Memorandum

MIAMI-DADE COUNTY

Date:	November 4, 2010
To:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Resolution Authorizing the Mayor or Mayor's Designee to Declare a Covenant Running With the Land for the Property, "Douglas Road Station", Plat Book 158 at Page 32, as Recorded in the Public Records of Miami-Dade County, Florida

Agenda Item No. 8(J)(1)(A)

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the County Mayor or Mayor's designee to declare a Covenant Running With the Land for the property, "Douglas Road Station", Plat Book 158 at Page 32, as recorded in the public records of Miami-Dade County, Florida, in favor of Miami-Dade residents, by providing the assurance that easements will be provided to the public in the event that the property or portion of the property is sold or leased for a Transit Oriented Development (TOD).

SCOPE

The Station site is physically located within Commission District 7.

FISCAL IMPACT/FUNDING SOURCE

There is no current or future fiscal impact to Miami-Dade County associated with this item.

TRACK RECORD/MONITOR

Miami-Dade County (County) has declared covenants running with lands in the past to serve similar purposes at several Transit stations. The person responsible for monitoring this covenant is Froilan I. Baez, Acting Chief, MDT Right of Way, Utilities & Property Management Division.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which include authority for the Mayor or designee to execute the covenant.

BACKGROUND

On January 12, 2002, a plat was created for Douglas Road Station. The property was divided into two lots. Lot 1 consists of a surface parking area with approximately 200 parking spaces. Lot 2 consists of the Metrorail Station and tracks for the trains with the easterly portion of this lot as the site for the pedestrian overpass, Art in Public Places, and landscaping.

Miami-Dade Transit (MDT) identified this station property as one of the prime sites for a TOD. However, for the TOD to happen, the property must be re-subdivided by altering the property to its logical boundary for the Station and using the remainder for a TOD site.

The re-platting process, which began in October 2008, is now in its final phase. This re-platting required the approval of many activities, including approval of the Tentative Plat by both the City of Miami and Miami-Dade County. The City approved the Tentative Plat on February 10, 2009 and the County approved the Plat on April 30, 2009.

The City of Miami now requires assurance that easements will be provided as a condition for the scheduling of the final plat. Based on this requirement, MDT will file a Covenant Running With the Land in order to provide the assurance that easements (including utility easements) will be provided to the public in the event that the property is sold or leased for a TOD.

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(J)(1)(A)

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. 8(J)(1)(A)
11-4-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO DECLARE A COVENANT RUNNING WITH THE LAND FOR THE PROPERTY, THE DOUGLAS ROAD STATION, PLAT BOOK 158 AT PAGE 32, AS RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND BY PROVIDING THE ASSURANCE THAT EASEMENTS WILL BE PROVIDED TO THE PUBLIC IN THE EVENT THAT THE PROPERTY OR PORTION OF THE PROPERTY BE SOLD OR LEASED FOR A TRANSIT ORIENTED DEVELOPMENT

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

WHEREAS, Miami-Dade County, in the interest and betterment of the public, has determined this Covenant Running with Land for property located at Douglas Road Station illustrated in Exhibit "A", as a general public interest demonstrating the easements that will be required in the event the property or portion of the property be sold or leased for a Transit Oriented Development (TOD),

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board approves the Covenant Running with the Land for "Douglas Road Station" Property illustrated in Exhibit "A", and hereby authorizes the County Mayor or designee to execute such covenant and any amendments that may be required from time to time, on behalf of Miami-Dade County, Florida, with right to exercise all provisions contained therein.

