

DEPARTMENT OF SUSTAINABLE DEVELOPMENT PLANNING & ZONING DIVISION

4800 WEST COPANS ROAD COCONUT CREEK, FLORIDA 33063



SHEILA N. ROSE DEPARTMENT DIRECTOR

April 9, 2013

The Planning & Zoning Resource Corporation 100 NE 5th Street Oklahoma City, OK 73104 Attn: April Martin

RE: Zoning Verification

TD Bank Coconut Creek, 6700 North State Rd 7 ("The Property")

To Whom It May Concern:

This letter is in response to a request for information regarding the above referenced property. Please find below our responses to specific site information as outlined in your letter:

1. The current zoning for this property is B-2 (Convenience Shopping).

- 2. The abutting zoning designations are Planned Commerce District (PCD) to the north; Community Shopping (B-3) and Convenience Shopping (B-2) to the south; Mobile Home Park (MH-1) to the east; and the City of Parkland to the west.
- 3. The Property is not a Planned Unit Development.
- 4. There is no special, restrictive or overlay district.
- 5. The Property is in compliance with the current zoning.
- 6. The property is a non-conforming use. In situations where the use is non-conforming, the non-conforming use must be rebuilt to a conforming use when the cost of rebuilding, repair and reconstruction exceeds 50% of the replacement cost of building or structure.
- 7. There were variances and special conditions granted for this property. Copies of the ordinances and final order are attached for your reference.
- 8. To the best of our knowledge, there are no unresolved zoning or building code violations for this property.
- 9. The property was site plan approved by the Planning and Zoning Board on February 11, 2009. A copy of the site plan is attached for your reference.

If you have any questions regarding this matter, please feel free to contact me at (954) 973-6741.

Sincerely,

Natacha Josiah Zoning Officer

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Enc.

ORDINANCE NO. 2009-003

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION OF PERLA M. ESPINOSA TRUST FOR A BANK FACILITY WITH A DRIVE-THRU FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS THE SOUTH 211 FEET PARCEL "A," EL RANCHO SEVEN ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGE 25, OF THE PUBLIC BROWARD COUNTY. RECORDS OF FLORIDA: PURSUANT TO THE PROVISIONS OF SECTION 13-35, CITY OF COCONUT CREEK CODE OF ORDINANCES: PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the property owner, Perla M. Espinosa Trust, is requesting special land use approval for a bank facility with a drive-thru on the property described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, Section 13-35 of the City's Land Development Code permits said use as a special land use; and

WHEREAS, at its duly advertised public hearing held on February 11, 2009 the Planning and Zoning Board heard, reviewed and duly considered the reports, findings and recommendations of the City staff together with the opinions and testimony stated at the public hearing and has recommended approval of this item to the City Commission subject to the following conditions:

 Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit; and

WHEREAS, the City Commission has determined that the above described special land use is in the best interests of the residents of the City of Coconut Creek and serves a public purpose;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

<u>Section 1:</u> That the special land use application of Perla M. Espinosa Trust for a bank facility with a drive-thru, located at the northeast corner of Johnson Road and State Road 7, and more particularly described as the South 211 feet of Parcel "A" of the El Rancho Seven Plat, according to the Plat thereof, as recorded in Plat Book 101, Page 25, of the Public Records of Broward County, Florida, having been recommended for approval by the Planning and Zoning Board on February 11, 2009, and having been reviewed by the City Commission is hereby approved subject to the following conditions:

a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.

<u>Section 2:</u> That the TD Bank Site Plan submitted by the applicant and approved by the Planning and Zoning Board on February 11, 2009 is hereby approved and incorporated by reference as the final site plan. Any substantial modifications to said Site Plan shall require an amendment to this ordinance. That the final site plan and building plan shall comply with all applicable zoning regulations and building codes.

<u>Section 3:</u> That the City Commission finds and determines that the above described special land use is in the best interests of the residents of the City of Coconut Creek and serves a public purpose.

<u>Section 4:</u> That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 5: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 6: That this Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING THIS 12th DAY OF March , 2009.

PASSED SECOND READING THIS 26th DAY OF March , 2009.

