

DEVELOPMENT PERMIT APPLICATION

The type of development permit(s) for which this form is applicable to as well as the corresponding fee schedule are described on Pages 5-7. Mandatory application documents and the required ancillary attachments for each type of request are on Pages 8-10. **Prior to the submission of an application, the applicant must contact the Planning and Zoning Division for an appointment at 954-630-4572.**

STAFF USE ONLY


Date Submitted: <u>5/31/2019</u>	Case No. <u>CD19-15DMUD</u>
Project Name: <u>GUEVARA TOWNHOMES</u>	
Folio No(s). <u>4942 23 03 0710</u>	

GENERAL DATA - COMPLETE ALL SECTIONS

Address of property: <u>1298 NE 35 STREET</u>	
Legal Description: (or attach description)	
Gross Acres: <u>0.23</u>	Net Acres: <u>0.23</u>
Title to this Property has been held since: <u>2005</u>	Existing Zoning: <u>DMUD-(7) NEIGHBORHOODS</u>
Existing Use of Property [include no. and sq. ft. of existing structure(s)]: <u>VACANT RESIDENTIAL</u>	
Proposed Use of Property (include no. and sq. ft. of proposed structure(s): <u>3 DWELLING UNITS</u>	
Type of Development Permit(s) requested: <u>3-UNIT TOWNHOMES SITE DEV. PLAN</u>	

OWNER/APPLICANT INFORMATION

(The undersigned has reviewed all instructions concerning the application and understands the application must be complete and accurate **prior** to staff review or Public Hearing(s). **Attach proof of ownership and owner's authorization for representative.** OPF Investment LLC.

Name of Property Owners: <u>Manuel Guevara</u>		Title: <u>Manager</u>
Address: <u>207 Washington Av.</u>		
City: <u>Deland</u>	State: <u>FL</u>	Zip Code: <u>32724</u>
Phone: <u>954 709 5622</u>		
Signature: 	Signature:	
Email Address: <u>mnguevara@hotmail.com</u>	Email Address:	
Name of Applicant's Representative: <u>Guillermo Kubler</u>		
Address: <u>110 SW 12 St. Unit 1405</u>		
City: <u>Miami</u>	State: <u>Fla.</u>	Zip Code: <u>33130</u>
Office Phone:	Cell Phone: <u>305 812 9186</u>	
Email Address: <u>GuillermoKubler@hotmail.com</u>		

RECEIVED

MAY 31 2019

City of Oakland Park
Planning & Zoning Division

DEVELOPMENT PERMIT APPLICATION

The type of development permit(s) for which this form is applicable to as well as the corresponding fee schedule are described on Pages 5-7. Mandatory application documents and the required ancillary attachments for each type of request are on Pages 8-10. **Prior to the submission of an application, the applicant must contact the Planning and Zoning Division for an appointment at 954-630-4572.**

STAFF USE ONLY	
Date Submitted:	Case No.
Project Name:	
Folio No(s).	

GENERAL DATA – COMPLETE ALL SECTIONS	
Address of property: 1298 NE 35 STREET OAKLAND PARK, FL 33334	
Legal Description: (or attach description) OAKLAND PARK 2-38 B LOT 12, & N 34 LOT 13 BLK 7	
Gross Acres: 0.23	Net Acres:
Title to this Property has been held since:	Existing Zoning:
Existing Use of Property [include no. and sq. ft. of existing structure(s)]: 0	
Proposed Use of Property (include no. and sq. ft. of proposed structure(s): 6,673 SF	
Type of Development Permit(s) requested:	

OWNER/APPLICANT INFORMATION		
(The undersigned has reviewed all instructions concerning the application and understands the application must be complete and accurate prior to staff review or Public Hearing(s). <u>Attach proof of ownership and owner's authorization for representative.</u>		
Name of Property Owners: OPF INVESTMENT LLC	Title:	
Address: PO BOX 26806		
City: TAMARAC	State: FL	Zip Code: 33320
Phone:		
Signature:		Signature:
Email Address:		Email Address:
Name of Applicant's Representative:		
Address:		
City:	State:	Zip Code:
Office Phone:	Cell Phone:	
Email Address:		



