Memorandum MIAMI-DADE COUNTY

Date: October 6, 2009

Agenda Item No. 5(C)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-867
Section: 07-52-40
NW 112 Avenue, from NW 170 Street North for Approximately 1,260 Feet
Commission District: 12

Recommendation

It is recommended that the Board of County Commissioners (BCC) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to this right-of-way being closed.

Scope

This road closing is located within Commission District 12.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $0.69 per square foot. Therefore, the estimated value of this right-of-way would be approximately $30,640. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $569 per year in additional property taxes. The fee for this road closing is $3,864.

Track Record/Monitor

Not Applicable

Background

The property owners abutting NW 112 Avenue, from NW 170 Street North for approximately 1,260 feet, have joined in signing the petition to close this right-of-way in order to incorporate the areas into their properties. The right-of-way requested to be closed is located within an area designated as a "Rockmining Overlay Zoning Area" and has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1911, by the plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida; and in 1946, by a deed recorded in Deed Book 2675, Page 59, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned AU (Agriculture District).

Assistant County Manager

Note: The Clerk is directed to publish notice of a public hearing on a Road Closing Petition in a newspaper of general circulation in Miami-Dade County, one (1) time, at least two (2) weeks prior to the date of said public hearing in conformity with the statutory requirements.

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: October 6, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 5(C)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

✓ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(C)
10-6-09

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NW 112 AVENUE, FROM NW 170 STREET NORTH FOR APPROXIMATELY 1260 FEET (ROAD CLOSING PETITION NO. P-867)

WHEREAS, the County Commission held a public hearing to consider a petition to close NW 112 Avenue, from NW 170 Street North for 1260 feet, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the Avenue, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (4) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

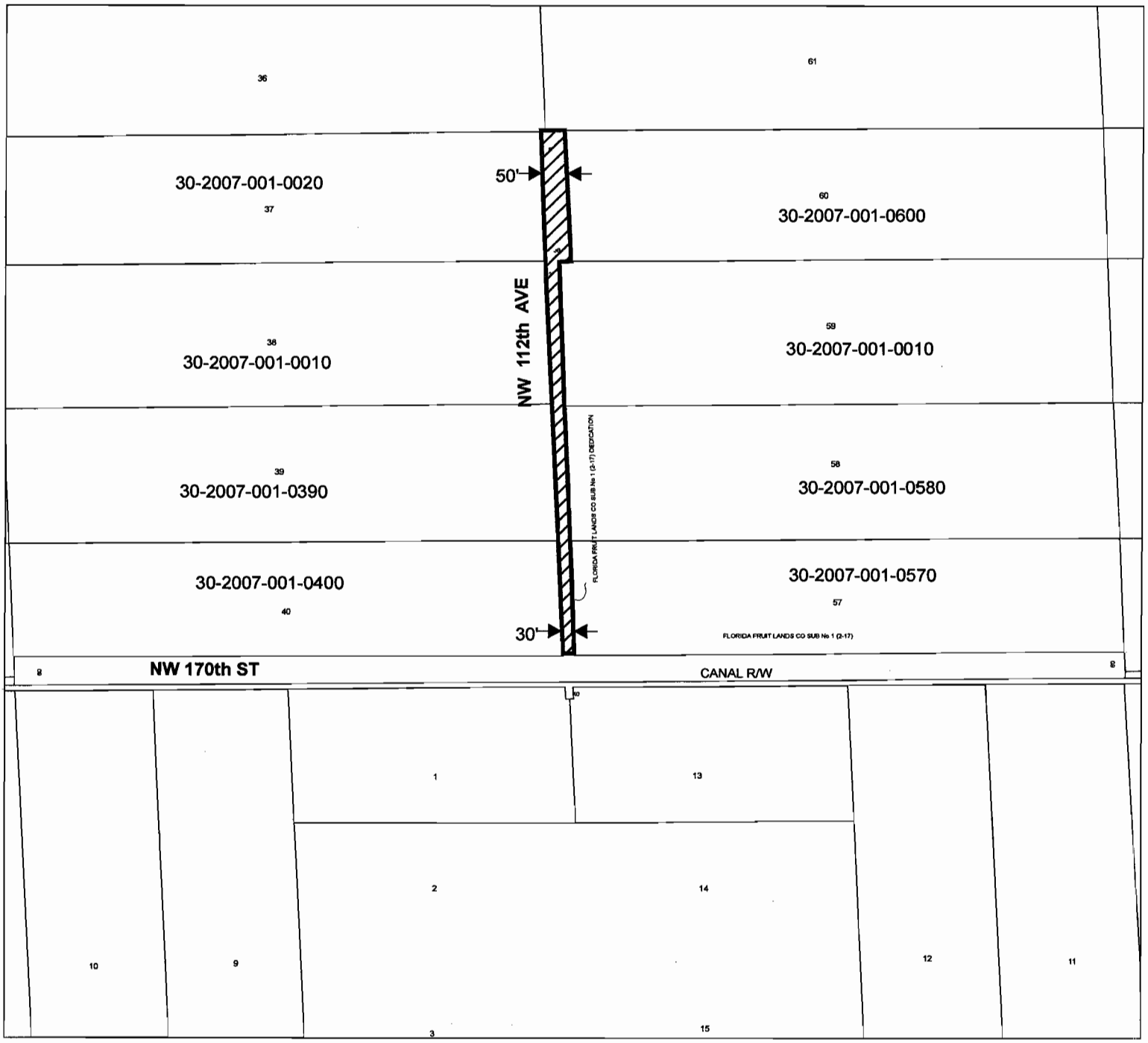
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 07 TOWNSHIP 52 S RANGE 40 E



Commission District: Jose " Pepe" Diaz ,12
Folio: 30-2007-000-0010

Legend

- Road Closing
- Lot Lines

EXHIBIT "A"

P-867

6

NORTH

Date: July 23, 2008
Prepared By: Yazmin Moreno

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petitions the Board of County Commissioners to vacate, abandon, discontinue and close an existing public street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows:

That portion of N.W. 112 Avenue lying in the South ½ of Section 7, Township 52 South, Range 40 East, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, described as follows:

Commence at the Southwest corner of the SE ¼ of said Section 7; thence N02°36'09"W along the West line of said SE ¼ of Section 7 for 60.04 feet to the Point of Beginning of the hereinafter described right-of-way vacation; thence N89°32'58"E along a line parallel with and 60.00 feet North of the South line of said SE ¼ of Section 7 for 15.01 feet; thence N02°36'09"W along a line parallel with and 15.00 feet East of said West line of said SE ¼ of Section 7 for 930.14 feet to a point on the South line of Tract 60 of said plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; thence N89°33'23"E for 20.01 feet; thence N02°36'09"W along a line parallel with and 35.00 feet East of said West line of said SE ¼ of Section 7 for 330.06 feet to a point on the North line of said Tract 60; thence S89°33'32"W along said North line of said Tract 60 and the Westerly prolongation thereof for 50.04 feet; thence S02°36'09"E along a line parallel with and 15.00 feet West of said West line of said SE ¼ of Section 7 for 1260.20 feet; thence N89°32'58"E along a line parallel with and 60.00 feet North of the South line of the SE ¼ of said Section 7 for 15.01 feet to the Point of Beginning.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way was acquired and is evidenced in the following manner:

Portions of this right-of-way were dedicated in 1911, by the plat of "FLORIDA FRUIT LANDS COMPANY'S No. 1", recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida; and a portion in 1946, by Deed Book 2675, Page 59, of the Public Records of Miami-Dade County, Florida.

3. ATTACH SKETCH: Attached hereto is a sketch showing the above described right-of-way and its location and relation to surrounding property.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon the above described right-of-way.

See list of property owners attached.

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

These dedicated rights-of-way are located in an area that has been designated as the Rockmining Overlay Zoning Area (the "ROZA"). Rock mining and activities ancillary to rock mining are historic uses in this area, are presently being conducted in the ROZA, and will continue to be conducted in the ROZA for the foreseeable future.

The dedicated rights-of-way requested for vacation are not necessary for access to non-rock mining properties. The right-of-way to the north in this Section was vacated by resolution R-792-95. The dedicated right-of-way to be vacated is shown on Exhibit "A".

7. Signatures of **all** abutting property owners: Respectfully submitted,

See Signature page attached.

Attorney for Petitioner
Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
PALM BEACH COUNTY)

BEFORE ME, the undersigned authority, personally appeared he/she is one of the petitioners Leo A. Vecellio, Jr. who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all, petitioner; that he/she has read the foregoing petition and that the statements therein contained and true.

Leo Vecellio, Jr.
Signature of Petitioner

Sworn and subscribed to before me this
11 day of February 2008

DIANNE C. BRADLEY
MY COMMISSION EXPIRES
July 13, 2011
#DD 650169
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

D C Bradley
Notary Public State of Florida at Large

My Commission Expires: 7/13/2011

ITEM 4 EXHIBIT

NW 112th Avenue
Section 7

Print Name	Folio No.	Address	Signature
Black Island Partnership	30-2007-001-0020	1 SE 3 Avenue, #3050, Miami, FL 33131	See attached signature block
BIP Mining, LLC	30-2007-001-0580; 30-2007-001-0570; 30-2007-001-0390; 30-2007-001-0400	1 SE 3 Avenue, #3050, Miami, FL 33131	
GO Inc.	30-2007-001-0600	1 SE 3 Avenue, #3050, Miami, FL 33131	
TIITF / State of Florida	30-2007-001-0010	3900 Commonwealth Blvd., Tallahassee, FL 32399	

SIGNATURE PAGE

Item 7. Signatures of all Abutting Property Owners:

BLACK ISLAND PARTNERSHIP

By: Go, Inc. (SEAL)
a Florida corporation

By: _____
Donald S. Rosenberg
Vice President

and

By: CARLTON ASSOCIATES, LTD.
a Florida Limited Partnership

By: _____
George D. O'Neill, Jr.
General Partner

Its Partners
Folio No. 30-2007-001-0020

GO, INC., a Florida corporation

By: _____
Donald S. Rosenberg
Vice President

Folio No. 30-2007-001-0660

BIP MINING, LLC, a Florida
limited liability company

By: _____
David O'Neill
Its Manager

Folio Nos. 30-2007-001-0580; 30-2007-001-0570; 30-2007-001-0390; 30-2007-001-0400

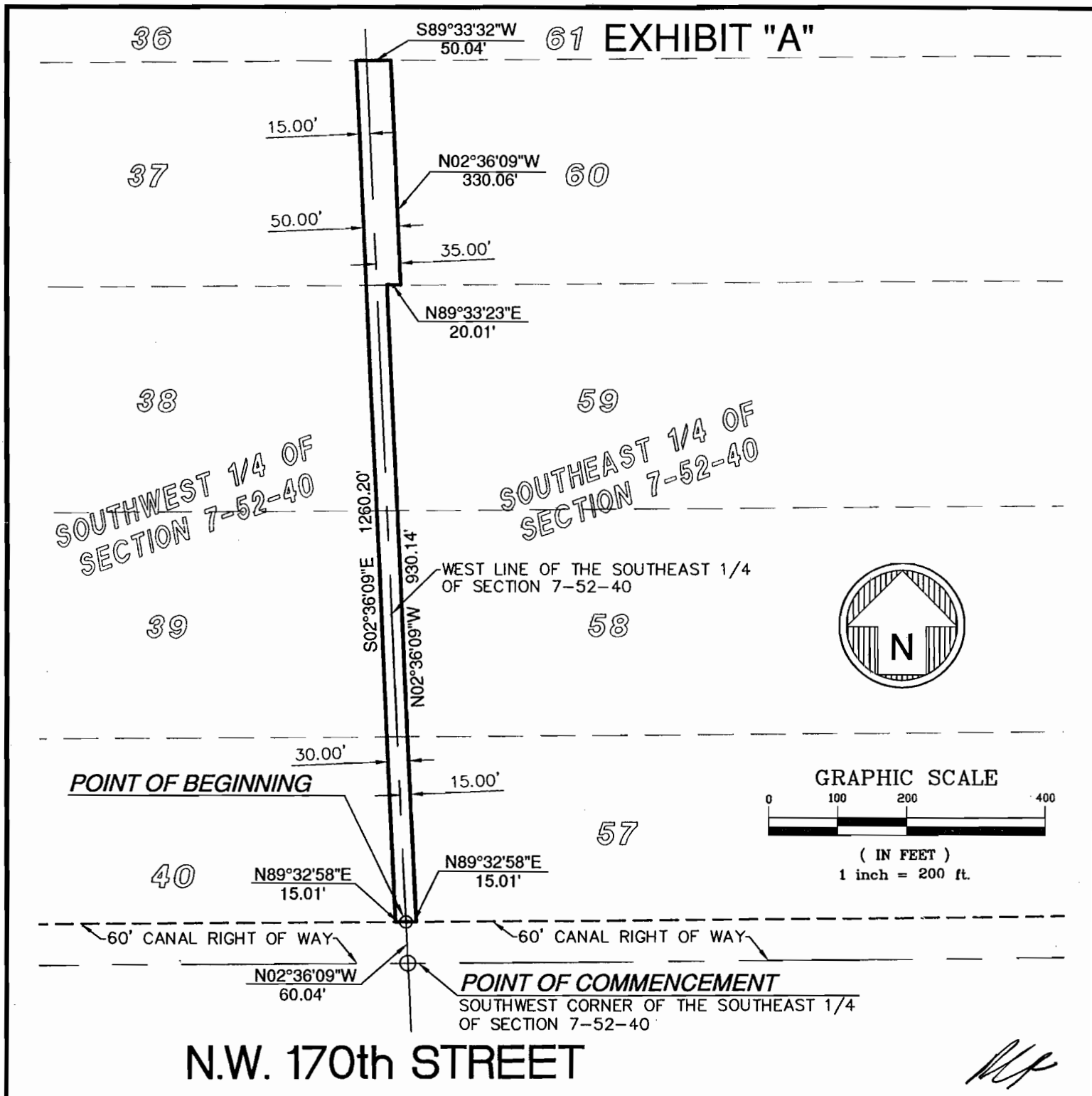
Address for Black Island Partnership, BIP Mining, LLC and Go, Inc.:
One S.E. Third Avenue, Suite 3050
Miami, FL 33131

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

By: _____
Scott E. Woolam
Acting Director
Division of State Lands, Department of Environmental Protection

Address:
Department of Environmental Protection
3900 Commonwealth Boulevard
MS130
Tallahassee, FL 32399-3000

Folio No. 30-2007-001-0010



Drawn By	MJL	SKETCH OF DESCRIPTION	Date 5/2/07
Cad. No.	070394	FORTIN, LEAVY, SKILES, INC.	Scale 1'= 200'
Ref. Dwg.	3006-118	CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Job. No. 070394
		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Dwg. No. 1007-035
Plotted:	03/29/07	180 Northeast 168th Street / North Miami Beach, Florida 33162	Sheet 3 of 3
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	

ADDENDUM TO PETITION TO CLOSE ROAD

THIS ADDENDUM IS MADE AS OF THE 19TH DAY OF May, 2009, by: Black Island Partnership; BIP Mining, LLC; Go, Inc.; and Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (the "Undersigned" and "Applicants").

WHEREAS, the Undersigned as Applicants did heretofore file a Petition to Close Roads with Miami-Dade County, Florida, covering certain roads located within Section 7, Township 52 South, Range 40 East in Miami-Dade County, Florida, the terms and provisions of such Petition to Close Roads dated April 21, 2008 are incorporated herein by reference; and

WHEREAS, upon the granting of such Petition to Close Roads it is possible that certain parcels may become landlocked and require ingress and egress through other parcels; and

WHEREAS, Applicants wish to supplement said Petition to Close Roads;

NOW, THEREFORE, in consideration of the premises, the Applicants acknowledge the following:

1. This Addendum shall be deemed to be part of, and to supplement, the Petition to Close Roads and takes precedence over any possible contrary provisions of such Petition;

2. Applicants consent to the recording of the Petition including this Addendum, along with recording of the Resolution when passed by Miami-Dade County approving said road closing, in the Public Records of Miami-Dade County, Florida; and

3. Applicants understand that should any parcel be landlocked by virtue of the granting of the Petition to Close Roads, the owners of the landlocked parcels may require ingress and egress access over the non-landlocked parcels as applicable in the most efficient and expedient manner to the same force and effect as would be applicable under law where there is to exist an easement by necessity. Provided, however, that should any such easement of necessity be over Tracts owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (the "State"), the State shall have the right to charge and receive all applicable fees in accordance with all applicable laws and administrative rules and regulations.

[SIGNATURE PAGE FOLLOWS]

[Signature Page to Addendum to Petition to Close Road]

The Applicants have executed this Addendum as of the day and year set forth above.

BLACK ISLAND PARTNERSHIP

By: Go Inc. (SEAL)
a Florida corporation
its General Partner
By: _____
Donald S. Rosenberg
Vice President

Address: One S.E. Third Avenue, Suite 3100
Miami, FL 33131

and

By: CARLTON ASSOCIATES, LTD.
a Florida Limited Partnership
its General Partner
By: _____
George D. O'Neill, Jr.
General Partner

Its Partners

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

The foregoing instrument was acknowledged before me by Donald S. Rosenberg, Vice President of Go., Inc., as a General Partner of Black Island Partnership, a Florida general partnership. He is personally known to me.

Witness my signature and official seal this 30th day of JUNE, 2009.

Rebecca Z. Rivera
Signature
Notary Public-State of Florida

My Commission Expires: _____

REBECCA Z. RIVERA
MY COMMISSION # DD 776180
EXPIRES: April 19, 2012
Bonded Thru Notary Public Underwriters

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

The foregoing instrument was acknowledged before me by George D. O'Neill, Jr., General manager of Carlton Associates, Ltd., a Florida limited partnership, as a General Partner of Black Island Partnership, a Florida general partnership. He is personally known to me.

Witness my signature and official seal this 30th day of JUNE, 2009.

Rebecca Z. Rivera
Signature
Notary Public-State of Florida

My Commission Expires: _____

REBECCA Z. RIVERA
MY COMMISSION # DD 776180
EXPIRES: April 19, 2012
Bonded Thru Notary Public Underwriters

[Signature Page to Addendum to Petition to Close Road]

GO, INC., a Florida corporation

By: _____
Donald S. Rosenberg
Vice President

Address: One S.E. Third Avenue, Suite 3100
Miami, FL 33131

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

The foregoing instrument was acknowledged before me by Donald S. Rosenberg, Vice President of Go., Inc., a Florida corporation. He is personally known to me.

Witness my signature and official seal this 30th day of JUNE, 2009.

Rebecca Z. Rivera
Signature
Notary Public-State of Florida

My Commission Expires: _____

REBECCA Z. RIVERA
MY COMMISSION # DD 776180
EXPIRES: April 19, 2012
Bonded Thru Notary Public Underwriters

[Signature Page to Addendum to Petition to Close Road]

BIP MINING, LLC, a Florida limited liability company

By: _____
David O'Neill
Its Manager

Address: One S.E. Third Avenue, Suite 3100
Miami, FL 33131

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

The foregoing instrument was acknowledged before me by David O'Neill, Managing member of BIP Mining, LLC, a Florida limited liability company. He is personally known to me.

Witness my signature and official seal this 30th day of JUNE, 2009.

Rebecca Z. Rivera
Signature
Notary Public-State of Florida

My Commission Expires: _____

REBECCA Z. RIVERA
MY COMMISSION # DD 776180
EXPIRES: April 19, 2012
Bonded Thru Notary Public Underwriters

[Signature Page to Addendum to Petition to Close Road]

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

By: _____

_____ Director
Division of State Lands, Department of Environmental Protection

Address:
Department of Environmental Protection
3900 Commonwealth Boulevard
MS130
Tallahassee, FL 32399-3000

STATE OF FLORIDA)
COUNTY OF LEON) SS.:

The foregoing instrument was acknowledged before me by Deborah Poppell, Director, Division of State Lands, Department of Environmental Protection, to me personally known and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that she was authorized to execute said instrument on behalf of the beneficiaries of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

Witness my signature and official seal this 29 day of JULY, 2009, in the county and State aforesaid.

Ann Drane
Signature
Notary Public-State of Florida

My Commission Expires: Sept 2, 2010

NOTARY PUBLIC STATE OF FLORIDA
Ann Drane
Commission # DD547754
Expires September 2, 2010
Bonded Troy Fain - Insurance, Inc. 800-385-7019

This instrument was prepared by or under the supervision of:

Name: Javier F. Aviñó, Esq.
Address: 1221 Brickell Avenue
Miami, Florida 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owners, (the "Owner"), hold the fee simple title to the land, described in Exhibit "A," attached hereto, (the "Property"), and
bars

WHEREAS, Owner have filed a petition with Miami-Dade County, (the "County"), to close and vacate the public right-of-way abutting the Property (the "Application"), more particularly described in Exhibit "B", attached hereto, and

WHEREAS, Owner wishes to ensure the County that the right-of-way closure will not create an obstacle to access to certain portions of the Property, and

THEREFORE, Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

Restricted Use of Property. In the event that the property is discontinued from being used for rock mining or its ancillary uses and the Owners redevelop their site in such a manner in which they are precluded from access to a public right of way, the Owners, their heirs, successors and assigns, shall permit such right of way access, either by easement or private road, as may be required to permit the ingress to and egress thereto in a form acceptable to the then Owners.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns 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 real property and for the benefit of the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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 Miami-Dade County through its Board of County Commissioners.

Modification, Amendment, Release. This Declaration of Restrictions 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 Miami-Dade County through its Board of County Commissioners.

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.

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.

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.

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the 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, in its entirety, 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, in its entirety, and upon written request, the Director of the Public Works Department or Planning and Zoning Department or the successor of said departments, or in the absence of such directors 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.

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 County 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.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

ACKNOWLEDGMENT CORPORATION

Signed, witnessed, executed and acknowledged ~~on~~ AS OF this 14th day of April, 2009.

(Space reserved for Clerk)

ACKNOWLEDGMENT CORPORATION

Signed, witnessed, executed and acknowledged on this 14TH day of APRIL, 2005.

IN WITNESS WHEREOF, _____ (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

M. Rodriguez
Signature
MICHELLE RODRIGUEZ
Print Name

Rebecca Z. Rivera
Signature
REBECCA Z RIVERA
Print Name

GO, INC.
Name of Corporation
Address:
ONE SE THIRD AVE, STE 3100
MIAMI, FL 33131

By [signature]
(President, Vice-President ~~or CEO~~*)

Print Name DONALD S ROSENBERG
[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF FLORIDA COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by DONALD S. ROSENBERG (Name) the VICE PRESIDENT (Title) of GO, INC., A FLA. (Corporation Name) corporation, on behalf of the corporation.

He/~~She~~ is personally known to me ~~or has produced~~ _____, ~~as identification.~~

(Space reserved for Clerk)

Witness my signature and official seal this 14TH day of APRIL, 2005, in the County and State aforesaid.

Rebecca Z. Rivera
Signature

REBECCA Z RIVERA
Print Name

Notary Public-State of FLORIDA

My Commission Expires:

REBECCA Z. RIVERA
MY COMMISSION # DD 776180
EXPIRES: April 19, 2012
Bonded Thru Notary Public Underwriters

(Space reserved for Clerk)

ACKNOWLEDGMENT ~~LIMITED~~ GENERAL PARTNERSHIP

Signed, witnessed, executed and acknowledged on this 14TH day of APRIL, 2009.

WITNESSES:

M. Rodriguez
Signature
MICHELLE RODRIGUEZ
Print Name
Rebecca Z. Rivera
Signature
REBECCA Z RIVERA
Print Name

BLACK ISLAND PARTNERSHIP
Name of Limited Partnership
By: GO, INC. AS GENERAL PTR
General Partner
By: [signature] VICE PRES.
Print Name: DONALD S ROSENBERG

Address: ONE SE THIRD AVE, STE 3100
MIAMI, FL 33131

STATE OF FLORIDA

COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by DONALD S. ROSENBERG VICE PRES. OF GO, INC, as A General Partner on behalf of BLACK ISLAND PARTNERSHIP, A FLORIDA GENERAL ~~a limited~~ partnership.

He/~~She~~ is personally known to me ~~or has produced~~ _____, ~~as identification~~.

Witness my signature and official seal this 14TH day of APRIL, 2009, in the County and State aforesaid.

Rebecca Z. Rivera
Signature
Notary Public-State of FLORIDA

REBECCA Z. RIVERA
Print Name

My Commission Expires: _____

REBECCA Z. RIVERA
MY COMMISSION # DD 776180
EXPIRES: April 19, 2012
Bonded Thru Notary Public Underwriters

{f:\forms\Acknowledgment Limited Partnership.doc (10/

(Space reserved for Clerk)

ACKNOWLEDGMENT
LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 14TH day of APRIL, 2009.

IN WITNESS WHEREOF, BIP MINING, A FLORIDA LIMITED LIABILITY COMPANY (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

M. Rodriguez
Signature
MICHELLE RODRIQUEZ
Print Name

Rebecca Z. Rivera
Signature
REBECCA Z RIVERA
Print Name

BIP MINING LLC
Name of LLC
Address:
ONE SE THIRD AVE, STE 3100
MIAMI, FL 33131

By David O'Neill
(Managing Member)

Print Name: DAVID ONEILL

[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF FLORIDA **COUNTY OF** MIAMI DADE

The foregoing instrument was acknowledged before me by DAVID ONEILL (Name) the MANAGER (Title) of BIP MINING LLC (Name) LLC, on behalf of the LLC.

He/~~She~~ is personally known to me ~~or has produced~~ _____ ~~, as identification~~.

[f:/forms/Acknowledgment Limited Liability Company.doc (10/10/03)]

(Space reserved for Clerk)

Witness my signature and official seal this 14TH day of APRIL, 2009, in the County and State aforesaid.

Rebecca Z. Rivera
Signature
Notary Public-State of FLORIDA
REBECCA Z. RIVERA
Print Name

My Commission Expires:

REBECCA Z. RIVERA
MY COMMISSION # DD 776180
EXPIRES: April 19, 2012
Bonded Thru Notary Public Underwriters

[f:/forms/Acknowledgment Limited Liability Company.doc (10/10/03)]

EXHIBIT A

Legal Descriptions

Lands owned by Black Island Partnership:

Tracts 36, 37 and 61 in FLORIDA FRUIT LAND COMPANY'S SUBDIVISION No. 1, of Section 7, Township 52 South, Range 40 East, of Dade County, Florida, according to the Plat thereof recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.

Land owned by Go, Inc.:

Tract 60 in FLORIDA FRUIT LAND COMPANY'S SUBDIVISION No. 1, of Section 7, Township 52 South, Range 40 East, of Dade County, Florida, according to the Plat thereof recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.

Lands owned by BIP Mining, LLC:

Tracts 39, 40, 57 and 58 in FLORIDA FRUIT LAND COMPANY'S SUBDIVISION No. 1, of Section 7, Township 52 South, Range 40 East, of Dade County, Florida, according to the Plat thereof recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.

Lands owned by Board of Trustees of the Internal Improvement Trust fund of the State of Florida (currently under Lease to BIP Mining, LLC):

Tracts 38 and 59 in FLORIDA FRUIT LAND COMPANY'S SUBDIVISION No. 1, of Section 7, Township 52 South, Range 40 East, of Dade County, Florida, according to the Plat thereof recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.

EXHIBIT B

LEGAL DESCRIPTION:

That portion of N.W. 112th Avenue lying in the South one-half of Section 7, Township 52 South, Range 40 East, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Southeast ¼ of said Section 7, Township 52 South, Range 40 East; thence North 02°36'09" West along the West line of said Southeast ¼ for 60.04 feet to the Point of Beginning of the hereinafter described right-of-way vacation; thence North 89°32'58" East along a line parallel with and 60.00 feet North of the South line of said Southeast ¼ of Section 7 for 15.01 feet; thence North 02°36'09" West along a line parallel with and 15.00 feet East of said West line of the Southeast ¼ for 930.14 feet to a point on the South line of Tract 60 of said FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, in Section 7, Township 52 South, Range 40 East, Miami-Dade County, Florida, according to the plat thereof, as recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida; thence North 89°33'23" East for 20.01 feet; thence North 02°36'09" West along a line parallel with and 35.00 feet East of said West line of the Southeast ¼ for 330.06 feet to a point on the North line of said Tract 60; thence South 89°33'32" West along said North line of Tract 60 and the Westerly prolongation thereof for 50.04 feet; thence South 02°36'09" East along a line parallel with and 15.00 feet West of said West line of the Southeast ¼ for 1260.20 feet; thence North 89°32'58" East along a line being parallel with and 60.00 feet North of the South line of the Southwest ¼ of said Section 7 for 15.01 feet to the Point of Beginning.

SURVEYOR'S NOTES:

- This site lies in Section 7, Township 52 South, Range 40 East, City of Miami, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of N02°36'09"W for the West line of the Southeast 1/4 of Section 7-52-40.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Lands shown hereon containing 44,407 square feet, or 1.019 acres, more or less.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, Inc. Drawing #3006-118.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on May 2, 2007, and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

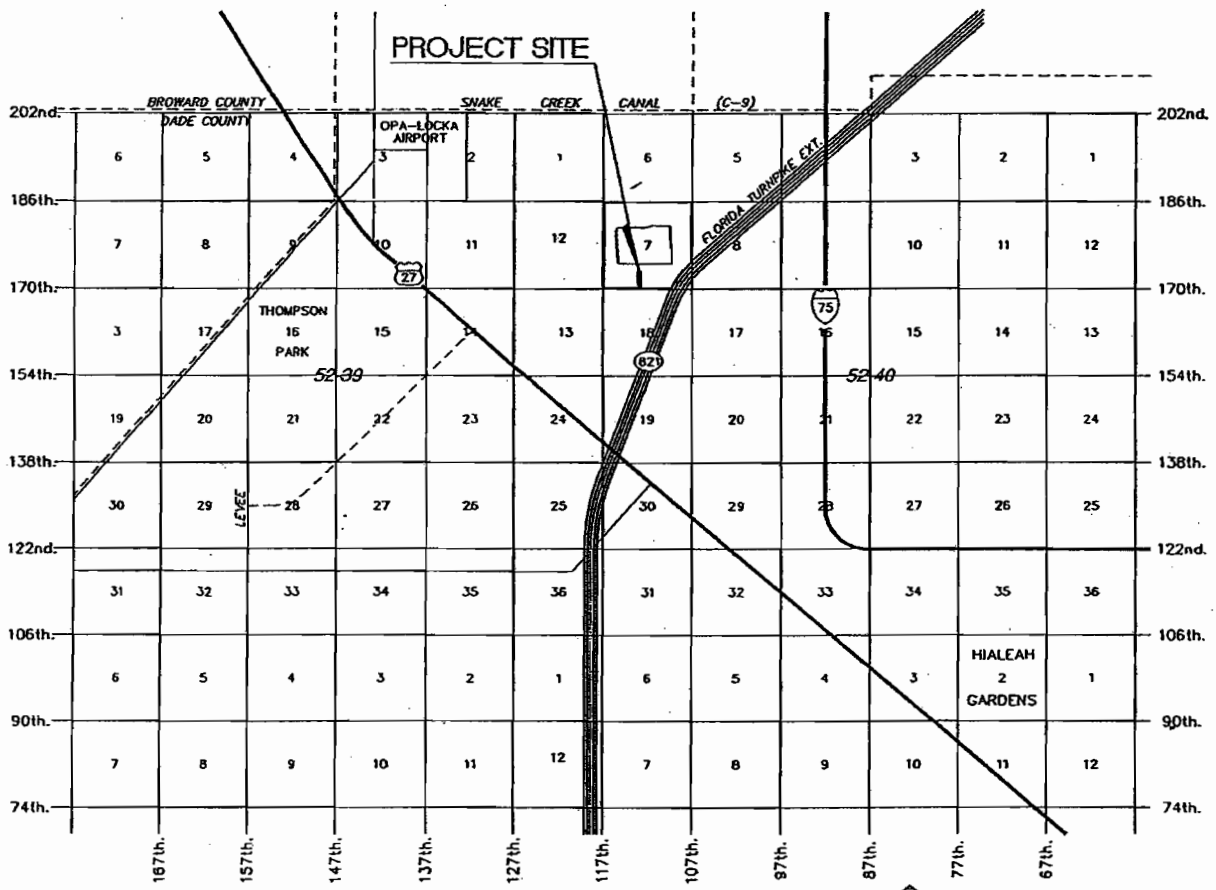
"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3683

By: _____
Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

Drawn By	MJL	DESCRIPTION, NOTES & CERTIFICATION		Date	5/2/07
Cad. No.	070394	FORTIN, LEAVY, SKILES, INC.		Scale	N/A
Ref. Dwg.	3006-118	CONSULTING ENGINEERS, SURVEYORS & MAPPERS		Job. No.	070394
		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653		Dwg. No.	1007-035
Plotted:	03/29/07	180 Northeast 168th Street / North Miami Beach, Florida 33162		Sheet	1 of 3
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com			

EXHIBIT B

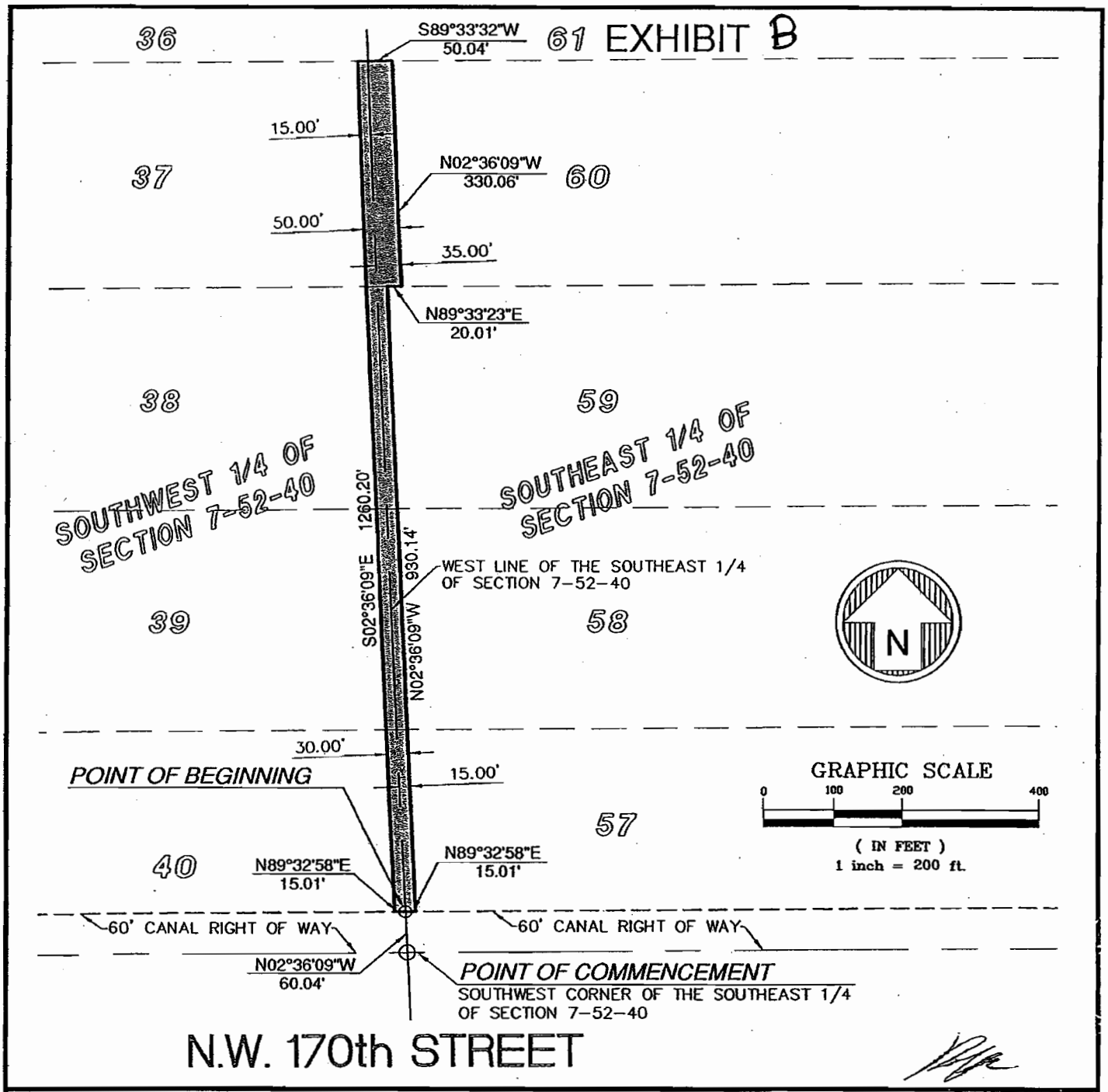


LOCATION SKETCH

SECT. 7, TWP. 52s., RNG. 40e.
SCALE: 1"=2 MILES

N

Drawn By	MJL	LOCATION SKETCH		Date	5/2/07
Cad. No.	070394	FORTIN, LEAVY, SKILES, INC.		Scale	NTS
Ref. Dwg.	3006-118	CONSULTING ENGINEERS, SURVEYORS & MAPPERS		Job. No.	070394
		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653		Dwg. No.	1007-035
		180 Northeast 168th Street / North Miami Beach, Florida 33162		Sheet	2 of 3
Plotted:	03/29/07	Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com			



Drawn By	MJL	SKETCH OF DESCRIPTION	Date 5/2/07
Cad. No.	070394	FORTIN, LEAVY, SKILES, INC.	Scale 1'= 200'
Ref. Dwg.	3006-118	CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Job. No. 070394
		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Dwg. No. 1007-035
Plotted:	03/29/07	180 Northeast 168th Street / North Miami Beach, Florida 33162	Sheet 3 of 3
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	