Marilyn Gerber, Mayor

Attest:

Barbara S. Price, MMC City Clerk

	<u>1st</u>	<u>2nd</u>
Gerber	Aye	<u>Aye</u>
Aronson	Aye	Aye
Sarbone	Aye	<u>Aye</u>
Tooley	Aye	<u>Aye</u>
Belvedere	Ab <u>sta</u> in	<u>Ab</u> stain

SR:mb \\pdc\data\Development Services\MBowers\Documents\Project Coordinator\Ordinances\Ord655 TD bank slu.doc 3-2-09

EXHIBIT "A"

Legal Description:

The South 211 Feet of Parcel "A," El Rancho Seven Plat, according to the Plat thereof, as recorded in Plat Book 101, Page 25, of the Public Records of Broward County, Florida.

ORDINANCE NO. 2009-004

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, VACATING, RELEASING, AND ABANDONING A PORTION OF A 12 FOOT UTILITY EASEMENT FOR THE PROJECT KNOWN AS TD BANK GENERALLY LYING OVER AND ACROSS A PORTION OF THE SOUTH 211 FEET OF PARCEL "A" OF THE EL RANCHO SEVEN PLAT. ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A:" PROVIDING FOR A PUBLIC PURPOSE: PROVIDING FOR CONDITIONS TO VACATE: **PROVIDING** SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Coconut Creek seeks to vacate and abandon a portion of a 12 foot utility easement for the property more particularly described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the utility easement does not accommodate the TD Bank Site Plan; and

WHEREAS, replacement utility easements are being dedicated to serve the proposed development; and

WHEREAS, all affected utility companies have submitted written waivers of objection; and

WHEREAS, the Planning and Zoning Board has recommended approval of this vacation of utility easement at its February 11, 2009 meeting; and

WHEREAS, all staff reports, minutes of meetings, findings of fact and support documents are hereby incorporated as referenced;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

<u>Section 1:</u> That the City Commission finds and determines that the above described vacation of utility easement is in the best interest of the residents of the City and serves a public purpose.

<u>Section 2:</u> That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of February 11, 2009, which recommended for approval

the vacation of utility easement for the property legally described in Exhibit "A," attached hereto and made a part hereof, and hereby vacates, releases, and abandons said utility easement.

<u>Section 3:</u> That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

<u>Section 4:</u> That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

<u>Section 5:</u> That this Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING THIS 12th DAY	OF <u>March</u> , 2009	9.
PASSED SECOND READING THIS 26th DAY	Y OF, 200	9.

Marilyn Gerber, Mayor

Attest:

Barbara S. Price, MMC

City Clerk

<u>1st</u> <u>2nd</u>

Gerber Aye Aye

Aronson Aye Aye

<u>Sarbone</u> <u>Aye</u> <u>Aye</u>

Tooley Aye Aye

Belvedere Abstain Abstain

SR:mb

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EXHIBIT "A"

Legal Description:

A portion of that certain 12 foot wide Utility Easement lying over and across a portion of the South 211 feet of Parcel "A," El Rancho Seven Plat, according to the Plat thereof, as recorded in Plat Book 101, Page 25, of the Public Records of Broward County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Parcel "A," according to the Plat thereof recorded in Plat Book 101, Page 25 of the Public Records of Broward County, Florida; thence run N00°54'32" W along the East line of said Parcel "A" for a distance of 211.01 feet; thence run S89°35'33" W along a line parallel with and 211.00 feet North of as measured at right angles to the South line of said Parcel "A" for a distance of 25.66 feet to the point of beginning; thence continue S89°35'33" W along said line for 12.02 feet; thence run S03°12'52" W for 110.28 feet; thence run S86°47'08" E for 12.00 feet; thence run N03°12'52" E for 111.04 feet to the point of beginning.

Said lands lying and situate in the City of Coconut Creek, Broward County, Florida.

RESOLUTION NO. 2009-34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA GRANTING A REQUIREMENT FOR WAIVER FROM THE **PLACEMENT** UTILITIES. UNDERGROUND OF BY SECTION 13-142, CODE **ESTABLISHED** ORDINANCES, ENTITLED "UNDERGROUND UTILITIES REQUIRED." FOR THE PROPERTY KNOWN AS TD LEGALLY DESCRIBED IN ATTACHED HERETO AND MADE A PART HEREOF. WITH SAID ORDINANCE PROVIDING FOR SUCH A WAIVER; PROVIDING AN EFFECTIVE DATE

WHEREAS, on December 22, 2005, the City Commission of the City of Coconut Creek adopted Ordinance No. 2005-032, codified as Section 13-142, Code of Ordinances, entitled "Underground Utilities Required" (hereafter Section 13-142), establishing the underground placement of all utilities for any new commercial, industrial, retail, or residential development of five (5) acres or more; and

WHEREAS, said Section contains a process for waiver from the terms of underground placement of utilities; and

WHEREAS, the owner has a development known as TD Bank described in Exhibit "A," attached hereto and made a part hereof, and is subject to the requirement for the underground placement of utilities; and

WHEREAS, the owner has filed an application for said waiver, consistent with the standards and timing established by Section 13-142; and

WHEREAS, at its February 11, 2009 meeting, the City's Planning and Zoning Board recommended approval of said waiver for underground placement of utilities; and

WHEREAS, the City Commission of the City of Coconut Creek has determined that the owner has demonstrated compliance with said standards;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

<u>Section 1:</u> That the request for waiver from the requirement for the underground placement of utilities was submitted to the City in accordance with the standards and timing established by Section 13-142.

Section 2: That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of February 11, 2009, which recommended approval of waiver from the requirement for underground placement of utilities, and has determined that the owner has demonstrated compliance with the required criteria and standards as contained in Section 13-142, and hereby grants the request of the applicant for a waiver from the provision of Ordinance No. 2005-032.

Section 4: That this resolution shall take effect immediately upon its passage and adoption.

Adopted this	_ day of vand seconde	March	, 2009,
Committee of the commit	Ayes Nays Absent Abstail		- Jerte

Attest:

Barbara S. Price, MMC

City Clerk

Aronson Aye
Sarbone Aye
Tooley Aye

Belvedere Abstain

EXHIBIT "A"

Legal Description:

The South 211 Feet of Parcel "A," El Rancho Seven Plat, according to the Plat thereof, as recorded in Plat Book 101, Page 25, of the Public Records of Broward County, Florida.



DEVELOPMEN SERVICES DEPARTMENT PLANNING & ZONING DIVISION

4800 WEST COPANS ROAD COCONUT CREEK, FLORIDA 33063



March 12, 2009

SHEILA N. ROSE DEPARTMENT DIRECTOR

Mr. Scott Backman, Esq Siegel, Lipman, Dunay, Shepard & Miskel, LLP 5355 Town Center Road Suite 801 Boca Raton, FL 33486

Re:

TD Bank

Variance Application(s) PZ-08080010, PZ-08120003, PZ-09010003

Dear Mr. Backman:

Your applications for three separate variances were reviewed and approved at the February 11, 2009 meeting of the City of Coconut Creek Planning and Zoning Board. The subject variances requested relief from the City of Coconut Creek Land Development Code, "Division 3. Zoning District Regulations and Tables" and "Subdivision II. Parking Regulations and Requirements." Specifically, the approval includes the following components:

- A variance from Section 13-331(g)(1) "Landscape buffers along major or minor streets," to allow for a reduced landscape buffer width along State Road 7.
- A variance from Section 13-343(c)(12) "B-2 convenience shopping district," to allow for a reduced landscape area between the building and vehicular use area.
- A variance from Section 13-399(k) "Basic design schedule," to allow for maneuvering of vehicles within an entrance driveway or driveway lane that is within 50 feet of the right-ofway of any public street.

Enclosed for your records is a copy of the Planning and Zoning Board Final Order for each variance request. You may proceed with securing the necessary permits for this modification. Should you have any questions or require any additional information, please do not hesitate to contact me at (954) 973-6756.

Sincerely.

₩. Scott Stoudenmire, A/CP

Deputy Director of Development Services

WSS:mb

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cc: Sue Schmitt, Building Supervisor

ORDER

A FINAL ORDER OF THE PLANNING AND ZONING BOARD OF THE CITY OF COCONUT CREEK, FLORIDA, GRANTING THE APPLICATION OF SCOTT BACKMAN, ESQ FOR THE PROJECT KNOWN AS TO BANK LOCATED AT THE NORTHEAST CORNER OF JOHNSON ROAD AND STATE ROAD 7

WHEREAS, the Planning and Zoning Board of the City of Coconut Creek, Florida ("City") having given due and proper notice of the hearing, which is the subject of this Order, to Scott Backman, Esq, and having heard Applicant's testimony, evidence submitted by Applicant and argument in support of Applicant's request for variance approval, and having heard testimony from staff of City and from other interested parties, in relation to an application for TD Bank at a public hearing held on February 11, 2009; and

WHEREAS, the City having considered the Applicant's request and evidence submitted, criteria set forth in City Code of Ordinances, the recommendations of City staff, and comments from other interested parties, has determined to grant approval to the variance application for TD Bank, set forth in Section 1 of this Order subject to such terms and conditions as set forth in Section 4 of this Order;

NOW, THEREFORE, IT IS ORDERED BY THE PLANNING AND ZONING BOARD OF THE CITY OF COCONUT CREEK, FLORIDA:

- <u>Section 1.</u> That the following application for TD Bank to allow for maneuvering of vehicles within an entrance driveway or driveway lane that is within fifty (50) feet of the right-of-way of any public street for the project known as TD Bank is hereby granted, subject to the terms and conditions set forth in Section 4 of this Order.
- Section 2. That this Order relates to the real property described as the South 211 feet of Parcel "A," El Rancho Seven Plat, according to the Plat thereof, as recorded in Plat Book 101, Page 25 of the Public Records of Broward County, Florida.
- <u>Section 3.</u> That in granting this application the City specifically finds that the variance application is in substantial compliance with Section 13-33 of the City's Land Development Code Variance Review Requirements.

Section 4. That based on the findings of the City specified above, it shall be the final Order of the City that the application specified above shall be Granted. The following special conditions or restrictions shall be considered an integral part of this Order, and shall be covenants running with the herein described real property, unless otherwise specified herein; and a default of said special conditions by the Applicant and/or the owner of the subject real property, their respective heirs, successors, assigns, tenants, agents, lessees, or any person acting there under shall constitute a violation of the City Code of Ordinances and of this Order.

Said special conditions or restrictions are as follows, to wit:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit.

Section 5. That this Final Order is effective on the date signed by the City.

DONE AND ORDERED this 11 day of February, 2009.

City of Coconut Creek, Florida

Name: Doug Young

Chair

City of Coconut Creek, Florida

70000

Name: Barbara S. Price, MMC

City Clerk

WSS:mb

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ORDER

A FINAL ORDER OF THE PLANNING AND ZONING BOARD OF THE CITY OF COCONUT CREEK FLORIDA GRANTING THE APPLICATION OF SCOTT BACKMAN, ESQ, FOR THE PROPERTY KNOWN AS TO BANK LOCATED AT THE NORTHEAST CORNER OF JOHNSON ROAD AND STATE ROAD 7

WHEREAS, the Planning and Zoning Board of the City of Coconut Creek, Florida ("City") having given due and proper notice of the hearing which is the subject of this Order to Scott Backman, Esq, and having heard Applicant's testimony, evidence submitted by Applicant and argument in support of Applicant's request for site plan approval, and having heard testimony from staff of City and from other interested parties, in relation to an application for TD Bank at a public hearing held on February 11, 2009; and

WHEREAS, the City having considered the Applicant's request and evidence submitted, criteria set forth in City Code of Ordinances, the recommendations of City staff, and comments from other interested parties, has determined to grant approval to the site plan application for TD Bank, set forth in Section 1 of this Order subject to such terms and conditions as set forth in Section 4 of this Order;

NOW, THEREFORE, IT IS ORDERED BY THE PLANNING AND ZONING BOARD OF THE CITY OF COCONUT CREEK, FLORIDA

Section 1. That the following application for Scott Backman, Esq to construct a free-standing bank with drive-thru is hereby granted, subject to the terms and conditions set forth in Section 4 of this Order.

Section 2. That this Order relates to the real property described as the South 211 feet of Parcel "A," El Rancho Seven Plat, according to the Plat thereof, as recorded in Plat Book 101, Page 25 of the Public Records of Broward County, Florida.

Section 3. That in granting this application the City specifically finds that the site plan application is in substantial compliance with the City's Land Development Code.

Section 4. That based on the findings of the City specified above, it shall be the final Order of the City that the application specified above shall be Granted. The following special conditions or restrictions shall be considered an integral part of this Order, and shall be covenants running with the herein described real property, unless otherwise

specified herein: and a default of said special conditions by the Applicant and/or the owner of the subject real property, their respective heirs, successors, assigns, tenants, agents, lessees, or any person acting there under shall constitute a violation of the City Code of Ordinances and of this Order.

Said special conditions or restrictions are as follows, to wit:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit.