MARTY KIARD
BROWARD
 COUNTY
 PROPERTY APPRAISER

Site Address	1298 NE 35 STREET, OAKLAND PARK FL 33334	ID #	4942 23 03 0710
Property Owner	OPF INVESTMENT LLC	Millage	1712
Mailing Address	PO BOX 26806 TAMARAC FL 33320	Use	00
Abbr Legal Description	OAKLAND PARK 2-38 B LOT 12,& N 34 LOT 13 BLK 7		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2019	\$80,620		\$80,620	\$66,500	
2018	\$60,460		\$60,460	\$60,460	\$1,291.36
2017	\$60,460		\$60,460	\$60,460	\$1,316.50

2019 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$80,620	\$80,620	\$80,620	\$80,620
Portability	0	0	0	0
Assessed/SOH	\$66,500	\$80,620	\$66,500	\$66,500
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$66,500	\$80,620	\$66,500	\$66,500

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
6/26/2010	WD-E	\$35,000	47234 / 1575	\$8.00	10,077	SF
7/5/2005	WD	\$440,000	40102 / 1946			
5/2/2005	WD*	\$890,000	39588 / 1114			
3/9/2005	QCD	\$100	39588 / 1110			
			238 / 86			
				Adj. Bldg. S.F.		

* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
17	K					OP		
L								
1						1		



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company
OPF INVESTMENT LLC

Filing Information

Document Number	L10000037074
FEI/EIN Number	27-2287571
Date Filed	04/06/2010
Effective Date	04/05/2010
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	08/15/2011
Event Effective Date	NONE

Principal Address

207 Washington Av
DELAND, FL 32724

Changed: 02/08/2018

Mailing Address

PO BOX 26806
TAMARAC, FL 33320

Changed: 08/21/2017

Registered Agent Name & Address

LAMADRID FINANCIAL SERVICES CORP
1267 S PINE ISLAND RD
PLANTATION, FL 33324

Address Changed: 04/26/2013

Authorized Person(s) Detail

Name & Address

Title MGR

GUEVARA, MANUEL M
207 Washington Av
Deland, FL 32724

Title MGR

GUEVARA, MANUEL A
207 Washintong Av
Deland, FL 32724

Title MGR

KUBLER, GUILLERMO
110 SW 12 STREET UNIT I
1405
MIAMI, FL 33130

Annual Reports

Report Year	Filed Date
2018	02/08/2018
2019	02/20/2019
2019	06/03/2019

Document Images

06/03/2019 -- AMENDED ANNUAL REPORT	View image in PDF format
02/20/2019 -- ANNUAL REPORT	View image in PDF format
02/08/2018 -- ANNUAL REPORT	View image in PDF format
04/05/2017 -- ANNUAL REPORT	View image in PDF format
04/25/2016 -- ANNUAL REPORT	View image in PDF format
03/17/2015 -- ANNUAL REPORT	View image in PDF format
04/29/2014 -- ANNUAL REPORT	View image in PDF format
04/26/2013 -- ANNUAL REPORT	View image in PDF format
03/29/2012 -- ANNUAL REPORT	View image in PDF format
08/15/2011 -- LC Amendment	View image in PDF format
04/04/2011 -- ANNUAL REPORT	View image in PDF format
04/06/2010 -- Florida Limited Liability	View image in PDF format

The School Board Of Broward County, Florida
Facility Planning and Real Estate Department

Christopher O. Akagbosu, Director

June 10, 2019

Guillermo Kubler
110 SW 12 Street, Unit 1405
Miami, Florida 33130

Attached is the receipt for the application of the OPF Site Plan that was submitted to The School Board of Broward County, Florida (SBBC) which includes the SBBC project number assigned to your project for a School Capacity Availability Determination (SCAD) letter.

Please use this number in any correspondence or communication with the School Board regarding the project.

If you have any questions, please E-mail Linda Houchins, Operations Specialist IV, Growth Management Department at: linda.houchins@browardschools.com.

Thank you

600 Southeast Third Avenue, 8th Floor
Fort Lauderdale, Florida 33301
Telephone: (754) 321-2162 Fax: (754) 321-2179

Receipt For Development Review

The School Board of Broward County, Florida

Growth Management Section

Facility Planning and Real Estate Department

600 SE 3rd Avenue, 8th Floor, Fort Lauderdale, FL 33301| Phone (754) 321-2177 Fax (754) 321-2179

www.browardschools.com

Date: 6/10/2019

Receipt Number: **A2368532**

SBBC Reference Number: SBBC-2700-2019

Issued To: OPF Investment LLC

Project Title: OPF

County Number

Municipality Number

Type of Submission

☐ Land Use ☐ Rezoning ☒ Site Plan ☐ Flex/Reserve Allocation
☐ DRI ☐ Plat ☐ Other ☐ Rezoning Non-Residential

Fee Type

Fee Amount

Fee Paid

Check Number

Date Paid

Functional

Equivalent

\$309.00

\$309.00

148

6/10/2019

Comments:

Signature of person receiving fees: Linda Houchins

Name of person receiving fees: LINDA Houchins

Signature of person paying fees: N/A

Name of person paying fees:

Date: 6/10/19

Note: All applications and fees received are subject to review by the Growth Management Department for accuracy.

Receipt For Development Review

The School Board of Broward County, Florida
Facility Planning and Real Estate
Growth Management Department

600 SE 3rd Avenue, 8th Floor, Fort Lauderdale, FL 33301 | Phone (754) 321-2177 Fax (754) 321-2179
www.browardschools.com

Date: 6/10/2019

Receipt Number: A2368532

Project Title: OPF

Type of Submission ☐ Land Use ☐ DRI ☐ Rezoning ☐ Plat ☒ Site Plan ☐ Other
☐ Flex/Reserve Allocation

Fee Amount

\$309.00

Fee Paid

\$309.00

Check Number

148

Date Paid

6/10/2019

Com:

BC-40P THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

A 2368532
(STUDENT COPY)

Received From: OPF Investment LLC Date: 6/10/19
(STUDENT NAME)

Explanation -	Amount
OPF - Site Plan	\$ 309.00
Functional Eq.	
CH # 148	
TOTAL	\$ 309.00

School: FP & RE

Linda Houchins
Signature

Signature of person receiving fees: Linda Houchins

Name of person receiving fees: LINDA Houchins

Signature of person paying fees: N/A

Name of person paying fees:

Date: 6/10/19

Pending Application Review

Project Name: - OPF TOWNHOUSES
1298 NE 35TH STREET

Application No.: CD- -C

**CITY OF OAKLAND PARK
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR A CONCURRENCY REVIEW**

SERVICE DEMAND ANALYSIS

In order to ensure compliance (consistency and concurrency) with the requirements of the Comprehensive Plan, a development permit shall not be approved unless there is sufficient available design capacity to sustain the required levels of service as established in the City of Oakland Park Comprehensive Plan. In addition to all other requirements, all requests or applications for development permits, unless exempt, must be reviewed for impact on the following public services. REFER TO ATTACHED TABLES.

(Complete the following:)



SERVICE DEMANDS BY TYPE

CURRENT USE

PROPOSED USE

- | | | |
|---|----------------------------|--|
| 1. Potable Water - Consumption | <u>VACANT</u> gpd | <u>71083</u> <u>810</u> gpd |
| 2. Potable Water - Fire Flow
Contact Fire Marshal at 561-6113
& see attached) | _____ gpm | _____ gpm |
| 3. Sanitary Sewer | _____ gpd | <u>675</u> gpd |
| 4. Solid Waste | _____ lbs | <u>48</u> lbs |
| 5. Traffic - Broward County TRIPS Table,
or Traffic Study (applicant attach) | _____ trips
_____ trips | <u>17</u> trips <u>1 day (PH 2)</u>
_____ trips |
| 6. Drainage -
1st Floor Elevation (per Article X of
Chapter 24) | _____ feet | <u>9.00 MVD</u> feet |
| Roadway Crown above mean sea level | _____ feet | _____ feet |
| 7. Recreation at 3 acres per
1,000 population | _____ acres | _____ acres |

8. School Sites and Facilities
(see attached application)

✓
*The City cannot approve a development permit that generates one (1) or more students or is not exempt or vested from the requirements of public school concurrency, until the School Board has reported that the school concurrency requirement has been satisfied.

