



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Board of County Commissioners Zoning Board**

Board of County Commissioners

Stephen P. Clark Government Center
Commission Chamber
111 NW 1st Street
Miami, Florida 33128

February 7, 2008

As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Mary Smith-York, Commission Reporter
(305) 375-1598



CLERK'S SUMMARY AND OFFICIAL MINUTES
BOARD OF COUNTY COMMISSIONERS ZONING HEARING
FEBRUARY 7, 2008

The Board of County Commissioners met in regular session in the County Commission Chambers on the second floor of the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida at 9:30 a.m. on Thursday, February 7, 2008, there being present: Chairman Bruno A. Barreiro and Commissioners Jose "Pepe" Diaz, Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Barbara J. Jordan, Joe A. Martinez, Dorrin D. Rolle, Rebecca Sosa and Javier D. Souto; (Commissioners Dennis C. Moss, Natacha Seijas, and Katy Sorenson were absent).

The following staff members were present: Assistant County Attorneys Joni Armstrong-Coffey, Director Subrata Basu and Assistant Director Maria Teresa Fojo, Department of Planning and Zoning; and Deputy Clerks Kay Sullivan, Diane Collins, and Mary Smith-York.

Chairman Barreiro opened the meeting with a moment of silence, followed by the Pledge of Allegiance.

ALL WITNESSES WERE SWORN IN BY THE CLERK BEFORE MAKING THEIR PRESENTATIONS BEFORE THE BOARD. THE INTERPRETERS WERE ALSO SWORN IN BY THE CLERK.

Mr. Subrata Basu, Department of Planning and Zoning Director, announced in accordance with the Code of Miami-Dade County, all items on today's zoning agenda were legally advertised, all notices were mailed and all properties were posted within prescribed timeframes. He stated that additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today's proceedings.

Mr. Basu presented the following application:

ITEM: No. A
APPLICANT: LIBERTY STATION, INC. (07-9-CZ8-3/06-192)

Mr. Subrata Basu, Interim Director, Department of Planning and Zoning, noted sixty-two (62) protests and zero (0) waivers had been filed in connection with the foregoing application.

Chairman Barreiro opened the public hearing and the following individuals appeared in support:

1) Mr. Brian Adler, 200 S. Biscayne Boulevard, attorney representing the applicant (Liberty Station, Inc.), appeared and noted he was joined by his colleague, Mr. Jerry Proctor. He advised Request #2 for a non-use variance to allow for a chain-link fence was withdrawn by the applicant. Mr. Adler further noted the site plan referencing a gas station and filed with the original application, was also withdrawn on October 22, 2007. He advised the only request before the Commission today was the rezoning/district boundary change from BU-1 to BU-1A.

BOARD OF COUNTY COMMISSIONERS
ZONING HEARING

February 7, 2008

Page 1 of 4

Mr. Adler stated that some neighbors would express objection to the use as a gas station, due to the original site plan; however, the reference to the gas station had been removed. He indicated the location of the subject property (West Dixie Highway between Northeast 118th and 119th Terrace) on a map and in Tab #2 of a handout, which showed the zoning of N.E. 136th to 118th Streets ranged from BU-3 to BU-1. Mr. Adler advised the County's Comprehensive Development Master Plan (CDMP) designated West Dixie Highway as a major roadway and a state minor arterial roadway, for which the current BU-1 zoning was inappropriate. He stated the neighbors' concerns had been incorporated into a revised Declaration of Restrictions and submitted to the Commission.

2) Mr. Jerry Proctor, 200 S. Biscayne Boulevard, attorney and co-counsel representing the applicant, appeared and noted BU-1A zoning was supposed to satisfy the needs of adjacent residential neighborhoods, as well as more specialized, commercial facilities, which may serve several neighborhoods. He emphasized that West Dixie Highway was a thoroughfare, which served many neighborhoods, and BU-1 zoning was inappropriate for this type of roadway.

The following individuals appeared in opposition:

- 1) Ms. Teresa Gillroy, 11925 W. Biscayne Canal Road, Miami;
- 2) Mr. George Millar, 11855 W. Biscayne Canal Road, Miami;
- 3) Ms. Celia Mangels, 350 N.E. 118th Terrace, Miami;
- 4) Ms. Kelly Maynard, 11871 W. Biscayne Canal Road, Miami;
- 5) Mr. Michel Cukierman, 265 N.E. 118th Terrace; and
- 6) Mr. Joseph Collins, 11815 W. Biscayne Canal Road.

