

Prepared by:

Patricia A. Rathburn, Esq.

Patricia A. Rathburn P.A.  
500 SE 17<sup>th</sup> Street #312  
Fort Lauderdale, FL 33316

**AMENDMENT TO DEED OF CONSERVATION EASEMENT**

WHEREAS, the City of Coconut Creek Florida, a municipal corporation of the State of Florida ("City") whose post office address is 4800 West Copans Road, Coconut Creek, Florida 333063, the South Florida Water Management District ("District") whose post office address is 3301 Gun Club Road, West Palm Beach, Florida 33416, and Broward County, a political subdivision of the State of Florida ("County"), whose post office address is 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, are the Parties to that certain Deed of Conservation Easement recorded February 13, 1997, in Official Records Book 26026 at Page 945 of the Public Records of Broward County establishing a conservation easement over certain lands located in Broward County, Florida, owned by City (the "Conservation Easement");

WHEREAS, County is the successor in interest to the District as it relates to this Amendment to Deed of Conservation Easement ("Amendment") and the execution of this Amendment by County shall be sufficient to amend the Conservation Easement without the joinder of District;

WHEREAS, at the time the Conservation Easement was executed by the Parties and recorded, there existed a boardwalk over a portion of the property known as Mitigation Area "F", more particularly identified in Exhibit A attached hereto (the "Boardwalk"), in the same location as Exhibit A shows a proposed path;

WHEREAS, in the twenty-five plus (25+) years that the Boardwalk was in existence, despite routine maintenance being performed thereon, it became unsafe and, to protect the public, it was removed by the City;

WHEREAS, City has constructed a paved trail from the City's Hilton Road Greenway through non-Conservation Easement property which originally culminated at the Boardwalk;

WHEREAS, City intends to connect its Hilton Road Greenway to the City owned Winston Park Preserve to form a continuous trail system with a trail connector through and over the area where the Boardwalk previously existed;

WHEREAS, the Parties have determined, after having physically inspected the area surrounding the Boardwalk and the area in which the City's proposed trail connector would be located, that the area has no viable wetlands and, due to change in climate, topography, hydrological conditions and natural conditions, the connector area is not a candidate for wetland restoration;

WHEREAS the Parties agree that it would benefit the citizens of Coconut Creek and Broward County to have the Hilton Road Greenway and Winston Park Preserve connected by an ADA compliant connector in the area where the Boardwalk was removed; and

WHEREAS, the Parties have agreed that certain mitigation as outlined herein would enhance the Conservation Easement sufficiently to offset any impacts created by construction to connect the trails.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The foregoing recitals are true and accurate and incorporated herein by reference.
2. The Parties agree that the improvements proposed by City pursuant to this Amendment shall not require any additional County Licenses or District permits nor any modification of existing permits or approvals.
3. The Parties agree that, notwithstanding anything to the contrary contained in Section 3 of the Conservation Easement or elsewhere therein, construction, maintenance, and replacement, should same be necessary, of a concrete trail connector on the property depicted in Exhibit "A" as a proposed path shall be specifically permitted and shall not constitute a violation of the prohibitions contained in the Conservation Easement against construction of roads, excavations, or other restrictions on surface areas of the Conservation Easement.

4. To mitigate any change in the condition of the Conservation Easement that may occur by reason of the connection of the trails as provided herein, the Parties agree that City shall plant thirty-four (34) native trees within the areas depicted in Exhibit A.

5. Unless otherwise provided herein, if any provision of this Amendment is deemed invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions will not in any way be affected or impaired thereby. Except as amended herein, all other provisions of the Conservation Easement remain in full force and effect.

(Remainder of page intentionally blank)

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment to Deed of Conservation Easement: 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 \_\_\_\_\_, 20\_\_\_, and City of Coconut Creek, signing by and through its Mayor, duly authorized to execute same.

COUNTY

ATTEST:

\_\_\_\_\_  
Broward County Administrator, as  
ex officio Clerk of the Broward County  
Board of County Commissioners

BROWARD COUNTY, by and through  
its Board of County Commissioners

By: \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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

Michael C.

Digitally signed by Michael C.  
Owens  
Date: 2022.10.18 12:24:42  
-04'00'

By: Owens

Michael C. Owens (Date)  
Senior Assistant County Attorney

MAITE

Digitally signed by MAITE  
AZCOITIA  
Date: 2022.10.18 14:12:25  
-04'00'

By: AZCOITIA

Maite Azcoitia (Date)  
Deputy County Attorney

MCO/gmb  
Amendment to Deed of Conservation Easement.docx  
09/16/2022  
iManage #70056-0034

**AMENDMENT TO DEED OF CONSERVATION EASEMENT**

**CITY OF COCONUT CREEK, FLORIDA**

By: \_\_\_\_\_

Joshua Rydell, Mayor

Date: \_\_\_\_\_

10/13/22

**ATTEST:**

By: \_\_\_\_\_

Joseph Kavanagh, City Clerk

Approved as to Legal Sufficiency and Form:

By: \_\_\_\_\_

Terrill C. Pyburn, City Attorney

PAR071922

Exhibit A

