcel"), to construct and operate an approximately three hundred twenty-five foot (325') tall self-supporting telecommunications tower, antennas, equipment shelter, free-standing generator, fuel tank, and other facilities necessary or useful to improve the public safety radio communication services in the areas serviced by the County ("Project"); and (ii) a certain road on the County Property, as more particularly described in **Exhibit A**, that provides vehicular access to the Parcel and is reasonably necessary to permit the County to access the Parcel for the construction and maintenance of the Project ("Access Road").
- D. The Project is not a permitted use under the Declaration affecting the Parcel and the Access Road and, as a result, the Declaration needs to be modified to release and

remove the restrictions imposed by the Declaration on the Parcel and the Access Road.

E. The Declaration provides that “[n]o modification or termination of this Declaration of Restrictive Covenants shall be permitted unless specifically approved by a four-fifths vote of the entire Board of County Commissioners of Broward County, Florida at a noticed public hearing. Notice of the proposed modification or termination shall be given at least ten (10) days prior to the action by the Commission by publication in a newspaper of general circulation in Broward County. In addition, at least ten (10) days prior to the public hearing, the Parks and Recreation Division, or its successor division or agency, shall post a sign visible from the street upon the property. The sign shall be in accordance with applicable municipal regulations relating to signs and shall provide pertinent information regarding the proposed modification or termination.”

F. The Board, at a regular Commission meeting held on April 16, 2019, directed (i) the County Administrator to publish notice of the public hearing on May 7, 2019 (“May 7th hearing”), where the Board would consider a resolution approving a modification of the Declaration to release and remove the restrictions imposed by the Declaration on the Parcel and the Access Road; and (ii) the Parks and Recreation Division to post signage in accordance with the Declaration.

G. In accordance with the Declaration, the County Administrator published timely notice of the May 7th hearing, and the Parks and Recreation Division posted timely and visible signage providing information regarding the May 7th hearing and this Release.

H. At the May 7th hearing, this Release was approved by a four-fifths vote of the entire Board.

RELEASE

1. Recitals. The recitals set forth above are true, accurate, and fully incorporated by reference herein.

2. Partial Release of the Declaration. The County hereby releases and removes all of the restrictions imposed by the Declaration on (i) the Parcel in order to permit the development of the Project on the Parcel; and (ii) the Access Road only for the purpose of permitting the County to have the right of ingress, egress, and access to and from the Parcel for the construction and maintenance of the Project (“County’s Access”), and the right to improve and repair the Access Road for the facilitation of the County’s Access. Upon the recording of this Release in the Official Records of Broward County, Florida, the Declaration shall be of no further force or effect on the Parcel and the Access Road.

3. Limitations. This Release is limited to the Parcel described in **Exhibit A** and the Access Road described in **Exhibit A**, and the components of and in furtherance of the Project specified in this Release. The County is not releasing the Declaration or any other restriction therein for any other development or area in the County Property, except as expressly referenced herein.

4. Severability. In the event any part of this Release is found to be invalid by a court of competent jurisdiction, that part shall be severed from this Release and the balance of this Release shall remain in full force and effect.

IN WITNESS WHEREOF, this Release is executed by BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the ___ day of _____, 2019.

COUNTY

(Official Seal)

BROWARD COUNTY, by and through its Board of County Commissioners

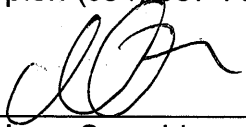
ATTEST:

By: _____
Mayor

County Administrator and
ex officio Clerk of the
Board of County Commissioners
of Broward County, Florida

_____ day of _____, 2019.

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By:  4/25/19
Irma Qureshi (Date)
Assistant County Attorney