Section 5. That this Final Order is effective on the date signed by the City.

DONE AND ORDERED this 11 day of February, 2009.

City of Coconut Creek, Florida

Name: Doug Young

This is to certify that this Final Order has been filed by the undersigned for the record, and a copy provided to the Applicant and/or authorized agent at this ______day of Jarch , 2009.

City of Coconut Creek, Florida

Name: Barbara S. Price, MMC

City Clerk

By: parhara Skeil

WSS:mb

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LAND USE REQUIREMENTS

Zanina	Minimum	Lot D	imensions	Blo		Bldg.	Paved		tbacks/	Separat	ion
Zoning District	Area (S.F.)	Width (LF)	Depth (LF)	H1 (F1	t. t.)	Area	Surface Area	Front LF	Rear LF	Side LF	Side LF
B-2 *	N/A	N/A	N/A	2. mo		40% max.	85% max.	55.94	37.29	27.97	27.97
PROPOSED	39,058	191	211	23'-11	3/4"	10%	53%	63.49	35.04**	* 55.91	73.04
Dr	ive-Thru	Stackir	ng					Landsc	ape Buff	ers	
	1st 2 lan		her lanes	TOTAL				East LF	West LF	North LF	South LF
B-2	108 LF		72 LF	288		В-	-2 *	10	35	5	20
Proposed	108 LF		72 LF	288		Pro	posed	10	18.67	7.88	20

* NONCONFORMING LOT CODE APPLIES

Lot Depth = 186.45'**
Front Yard Setback = 30% of depth = 55.94'
Side Yard Setback = 15% of depth = 27.97'
Rear Yard Setback = 20% of depth = 37.29'

- ** Lot depth is determined from the average of the depth at the north end (191.30') and the south end (181.58')
- *** Per section 13-295 of the Coconut Creek city code, a 30" encroachment of the required setback is allowed. The proposed 35.04' setback encroaches the min. required of 37.29' by less than the allowed 30"

<u>AREA</u>	CA	ALCU	LATIO	<u>ONS</u>
TOTAL	SITE	AREA		

TOTAL SITE AREA	39,058.4	0.90	
PERVIOUS AREA (15% REQUIRED)	12,821.7	0.29	32.2%
IMPERVIOUS AREA	26,236.7	0.61	67.8%
Building Area	3,960	0.09	10.0%
Pavement Area	21,430.4	0.50	55.6%
Sidewalk/Concrete Area	846.3	0.02	2.2%

PARKING CALCULATIONS

Gross Floor Area	3,960 s.f.
Parking Required	20 Spaces (1 Space/ 200 s.f.)
Proposed Parking Spaces	21 Spaces Provided
Proposed HC Spaces	1 Provided (1 Required/ 25 Spaces)
Loading Zones	1 Provided for Future Use

SQUARE FEET ACRES

PROPOSED CONDITIONS

TITOL OULD OUTDING	
Name of Developer	TD BANK.NA
Address	9000 Atrium Way Mount Laurel, NJ 08054
KHA Project No.	042701269
Name of Development	TD Bank-Coconut Creek © State Rd. 7
	& Johnson Rd.
Proposed Use	Financial Institution/ Bank
Zoning District	Commercial B-2
Section, Township, Range	S-06, T-48, R-42
No. of Stories/ Floors	1 Story
Flood Elevation	Zone X
	FiRM Map: 120 11C 0105F (8/18/92)

NOTES:

1. ANY ROOF TOP EQUIPMENT IS TO BE SCREENED PER CITY CODE.

2. VEGETATION, MUCK AND ANY DELETERIOUS MATERIAL WITHIN THE LIMITS OF CONSTRUCTION MUST BE REMOVED AND REPLACED WITH CLEAN FILL MATERIAL, FREE OF STUMPS, LARGE ROOTS OR OTHER MATTER NOT SUITABLE FOR FILL.

