

Date: December 7, 2010

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

Agenda Item No. 5(G)

From: George M. Burgess
County Manager



Resolution No. R-1149-10

Subject: Road Closing Petition P-860
Sections: 4 & 5-52-40
NW 97 Avenue, from Florida Turnpike (State Road No. 821) to NW 202 Street; NW
102 Avenue, from NW 186 Street to NW 202 Street; and NW 194 Street, from NW
97 Avenue to NW 107 Avenue
Commission District: 12

Recommendation

It is recommended that the Board of County Commissioners (Board) 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 these rights-of-way being closed.

Scope

This road closing is located within Commission District 12.

Fiscal Impact/Funding Source

The estimated value of these rights-of-way, based on the Property Appraiser's Office assessment of the adjacent properties, is approximately \$294,320. However, several of the abutting properties are exempt by the State from paying taxes. If these rights-of-way are closed and vacated, the portions of land that are not exempt will be placed on the tax roll, generating an estimated \$708 per year in additional property taxes. The total fee for all the rights-of-way included in this road closing is \$30,232.

Track Record/Monitor

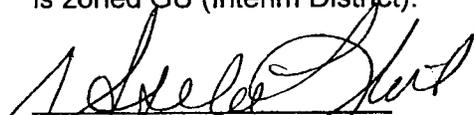
Not Applicable

Background

The property owners abutting NW 97 Avenue, from Florida Turnpike (State Road No. 821) to NW 202 Street; NW 102 Avenue, from NW 186 Street to NW 202 Street; and NW 194 Street, from NW 97 Avenue to NW 107 Avenue, have joined in signing the petition to close these rights-of-way in order to incorporate the areas into their properties. The rights-of-way requested to be closed are located within an area designated as a "Rockmining Overlay Zoning Area" and has never been improved or maintained by Miami-Dade County.

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
Page 2

The subject rights-of-way were dedicated in 1911, by the plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", as recorded in Plat Book 2, Page 17; in 1913, by the plat of CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 27, both of the Public Records of Miami-Dade County, Florida. The area surrounding the subject rights-of-way is zoned GU (Interim 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 **DATE:** December 7, 2010
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 5(G)
County Attorney *[Signature]*

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

Agenda Item No. 5(G)

Veto _____

12-7-10

Override _____

RESOLUTION NO. R-1149-10

RESOLUTION GRANTING PETITION TO CLOSE NW 97 AVENUE, FROM FLORIDA TURNPIKE (STATE ROAD NO. 821) TO NW 202 STREET; NW 102 AVENUE, FROM NW 186 STREET TO NW 202 STREET; AND NW 194 STREET, FROM NW 97 AVENUE TO NW 107 AVENUE (ROAD CLOSING PETITION NO. P-860)

WHEREAS, the County Commission held a public hearing to consider a petition to close NW 97 Avenue, from Florida Turnpike (State Road No. 821) to NW 202 Street; NW 102 Avenue, from NW 186 Street to NW 202 Street; and NW 194 Street, from NW 97 Avenue to NW 107 Avenue, 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 avenues, roads, highways or other places used for travel as described in the attached petition are 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 was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	aye	Lynda Bell	aye
Audrey M. Edmonson	absent	Carlos A. Gimenez	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Natacha Seijas	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairman thereupon declared the resolution duly passed and adopted this 7th day of December, 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.