By:  4/25/19
Maite Azcoitia (Date)
Deputy County Attorney

EXHIBIT A

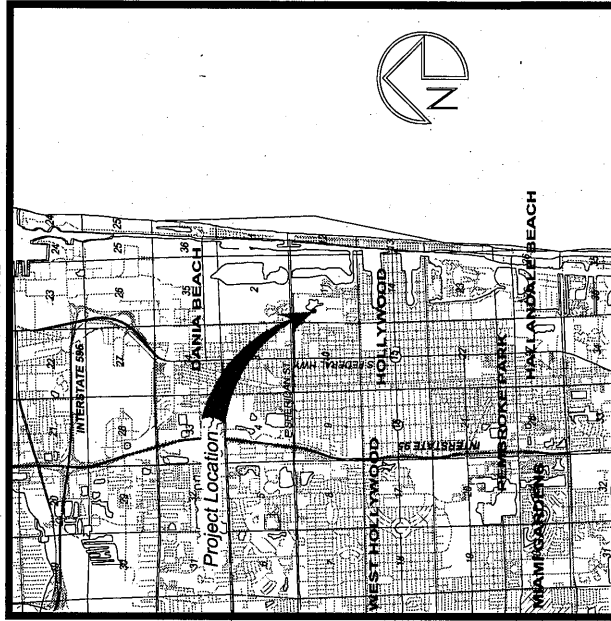
LEGAL DESCRIPTION AND SKETCH OF PARCEL AND ACCESS ROAD

EXHIBIT A

LEGAL DESCRIPTION AND SKETCH OF PARCEL AND ACCESS ROAD

Map of ALTA / NSPS Land Title Survey
of
West Lake Park - Tower Site
Section 11, Township 51 South, Range 42 East
Broward County, Florida

LOCATION MAP
NOT TO SCALE



R 42 E

Section 11, Township 51 South, Range 42 East, Broward County, Florida

SURVEYOR'S NOTES

- This map of survey is not valid without the signature and the original raised seal of the signing Florida licensed surveyor and mapper.
- The description shown hereon was prepared by this firm at the client's request. This map of survey identifies the boundary of the parcel, features within the survey limits shown hereon, as specified by the client.
- Bearings, coordinates and elevations shown hereon are relative to the Florida State Plane Coordinate System, East Zone (8901), North American Datum of 1983, 2011 adjustment and; the North American Vertical Datum of 1988 (NAVD 88) based on Global Positioning System (GPS) measurements to National Geodetic Survey (NGS) Continuously Operating Reference Stations (CORS) network.
- Dimensions shown hereon contain horizontal grid distances and are based upon field measurements utilizing the United States Survey Foot, unless indicated otherwise.
- The field data acquisition phase of this survey was completed on July 19, 2017, as documented in Anectw (now Wood Environment & Infrastructure Solutions, Inc.) field book 1313, Pages 42-46. Updates have been completed as identified below.
- This survey does not address the identification or location of jurisdictional wetlands or sovereign lands that may or may not lie within or adjacent to the lands surveyed.
- According to Federal Emergency Management Agency Flood Insurance Rate Map, Broward County Florida, Map Number 12011 C 0569 H, Effective date: August 18, 2014, the property described hereon is located in Zone AE (E5) Special Flood Hazard area subject to inundation by the 1% annual chance flood (Base Flood Elevations determined).
- Lands shown hereon were not abstracted by this firm for matters of record, such as easements, right of way, ownership or other instruments of record. Non-surveyed lines, references to ownership, parcel identification numbers, and instruments of record shown hereon are based upon information provided by the Broward County Property Appraiser's Office.

(continue on page 2)

Legend

R 42 E	Range XX East
+100.0'	Spot Elevation
T X S	Township XX South
4	Contour Line
○	Ownership and Encumbrance Report Item Number
○	Not to Scale

NO.	DATE	REVISION
1	07/19/2017	As-built field notes and address
2	07/19/2017	Revised field notes and address
3	08/02/2018	Updated to show ALTA/NSPS requirements, added sheets 2 and 3
4	04/15/2019	Added lake number
5	04/15/2019	removed "Water" statement

WOOD.
Certificate of Authorization Number: EB-0097832

Wood Environment & Infrastructure Solutions, Inc.
550 Northlake Blvd., Suite 1000
Altamonte Springs, FL 32701 USA
Phone: (407) 522-7570
Fax: (407) 522-7576

CLIENT:

MOTOROLA SOLUTIONS
8000 WEST SUNRISE BLVD.
PLANTATION, FLORIDA 33322
PHONE: (954) 724-5000

BROWARD COUNTY - WEST LAKE PARK
1200 SHERIDAN STREET
HOLLYWOOD, FL 33019

AMEC PROJECT NO.:	61867026.240
DRAWN BY:	M. RAMOS
CHECKED BY:	C.B. GARDINER
APPROVED BY:	
DATE:	07/19/2017

Map of ALTA / NSPS Land Title
and
Topographic Survey

CHARLES B. GARDINER
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NO. LS 5046

Sheet 1 of 3

Description

A PORTION OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 51 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

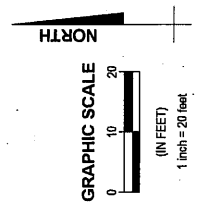
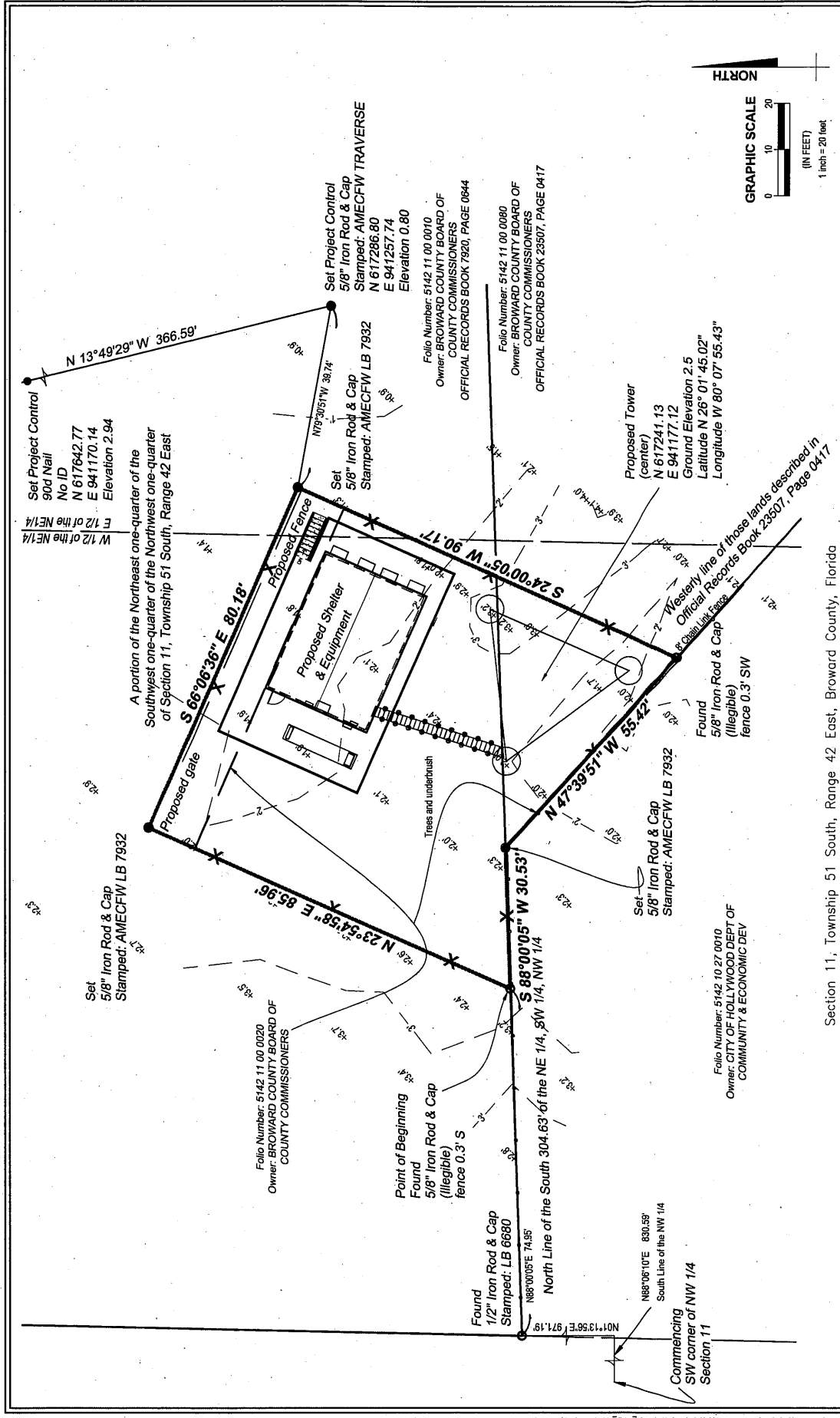
COMMENCING AT THE SOUTHWEST CORNER OF NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 11; THENCE NORTH 88°06'10" EAST ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 11, A DISTANCE OF 830.59 FEET; THENCE NORTH 01°15'55" EAST, A DISTANCE OF 971.19 FEET TO THE NORTH LINE OF THE SOUTH 3/4 SECTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11; THENCE NORTH 88°00'05" EAST ALONG SAID LINE, FOR A DISTANCE OF 74.55 FEET TO THE POINT OF BEGINNING; THENCE NORTH 23°54'58" EAST, A DISTANCE OF 65.96 FEET; THENCE SOUTH 68°06'38" EAST, A DISTANCE OF 80.18 FEET; THENCE SOUTH 24°00'05" WEST, A DISTANCE OF 90.17 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 23587, PAGE 0417; THENCE NORTH 47°39'51" WEST ALONG SAID LINE, FOR A DISTANCE OF 55.42 FEET; THENCE SOUTH 88°00'05" WEST, A DISTANCE OF 30.33 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE LYING AND BEING IN BROWARD COUNTY, FLORIDA; CONTAINING 6.484 SQUARE FEET OF 0.148 ACRES MORE OR LESS.

Certification:

To MOTOROLA:
This is to certify that this map and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 7(e), 8 and 13 of Table A thereof. The field work was completed on June 13, 2017.

For the Company,
Wood Environment & Infrastructure Solutions, Inc.



NO.	DATE	REVISION					
1	10/25/2017	Added Note 18, updated site address					
2	07/19/2018	Revised proposed structure and fence location					
3	04/12/2018	Added ALTA/NSPS requirements, added sheets 2 and 3					
4	04/12/2018	Added 18'					
5	04/15/2018	removed "beam", submittal					
<p>Section 11, Township 51 South, Range 42 East, Broward County, Florida</p> <p>Map of ALTA / NSPS Land Title and Topographic Survey</p> <p>WOOD. Certificate of Authorization Number LS-0007932</p> <p>Client: MOTOROLA SOLUTIONS Wood Environment & Infrastructure Solutions, Inc. 550 Northlake Blvd., Suite 1000 Altamonte Springs, FL 32711 USA Phone: (407) 522-7570 Fax: (407) 522-7576</p> <p>BROWARD COUNTY - WEST LAKE PARK 1200 SHERIDAN STREET HOLLYWOOD, FL 33019</p> <p>AMEC PROJECT NO.: 618617053.240 DRAWN BY: M. RAMOS CHECKED BY: C.B. GARDNER APPROVED BY: DATE: 01/19/2017</p>							

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL:
ESTATE:
PURPOSE: INGRESS / EGRESS

Description:

That part of the Northwest one-quarter of Section 11, Township 51 South, Range 42 East, Broward County, Florida; being more particularly described as follows:

A 60 foot wide Ingress/Egress Easement lying 30 feet each side of the following described centerline:

Commencing at the Southwest corner of Northwest one-quarter (NW 1/4) of said Section 11; thence N88°06'10" E along the south line of the Northwest one-quarter (NW 1/4) of said Section 11, a distance of 830.59 feet; thence N01°13'56"E, a distance of 971.19 feet to the North line of the South 304.63 feet of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 11; thence N88°00'05"E along said line, for a distance of 74.95 feet; thence N23°54'58"E, a distance of 85.96 feet; thence S66°06'36"E, a distance of 42.35 feet to the POINT OF BEGINNING of the herein described centerline; thence N68°47'20"E, a distance of 44.72 feet to the point of curvature of a curve with a radius of 25.00 feet, concave to the northwest; thence easterly along said curve to the left through a central angle of 82°36'48", a distance of 36.05 feet to a point of tangency; thence N13°49'29"W, a distance of 181.95 feet; thence N26°02'01"W, a distance of 70.27 feet to the point of curvature of a curve with a radius of 29.72 feet, concave to the east; thence northwesterly along said curve to the right through a central angle of 54°19'28", a distance of 28.17 feet to a point of tangency; thence N28°17'27"E, a distance of 89.77 feet to the point of curvature of a curve with a radius of 25.00 feet, concave to the west; thence northeasterly along said curve to the left through a central angle of 59°50'45", a distance of 26.11 feet to a point of tangency; thence N31°33'18"W, a distance of 86.49 feet to the point of curvature of a curve with a radius of 25.00 feet, concave to the east; thence northwesterly along said curve to the right through a central angle of 27°01'45", a distance of 11.79 feet to a point of tangency; thence N04°31'33"W, a distance of 112.82 feet; thence N04°20'57"W, a distance of 64.16 feet to the point of curvature of a curve with a radius of 123.61 feet, concave to the southeast; thence northerly along said curve to the right through a central angle of 97°27'45", a distance of 210.27 feet to a point of tangency; thence S86°53'12"E, a distance of 51.02 feet to the point of curvature of a curve with a radius of 157.58 feet, concave to the north; thence easterly along said curve to the left through a central angle of 34°11'12", a distance of 94.02 feet to a point of tangency; thence N58°55'36"E, a distance of 38.01 feet to the point of curvature of a curve with a radius of 108.05 feet, concave to the south; thence northeasterly along said curve to the right through a central angle of 24°10'52", a distance of 45.60 feet to a point of tangency; thence N83°06'28"E, a distance of 44.83 feet; thence N86°43'45"E, a distance of 60.06 feet to the point of curvature of a curve with a radius of 25.00 feet, concave to the northwest; thence easterly along said curve to the left through a central angle of 81°28'37", a distance of 35.55 feet to a point of tangency; thence N05°15'08"E, a distance of 94.71 feet; thence N05°49'12"E, a distance of 119.50 feet to the point of curvature of a curve with a radius of 194.56 feet, concave to the west; thence northerly along said curve to the left through a central angle of 20°40'29", a distance of 70.21 feet to a point of tangency; thence N14°51'17"W, a distance of 49.81 feet to the point of curvature of a curve with a radius of 148.86 feet, concave to the east; thence northerly along said curve to the right through a central angle of 65°48'56", a distance of 171.00 feet to a point of tangency; thence N50°57'38"E, a distance of 27.70 feet to the point of curvature of a curve with a radius of 126.58 feet, concave to the northwest; thence northeasterly along said curve to the left through a central angle of 49°07'08", a distance of 108.51 feet to a point of tangency; thence N01°50'31"E, a distance of 111.53 feet to the south right of way line of Sheridan Street and the Point of Terminus of said centerline.

The side lines of the above described easement are prolonged or shortened as necessary in order to form a 60 foot wide strip bounded on the South by the north line of a communication tower parcel (with a bearing of S 66°06'36" E) and on the North by the south right of way line of Sheridan Street (with a bearing of S 87°51'11" W).

Containing 125,068. square feet or 2.871 acres, more or less.

THIS IS NOT A SURVEY

PROJECT TITLE: **Sketch of Description**
West Lake Park
Section 11, Township 51 South, Range 42 East, Broward County, Florida

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY:	MR	CHKD. BY: CBG
DATE:	04/23/2019	DATE: 04/23/2019
JOB No.	SCALE:	SHT. 1
6166170575.240	N/A	OF 3
DRAWING NAME: WEST_LAKE_PARK_JE.dwg		

Wood Environment & Infrastructure Solutions, Inc.