Mr. Adler appeared and provided rebuttal arguments.

There being no other persons to appear, Vice Chairwoman closed the public hearing.

In response to Commissioner Edmonson's concerns regarding the reason this area had not already been rezoned BU-1A, Mr. Basu noted requests for rezoning were considered on a case by case basis and explained that no study had been done for this property. He advised that staff felt this request satisfied the five (5) criteria required for rezoning.

Mr. Adler addressed Commissioner Edmonson's concern regarding the subject property being compared to areas located north of this property. He explained that properties adjacent to, across from, and south of the subject property were zoned BU-1A. Pertaining to Commissioner Edmonson's question regarding why the Declaration of Restrictions had been changed, Mr. Adler advised that revisions were incorporated in response to the neighbors' concerns, expressed during the public hearing.

Commissioner Edmonson expressed concern that the applicant failed to indicate the intent to use this property for a gas station, and the applicant had not attempted to negotiate with the neighbors to work out a mutual agreement.

BOARD OF COUNTY COMMISSIONERS
ZONING HEARING

Responding to Commissioner Edmonson's question of whether the Board's decision was limited to the zoning matter only, Mr. Korbel advised other factors, such as compatibility with the surrounding neighborhood, impact on public services, etc., could be considered in determining whether the current zoning was appropriate for this property.

Mr. Adler noted a sign would be posted in an effort to deter traffic, and indicated there might be a way to curve the exit and limit right-hand movement. He advised he received an e-mail message from the applicant this morning, authorizing a provision be added in the covenant that states: "notwithstanding the BU-1A zoning, there would be no gasoline service station on the property."

Assistant County Attorney Joni Armstrong-Coffey advised the Commission that a revised, executed Covenant was needed, along with a written, executed joinder by the lender, in order to incorporate these changes into today's application.

Commissioner Heyman expressed concern that the lighting would greatly impact the surrounding residential areas and that a sign would not be sufficient to change the flow of traffic. She questioned whether the provision restricting the gasoline station use would be applied to the application and run with the land to be adhered to by subsequent owners also.

Assistant County Attorney Armstrong-Coffey advised that all zoning covenants ran with the land and were subject to revision only by public hearing before this Board.

Vice Chairwoman Jordan recessed the zoning hearing to be reconvened at 2:00 p.m.

The County Commission's zoning hearing reconvened at 12:34 p.m. Assistant County Attorney Armstrong-Coffey advised that the applicant, Liberty Station, Inc., had proffered a covenant prohibiting a gas station, contingent upon the Board's approval of rezoning the property BU-1A. She also advised that the revised covenant was proffered after the public hearing was closed, preventing other participants from commenting on the proposed changes. Ms. Armstrong-Coffey noted that if the Board so desired, a motion to reopen the public hearing would be in order.

Commissioner Edmonson asked those neighbors present to signify by raising their hands, whether the revised covenant addressed their concerns; however, the following individual(s) reappeared:

- 1) Mr. George Millar, 11855 W. Biscayne Canal Road, Miami, reappeared and stated proposed changes satisfied his concerns;
- 2) Mr. Joseph Collins, 11815 W. Biscayne Canal Road, Miami, reappeared and expressed further opposition;
- 3) Ms. Teresa Gillroy, 11925 W. Biscayne Canal Road, Miami; reappeared and spoke in support of the amended covenant but noted she still had reservations; and
- 4) Ms. Celia Mangels, 350 N.E. 118th Terrace, Miami, reappeared and expressed further opposition.

Seeing no other persons to appear, the public hearing was closed.

BOARD OF COUNTY COMMISSIONERS
ZONING HEARING

February 7, 2008

Page 3 of 4

Assistant County Attorney Armstrong-Coffey advised that any modifications to the covenant being presented today would require a hearing before this Board. She further noted the County Code provided that once a covenant was accepted by the Board, it could not be brought back for any reason until six months had passed.

Mr. Adler assured Board members that, by submitting the revised covenant, the applicant, Liberty Station, Inc., would not place a gas station at this site. He added the applicant was aware of the Code requirements regarding further amendments to the covenant.

Commissioner Edmonson presented and moved a motion to approve the application: Liberty Station, Inc. (07-9-CZ8-3/06-192), with acceptance of the proffered covenant as amended to prohibit the construction of a gas station on this property. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 9-0 (Commissioners Martinez, Moss, Seijas, and Sorenson were absent).