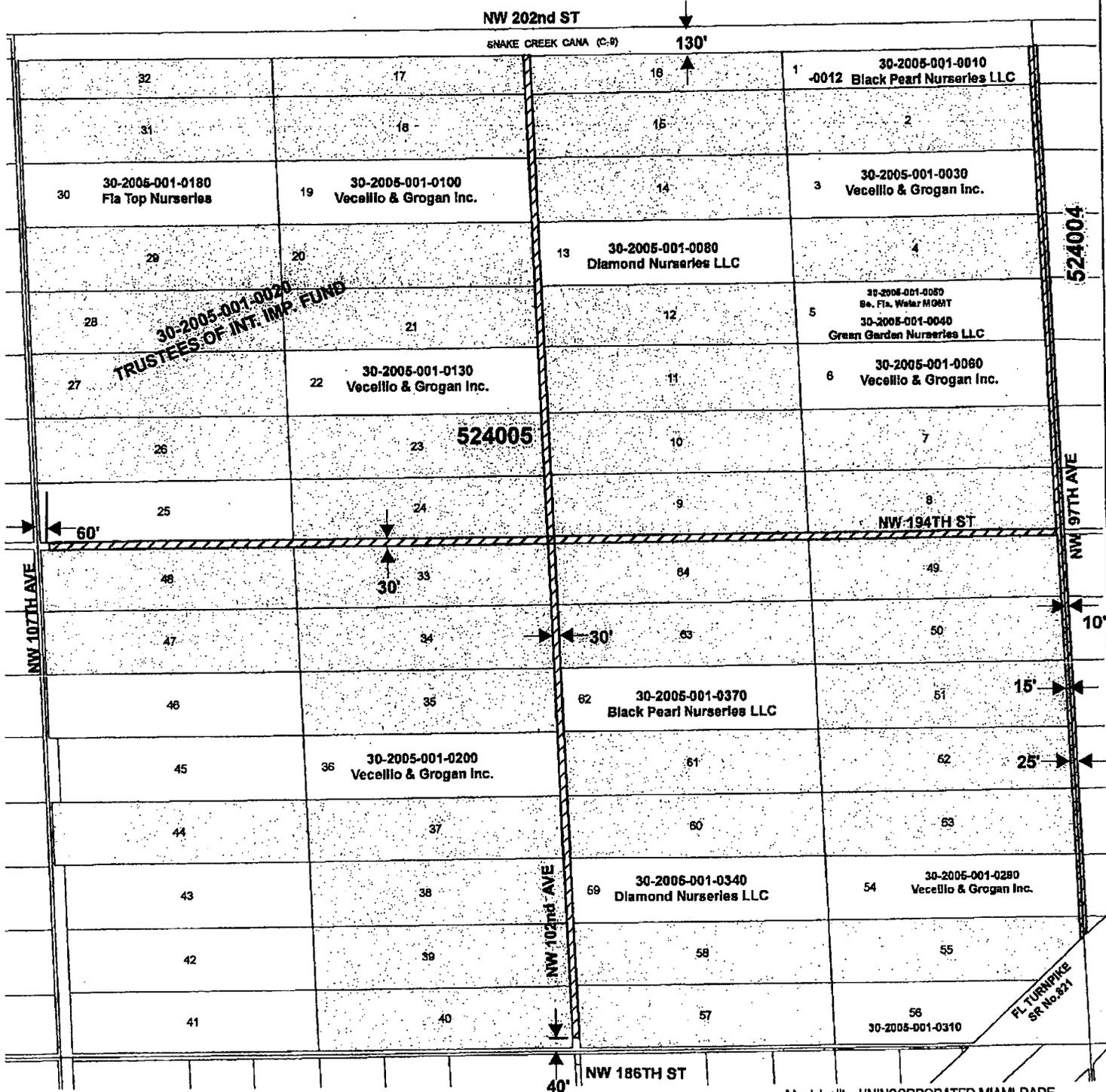
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

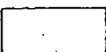
Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor



Municipality: UNINCORPORATED MIAMI-DADE
 Commission District: Jose "Pepe" Diaz, 12
 Miami-Dade County Mayor Carlos Alvarez

Legend

-  Road Closing
-  TRUSTEES OF INT. IMP. FUND

P-860



Date: September 01, 2010
 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 existing public streets, roads, 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 sought to be closed is as follows:

NW 194th STREET RIGHT-OF-WAY VACATION:

The south 15 feet of the North ½ and the north 15 feet of the South ½ of Section 5, Township 52 South, Range 40 East, in 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, less the west 60 feet thereof.

NW 97th AVENUE RIGHT-OF-WAY VACATION:

The west 10 feet of Section 4, Township 52 South, Range 40 East, Miami-Dade County, Florida, bounded on the north by a line 130 feet south of and parallel with the north line of said Section 4, and bounded on the south by the northwesterly right-of-way line of Florida's Turnpike Homestead Extension (State Road No. 821).

And

The east 15 feet of Section 5, Township 52 South, Range 40 East, Miami-Dade County, Florida, bounded on the north by a line 130 feet south of and parallel with the north line of said Section 5, and bounded on the south by the northwesterly right-of-way line of Florida's Turnpike Homestead Extension (State Road No. 821).

NW 102nd AVENUE RIGHT-OF-WAY VACATION:

The west 15 feet of the East ½ and the east 15 feet of the West ½ of Section 5, Township 52 South, Range 40 East, Miami-Dade County, Florida, less the north 130 feet and less the south 40 feet thereof.

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 were dedicated in 1913, by the plat of CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 27; and in 1911, by the plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1, as recorded in Plat Book 2, Page 17, both 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 properties.

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.

