

This instrument prepared by, and after recording return to:

Name: _____, Esq.
Address:

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration"), made this ____ day of _____, _____, by _____ ("Owner(s)"), in favor of the City of Miami Beach, Florida, a municipality of the State of Florida ("City").

W I T N E S S E T H :

WHEREAS, the Owners hold fee-simple title to certain property in the City of Miami Beach, Florida, located at _____, Miami Beach, Florida, legally described in Exhibit "__" attached hereto and made a part hereof ("Property"); and

WHEREAS, the Owners (seek) or (have obtained) _____ from the City Commission of the City of Miami Beach (or other applicable board); and

WHEREAS, the Owners are desirous of making a binding commitment to assure that the Property shall be developed in accordance with representations and commitments made to the City (City Commission, or such other board);

NOW, THEREFORE, the Owners voluntarily covenant and agree that the Property shall be subject to the following restrictions that are intended and shall be deemed to be covenants running with the land and binding upon the Owners of the Property, their successors in interest and assigns, as follows:

1. The recitals and findings set forth in the preamble of this Declaration are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

2.

3.

4.

5.

6.

7. This voluntary Declaration shall remain in full force and effect and shall be binding upon the Owners of the Property, their successors in interest and assigns for an initial period of thirty (30) years from the date this instrument is recorded in the public records, and shall be automatically extended for successive periods of ten (10) years, unless modified, amended or released

prior to the expiration thereof.

8. This Declaration may be modified, amended or released as to any portion of the Property by a written instrument executed by the then Owners of the fee-simple title to the land to be affected by such modification, amendment or release providing that same has been approved by the City of Miami Beach City Commission, or such other board with jurisdiction over the matter, at a public hearing, which public hearing shall be applied for by and at the expense of the Owners. Should this instrument be so modified, amended or released the City Manager, or his successor, or other administrative officer with jurisdiction over the matter, shall execute a written instrument in recordable form effectuating and acknowledging such modification, amendment or release.

9. Invalidation of any provision of this Declaration by judgment of Court shall not affect any of the other provisions of this Declaration, which shall remain in full force and effect.

10. This Declaration shall be recorded in the Public Records of Miami-Dade County, Florida, at the cost of the Owners.

11. It is understood and agreed that any official inspector of the City of Miami Beach may have the right at any time during normal working hours of entering and investigating the use of the Property, to determine whether the conditions of this Declaration and the requirements of the City's building, zoning and land

development regulations are being complied with.

12. An action to enforce the terms and conditions of this Declaration may be brought by the City and may be by action at law or in equity against any party or person violating or attempting to violate any provision of this Declaration or provisions of the building, zoning or land development regulations, either to restrain violations or to recover damages. The prevailing party in the action or suit shall be entitled to recover costs and reasonable attorneys' fees, at all levels of trial and appeal. This enforcement provision shall be in addition to any other remedies available under the law.

IN WITNESS WHEREOF, the undersigned have set their hand and seal this ____ day of _____, _____.

Witnesses:

_____ **By:** _____
_____ **Print Name:** _____
_____ **Title:** _____

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____ . He (she) personally appeared before me, is personally known to me or produced _____ as identification, and did take an oath.

[NOTARIAL SEAL]

Notary _____
Print Name: _____
Notary Public, State of _____
My commission expires: _____

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

Date