3. LIGHT MEASURED FROM ADJACENT PROPERTY SHALL NOT EXCEED CODE REQUIRED FOOTCANDLES AT PROPERTY LINE.

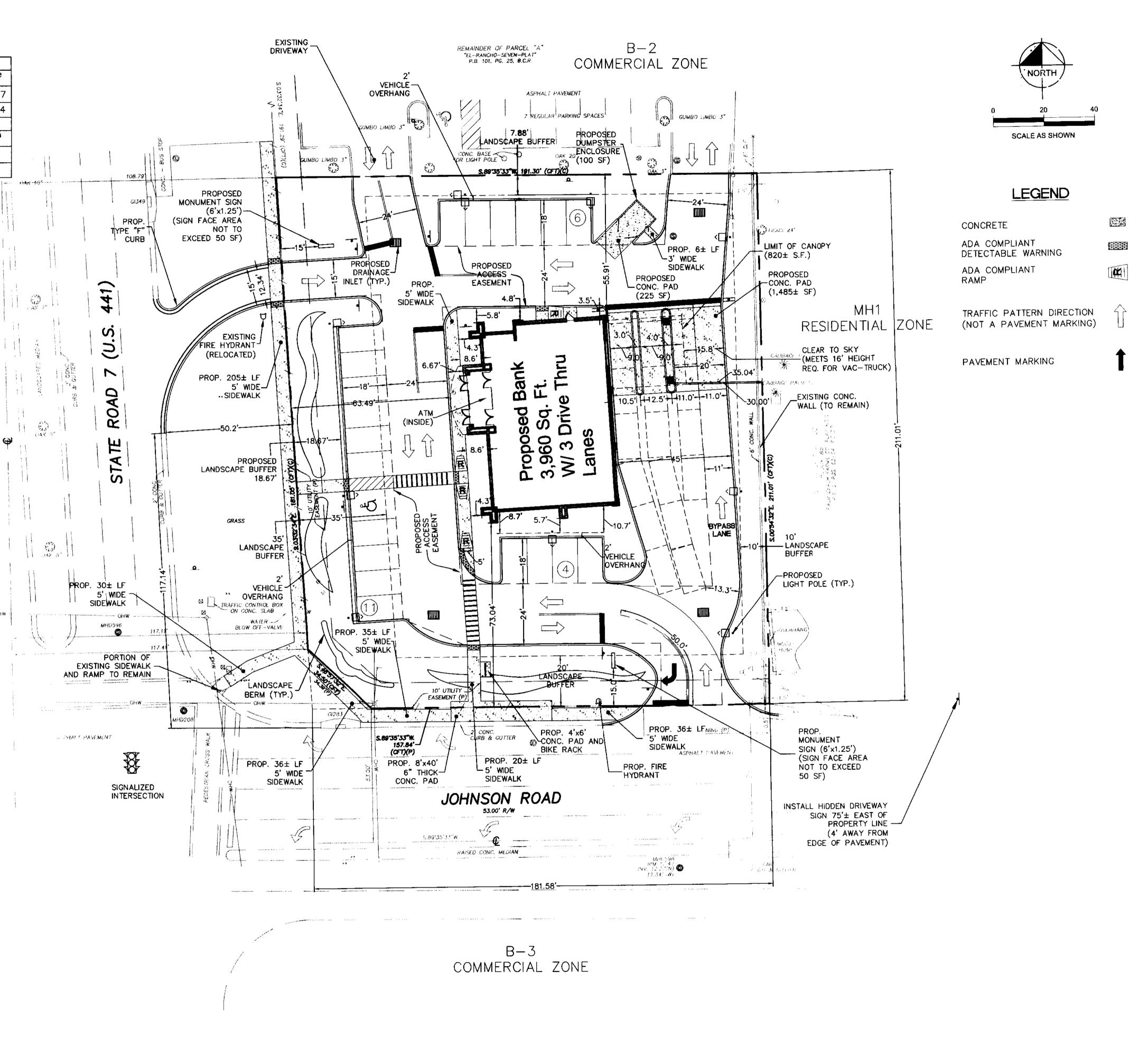
4. ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR AT GROUNDBREAK.

5. BUILDING DIMENSIONS SHOWN ON THE CIVIL ENGINEERING PLANS ARE FOR REFERENCE PURPOSES ONLY. WHEN LAYING OUT THE PROPOSED BUILDING FOUNDATION, THE CONTRACTOR SHALL USE THE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.

6. ALL DIRECTIONAL SIGNS SHALL BE PAINTED WITH REFLECTIVE BACKGROUND PAINT.

LEGAL DESCRIPTION:

THE SOUTH 211.00 FEET OF PARCEL "A", "EL-RANCHO-SEVEN-PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 101, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.



DATE 05/21/08 PROJECT NO. 042701269

TO BANK 700 S.R. 7 SOCONUT

SHEET NUMBER

C-101