<u>PRINT NAME</u>	<u>FOLIO NO.</u>	<u>ADDRESS</u>
Vecellio and Grogan Inc.	30-2005-001-0030 30-2005-001-0060 30-2005-001-0290 30-2005-001-0100 30-2005-001-0130 30-2005-001-0200	101 Sansburys Way, West Palm Beach, Fl 33411
Black Pearl Nurseries, LLC	30-2005-001-0010 30-2005-001-0370	P.O. Box 4587 West Palm Beach, Fl 33402
TRS of II Fund	30-2005-001-0020	3900 Commonwealth Blvd. Tallahassee, Fl 32399
Green Garden Nurseries, LLC	30-2005-001-0040	800 SE Monterey Commons Blvd. #200, Stuart, FL 34996
South Florida Water Management District	30-2005-001-0050 30-2004-000-0045 30-2005-001-0160	P.O. Box 24680 West Palm Beach, FL 33416
Diamond Nurseries, LLC	30-2005-001-0080 30-2005-001-0340	800 SE Monterey Commons Blvd. #200, Stuart, FL 34996

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.

7. Signatures of **all** abutting property owners attached:

Respectfully submitted,

SIGNATURE

ADDRESS

See signature sheet attached:

97th Avenue
 (Between Sections 4
 and 5)

Print Name	Folio No.	Address	Signature
Black Pearl Nurseries, LLC	30-2005-001-0010	P.O. Box 4587 West Palm Beach, FL 33402	<i>Stephan Melf</i> Adm. Manager
TRS OF II Fund	30-2005-001-0020	3900 Commonwealth Blvd., Tallahassee, FL 32399	<i>Stephan Melf</i> Adm. Manager
Vecellio and Grogan Inc.	30-2005-001-0030; 30-2005-001-0060; 30-2005-001-0290	101 Sansburys Way, West Palm Beach, FL 33411	<i>Jim Henke</i> President
Green Garden Nurseries, LLC	30-2005-001-0040	800 SE Monterey Commons Blvd., # 200, Stuart, FL 34996	<i>Stephan Melf</i> Adm. Manager
South Florida Water Management District	30-2005-001-0050; 30-2004-000-0045	P.O. Box 24680 West Palm Beach, FL 33416	<i>Stephan Melf</i> Adm. Manager

Print Name	Folio No.	Address	Signature
Black Pearl Nurseries, LLC	30-2005-001-0370	P.O. Box 4587 West Palm Beach, FL 33402	<i>Alpatone Muff, Manager</i>
Vecellio and Grogan Inc.	30-2005-001-0100; 30-2005-001-0130; 30-2005-001-0200	101 Sansburys Way, West Palm Beach, FL 33411	<i>Tim Huckey, President</i>
South Florida Water Management District	30-2005-001-0160	P.O. Box 24680 West Palm Beach, FL 33416	

Print Name	Folio No.	Address	Signature
South Florida Water Management District	30-2004-000-0045 30-2005-001-0160	P.O. Box 24680 West Palm Beach, FL 33416	<i>Stephane Muf</i>

NW 102 AVE.

Print Name	Folio No.	Address	Signature
Diamond Nurseries, LLC	30-2005-001-0080; 30- 2005-001-0340	800 SE Monterey Commons Blvd., # 200, Stuart, FL 34996	<i>Stephane Mey</i>

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

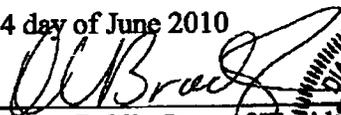
STATE OF FLORIDA)
) SS
PALM BEACH COUNTY)

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


(Signature of Petitioner)