The foregoing resolution was adopted by the Board and set forth in the Record of Resolutions and assigned Resolution #Z-05-08.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 12:45 p.m.



Bruno A. Barreiro, Chairperson
Miami-Dade County Board of County Commissioners

ATTEST: HARVEY RUVIN, Clerk of Courts



By: _____

Kay Sullivan
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
ZONING HEARING

February 7, 2008

Page 4 of 4



MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

ORDER OF THE DAY

THURSDAY, FEBRUARY 7th, 2008

9:30 A.M. ZONING HEARING

CALL TO ORDER

ROLL CALL

MOMENT OF SILENT MEDITATION

PLEDGE OF ALLEGIANCE

SWEARING IN OF
ATTORNEY/WITNESSES

SWEARING IN OF TRANSLATOR

BCC CARRY OVER AGENDA

ADJOURNMENT



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, FEBRUARY 7, 2008

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

A. LIBERTY STATION, INC. (07-9-CZ8-3/06-192)

30 & 31-52-42
BCC/District 3

LIBERTY STATION, INC. is appealing the decision of COMMUNITY ZONING APPEALS BOARD #8, which denied without prejudice Request #1 and approved the withdrawal of Request #2 for the following:

- (1) BU-1 to BU-1A
- (2) Applicant is requesting to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Liberty Station," as prepared by EGN, consisting of 5 sheets, Sheet 1 dated stamped received 8/8/07, Sheet A1(a) dated stamped received 8/13/07 and Sheets 2, A4(a) and A4(b) dated stamped received 5/3/07 and plans as prepared by JFS Design, Inc., consisting of 1 sheet, dated stamped received 5/3/07 for a total of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 9 – 14, Block 6, BELLEVUE BISCAYNE, Plat book 17, Page 29.

LOCATION: The Southeast corner of N.E. 119 Terrace and West Dixie Highway, Miami-Dade County, Florida.

SIZE OF PROPERTY: 100' x 165'

Department of Planning and
Zoning Recommendation:

Approval of the appeal and of the zone change to BU-1A, subject to the Board's acceptance of the proffered covenant; withdrawal of Request #2.

Protests: 62

Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRIDE C.Z.A.B.): _____

DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.



ZONING MEETING
Board of County Commissioners
February 7, 2008

Prepared by: Nelson Diaz

EXHIBITS LIST

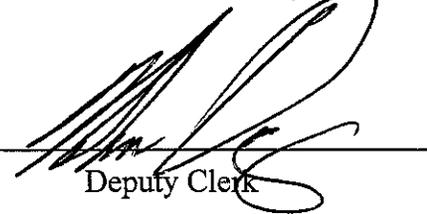
NO.	DATE	ITEM #	DESCRIPTION
1	2/7/2008	A-1	<u>LIBERTY STATION, INC. (07-9-CZ8-3/06-192)</u> - Binder book containing maps and pictures.
2	2/7/2008	A-2	-Colored pictures depicting the subject property and surrounding areas.
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Submitted for the record this 8th day of FEBRUARY 2008

ATTEST:



HARVEY RUVIN, Clerk
Clerk of Circuit and County Courts

By 
Deputy Clerk

TRANSFERRED TO THE CARE, CUSTODY AND CONTROL OF THE DEPARTMENT OF PLANNING AND ZONING.

RECEIVED BY:  Earl Jones 2/8/08
(SIGN) (PRINT) (DATE)

ZONING ACTION

MEMORANDUM

Harvey Ruvin
 Clerk of the Circuit and County Courts
 Clerk of the Board of County Commissioners
 (305) 375-5126
 (305) 375-2484 FAX
 www.miami-dadeclerk.com



DATE: February 7, 2008 **#Z- 05-08**

ITEM: No. A

APPLICANT: LIBERTY STATION, INC.
 (07-9-CZ8-3/06-192)

MOTION: Approval of the application with acceptance of the proffered covenant as amended to prohibit the construction of a gas station on this property.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz		X		
Edmonson	M	X		
Gimenez		X		
Heyman		X		
Martinez				X
Moss				X
Rolle		X		
Seijas				X
Sorenson				X
Sosa	S	X		
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		9	0	4

DATE: **#Z-**

ITEM:

APPLICANT:

MOTION:

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				
Edmonson				
Gimenez				
Heyman				
Martinez				
Moss				
Rolle				
Seijas				
Sorenson				
Sosa				
Souto				
Vice Chairwoman Jordan				
Chairman Barreiro				
TOTAL				

DATE: **#Z-**

ITEM:

APPLICANT:

MOTION:

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				
Edmonson				
Gimenez				
Heyman				
Martinez				
Moss				
Rolle				
Seijas				
Sorenson				
Sosa				
Souto				
Vice Chairwoman Jordan				
Chairman Barreiro				
TOTAL				

DATE: **#Z-**

ITEM:

APPLICANT:

MOTION:

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				
Edmonson				
Gimenez				
Heyman				
Martinez				
Moss				
Rolle				
Seijas				
Sorenson				
Sosa				
Souto				
Vice Chairwoman Jordan				
Chairman Barreiro				
TOTAL				

**Received by
Zoning Agenda Coordinator**

FEB 06 2008

LIBERTY STATION, INC

Item # 1

Hearing # 06-192

This instrument was prepared by:
Brian S. Adler, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, Florida 33131-5340

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions ("Declaration") is made and entered into this ___ day of January, 2008, by Liberty Station, Inc., a Florida corporation ("Owner"), with an address of 12305 S. Dixie Highway, Miami, Florida 33156, as Owner of the property more particularly described on Exhibit "A" (the "Property").

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of Public Hearing No. 06-192 ("Application") will be abided by, the Owner freely, voluntarily and without duress, Owner makes the following declaration of restrictions ("Declaration") covering and running with the Property:

(1) **Restrictions.**

(a) The hours of operation of commercial development on the site shall be no earlier than 6 am and no later than 12 am.

(b) Owner shall place a sign "No Right Turn" or the functional equivalent on the Property limiting any proposed egress onto NE 119th Terrace.

(c) Owner shall provide additional landscaping such that trees on the rear (east side) of the Property are planted twenty (20) feet on center.

(d) Lighting on the property shall be recessed lights and otherwise be designed to minimize overspill of lighting onto adjacent residential properties.

(2) **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the Owner is complying with the requirements of the zoning regulations and the conditions in this Declaration.

- (3) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the benefit of the County and the public welfare. Owner acknowledges that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
- (4) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by the County.
- (5) **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.
- (6) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- (7) **Authorization for the County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as Owner complies with this Declaration.

- (8) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (9) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- (10) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion
- (11) **Recording.** This Declaration shall be filed of record in the public records of the County, at Owners expense following the final approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, and upon written request, the Director of the Department of Planning and Zoning or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.
- (12) **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.
- (13) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

Signed, witnessed, executed and acknowledged this 16th day of January, 2008.

- (3) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the benefit of the County and the public welfare. Owner acknowledges that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
- (4) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by the County.
- (5) **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.
- (6) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- (7) **Authorization for the County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as Owner complies with this Declaration.

LIBERTY STATION, INC.,
a Florida corporation

BY: Claudia Fontecilla
Claudia Fontecilla, Vice President

STATE OF FLORIDA }
 ss:
COUNTY OF MIAMI-DADE }

The foregoing instrument was acknowledged before me this 16 day of January, 2008,
by Claudia Fontecilla, who is personally known to me or produced a valid driver's license as
identification

Notary Public
Sign Name: Yvette Caponi
Print Name: Yvette Caponi
MY COMMISSION EXPIRES: September 27, 2010



EXHIBIT "A"

LEGAL DESCRIPTION:

LOTS 9, 10, 11, 12, 13 AND 14, BLOCK 6 OF
"BELLEVUE BISCAYNE" ACCORDING TO THE PLAT
THEREOF AS RECORDED IN PLAT BOOK 17 AT PAGE 29
OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 2/7/2008 BCC Mtg. Date 2/7/2008 Agenda Item # 06-192

Subject: Liberty Station Inc. Appeals Board's Denying without prejudice & zone change from B-1 to B-1-A

Name: George C. Millar George C. Miller

Address: 11855 W. Biscayne Canal Rd. Miami, FL 33161

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes: No:

If yes, please list name: N/A Organization, N/A Firm, N/A Client

Have your registered with the Clerk of the Board? Yes: No:

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 2/7/08 BCC Mtg. Date 2/7/08 Agenda Item # 06-192

Subject: Liberty Station Variance

Name: Joseph Collins

Address: 11815 W. Biscayne Canal rd.

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes: No:

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes: No: