Memorandum

MIAMI-DADE COUNTY

Date: November 4, 2010

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

Agenda Item No. 8(D)(1)(F)

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Acceptance of Restrictive Covenants Running with the Land in Favor of Miami-Dade County by Aventura Land and Development Corporation for the Property at Folio #2812350140191, by Southview at Aventura Condominium Association, Inc. for the Property at 3350-3440 NE 192nd Street, and by Mystic Pointe Tower 600 Condominium Association, Inc. for the Property at 3400 NE 192nd Street, Miami-Dade County

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Recommendation

It is recommended that the Board approve the attached resolution authorizing the acceptance of restrictive covenants running with the land in favor of Miami-Dade County. The covenants are submitted pursuant to Section 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County as part of a Class I permit application for the construction of a new multi-slip docking facility located at 3400 and 3350-3440 NE 192nd Street, Aventura, Miami-Dade County. The restrictive covenants are being proffered in order to transfer the use of proposed powerboat slips from one property to another and to adjust the total number of allowable powerboat slips at each property accordingly.

Scope

The subject properties are located within the City of Aventura, in Commission District 4.

Fiscal Impact/Funding Source

Not Applicable

Track Record/Monitor

Not Applicable

Background

The Department of Environmental Resources Management (DERM) is processing a Class I permit application by Aventura Land and Development Corporation (ALDC) to build a new 10-slip multi-family docking facility at 3400 and 3350-3440 NE 192nd Street. ALDC is the owner of the submerged lands parcel adjacent to Mystic Pointe Tower 600 Condominium Association, Inc. (Mystic Pointe) and Southview at Aventura Condominium Association, Inc. (Southview) located on the uplands at the above-referenced addresses, respectively. A site map is provided in Attachment A.

Section 24-48.3 of the Code of Miami-Dade County, Florida requires that DERM base its recommendation for approval, denial or approval subject to conditions, limitations or restrictions, for a Class I permit on specific evaluation factors. One of these evaluation factors is consistency with recommendations in the Miami-Dade County Manatee Protection Plan (MPP). The properties are located within an area designated by the MPP as essential habitat for the West Indian Manatee (*Trichechus manatus)* and are recommended for residential docking with 1 powerboat per 100 feet of shoreline. Based on the length of developable shoreline at the Mystic Pointe and Southview properties, a maximum of five (5) powerboats may be authorized at each site for a total of ten (10) slips.

The proposed docking facility will be situated on the west side of a canal that will be shared with an existing marina located on the east side of the canal. ALDC has worked with representatives of the existing marina to address navigational concerns associated with the project. The resulting configuration allocates seven (7) slips to the north end of the submerged land parcel adjacent to Mystic Pointe. Therefore, a slip transfer of two (2) of the five (5) slips from Southview to Mystic Pointe is required to authorize this configuration. The MPP does not specifically address the issue of transferring of slips from one site to another. However, DERM has determined that the proposed transfer will not result in an increase of potential adverse impacts to manatees, and recommends approval of the transfer of the two (2) powerboat slips from one site to another provided that the attached restrictive covenants proffered by the respective owners are accepted by the County. A site sketch of the proposed docking facilities is provided in Attachment B.

A total of three (3) restrictive covenants are being proffered as part of DERM's Class I permit application; one for each upland riparian owner (Mystic Pointe and Southview) and one for the submerged lands owner (ALDC). ALDC has proffered the attached Restrictive Covenant Running with the Land in Favor of Miami-Dade County (Attachment C) limiting the maximum number of powerboat vessels which shall moor at the proposed docking facility located on the submerged lands parcel at any one time to ten (10). Likewise, Mystic Pointe Tower 600 Condominium Association, Inc. has proffered the attached Restrictive Covenant Running with the Land in Favor of Miami-Dade County (Attachment D) limiting the maximum number of powerboat vessels which shall moor at the proposed docking facilities located at their property at any one time to seven (7). Finally, Southview at Aventura Condominium Association, Inc. has proffered the attached Restrictive Covenant Running with the Land in Favor of Miami-Dade County (Attachment E) limiting the maximum number of powerboat vessels which shall moor at the proposed docking facilities located at their property at any one time to three (3).

Attachments

Attachment A: Site Map
Attachment B: Site Sketch of Proposed Docking Facilities
Attachment C: Proposed Restrictive Covenant for Aventura Land and Development Corporation
Attachment D: Proposed Restrictive Covenant for Mystic Pointe Tower 600 Condominium Association, Inc.
Attachment E: Proposed Restrictive Covenant for Southview at Aventura Condominium Association, Inc.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: November 4, 2010

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

SUBJECT: Agenda Item No. 8(D)(1)(F)

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**

3

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 8(D)(1)(F)

11-4-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACCEPTANCE OF RESTRICTIVE COVENANTS RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY BY AVENTURA LAND AND DEVELOPMENT CORPORATION FOR THE PROPERTY AT FOLIO #2812350140191, BY SOUTHVIEW AT AVENTURA CONDOMINIUM ASSOCIATION, INC. FOR THE PROPERTY AT 3350-3440 NE 192ND STREET, AND BY MYSTIC POINTE TOWER 600 CONDOMINIUM ASSOCIATION, INC. FOR THE PROPERTY AT 3400 NE 192ND STREET, MIAMI-DADE COUNTY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the attached restrictive covenants running with the land in favor of Miami-Dade County by Aventura Land and Development Corporation for the property at folio #2812350140191, by Southview at Aventura Condominium Association, Inc. for the property at 3350-3440 NE 192nd Street, and by Mystic Pointe Tower 600 Condominium Association, Inc. for the property at 3400 NE 192nd Street in Aventura, Miami-Dade County, Florida, have been submitted pursuant to Section 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County; and

WHEREAS, the attached covenants have been executed and are being proffered to this Board for approval, as indicated in the Manager's memorandum, a copy of which is attached hereto and incorporated herein by reference,

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the attached restrictive covenants running with the land in favor of Miami-Dade County by Aventura Land and Development Corporation, Mystic Pointe Tower 600 Condominium Association, Inc. and Southview at Aventura Condominium Association, Inc., and their recording into the Public Records of Miami-Dade County, at the expense of the applicant.

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of November, 2010. 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

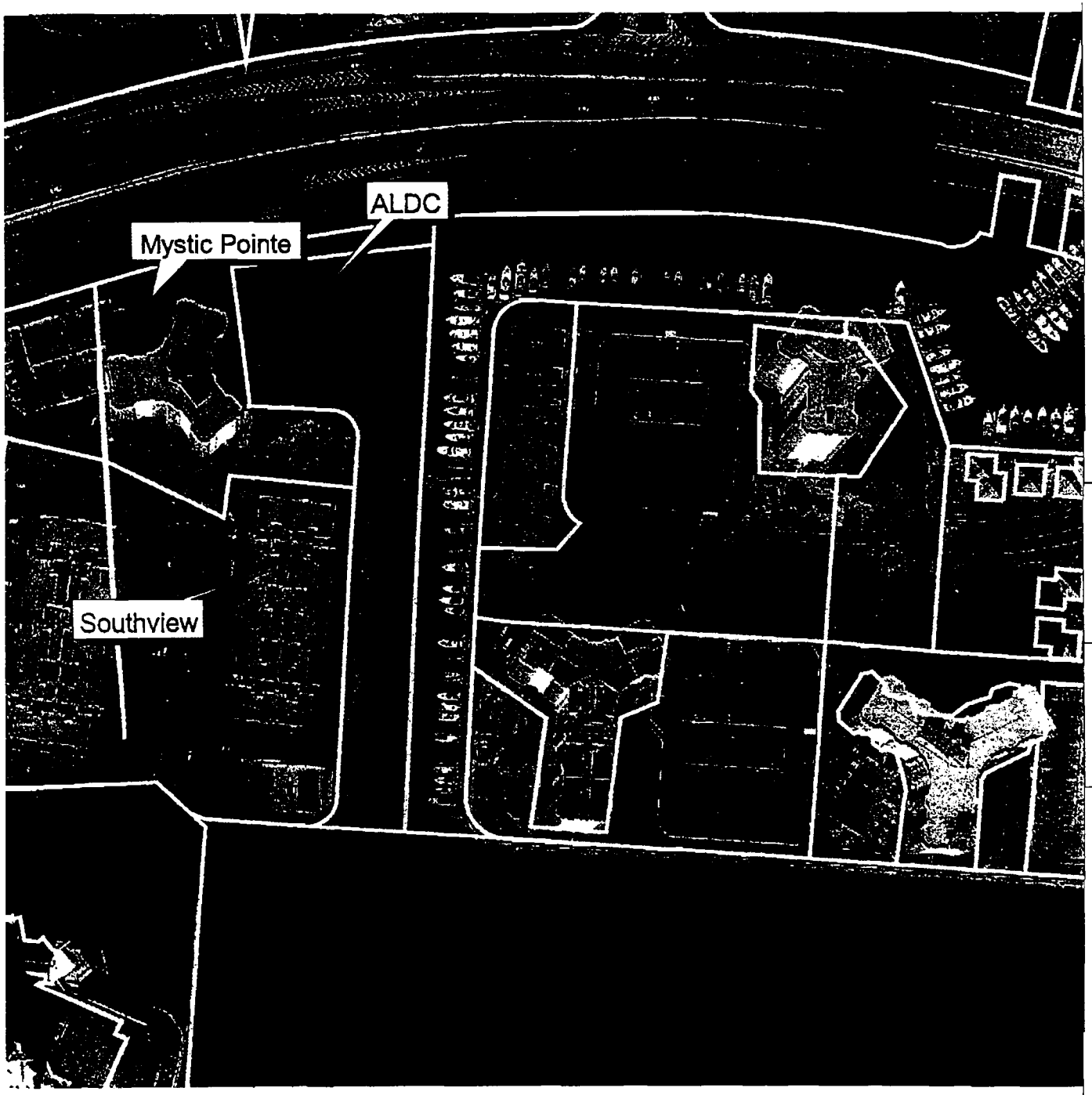
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. PT

Peter S. Tell

5

ATTACHMENT A



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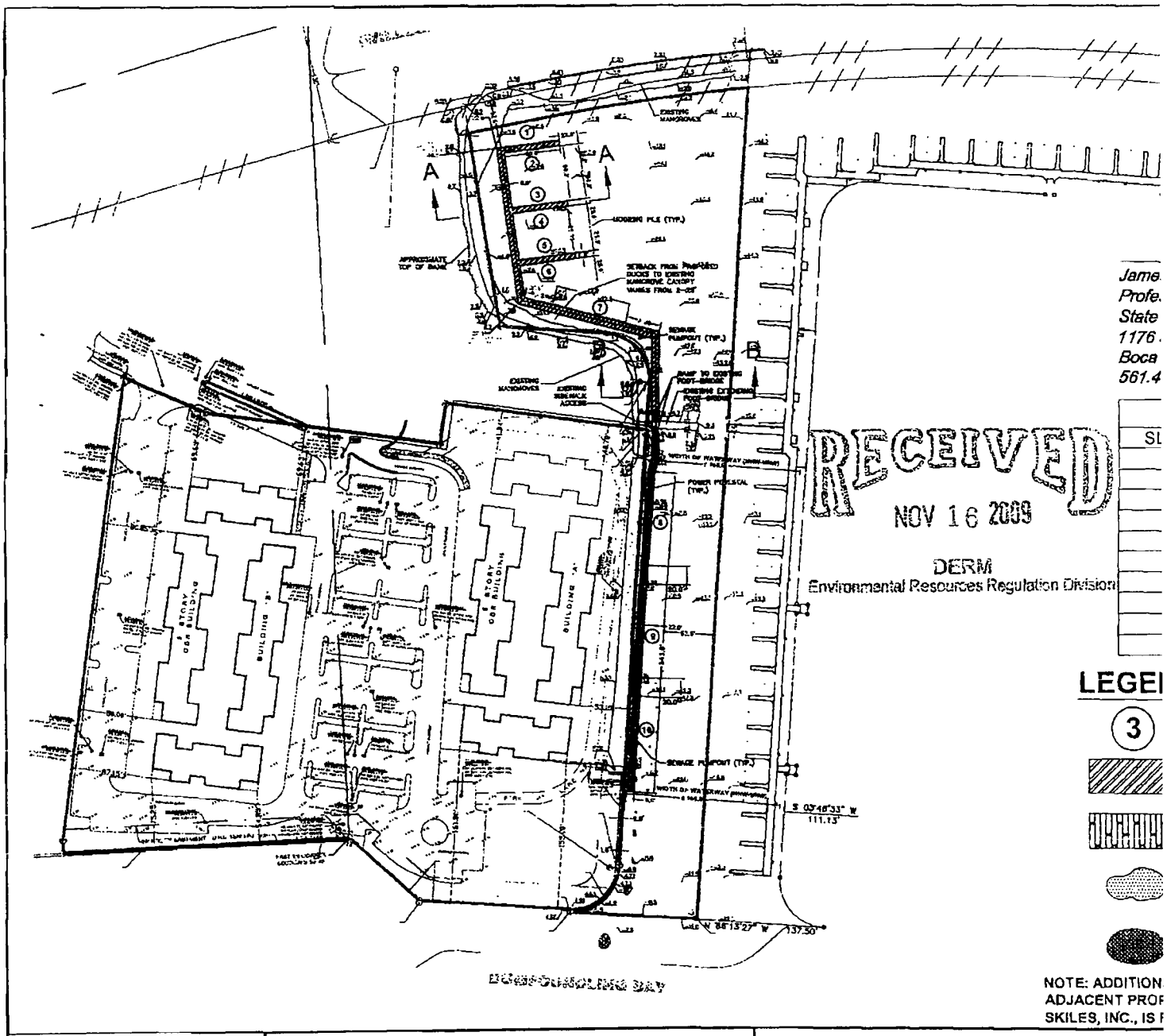
SCALE: 1 inch = 222.42 Feet

ATTACHMENT A

ATTACHMENT B



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Environmental Resources Regulation Division

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NOTE: ADDITION
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SKILES, INC., IS

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC. & JAMES BUSHOUSE, INC.
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AVENTURA YACHT SLIPS

PREPARED FOR:
AVENTURA LAND & DEVELOPMENT CO.

ATTACHMENT C

RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY

The undersigned, **Aventura Land and Development Corporation**, being the present owner(s) of the following real property (hereinafter called "the Property"), lying, being and situated in Miami-Dade County, Florida, to wit:

[Insert Legal description of property as attached Exhibit A]

pursuant to Section 24-48.2(I) (B) (2) (b) of the Code of Miami-Dade County, Florida hereby proffers this executed Restrictive Covenant Running With The Land in Favor of Miami-Dade County, Florida as part of Miami-Dade County Department of Environmental Resources Management Class I Permit Application Number [2009-CLI-PER-00270]:

1. For the purposes of this Restrictive Covenant, "vessel" is herein defined as any water craft designed to float or navigate on water, including, but not limited to: sailboats, powerboats, rowboats, ships, boats, skiffs, houseboats, and inflatable boats.

2. For the purposes of this Restrictive Covenant, a "sailboat" is herein defined as any vessel with a displacement type hull designed to be propelled primarily by wind and if equipped with an auxiliary motor the vessel shall have only a single propeller. For the purposes of this Restrictive Covenant, a "powerboat" is herein defined as any vessel that is not a sailboat, provided it is equipped to be propelled with an engine.

3. For the purposes of this Restrictive Covenant, "docking facilities" is herein defined as a place where vessels may be moored or secured to a fixed or floating structure or to the shoreline and includes a place where vessels may be stored on the uplands at the Property if a means of placing or launching vessels into the water exists at the Property.

4. The undersigned agree(s) and covenant(s) that the maximum number of powerboats which shall be moored, secured, or stored at the docking facilities located at the Property at any one time is ten (10) powerboats. This provision shall not apply to any rowboat, skiff or inflatable boat with an engine having a capacity of five (5) horsepower or less. This provision also shall not apply to any auxiliary vessel. "Auxiliary vessel" is herein defined as any watercraft which is associated, by ownership, design and common usage, with a primary vessel moored at the Property and which is affixed to, carried by, and stored on the primary vessel including, but not limited to, runabouts, tenders, and personal watercraft.

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Air Resources Regulation & Restoration
Division (NRRRD)

5. The undersigned agree(s) and covenants(s) that approval of this Restrictive Covenant neither authorizes nor constitutes a permit of any kind for the mooring or storage of any vessels at the Property or for the construction of any docking facilities at the Property.

6. The undersigned agree(s) and covenant(s) that only those vessels owned by persons who own or lease a dwelling unit or commercial office at the properties as described in Exhibit B, Exhibit C, and Exhibit D shall be moored, secured, or stored at the docking facilities at the Property. Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used for or intended to be used for living, sleeping, cooking and eating. For the purposes of this Restrictive Covenant, a dwelling unit shall not include rooming units.

7. This Restrictive Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Miami-Dade County, Florida.

8. The undersigned agree(s) and covenant(s) that this Restrictive Covenant and the provisions contained herein may be enforced against any person permitting, allowing, letting, causing or suffering any violation of the terms of this Restrictive Covenant by the Department of Environmental Resources Management, or its successor, by temporary, permanent, prohibitory, and mandatory injunctive relief as well as otherwise provided by law or ordinance and also may include an action for and to recover civil penalties, damages, costs and expenses, and attorney's fees in favor of Miami-Dade County against said person(s) as authorized by law or ordinance. All of the remedies provided herein shall be deemed to be independent and cumulative and shall be deemed to be supplemental to any remedies provided by law or ordinance.

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Natural Resources Regulation

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 9th day of February, ~~200~~ 2010

Witnesses:

sign
print MS. Patricia Gray
sign
print Paul Wallace

Property Owner

sign
print Lawrence Lopater
Title President
Address PO Box 247
Bedford Hills, NY 10507

STATE OF ~~FLORIDA~~ NEW YORK, COUNTY OF ~~DADE~~ WESTCHESTER

The foregoing instrument was acknowledged before me this 9th day of February, ~~200~~ 2010 by Lawrence Lopater as President, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

sign
print

State of ~~Florida~~ NY at Large (Seal)
My Commission Expires:

JUDITH A. BORY
Notary Public, State of New York
No. 01BO4654534
Qualified in Nassau County
Commission Expires November 30, 2013

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Coastal Resources Regulation & Restoration

EXHIBIT A

LEGAL DESCRIPTION OF ALDC CANAL PARCEL

THAT PORTION OF TRACT "SS", OF "FIFTH ADDITION BISCAYNE YACHT AND COUNTRY CLUB", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 99 PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST ¼ CORNER OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, AS SHOWN ON SAID PLAT OF "FIFTH ADDITION BISCAYNE YACHT AND COUNTRY CLUB", SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF TRACT "KK" OF SAID PLAT OF "FIFTH ADDITION BISCAYNE YACHT AND COUNTRY CLUB", THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT "KK" FOR THE FOLLOWING DESCRIBED TWO (2) COURSES; (1) THENCE SOUTH 48 DEGREES 17' 34" EAST FOR 100.00 FEET; (2) THENCE SOUTH 86 DEGREES 13' 27" EAST FOR 161.30 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT "SS" AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE ALONG THE WESTERLY BOUNDARY OF SAID TRACT "SS" FOR THE FOLLOWING DESCRIBED FIVE (5) COURSES; (1) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES 00' 00" FOR 78.54 FEET TO A POINT OF TANGENCY; (2) THENCE NORTH 3 DEGREES 46' 33" EAST FOR 521.38 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; (3) THENCE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES 00' 00" FOR 78.54 FEET TO A POINT OF TANGENCY; (4) THENCE NORTH 86 DEGREES 13' 27" WEST FOR 115.00 FEET; (5) THENCE NORTH 8 DEGREES 36' 07" WEST FOR 209.09 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF A PORTION OF TRACT "SS", DEEDED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY OFFICIAL RECORDS BOOK 11143 AT PAGE 1749, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID POINT BEARS NORTH 12 DEGREES 41' 08" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY ALONG THE PREVIOUSLY DESCRIBED SOUTHERLY (SIC) BOUNDARY OF A PORTION OF TRACT "SS" AND ALONG THE ARC OF THE PREVIOUSLY DESCRIBED CURVE HAVING A RADIUS OF 2531.27 FEET AND A CENTRAL ANGLE OF 6 DEGREES 54' 40" FOR 305.32 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 3 DEGREES 46' 33" WEST FOR 894.31 TO A POINT ON THE SOUTH BOUNDARY OF SAID TRACT "SS"; THENCE NORTH 86 DEGREES 13' 27" WEST ALONG THE SOUTH BOUNDARY OF SAID TRACT "SS"; FOR 137.50 FEET TO THE POINT OF BEGINNING.

SAID PROPERTY LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

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DERM Coastal Resources Section
Water & Resources Regulation & ...

EXHIBIT B

Legal description of condominium Southview at Aventura

A portion of Tract KK of FIFTH ADDITION BISCAYNE YACHT AND COUNTRY CLUB, according to the Plat thereof as recorded in Plat Book 99 at Page 20, of the Public Records of Dade County, Florida, being described as follows:

Commence at the SW corner of said Tract KK; thence N. 87° 35' 46" E. along the South line of said Tract KK for 933.10' to the Point of Beginning of the parcel of land hereinafter described; thence N. 2° 24' 14" W. for 13.85'; thence N. 7° 48' 56" E. for 499.70'; thence S. 65° 55' 35" E. for 97.20'; thence S. 82° 11' 04" E. for 254.68'; thence N. 7° 48' 56" E. for 43.64'; thence S. 82° 11' 04" E. for 217.90'; thence S. 3° 46' 33" W. for 466.75' to a point of curvature of a curve to the right; thence SW'ly and NW'ly along the arc of said curve to the right having a radius of 50.0' and a central angle of 90° 00' for an arc distance of 78.54' to a point of tangency; thence N. 86° 13' 27" W. for 161.30'; thence N. 48° 17' 34" W. for 100.0'; thence S. 87° 35' 46" W. for 311.00' to the point of beginning; (the last five courses being along the boundary of said Tract KK), containing 6.498 acres, more or less.

EXHIBIT C

Legal Description of Mystic Pointe Tower 600 Condominium Association

Being a portion of Tract "KK", **FIFTH ADDITION BISCAYNE YACHT AND COUNTRY CLUB,** according to the Plat thereof as recorded in Plat Book 99 at page 20 of the Public Records of Dade County, Florida, being more fully described as follows:

Commence at the Northeast corner of said Tract "KK", said Northeast corner lying on a circular curve whose radius point bears South 12°-38'-15" East for 2561.27 feet; the following three (3) courses being along the Northerly boundary of said Tract "KK"; (1) thence Southwesterly along said 2561.27 foot radius curve leading to the left through a central angle of 00°-17'-27" for an arc of 13.00 feet to the **POINT OF BEGINNING** of the hereinafter described parcel of land, said **POINT OF BEGINNING** lying on the Southeasterly road right-of-way line of SR 856 (formerly State Road 852) (per Section 87013-2503 of the State Road Right-of-Way Map, Sheet 4A of 18), courses (2) and (3) hereinafter described also lie on said Southeasterly right-of-way line; (2) thence continue Southwesterly along said 2561.27 foot radius curve leading to the left through a central angle of 03°-01'-33" for an arc of 135.26 feet to a point of tangency; thence South 74°-02'-45" West for 217.00 feet; thence South 29°-02'-45" West for 35.36 feet; thence South 15°-57'-15" East for 117.03 feet; thence South 65°-55'-35" East for 294.63 feet; thence South 82°-11'-04" East for 40.38 feet; thence North 07°-48'-56" East for 43.64 feet; thence South 82°-11'-04" East for 217.90 feet to a point on the Easterly exterior line of said Tract "KK"; the following four (4) courses being along the exterior line of said Tract "KK"; (1) thence North 03°-46'-33" East for 54.63 feet to a point of curvature; (2) thence Northerly and Northwesterly along a 50.00 foot radius curve leading to the left through a central angle of 90°-00'-00" for an arc of 78.54 feet to a point of tangency; (3) thence North 86°-13'-27" West for 115.00 feet; (4) thence North 08°-36'-07" West for 209.10 feet to a point on the Southeasterly road right-of-way line of said State Road 856, said Southeasterly road right-of-way line as described in Official Record Book 11143, page 1749 of the Public Records of Dade County, Florida; the following two (2) courses being along said road right-of-way line and also the Southerly and Westerly exterior lines of the parcel of land described in said Official Record Book 11143, page 1749; (1) thence Southwesterly along a circular curve leading to the left and whose radius point bears South 12°-41'-08" East for 2531.27 feet and having a central angle of 00°-14'-34" for an arc of 10.73 feet; (2) thence North 12°-55'-42" West along a line radial to the last described curve for 30.00 feet to the **POINT OF BEGINNING.**

Lying and being in portions of Section 2 and 3, Township 52 South, Range 42 East, Dade County, Florida.

Containing 114,636 square feet or 2.6317 acres, more or less.

EXHIBIT D

Units 101-107, 112-118, 201-208, 211,212,214-218, 301-312, 314-318, 401-412, 414-418,501-518, 601-618, 701-718, 801-818, 901-918, 1001-1018, 1101-1118, 1201-1218, 1401-1418, 1501-1518, 1601-1618, 1701-1718, 1801-1818, 1901-1918, PS 47, PS 87, PD1-PD108, PSA98, PSB108, PSD57 and SS202 of MYSTIC POINTE CONDOMINIUM NO. ONE, a Condominium according to the Declaration of Condominium recorded in O.R. Book 13610, page 1424 of the Public Records of Miami-Dade County, Florida.

Units 105-110, 201, 202, 205-210, 301-310, 401-410, 501-510, 601-610, 701-710, 801-810, 901-910, 1001-1010, 1101-1110, 1201-1210, 1401-1410, 1501-1510, 1601-1610, 1701-1710, 1801-1810, 1901-1910, 2001-2010, 2101-2110, 2201-2210, 2301-2310, 2401-2410, 2501-2510, 2601-2610, 2701-2710, 2801-2810, 2901-2910, 3001-3010 and 3101-3110 of MYSTIC POINTE CONDOMINIUM NO. TWO, a Condominium according to the Declaration of Condominium recorded in O.R. Book 14031, page 1885 of the Public Records of Miami-Dade County, Florida.

Units 101-103, 108-112, 201-204, 206-212, 301-304, 306-312, 401-404, 406-412, 501-512, 601-612, 701-712, 801-812, 901-912, 1001-1012, 1101-1112, 1201-1212, 1401-1412, 1501-1512, 1601-1612, 1701-1712, 1801-1812, 1901-1912, 2001-2012, 2101-2112, 2201-2212, 2301-2312, 2401-2412, 2501-2512, 2601-2612, 2701-2712, 2801-2812, 2901-2912, 3001-3012, and 3101-3112 of MYSTIC POINTE CONDOMINIUM NO. THREE, A CONDOMINIUM, according the Declaration of Condominium recorded in O.R. Book 14377, page 3717 of the Public Records of Miami-Dade County, Florida.

Units 104, 105, 108, 204, 205, 206, 304-308, 404-408, 501-508, 601-608, 701-708, 801-808, 901-908, 1001-1008, 1101-1108, 1201-1208, 1401-1408, 1501-1508, 1601-1608, 1701-1708, 1801-1808, 1901-1908, 2001-2008, 2101-2108, 2201-2208, 2301-2308, 2401-2408, 2501-2508, 2601-2608, 2701-2708, 2801-2808, 2901-2908, 3001-3008, 3101-3108, 3201-3208, 3301-3308, 3401-3408, 3501-3508, 3601-3608, 3701-3708, 3801-3808, 3901-3908, LPH01-LPH08, PH01-PH08, and Unit R-1, MYSTIC POINTE TOWER 400 CONDOMINUM, a Condominium according to the Declaration of Condominium recorded in O.R. Book 14675, page 955 of the Public Records of Miami-Dade County, Florida.

Units 101, 102, 109,111-115, 201- 206, 209, 211-215, 301-309, 311-315, 401-409, 411-415, 501-515, 601-615, 701-715, 801-815, 901-915, 1001-1015, 1101-1115, 1201-1215, 1401-1415, 1501-1515, 1601-1615, 1701-1715, 1801-1815, 1901-1915, 2001-2015, 2101-2115, 2201-2215, 2301-2315, 2401-2415, 2501-2515, 2601-2615, 2701-2715, 2801-2815, 2901-2915, 3001-3015, 3101-3115, LPH01-LPH15, and PH01-PH15, MYSTIC POINTE TOWER 500 CONDOMINIUM, a Condominium according to the Decoration of Condominium recorded in O.R. Book 14931, page 1890, of the Public Records of Miami-Dade County, Florida.

Units 1-12, MYSTIC POINTE TOWNHOUSES, A CONDOMINIUM according to the Declaration of Condominium recorded in O.R. Book 15116, page 2193, of the Public Records of Miami-Dade County, Florida.

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DES Water Resources Section
Water Resources Regulation

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ATTACHMENT D

RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY

The undersigned, **Mystic Pointe Tower 600 Condominium Association, Inc.** being the present owner(s) of the following real property (hereinafter called "the Property"), lying, being and situated in Miami-Dade County, Florida, to wit:

[Insert Legal description of property or attach Exhibit C]

pursuant to Section 24-48.2(I) (B) (2) (b) of the Code of Miami-Dade County, Florida hereby proffers this executed Restrictive Covenant Running With The Land in Favor of Miami-Dade County, Florida as part of Miami-Dade County Department of Environmental Resources Management Class I Permit Application Number [2009-CLI-PER-00270]:

1. For the purposes of this Restrictive Covenant, "vessel" is herein defined as any water craft designed to float or navigate on water, including, but not limited to: sailboats, powerboats, rowboats, ships, boats, skiffs, houseboats, and inflatable boats.

2. For the purposes of this Restrictive Covenant, a "sailboat" is herein defined as any vessel with a displacement type hull designed to be propelled primarily by wind and if equipped with an auxiliary motor the vessel shall have only a single propeller. For the purposes of this Restrictive Covenant, a "powerboat" is herein defined as any vessel that is not a sailboat, provided it is equipped to be propelled with an engine.

3. For the purposes of this Restrictive Covenant, "docking facilities" is herein defined as a place where vessels may be moored or secured to a fixed or floating structure or to the shoreline and includes a place where vessels may be stored on the uplands at the Property if a means of placing or launching vessels into the water exists at the Property.

4. The undersigned agree(s) and covenant(s) that the maximum number of powerboats which shall be moored, secured, or stored at the docking facilities located at the Property at any one time is seven (7) powerboats. This provision shall not apply to any rowboat, skiff or inflatable boat with an engine having a capacity of five (5) horsepower or less. This provision also shall not apply to any auxiliary vessel. "Auxiliary vessel" is herein defined as any watercraft which is associated, by ownership, design and common usage, with a primary vessel moored at the Property and which is affixed to, carried by, and stored on the primary vessel including, but not limited to, runabouts, tenders, and personal watercraft.

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MAY 10 2010
Coastal Resources Section
Resources Regulation & Restoration

5. The undersigned agree(s) and covenants(s) that approval of this Restrictive Covenant neither authorizes nor constitutes a permit of any kind for the mooring or storage of any vessels at the Property or for the construction of any docking facilities at the Property.

6. This Restrictive Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Miami-Dade County, Florida.

7. The undersigned agree(s) and covenant(s) that this Restrictive Covenant and the provisions contained herein may be enforced against any person permitting, allowing, letting, causing or suffering any violation of the terms of this Restrictive Covenant by the Department of Environmental Resources Management, or its successor, by temporary, permanent, prohibitory, and mandatory injunctive relief as well as otherwise provided by law or ordinance and also may include an action for and to recover civil penalties, damages, costs and expenses, and attorney's fees in favor of Miami-Dade County against said person(s) as authorized by law or ordinance. All of the remedies provided herein shall be deemed to be independent and cumulative and shall be deemed to be supplemental to any remedies provided by law or ordinance.

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MAY 10 2010
DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 19 day of APRIL, 2010.

Witnesses:

sign
print Rosella Kleel
sign
print Odonis Ramirez

Property Owner: MYSTIC POINTE TOWER 600 CONDOMINIUM ASSOCIATION, INC.

sign
print EDWARD FAZZAH
Title BOARD PRESIDENT
Address 3400 NE 192 ST
AVENTURA FL 33180

STATE OF FLORIDA, COUNTY OF DADE

The foregoing instrument was acknowledged before me this 20th day of April, 2010. by Edward Fazzah as President, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

sign Luisa Rodriguez
print LUISA RODRIGUEZ
State of Florida at Large (Seal)
My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
Luisa Rodriguez
Commission # DD544209
Expires: APR. 24, 2010
Bonded Thru Atlantic Bonding Co., Inc.

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MAY 10 2010
Florida Department of Natural Resources Section
Natural Resources Regulation & Restoration
Division of Parks

EXHIBIT C

Legal Description of Mystic Pointe Tower 600 Condominium Association

Being a portion of Tract "KK", **FIFTH ADDITION BISCAYNE YACHT AND COUNTRY CLUB,** according to the Plat thereof as recorded in Plat Book 99 at page 20 of the Public Records of Dade County, Florida, being more fully described as follows:

Commence at the Northeast corner of said Tract "KK", said Northeast corner lying on a circular curve whose radius point bears South 12°-38'-15" East for 2561.27 feet; the following three (3) courses being along the Northerly boundary of said Tract "KK"; (1) thence Southwesterly along said 2561.27 foot radius curve leading to the left through a central angle of 00°-17'-27" for an arc of 13.00 feet to the **POINT OF BEGINNING** of the hereinafter described parcel of land, said **POINT OF BEGINNING** lying on the Southeasterly road right-of-way line of SR 856 (formerly State Road 852) (per Section 87013-2503 of the State Road Right-of-Way Map, Sheet 4A of 18), courses (2) and (3) hereinafter described also lie on said Southeasterly right-of-way line; (2) thence continue Southwesterly along said 2561.27 foot radius curve leading to the left through a central angle of 03°-01'-33" for an arc of 135.26 feet to a point of tangency; thence South 74°-02'-45" West for 217.00 feet; thence South 29°-02'-45" West for 35.36 feet; thence South 15°-57'-15" East for 117.03 feet; thence South 65°-55'-35" East for 294.63 feet; thence South 82°-11'-04" East for 40.38 feet; thence North 07°-48'-56" East for 43.64 feet; thence South 82°-11'-04" East for 217.90 feet to a point on the Easterly exterior line of said Tract "KK"; the following four (4) courses being along the exterior line of said Tract "KK"; (1) thence North 03°-46'-33" East for 54.63 feet to a point of curvature; (2) thence Northerly and Northwesterly along a 50.00 foot radius curve leading to the left through a central angle of 90°-00'-00" for an arc of 78.54 feet to a point of tangency; (3) thence North 86°-13'-27" West for 115.00 feet; (4) thence North 08°-36'-07" West for 209.10 feet to a point on the Southeasterly road right-of-way line of said State Road 856, said Southeasterly road right-of-way line as described in Official Record Book 11143, page 1749 of the Public Records of Dade County, Florida; the following two (2) courses being along said road right-of-way line and also the Southerly and Westerly exterior lines of the parcel of land described in said Official Record Book 11143, page 1749; (1) thence Southwesterly along a circular curve leading to the left and whose radius point bears South 12°-41'-08" East for 2531.27 feet and having a central angle of 00°-14'-34" for an arc of 10.73 feet; (2) thence North 12°-55'-42" West along a line radial to the last described curve for 30.00 feet to the **POINT OF BEGINNING.**

Lying and being in portions of Section 2 and 3, Township 52 South, Range 42 East, Dade County, Florida.

Containing 114,636 square feet or 2.6317 acres, more or less.

ATTACHMENT E

RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY

The undersigned, **Southview at Aventura Condominium Association, Inc.** being the present owner(s) of the following real property (hereinafter called "the Property"), lying, being and situated in Miami-Dade County, Florida, to wit:

[Insert Legal description of property or attach Exhibit B]

pursuant to Section 24-48.2(I) (B) (2) (b) of the Code of Miami-Dade County, Florida hereby proffers this executed Restrictive Covenant Running With The Land in Favor of Miami-Dade County, Florida as part of Miami-Dade County Department of Environmental Resources Management Class I Permit Application Number [2009-CLI-PER-00270]:

1. For the purposes of this Restrictive Covenant, "vessel" is herein defined as any water craft designed to float or navigate on water, including, but not limited to: sailboats, powerboats, rowboats, ships, boats, skiffs, houseboats, and inflatable boats.

2. For the purposes of this Restrictive Covenant, a "sailboat" is herein defined as any vessel with a displacement type hull designed to be propelled primarily by wind and if equipped with an auxiliary motor the vessel shall have only a single propeller. For the purposes of this Restrictive Covenant, a "powerboat" is herein defined as any vessel that is not a sailboat, provided it is equipped to be propelled with an engine.

3. For the purposes of this Restrictive Covenant, "docking facilities" is herein defined as a place where vessels may be moored or secured to a fixed or floating structure or to the shoreline and includes a place where vessels may be stored on the uplands at the Property if a means of placing or launching vessels into the water exists at the Property.

4. The undersigned agree(s) and covenant(s) that the maximum number of powerboats which shall be moored, secured, or stored at the docking facilities located at the Property at any one time is three (3) powerboats. This provision shall not apply to any rowboat, skiff or inflatable boat with an engine having a capacity of five (5) horsepower or less. This provision also shall not apply to any auxiliary vessel. "Auxiliary vessel" is herein defined as any watercraft which is associated, by ownership, design and common usage, with a primary vessel moored at the Property and which is affixed to, carried by, and stored on the primary vessel including, but not limited to, runabouts, tenders, and personal watercraft.

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Natural Resources Regulation & Restoration

5. The undersigned agree(s) and covenants(s) that approval of this Restrictive Covenant neither authorizes nor constitutes a permit of any kind for the mooring or storage of any vessels at the Property or for the construction of any docking facilities at the Property.

6. This Restrictive Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Miami-Dade County, Florida.

7. The undersigned agree(s) and covenant(s) that this Restrictive Covenant and the provisions contained herein may be enforced against any person permitting, allowing, letting, causing or suffering any violation of the terms of this Restrictive Covenant by the Department of Environmental Resources Management, or its successor, by temporary, permanent, prohibitory, and mandatory injunctive relief as well as otherwise provided by law or ordinance and also may include an action for and to recover civil penalties, damages, costs and expenses, and attorney's fees in favor of Miami-Dade County against said person(s) as authorized by law or ordinance. All of the remedies provided herein shall be deemed to be independent and cumulative and shall be deemed to be supplemental to any remedies provided by law or ordinance.

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JUN 08 2010
Resources Section
Resources Regulation & Restoratio

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 25 day of February, 2010

Witnesses:

sign [signature]
print ALEXANDER L. WINKLER
sign [signature]
print VICTORIA CARBUCCIA

Property Owner: SOUTHVIEW AT AVENTURA CONDOMINIUM ASSOCIATION INC.

sign [signature]
print JOHN TORRES
Title President
Address 3440 NE 192nd #4N
Aventura FL 33180

STATE OF FLORIDA, COUNTY OF DADE

The foregoing instrument was acknowledged before me this 25 day of February, 2010 by John A Torres as President who is personally known to me or who has produced FL DL as identification and who did take an oath.

NOTARY PUBLIC:

sign [signature]
print Laqueta Bailey
State of Florida at Large (Seal)
My Commission Expires:

LAQUETA BAILEY
Notary Public - State of Florida
My Comm. Expires Nov 30, 2013
Commission # DD 913852
Bonded Through National Notary Assn.

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DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

EXHIBIT B

Legal description of condominium Southview at Aventura

A portion of Tract KK of FIFTH ADDITION BISCAYNE YACHT AND COUNTRY CLUB, according to the Plat thereof as recorded in Plat Book 99 at Page 20, of the Public Records of Dade County, Florida, being described as follows:

Commence at the SW corner of said Tract KK; thence N. 87° 35' 46" E. along the South line of said Tract KK for 933.10' to the Point of Beginning of the parcel of land hereinafter described; thence N. 2° 24' 14" W. for 13.85'; thence N. 7° 48' 56" E. for 499.70'; thence S. 65° 55' 35" E. for 97.20'; thence S. 82° 11' 04" E. for 254.68'; thence N. 7° 48' 56" E. for 43.64'; thence S. 82° 11' 04" E. for 217.90'; thence S. 3° 46' 33" W. for 466.75' to a point of curvature of a curve to the right; thence SW'ly and NW'ly along the arc of said curve to the right having a radius of 50.0' and a central angle of 90° 00' for an arc distance of 78.54' to a point of tangency; thence N. 86° 13' 27" W. for 161.30'; thence N. 48° 17' 34" W. for 100.0'; thence S. 87° 35' 46" W. for 311.00' to the point of beginning; (the last five courses being along the boundary of said Tract KK), containing 6.498 acres, more or less.