(Complete 7. Above for residential development only)

ADDITIONAL INFORMATION:

A BUILDING PERMIT APPLICATION MUST BE SUBMITTED WITHIN 18 MONTHS OF SITE PLAN APPROVAL TO PRESERVE ANY APPROVED CONCURRENCY RESERVATION.

Water Protection Standard
Oakland Park Fire Marshal's Office
Adopted January 2, 1995.

This standard is applicable to both new and existing sites where the owner wishes to plat, replat, build, renovate, or remodel, or obtain any development order.

In areas where, in the opinion of the Fire Marshal or his representative, there are inadequate fire hydrants in number or quality, unlooped water lines, or inadequate pressure available to protect lives or property, the owner of the property must provide such improvements as are necessary to meet the following requirements:

- ♦ Pipe Size. The minimum size pipe to which hydrants are attached shall be 6" in single family residential areas and 8" in size in all other areas. All such lines and hydrants shall be in utility easements dedicated or deeded to the City or to the Utility transmitting water to said property if such deeds or easements are requested by the City or the Utility.
- ♦ Hydrants. Every street intersection shall have one fire hydrant on at least one corner of the intersection unless situated at four lane or greater trafficway where two hydrants will be required on opposite sides of the major artery. Additionally, and in any case, hydrants shall be provided to insure that the maximum distance between a hydrant and all portions of a structure is 500 feet in all single family residential areas and 300 feet in all other areas. Maximum distance between hydrants and vehicles with no structures involved shall not exceed 400 feet. Distance shall be measured only in directions and paths where a fire hose can be laid, and it shall be given that a hose cannot be laid across any street having a width greater than 24 feet of pavement. Alternatively, the required distances may be doubled for any building choosing to be fully sprinklered if not otherwise required to do so. CIVIL ENGINEER -
EXIST
HYDRANT?
- ♦ Hydrants-Technical- All hydrants shall be Mueller Super Centurion or approved equal for maintenance standardization, with bottom opening of 5 1/4 " in diameter. They shall be erected and maintained so as to have the center of the steamer connection a minimum of 18" above the crown of the nearest roadway and a minimum of 18" above the surrounding ground with four foot clearance in any direction.
- ♦ Looping- It is the intent of this standard that the entire fire water supply system for this City be looped for both pressure and reliability. There shall be no fire service line constructed or replaced without looping to the system, unless waived by the Fire Marshal for cause.
- ♦ Pressure and Flow Requirements- All fire hydrants shall have a minimum of 20 PSI residual pressure while flowing the requirement in GPM. The minimum GPM flow shall be:
 - ♦ R1.....1,000GPM
 - ♦ RM10.....1,500 "
 - ♦ RM16, CF, and B1, under 20,000 square feet and two stories or less..... 2,000 "
 - ♦ RM 25, other B1 and CF, and all other, including B2,B3,I1,as well as any operation deemed hazardous by the Fire Marshal's Office.....2,500 "

These figures shall apply to both area zoning and actual building use.

Alternatives for buildings installing non-required systems:

- 1- The installation of a fully automatic, monitored fire and smoke detection system throughout a structure shall reduce the minimum GPM flow requirement by twenty-five percent.
- 2- The installation of a monitored automatic fire suppression system throughout a structure shall reduce the minimum GPM flow requirement by twenty-five percent.
(In no case should total reductions for alternatives be more than 50%)

TABLE I
POTABLE WATER DESIGN FLOWS

Facility Type	Water Use Gallons Per Day
Residential:	
Single-Family House	375
Duplex, <u>Triplex</u> , Townhouse & Apt. Per Unit	270 $\times 3 = 810$
Mobile Home	108
Auditorium Per Seat	5
Bar or Cocktail Lounge Per Seat	21
Boarding School (Students & Staff Per Person)	108
Boarding House Per Person	54
Bowling Alleys (Including Bar & Food Svs. Per Lane)	215
Churches Per Sanctuary Seat	3
Churches with Kitchen Per Sanctuary Seat	7
Construction Camps (Semi-Permanent Per Person)	54
Country Clubs:	
Per Resident Member Per Room	108
Per Seat (Bar, Dining)	27
Day Schools:	
With Cafeterias, Gyms & Showers Per Pupil	27
Without Cafeterias, Gyms & Showers Per Pupil	16
With Cafeterias but no Gyms & Showers Per Pupil	21
Factories: (No Processing or Industrial)	
With Showers Per Person	37
Without Showers Per Person	21
Hospitals:	
With Laundry Per Bed	270
Without Laundry Per Bed	214
Landscape & Lawn:	
Per square foot of Area	.35
Laundromats Per Machine	428
Motels & Hotels Per Room	161
Movie Theaters Per Seat	5
Nursing Homes Per Bed	108
Offices Per Person	21
Picnic Parks:	
With Bathhouse Shower & Toilet	11
Toilets Only	5
Public Institutions Per Person	108
Restaurants (Including Toilets):	
24 Hour Per Seat	54
Not 24 Hour Per Seat	39
Drive-In Per Car Space	16
Cocktail Lounge Per Seat	21
Rooming Houses Per Day	39
Service Stations:	
Full Service Stations:	
First Two Bays	810
Each Additional Bay	375

Self Service Stations:	
Per Fuel Pump	108
Shopping Centers:	
(No Food Service or Laundry)	
Per Square Foot of Floor Space	.10
Stores:	
(No Food Service or Laundry)	
Per Square Foot of Floor Space	.10
Swimming Pools Per Person	10
Warehouses:	
(No Food Service or Laundry)	
Per Square Foot of Floor Space	.10

In the case where the type of connection is not listed then the most suitable one is to be used.

The City retains the authority to require appropriate information to be submitted in accordance with American Water Works Association (AWWA) standards to settle any dispute.

TABLE II
SANITARY SEWER DESIGN FLOWS

Facility Type	Daily Flow In Gallons Per Day
Residential:	
Single-Family House	315
Duplex, Triplex, Townhouse & Apt. Per Unit	225 $\times 3 = 675$
Mobile Home	90
Auditorium Per Seat	5
Bar or Cocktail Lounge Per Seat	18
Boarding School (Students & Staff Per Person)	90
Boarding House Per Person	45
Bowling Alleys (Including Bar & Food Svs. Per Lane)	180
Churches Per Sanctuary Seat	3
Churches with Kitchen Per Sanctuary Seat	6
Construction Camps (Semi-Permanent Per Person)	45
Country Clubs:	
Per Resident Member Per Room	90
Per Seat (Bar, Dining)	23
Day Schools:	
With Cafeterias, Gyms & Showers Per Pupil	23
Without Cafeterias, Gyms & Showers Per Pupil	
With Cafeterias but no Gyms & Showers Per Pupil	18
Factories: (No Processing or Industrial)	
With Showers Per Person	31
Without Showers Per Person	18
Hospitals:	
With Laundry Per Bed	225
Without Laundry Per Bed	180
Laundromats Per Machine	360
Motels & Hotels Per Room	135
Movie Theatres Per Seat	5
Nursing Homes Per Bed	90
Offices Per Person	18
Picnic Parks:	
With Bathhouse Shower & Toilet	9
Toilets Only	5
Public Institutions Per Person	90
Restaurants (Including Toilets):	
24 Hour Per Seat	45
Not 24 Hour Per Seat	33
Drive-In Per Car Space	14
Cocktail Lounge Per Seat	18
Rooming Houses Per Day	33
Service Stations:	
Full Service Stations:	
First Two Bays	680
Each Additional Bay	315
Self Service Stations:	
Per Fuel Pump	90

TABLE II (cont.)

Shopping Centers:	
(No Food Service or Laundry)	
Per Square Foot of Floor Space	.10
Stores:	
(No Food Service or Laundry)	
Per Square Foot of Floor Space	.10
Warehouses:	
(No Food Service or Laundry)	
Per Square Foot of Floor Space	.10

In the case where the type of connection is not listed then the most suitable one is to be used.

The City retains the authority to require appropriate information to be submitted in accordance with AWWA standards to settle any dispute.

TABLE III

SOLID WASTE GENERATION RATES

Facility Type	Generation Per day
Residential	16.0 lbs. per unit $\times 3 = 48$
Industrial & Commercial	
Factory/Warehouse	2 lbs. per 100 square feet
Office Buildings	1 lb. per 100 square feet
Department Store	4 lbs. per 100 square feet
Supermarket	9 lbs. per 100 square feet
Restaurant	2 lbs. per meal per day
Drug Store	5 lbs. per 100 square feet
School	
Grade School	10 lbs. per room & 1/4 lb. per pupil
High School	8 lbs. per room & 1/4 lb. per pupil
Institution	
Hospital	8 lbs. per bed
Nurse or Intern Home	3 lbs. per person
Home for Aged	3 lbs. per person
Rest Home	3 lbs. per person

June 11th, 2019

Andrew Riddle, AICP
Senior Planner / DRC Project Manager
Engineering & Community Development Department
City of Oakland Park
5399 N. Dixie Highway, Suite 3
Oakland Park, FL 33334

NARRATIVE- SITE OR BUILDING METHODS USED TO CONSERVE ENERGY AND/OR WATER

OPF TOWNHOUSES

1298 NE 35TH Street, Oakland Park, Florida

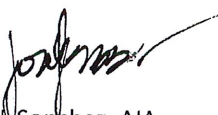
Dear Sir,

The following are features that are, or will be considered for energy conservation for the OPF Townhouses:

1. Landscaping with predominantly native species as to reduce water consumption.
2. All LED lighting to be used throughout-100%.
3. Low flow plumbing fixtures to be used throughout.
4. Planting of trees on West façade, wherever possible.

Should you have any questions or need additional information concerning the above, please do not hesitate to contact me at (305-576-8063).

Sincerely,



Jose L. Sanchez, AIA
Principal
Praxis Architecture
AR 0016966

June 11th, 2019

Andrew Riddle, AICP
Senior Planner / DRC Project Manager
Engineering & Community Development Department
City of Oakland Park
5399 N. Dixie Highway, Suite 3
Oakland Park, FL 33334

NARRATIVE- PRINCIPLES OF CRIME PREVENTION THRU ENVIRONMENTAL DESIGN.

OPF TOWNHOUSES

1298 NE 35TH Street, Oakland Park, Florida

Dear Sir,

The following are design/environmental features that have been considered per principles of crime prevention guidelines:

1. Front wall height has been reduced and partially replaced with pickets to allow visibility.
2. Extra windows have been added on the street sides.
3. Adequate lighting levels to be provided with wall mounted fixtures,

Should you have any questions or need additional information concerning the above, please do not hesitate to contact me at (305-576-8063).

Sincerely,



Jose L Sanchez, AIA
Principal
Praxis Architecture
AR 0016966

Draft

**DECLARATION OF COVENANTS, RESTRICTIONS, EASEMENTS AND PARTY
WALL AGREEMENT FOR OAKLAND PARK TOWNHOMES**

THIS DECLARATION is made on the day hereinafter set forth by OPF INVESTMENT, LLC, a Florida limited liability company, whose address is _____, hereinafter referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant is the owner in fee simple of the following property situate, lying and in Broward County, Florida, (the "Property") to wit:

SEE ATTACHED EXHIBIT "A"

WHEREAS, Declarant intends to improve, or has improved, the above-described Property with construction thereon of a building containing three (3) single family dwelling units, connected and joined by a mutually supporting common wall, the center line of which is located on the common boundary line of the Parcels; and

WHEREAS, fee simple title to the individual Parcels will, at, some future date, be conveyed by Declarant to third parties; and

WHEREAS, Declarant deems it necessary to declare, commit, and subject the Parcels to certain covenants, conditions, restrictions and easements for the purpose of protecting the amenities and marketability thereof;

NOW, THEREFORE, the following protective covenants, restrictions, easements and party wall agreement, are hereby established, declared, granted and prescribed, and shall run with the land and be binding upon the undersigned Declarant, its successors and assigns, and all persons or entities taking any interest whatsoever in the described Parcels or any part thereof, their heirs, successors assigns.

ARTICLE I
DEFINITIONS

As used in this Declaration, the following words have the following meanings:

- 1.1. "Declarant" means OPF INVESTMENT, LLC, its successors and assigns.
- 1.2. "Declaration" means this Declaration of Covenants, Restrictions, Easements and Party Wall Agreement, and any amendments thereto.
- 1.3. "Parcel(s)" means the four Parcels making up the Property legally described in the attached Composite Exhibit "B", together with all building improvements (the "dwelling unit(s)") located thereon.

1.4- "Owner" means the record owners of the Parcels. Owner does not include any party having an interest in a Parcel merely as security for the performance of an obligation.

1.5- " Mortgagee" means (a) a private lender, (b) a commercial bank, (c) a savings bank, (d) a savings and loan association, (e) a life insurance company, (f) any real estate investment trust, (g) a mortgage banking or lending corporation, association, or trust, owning or servicing at least 100 mortgages, (h) any federal agency, corporation, or association, including without limiting the generality of the foregoing, Federal Housing Administration, Department of Veterans Affairs, Federal National Mortgage Association, Government National Mortgage Association, and Federal Home Loan Mortgage Corporation and (i) an affiliate, subsidiary, successor, or assignee of any of the foregoing holding a mortgage on a Unit, and (j) Declarant, if and as long as Declarant holds a mortgage on a Parcel.

ARTICLE II

PARTY WALL AGREEMENT

2.1. The mutually supporting common wall, lying between and adjoining the attached dwelling units, and that portion of the roof covering same and the fence separating the rear portion of the attached dwelling units, shall be a party wall, (hereinafter referred to as "Party Wall"), and any Owner, his heirs, successors and assigns, shall have the right to use the same jointly with the other Owner as hereinafter set forth.

2.2. The term "use" shall and does include normal usage of the that portion of the undecorated finished wall surface of the Party Wall located in the interior of each dwelling unit, such as paneling, plastering, drywall, painting, decorating, erection of tangent walls and shelving, but prohibiting any form of alteration which would cause any (i) an aperture, hole, conduit, break or other displacement of the original concrete blocks forming such wall or (ii) destruction of or damage to any of the furring strips, pipes, ducts, wires, conduits and other utilities, if any, running through the Party Wall or located between such wall and the finished surfaces thereof

2.3. In the event of damage to or destruction of the Party Wall from any cause whatsoever, other than the negligence or willful misconduct of any Owner, the Owners sharing such Party Wall shall, at their joint expense, repair or rebuild the Party Wall, and each such Owner shall have the right to full use (as herein allowed) of the Party Wall so repaired or rebuilt. If any Owner's negligence or willful misconduct causes damage or destruction of the Party Wall, such negligent or willful mischievous Owner shall bear the entire cost of repair or reconstruction. If any Owner shall refuse to pay his share, or all of such cost in the case of negligence or willful misconduct, the other Owner may have the Party Wall repaired or reconstructed, and that Owner shall be entitled to a lien on the premises of the Owner so failing to pay, for the amount of such defaulting Owner's share of the repair or replacement costs. Said lien shall be effective from and after the recording in the Public Records of Broward County, Florida, of a Claim of Lien setting forth all information ordinarily required

in a Claim of Lien filed by a mechanic improving upon, or a materialman furnishing supplies to, real property under the laws of the State of Florida. If any or all Owners shall give, or shall have given, a mortgage or mortgages upon his Parcel, then the mortgagee(s) shall have the full right, at its option, to exercise the rights under its mortgage as a party