Sworn and subscribed to before me this

14 day of June 2010


Notary Public State of Florida

My Commission Expires: _____

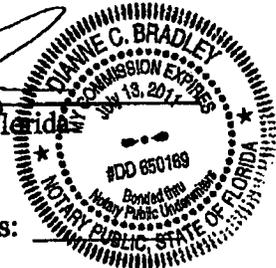
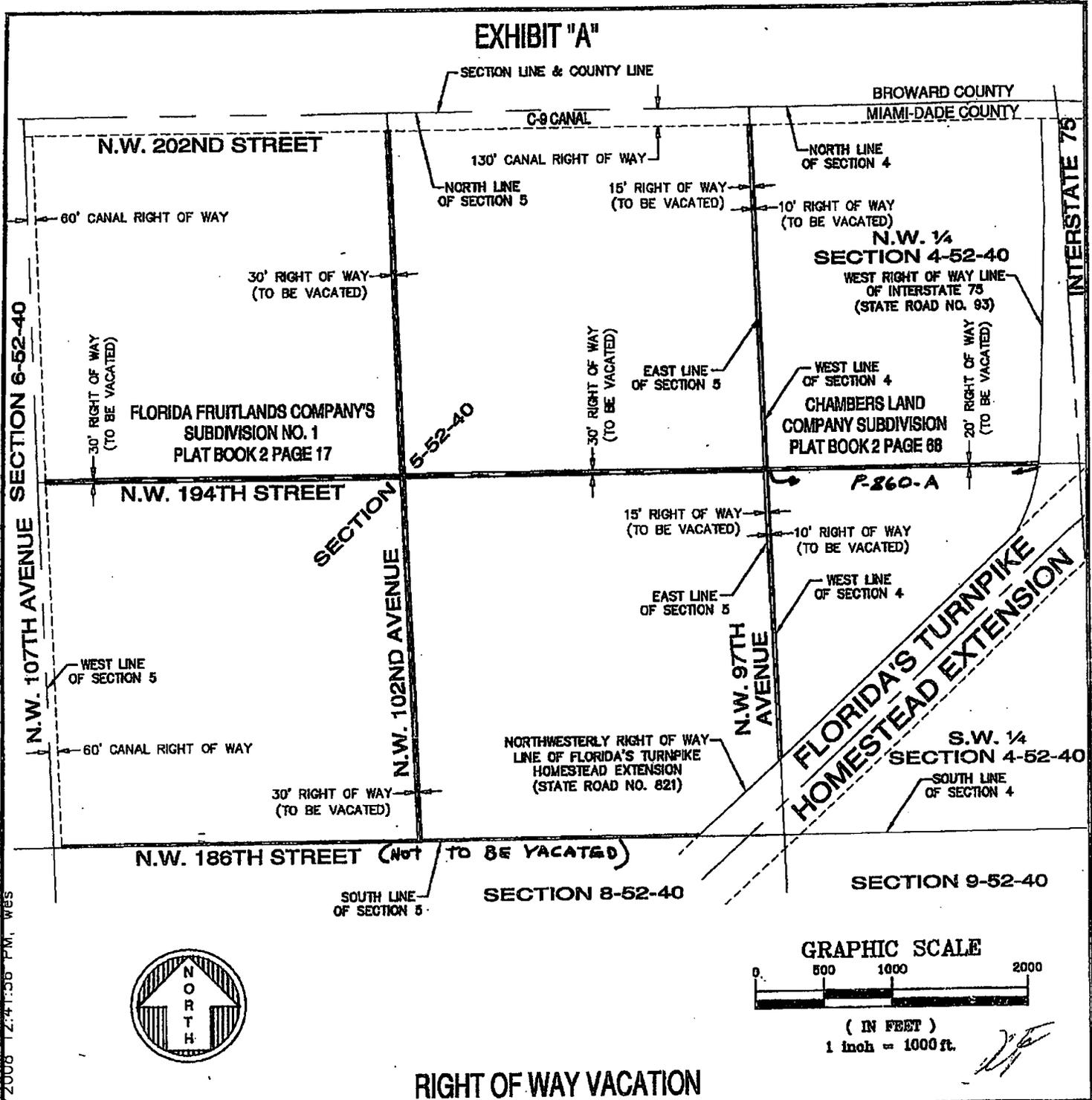


EXHIBIT "A"



RIGHT OF WAY VACATION

Drawn By	WLO
Cad. No.	070422
Ref. Dwg.	3006-099
Plotted:	3/5/08 12:40a

SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th Street / North Miami Beach, Florida. 33162
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

Date	2/28/2008
Scale	1"=1000'
Job. No.	070422
Dwg. No.	1007-052
Sheet	

ADDENDUM TO PETITION TO CLOSE ROAD

THIS ADDENDUM IS MADE AS OF THE 4th DAY OF August, 2010, by: Vecellio and Grogan, Inc.; Black Pearl Nurseries, LLC; Green Garden Nurseries, LLC; South Florida Water Management District; Diamond Nurseries, LLC; 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 Miami-Dade County, Florida, the terms and provisions of such Petition to Close Roads dated May 7, 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 in the most efficient and expedient manner under the law of Statutory Way of Necessity or Implied Grant of Way of Necessity, as applicable. 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") or the South Florida Water Management District ("District"), the State or the District, as applicable, shall have the right to charge and receive all applicable fees in accordance with the applicable laws and administrative rules and regulations.**

[SIGNATURE PAGE FOLLOWS]

[Signature Page to Addendum to Petition to Close Road]

VECELLIO AND GROGAN, INC.,
a West Virginia Corporation

Address: 2251 ROBERT C BYRD DRIVE
BECKLEY WV 25801

By: *Jim Hurley*
its *President-Quarries*

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

" The foregoing instrument was acknowledged before me by *Jim Hurley* the *President-Quarries* of Vecellio and Grogan, Inc., a West Virginia Corporation, personally known to me or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized to execute said instrument on behalf of the Corporation.