550 Northlake Boulevard, Suite 1000
 Altamonte Springs, FL 32701 USA
 Phone: (407) 522-7570
 www.woodplc.com
 Certificate of Authorization Number LB-0007932



I:\DOCS\PROJECTS\63742017\6166170575.240 - MOTOROLA BROWARD CO. ASE WEST LAKE PARK\00 CIVIL 3D 2016\WEST_LAKE_PARK_JE.DWG

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL:
ESTATE:
PURPOSE: INGRESS / EGRESS

Line Table		
Line #	Direction	Length
L1	N88°06'10"E	830.59'
L2	N01°13'56"E	971.19'
L3	N88°00'05"E	74.95'
L4	N23°54'58"E	85.96'
L5	S66°06'36"E	42.35'
L6	N68°47'20"E	44.72'
L7	N13°49'29"W	181.95'
L8	N26°02'01"W	70.27'
L9	N28°17'27"E	89.77'
L10	N31°33'18"W	86.49'
L11	N04°31'33"W	112.82'

Line Table		
Line #	Direction	Length
L12	N04°20'57"W	64.16'
L13	S86°53'12"E	51.02'
L14	N58°55'36"E	38.01'
L15	N83°06'28"E	44.83'
L16	N86°43'45"E	60.06'
L17	N05°15'08"E	94.71'
L18	N05°49'12"E	119.50'
L19	N14°51'17"W	49.81'
L20	N50°57'38"E	27.70'
L21	N01°50'31"E	111.53'

Curve Table			
Curve #	Radius	Delta	Length
C1	25.00'	82°36'48"	36.05'
C2	29.72'	54°19'28"	28.17'
C3	25.00'	59°50'45"	26.11'
C4	25.00'	27°01'45"	11.79'
C5	123.61'	97°27'45"	210.27'
C6	157.58'	34°11'12"	94.02'
C7	108.05'	24°10'52"	45.60'
C8	25.00'	81°28'37"	35.55'
C9	194.56'	20°40'29"	70.21'
C10	148.86'	65°48'56"	171.00'
C11	126.58'	49°07'08"	108.51'

Surveyors Notes

1. This Sketch of Description is not valid without the signature and original raised seal of the signing Florida licensed Professional Surveyor and Mapper.
2. This Sketch of Description is based upon a Map of ALTA / NSPS Land Title Boundary and Topographic Survey executed by this firm, dated August 2018, Job No. 6166 17 0575.240.
3. Lands shown hereon were not abstracted by this firm for matters of record, such as easements, right of way, ownership or other instruments of record. Non-surveyed lines, references to ownership, parcel identification numbers, and instruments of record shown hereon are based upon information provided by the Broward County Property Appraiser's Office.
4. Bearings shown hereon are relative to the Florida State Plane Coordinate System, East Zone (0901), North American Datum of 1983, 2011 adjustment and; the North American Vertical Datum of 1988 (NAVD 88) based on Global Positioning System (GPS) measurements to National Geodetic Survey (NGS) Continuously Operating Reference Stations (CORS) network.
5. The legal description shown hereon was prepared by this firm at the direction of the client.
6. This Sketch of Description is certified to and for the exclusive use of MOTOROLA SOLUTIONS and BROWARD COUNTY.

CHARLES B. GARDINER
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NO. LS 5046

THIS IS NOT A SURVEY

PROJECT TITLE: **Sketch of Description**
West Lake Park
 Section 11, Township 51 South, Range 42 East, Broward County, Florida

