

RESOLUTION NO. 2026-03

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A PARTIAL RELEASE OF A CERTAIN RESTRICTIVE COVENANT RECORDED BY WARRANTY DEED FOR PINES PLAZA; RELEASING ONLY THE PORTION OF THE COVENANT RELATING TO HOURS OF OPERATION TO THE EXTENT SUCH HOURS ARE OTHERWISE PERMITTED BY THE CITY; RETAINING ALL OTHER COVENANT PROVISIONS IN FULL FORCE AND EFFECT; AUTHORIZING RECORDATION AND EXECUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Warranty Deed dated March 12, 1984, and recorded in the Official Records of Palm Beach County, Florida, in Official Records Book (ORB) 4192, Page 1055, the City of Greenacres imposed certain restrictive covenants running with the land and in favor of the City upon the property commonly known as Pines Plaza ("Covenant"); and

WHEREAS, the Covenant includes, among other provisions, restrictions on permitted commercial uses, limitations on hours of operation, and an express provision allowing release of the Covenant by majority vote of the City Council; and

WHEREAS, the City Council desires to retain the use-related restrictions and the City Council release authority contained in the Covenant; and

WHEREAS, the City Council finds it appropriate to remove the regulation of hours of operation from the Covenant and instead regulate such hours through site plan approvals and related conditions of approval administered under the City's Code of Ordinances; and,

WHEREAS, the City Council finds removing the regulation of hours of operation from the Covenant as set forth in this Resolution serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. Pursuant to the authority expressly reserved in the Covenant, the City Council hereby partially releases the Covenant insofar as it relates to restrictions on hours of

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operation, to the extent such hours are otherwise permitted by the City pursuant to the City's Code of Ordinances and applicable site plan approvals and conditions of approval, and not by virtue of the Covenant itself. Nothing herein shall be construed as granting or guaranteeing any specific hours of operation.

SECTION 2. Hours of operation for the subject property shall hereafter be governed pursuant to the City's Code of Ordinances and applicable site plan approvals and conditions of approval, and not by the Covenant.

SECTION 3. Except as expressly released in Section 1 of this Resolution, the Covenant shall remain unchanged, and all remaining terms, conditions, and restrictions contained therein shall continue in full force and effect and shall run with the land and be enforceable by the City. Without limitation, the City Council hereby affirms that the use restrictions set forth in the Covenant are retained; and the Covenant provision providing that such restrictions may be released only by majority vote of the City Council is retained.

SECTION 4. The Mayor and City Clerk are hereby authorized to execute any documents necessary to effectuate this partial release. The City Clerk is authorized to record this Resolution in the Official Records in and for Palm Beach County, Florida.

SECTION 5. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED this 5th of day of January 2026

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:

John Tharp, Council Member, District I

Voted:

Peter Noble, Council Member, District II

Voted:

Judith Dugo, Council Member, District III

Voted:

Susy Diaz, Deputy Mayor,

Voted:

Elisa Leheny, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, *City Attorney*