Section 2. Furthermore, the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, shall record in the public record all deeds,

covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and to provide a copy of such recorded instruments to the Clerk of the Board within thirty (30) days of execution and final acceptance. The Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

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 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

Bruce Libhaber

5

This instrument was prepared by:
Name: Carol A. Wilson, PLS
Address: Miami-Dade Transit
701 NW 1st Court, Suite 1500, Miami Fl 33136
Folio Nos.: 01-4120-059-0010, 01-4120-059-0020 &
01-4120-000-0080

(Space reserved for Clerk)

COVENANT RUNNING WITH THE LAND

KNOW ALL BY THESE PRESENTS that the undersigned Miami-Dade County (the "County"), a political subdivision of the State of Florida, as present owner, hereby makes, declares and imposes on the land herein described, these easements and covenants running with the title to the land, which shall be binding on the County, all heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through or under them; and

WHEREAS, the County holds the fee simple title to the land in Miami-Dade County, Florida, described as Douglas Road Station, Plat Book 158, Page 32, as recorded in the Public Records of Miami-Dade County, Florida, including that portion of the vacated dedicated road as FDOT Surplus Parcel conveyed to Miami-Dade County in Official Records Book 20439, Page 0692, as recorded in the Public Records of Miami-Dade County, Florida, all shown in Exhibit "A," attached hereto and made a part hereof, hereinafter called the "Property," which is supported by the attorney's opinion attached as Exhibit "B;" and

WHEREAS, in the event the County, as owner, (1) intends to sell the Property or portion of the Property for development and/or (2) shall caused said Property be developed by others either conveying a portion from time to time or may entering into a lease agreement in accordance with this instrument as executed in order to assure that the phased development of the Property with future multiple ownerships and/or lessees will not violate this instrument that is in the public interest of Miami-Dade County residents,

NOW THEREFORE, in consideration of the premises, the County, as present owner, hereby agrees as follows:

1. In the event that the Property is conveyed to a private developer, the Property shall not be developed without an approved site plan in substantial conformity with the Directors' of City of Miami Building Department, Planning Department and Zoning Administrator criteria; provided the Directors find that the modification conforms with the standards established in Section 33-257 of the Code of Miami-Dade County, and provided further, that should the Directors unreasonably withhold such approval, the then owner(s) of the Property shall be permitted to seek such modification by application to modify the plan(s) or covenant at public hearing before the Community Zoning Appeals Board or Planning and Zoning Boards of the City of Miami Commissioners or County Commissioners of Miami-Dade County, Florida, whichever by law has jurisdiction over such matter.

2. If the Property is developed in phases, each phase will be developed in substantial accordance with the site plan approved pursuant to the process set forth in Paragraph 1 above. The site plan once approved will be referenced by date, name of preparing firm, and a copy will

be furnished to the City of Miami Zoning Administrator Department and will be deemed as being incorporated by reference herein and made a part hereto.

3. In the event of multiple ownerships subsequent to said site plan approval, each of the subsequent owners, mortgagees and other parties in interest shall be bound by the terms, provisions and conditions of this covenant. The County, as present owner, further agrees that it will not convey portions of the Property to such other parties unless and until such other party or parties shall have executed and mutually delivered in recordable form, an instrument to be known as an "Easement and Operating Agreement" which shall contain, among other things:

(i) easements in the common area of each parcel for ingress to and egress from other parcels;

(ii) easements in the common area of each parcel for the passage and parking of vehicles;

(iii) easements in the common area of each parcel for the passage and accommodation of pedestrians;

(iv) easements for access roads across the common area of each parcel to public and private roadways;

(v) easements for the installation, use, operation, maintenance, repair, replacement, relocation and removal of utility facilities in appropriate areas in each such parcel;

(vi) (vi) easements on each such parcel for construction of buildings and improvements in favor of each such other parcel;

(vii) easements upon each such parcel in favor of each adjoining parcel for the installation, use, maintenance, repair, replacement and removal of common construction improvements such as footings, supports and foundations;

(viii) easements on each parcel for attachment of buildings;

(ix) easements on each such parcel for building overhangs, other overhangs and projections encroaching upon such parcel from adjoining parcel such as, by way of example, marquees, canopies, lights, lighting devices, awnings, wing walls and the like;

(x) appropriate reservation of rights to grant easements to utility companies;

(xi) appropriate reservation of rights to dedicate road rights-of-way and curb cuts;

(xii) (xii) easements in favor of each such parcel for pedestrian and vehicular traffic over dedicated private ring roads and access roads; and

(xiii) appropriate agreements between the owners of the several tracts as to the obligation to maintain and repair all private roadways, parking facilities, common areas and the like.

The easement provisions or portions thereof may be waived in writing by the County Director of the Department of Planning and Zoning or by whosoever has jurisdiction over the lands. When

executed, the Easement and Operating Agreement shall not be amended without the prior written approval of the Office of the County Attorney of Miami-Dade County, which shall not be unreasonably conditioned, withheld or delayed. Such Easement and operating Agreement may contain such other provisions with respect to the operation, maintenance and development of the Property as to which the parties thereto may agree. Any such Agreement will include that although the Property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan.

4. Regardless of ownership or tenancy of the Property identified on Exhibit "A" herein, or ownership or tenancy of any portion of the Property identified on Exhibit "A", access for ingress and egress to the Parking Garage and the County building located at 3071 S.W. 38th Avenue, (occupying Lot 1, Block 1, DOUGLAS W.A.S.D. PLAT, Plat Book 158, Page 31; Folio No. 01-4120-058-0010), Miami, Florida, shall remain open and unobstructed for County employees, guest, visitors, clients, and/or customers.

5. Prior to any further development of any portion of the Property identified within Exhibit "A" herein, which requires water and/or sewer service, the owner or developer of said portion shall enter into an Agreement for Water and Sewer Services with the Miami-Dade County Water and Sewer Department in accordance with the County's requirements and Chapter 55, Sec 55-12(3) and 55-12(4), of the City of Miami code.

6. The provisions of this instrument shall become effective upon their recordation in the public records of Miami-Dade County, Florida, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time they shall be extended automatically for successive periods of ten (10) years each, unless released in writing by the then owner(s) of the Property and the Directors of the City of Miami Departments of Planning and Zoning Administrator or by whosoever has jurisdiction over the lands, acting for and on behalf of City of Miami and Miami-Dade County, Florida, upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the Property for the purposes herein intended.

7. Invalidation of any of these covenants by judgment of Court shall not affect any of the other provisions, which shall remain in full force and effect.

8. This Covenant shall be recorded in the Public Records of Miami-Dade County at the Owner's expense. A copy of the recorded Covenant shall be provided to the City of Miami Zoning Administrator Department, 444 SW 2nd Avenue, 4th Floor, Miami, Florida 33130, within twenty (20) days of the recordation.

9. 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.

10. In the event of a violation of this Covenant, in addition to any other remedies available, Miami-Dade County, or depending on whosoever has jurisdiction, the City of Miami is hereby authorized to withhold any future permits, and refuse to make any inspections or grant any approval, until such time as this Declaration is complied with.

11. Any modifications, releases or amendments of this declaration shall require the approval of the City Attorney as to the legal form and correctness.

IN WITNESS WHEREOF, the Owner has caused this Agreement to be executed in triplicate this _____ day of _____ A.D., 2010.

Signed, sealed and
In the presence of:

1. _____
WITNESS TO SIGNATURE

_____
PRINT NAME

Miami-Dade County

BY: _____
County Mayor

2. _____
WITNESS TO SIGNATURE

_____
PRINT NAME

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by Carlos Alvarez, who is personally known to me or produced _____ as identification and did not take an oath.

Notary Public

_____

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

DOUGLAS ROAD STATION

P.B. 158 PG. 32[illegible]

SHEET 1 OF 2

EXHIBIT "A"

A REPLAT AND A SUBDIVISION OF: ALL OF TRACT "A", OF BANNER TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 69, AT PAGE 19, AND ALL OF TRACT "B", OF FIRST ADDITION TO BANNER TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 81, AT PAGE 78, AND ALL OF TRACT "C", OF SECOND ADDITION TO BANNER TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, AT PAGE 65, AND A PORTION OF LOTS 3, 6, 7, 9 AND 10, AND ALL OF LOTS 4, 5 AND 8, BLOCK 15, OF REALTY CORPORATION'S PLAT OF COCOANUT GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 85, AND A PORTION OF LOTS 1, 24 AND 25, AND ALL OF LOTS 2 THROUGH 23 INCLUSIVE, OF REPLAT OF BLOCK 16 OF REALTY SECURITIES CORPORATION'S PLAT OF COCOANUT GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, AT PAGE 50, ALL OF SAID PLATS BEING RECORDED IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND A PORTION OF THE EAST 1/2, OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4, OF SECTION 20, TOWNSHIP 54 SOUTH, RANGE 41 EAST, AND A PORTION OF THE UNNAMED 15.00 FOOT ALLEY WITHIN SAID PLAT OF REPLAT OF BLOCK 16 OF REALTY SECURITIES CORPORATION'S PLAT OF COCOANUT GROVE, A PORTION OF S.W. 37th COURT LYING ADJACENT TO SAID BLOCK 15 AND SAID PLAT OF REPLAT OF BLOCK 16 OF REALTY SECURITIES CORPORATION'S PLAT OF COCOANUT GROVE, AND A PORTION OF SHIPPING AVENUE LYING ADJACENT TO SAID BLOCK 15 AND SAID PLAT OF REPLAT OF BLOCK 16 OF REALTY SECURITIES CORPORATION'S PLAT OF COCOANUT GROVE, ALL LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 41 EAST, CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA.

FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172

JUNE, 2001

KNOW ALL MEN BY THESE PRESENTS:

That MIAMI-DADE COUNTY, Florida, a Political Subdivision of the State of Florida, has caused to be made the attached plat entitled "DOUGLAS ROAD STATION", the same being a replat and a subdivision of the following described property:

LEGAL DESCRIPTION:

[illegible]

LESS AND EXCEPT:

[illegible]

Containing 309,[illegible] Square Feet or 7.[illegible] Acres more or less.

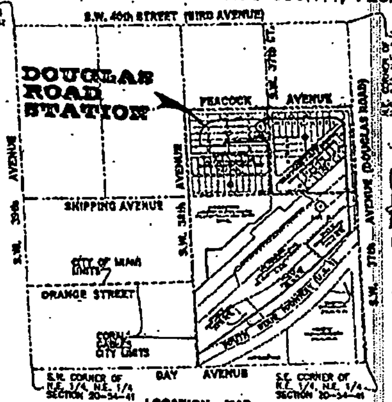
All the above described parcels lying and being within the limits of the City of Miami, Miami-Dade County, Florida.

[illegible]

MIAMI-DADE COUNTY PLAT RESTRICTIONS:

[illegible]

NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the Public Records of this County.



LOCATION MAP

A PORTION OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 20-54-41
CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

IN WITNESS WHEREOF:

That said MIAMI-DADE COUNTY, Florida, a Political Subdivision of the State of Florida, has caused these presents to be signed on its behalf by its Board of County Commissioners acting by its Mayor and its corporate seal affixed and attested by its Deputy Clerk of the Circuit Court in accordance with Resolution No. [illegible] on this [illegible] day of [illegible], 2001.

MIAMI-DADE COUNTY, Florida
a Political Subdivision of the State of Florida

By: ______ MAYOR, MIAMI-DADE COUNTY — ALEX PENELAS, Print Name

Attest: ______ DEPUTY CLERK — KAY SULLIVAN, Print Name

ACKNOWLEDGEMENT:

STATE OF FLORIDA ss:
COUNTY OF MIAMI-DADE

[illegible]

Signature of Person taking acknowledgement

Printed Name of Acknowledger: [illegible]

Notary Public, State of: Florida

Serial Number: [illegible]

My Commission Expires: [illegible]

Notary Seal

CITY OF MIAMI APPROVALS:

This is to certify that this plat appears to conform to all requirements of Chapter 55 of the City of Miami Code, and Chapter 28 of the Code of Miami-Dade County, Florida. Certified this [illegible] day of [illegible], 2001.

By: ______ Director, City of Miami Department of Public Works

This Plat will not result in a reduction in the level of services for the affected Public facilities below the level of services provided in the Municipality comprehensive plan; therefore, it was approved and the foregoing dedications were accepted and approved by Resolution No. 01-1083 passed and adopted by the Commission of the City of Miami, Florida, this [illegible] day of [illegible], 2001.

Signed: ______ City Manager

Attest: ______ City Clerk

I have reviewed this plat for conformity to Chapter 177, Florida Statutes, as amended.

CITY OF MIAMI PUBLIC WORKS DEPARTMENT

By: ______
FRANK RAY McMAHON, JR., P.S.M.
Professional Surveyor and Mapper No.5030
State of Florida

MIAMI-DADE COUNTY APPROVALS:

This is to certify that this plat appears to conform to all requirements of Chapter 28 of the Code of Miami-Dade County, Florida. Certified this [illegible] day of [illegible] A.D., 200[illegible].

By: ______ Director

RECORDING STATEMENT:

Filed for Record this [illegible] day of [illegible] A.D., 200[illegible], at [illegible] in Book [illegible] of Plats, at Page [illegible] of the Public Records of Miami-Dade County, Florida. This Plat complies with the Laws of the State of Florida and Miami-Dade County, Florida.

HARVEY RUVIN, CLERK OF THE CIRCUIT COURT

By: ______ Deputy Clerk

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: That the attached Plat entitled "DOUGLAS ROAD STATION", is a true and correct representation of the lands described herein as recently surveyed and platted under my direct supervision; also that the Permanent Reference Monuments were set in place on January 25, 2001, and that the Survey data shown hereon is in compliance with Chapter 177, Parts I and II, of the Laws of the State of Florida.

FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
L.B. No.6557

By: ______
RICARDO RODRIGUEZ, P.S.M., for the Firm
Professional Surveyor and Mapper
State of Florida, Registration No. 5636
June [illegible], 2001

DOUGLAS ROAD STATION

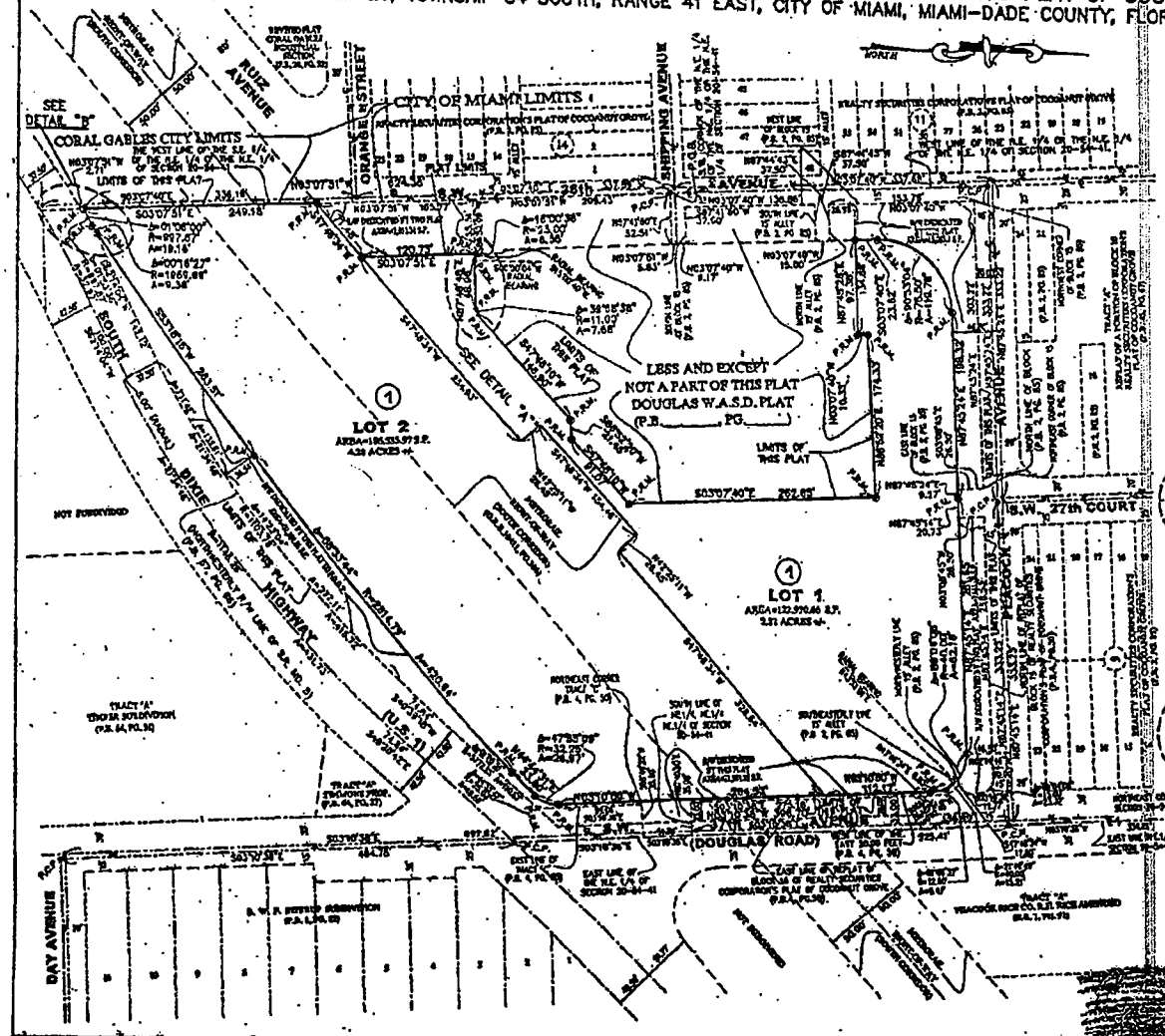
P.B. 158 PG. 32

SHEET 2 OF 2

A REPLAT AND A SUBDIVISION OF: ALL OF TRACT "A", OF BANNER TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 69, AT PAGE 19, AND ALL OF TRACT "B", OF FIRST ADDITION TO BANNER TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 81, AT PAGE 78, AND ALL OF TRACT "C", OF SECOND ADDITION TO BANNER TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, AT PAGE 65, AND A PORTION OF LOTS 3, 6, 7, 9 AND 10, AND ALL OF LOTS 4, 5 AND 8, BLOCK 15, OF REALTY CORPORATION'S PLAT OF COCOANUT GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 85, AND A PORTION OF LOTS 1, 24 AND 25, AND ALL OF LOTS 2 THROUGH 23 INCLUSIVE, OF REPLAT OF BLOCK 16 OF REALTY SECURITIES CORPORATION'S PLAT OF COCOANUT GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, AT PAGE 50, ALL OF SAID PLATS BEING RECORDED IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND A PORTION OF THE EAST 1/2, OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4, OF SECTION 20, TOWNSHIP 54 SOUTH, RANGE 41 EAST, AND A PORTION OF THE UNNAMED 15.00 FOOT ALLEY WITHIN SAID PLAT OF REPLAT OF BLOCK 16 OF REALTY SECURITIES CORPORATION'S PLAT OF COCOANUT GROVE, A PORTION OF S.W. 37th COURT LYING ADJACENT TO SAID BLOCK 15 AND SAID PLAT OF REPLAT OF BLOCK 16 OF REALTY SECURITIES CORPORATION'S PLAT OF COCOANUT GROVE, AND A PORTION OF SHIPPING AVENUE LYING ADJACENT TO SAID BLOCK 15 AND SAID PLAT OF REPLAT OF BLOCK 16 OF REALTY SECURITIES CORPORATION'S PLAT OF COCOANUT GROVE, ALL LYING AND BEING IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 41 EAST, CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA.

FORD, ARMENTEROS & MANUCY, INC.
3800 N.W. 69th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 476-2106

JUNE, 2001

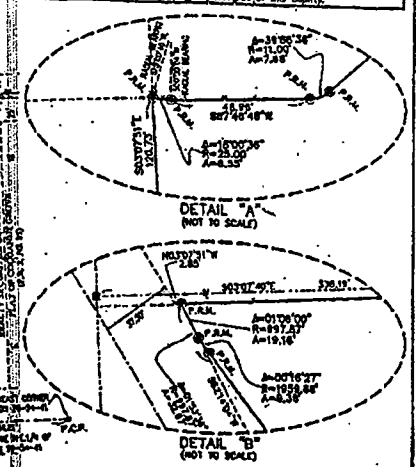


SURVEYOR'S NOTES:

- P.R.M. – Denotes Permanent Reference Monument L.B. No. 6557
- P.C.P. – Denotes Permanent Control Point L.B. No. 6557
- – Denotes City of Miami Monument
- P.B. – Indicates Plat Book
- PG. – Indicates Page
- Sq. Ft. – Indicates Square Feet
- L.B. – Indicates Florida Authorization Number
- ℄ – Indicates Center Line
- ¶ – Indicates City of Miami Monument Line
- F.D.O.T. – Florida Department of Transportation

Bearings shown hereon are based on an assumed value of N03deg07min00sec0 along the East line of the N.E. 1/4, of the N.E. 1/4, of the N.E. 1/4, of Section 20, Township 54 South, Range 41 East, Miami-Dade County, Florida.

NOTICE:
This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the Public Records of this County.



RECORDING STATEMENT:

Filed for Record this 31TH day of January A.D. 2002, at 15:02 P.M., in Book 158 of Plats, at Page 32, of the Public Records of Miami-Dade County, Florida. This Plat complies with the Laws of the State of Florida and Miami-Dade County, Florida.

HARVEY RUVIN, CLERK OF THE CIRCUIT COURT

2002101111 By: [signature] Deputy Clerk

EXHIBIT "B"

FLORIDO & FLORIDO, P.A.
ATTORNEYS AT LAW
Suite 203
7950 Northwest 155th Street
Miami Lakes, FL 33016-5819

HOBEL FLORIDO, ESQ.
HUGO FLORIDO, ESQ.

Tel (786) 621-6988
Fax (305) 828-1798

CITY OF MIAMI, a municipal corporation

OPINION OF TITLE

TO: City of Miami, a municipal corporation of the State of Florida.

With the understanding that this opinion of title is furnished to City of Miami, Florida, in compliance with Section 55-8 of the Miami City Code and as an inducement for acceptance of a Douglas Road Station re-plat covering the real property hereinafter described. It is hereby certified that I have examined the complete Abstract of Title completely covering the period from beginning to October 3, 2008 at 11:00pm inclusive, of the following described real property:

Lots 1 and 2, Block 1 as shown on the Plat of "Douglas Road Station" Plat Book 158, Page 32 as recorded in the Public Records of Miami-Dade, County, Florida.

Together with:

FDOT Surplus Parcel 6105

All that portion of Right-of-Way dedicated to Florida Department of Transportation by that certain plat of "Douglas Road Station", according to the plat thereof, as recorded in Plat Book 158, at Page 32 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast Corner of Lot 2. Block 1, of said plat thence S03deg10min50secE, along the Easterly line of said Lot 2, for 284.53 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence N86deg49min10secE for 3.00 feet; thence S03deg10min50secE for 11.06 feet to a point of curvature of a circular curve to the right, concave to the Northwest; thence Southwesterly along the arc of said curve, having for its successors and/or assigns, as their interest may appear elements a radius of 25.00 feet, through a central angle of 44deg55min47sec for on arc distance of 19.60 feet to a point of compound curvature of a circular curve to the right, concave to the Northwest; the following described five (5) courses and distance being along the Northwesterly Right-of-Way Line of State Road No. 5 (South. Dixie Highway, US. 1) as shown on Plat Book 57, at Page 65 of the Public Records of Miami-Dade County, Florida; 1) thence Southwesterly along the arc of said curve, having for its elements a radius of 5772.15 feet through a central angle of 01deg05min51sec for an arc distance of 110.57 feet to a point, of tangency; 2) thence S40deg39min18secW for 74.84 feet to a point of curvature of a circular curve to the right, concave to the right, concave to the Northwest; 3) thence Southwesterly along the arc of said curve, having for its elements a radius of 1103.78 feet through a central angle of 2(deg34min46sec for an arc distance of 415.72 feet to a point of tangency; 4) thence

S62deg,l4min04secW for 142.12 feet to a point of curvature of a circular curve to the left concave to the Southeast; 5) thence Southwesterly along the arc of said curve having for its elements a radius of 997.87 feet through a central angle of 00deg46min42sec for an arc distance of 13.56 feet to its intersection with the arc of a circular curve to the left concave to the Northwest a radial line to said point bears S36deg25min23secE; the following described five (5) courses and distance being along the Southeasterly line of said Lot 2; 1) thence Northeasterly along the arc of said curve, having for its elements a radius of 1959.86 feet, through a central angle of 00dcgl6min27sec for an arc distance of 9.38 feet to a point of tangency; 2) thence N53degl8minl5secE for 283.51 feet to a point of curvature of a circular curve to the left concave to the Northwest; 3) thence Northeasterly along the arc of said curve having for its elements a radius of 2814.78 feet through a central angle of 08deg33min44sec for an arc distance of 420.64 feet to a point of tangency; 4) thence N44deg44min31secE for 33.80 feet to a point of curvature of a circular curve to the left concave to the Northwest; thence Northeasterly and Northerly along the arc of said curve, having for its elements a radius of 32.25 feet through a central angle of 47deg55min09sec for an arc distance of 26.97 feet to the POINT OF BEGINNING.

Basing my opinion on said complete abstract or title policy covering said period I am of the opinion that on the last mentioned date the fee simple title to the above described real property was vested in:

Metropolitan Dade County, a political subdivision of the State of Florida

Subject to the following liens, encumbrances, and other exceptions:

GENERAL EXCEPTIONS

1. Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.

2. Rights or claims of parties in possession not shown by the public records.

3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.

4. Easements or claims of easements not shown by the public records.

5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

6. Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.

7. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:

(a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and

(b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)

8. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

This Opinion does not cover matters filed in the Federal District Courts of Florida EXCEPT FOR BANKRUPTCY PROCEEDINGS filed prior to October 7, 1984, when the property lies in either DADE, DUVAL, HILLSBOROUGH, LEON OR ORANGE COUNTY.

SPECIAL EXCEPTIONS

1. All matters contained on the Plat of Banner Tract, as recorded in Plat Book 69, Page(s) 19, Public Records of Miami-Dade County, Florida.

2. All matters contained on the Plat of First Addition to Banner Tract, as recorded in Plat Book 81, Page(s) 78, Public Records of Miami-Dade County, Florida.

3. All matters contained on the Plat of Second Addition to Banner Tract, as recorded in Plat Book 85, Page(s) 65, Public Records of Miami-Dade County, Florida.

4. All matters contained on the Plat of Realty Securities Corporation's Plat of Cocoanut Grove, as recorded in Plat Book 2, Page(s) 85, Public Records of Miami-Dade County, Florida.

5. All matters contained on the Plat of Replat of block 16 of Realty Securities Corporation's Plat of Cocoanut Grove, as recorded in Plat Book 4, Page(s) 50, Public Records of Miami-Dade County, Florida.

6. All matters contained on the Plat of Douglas Road Station, as recorded in Plat Book 158, Page(s) 32, Public Records of Miami-Dade County, Florida.

7. Metrorail Right of Way recorded in O.R. Book 10411, Page 386, Public Records of Miami-Dade County, Florida.

8. Easement contained in instrument recorded October 31, 2001, under O.R. Book 19986, Page 2065, Public Records of Miami-Dade County, Florida.

9. Easement contained in instrument recorded October 31, 2001, under O.R. Book 19986, Page 2069, Public Records of Miami-Dade County, Florida.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted this 17th day of October, 2008.

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