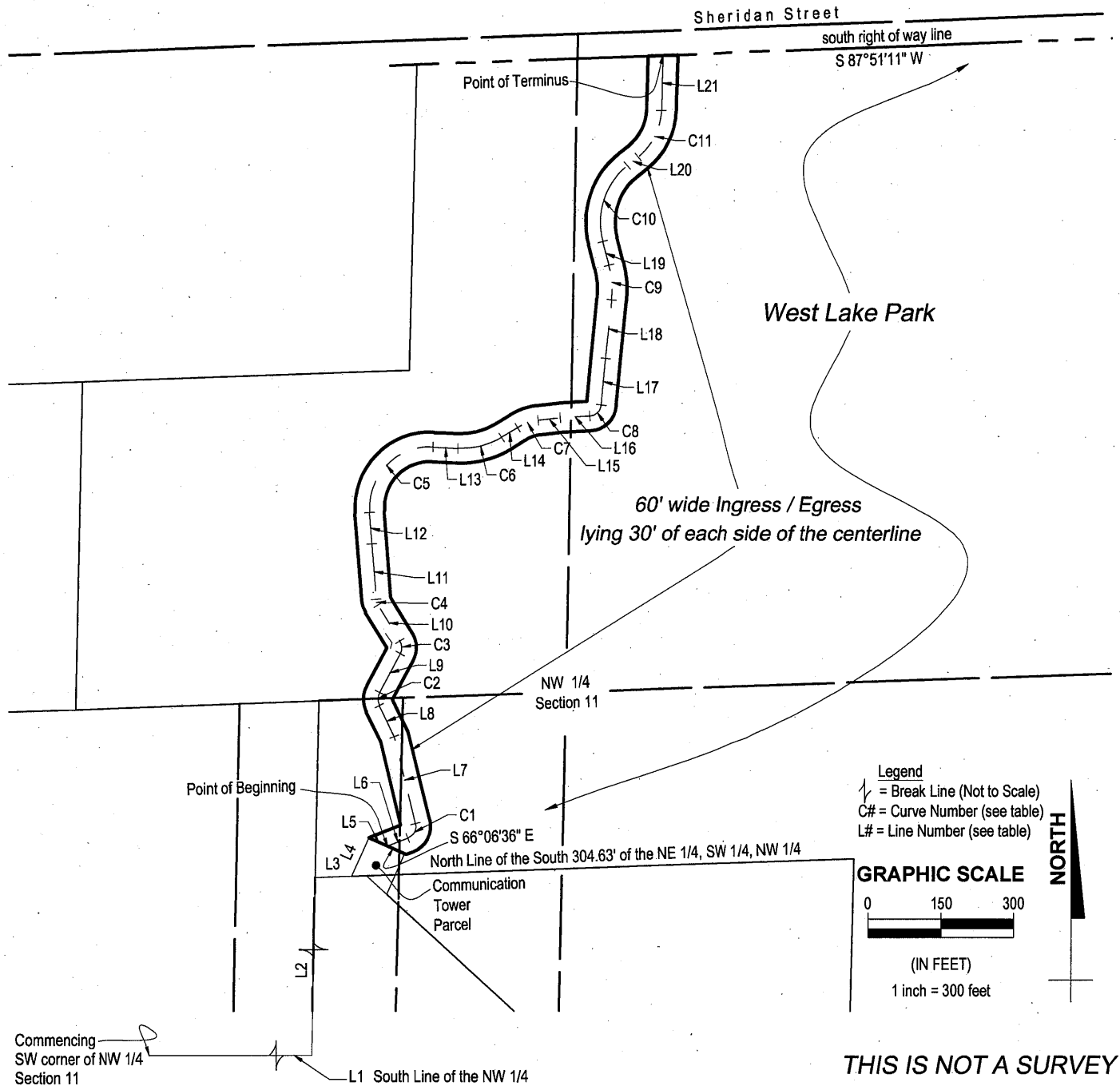
DATE	BY	DESCRIPTION
REVISION		
DRAWN BY:	MR	CHKD. BY: CBG
DATE:	04/23/2019	DATE: 04/23/2019
JOB No.	SCALE:	SHT. 2
6166170575.240	N/A	OF 3
DRAWING NAME: WEST_LAKE_PARK_IE.dwg		

Wood Environment & Infrastructure Solutions, Inc.

550 Northlake Boulevard, Suite 1000
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 Phone: (407) 522-7570
 www.woodplc.com
 Certificate of Authorization Number LB-0007932



SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL:
ESTATE:
PURPOSE: INGRESS / EGRESS



WOOD-FS\PROJECTS\6374\2017\6166170575.240 - MOTOROLA BROWARD CO. A&E WEST LAKE PARK\00 CIVIL 3D 2016\WEST_LAKE_PARK_IE.DWG

PROJECT TITLE:
Sketch of Description
West Lake Park
Section 11, Township 51 South, Range 42 East, Broward County, Florida

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY:	MR	CHKD. BY: CBG
DATE:	04/23/2019	DATE: 04/23/2019
JOB No.	SCALE:	SHT. 3
6166170575.240	1"=300'	OF 3
DRAWING NAME: WEST_LAKE_PARK_IE.dwg		



Wood Environment & Infrastructure Solutions, Inc.
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 Altamonte Springs, FL 32701 USA
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