Witness my signature and official seal this *29* day of *May*, 2010.

D. Bradley
Signature
Notary Public-State of West Virginia

My Commission Expires: *7/13/11*



[Signature Page to Addendum to Petition to Close Road]

BLACK PEARL NURSERIES, LLC,
a Delaware Limited Liability Company

Address: P.O. Box 4587
West Palm Beach, FL 33402

By: Stephane Muf
Its ~~General~~ Manager

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

The foregoing instrument was acknowledged before me by Stephane Muf, the MANAGER of Black Pearl Nurseries, LLC, a Delaware Limited Liability Company, personally known to me or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized to execute said instrument on behalf of the Company.

Witness my signature and official seal this 28 day of April, 2010.

Francine E. Hines
Signature
Notary Public-State of Florida

My Commission Expires April 2, 2011



[Signature Page to Addendum to Petition to Close Road]

GREEN GARDEN NURSERIES, LLC,
A Delaware Limited Liability Company

Address: 101 Sansbury's Way
West Palm Beach, FL 33416

By: Stephanie Melfi
Its Manager

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

The foregoing instrument was acknowledged before me by STEPHANIE MELFI, the MANAGER of Green Garden Nurseries, LLC, a Delaware Limited Liability Company, personally known to me or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized to execute said instrument on behalf of the Company.

Witness my signature and official seal this 29 day of APRIL, 2010.

Francine E. Hines
Signature
Notary Public-State of Florida

My Commission Expires April 2, 2011



[Signature Page to Addendum to Petition to Close Road]

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT OF THE STATE OF FLORIDA

Address:
SFWMD
3301 Gun Club Road
West Palm Beach, FL 33416

By: *R. Clements*
Ruth Clements, Department Director
Land Acquisition

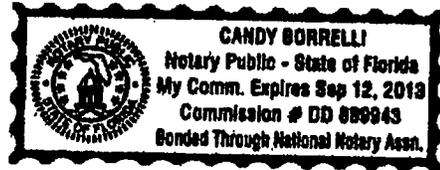
STATE OF FLORIDA)
COUNTY OF PALM BEACH) SS.:

The foregoing instrument was acknowledged before me by Ruth Clements, Department Director Land Acquisition, to me personally known or produced _____ as ~~identification~~ and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized to execute said instrument on behalf of the South Florida Water Management District.

Witness my signature and official seal this 4 day of August, 2010, in the County and State aforesaid.

Candy Borrelli
Signature
Notary Public-State of Florida

My Commission Expires: 9/12/13



[Signature Page to Addendum to Petition to Close Road]

DIAMOND NURSERIES, LLC,
A Delaware Limited Liability Company

Address: 101 Sansbury's Way
West Palm Beach, FL 33416

By: Stephanie Melch
Its Manager

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

The foregoing instrument was acknowledged before me by Stephanie Melch, the MANAGER of Diamond Nurseries, LLC, a Delaware Limited Liability Company, personally known to me or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized to execute said instrument on behalf of the Company.

Witness my signature and official seal this 28 day of April, 2010.

Francine E. Hines
Signature
Notary Public-State of Florida

My Commission Expires April 2, 2011



[Signature Page to Addendum to Petition to Close Road]

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

Deborah Poppell
Witness

Suzanne Lane
Print/Type Witness Name

Terry Johnson
Witness

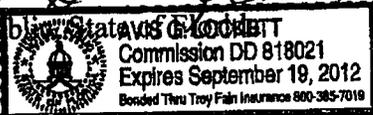
Terry Johnson
Print/Type Witness Name

By: Deborah Poppell (SEAL)

Deborah Poppell, Director
DIVISION OF STATE LANDS,
STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 17th day of August, 2010, by Deborah Poppell, as Director, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

Chris D. Lockett
Notary Public, State of Florida


Print/Type Notary Name
Commission Number:
Commission Expires:

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"), as depicted 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 this 14 day of June, 2009.

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

Witnesses:

Jennifer A. Rekiński
Signature
Jerry Jo Basher
Print Name
Jerry Jo Basher
Signature
Jerry Jo Basher
Print Name

Vecellio and Grogan, Inc.
Name of Corporation
Address: 2251 Robert C. Byrd Dr
Beekley, WV 25801
By Jim Hurley
(President, Vice-President or CEO*)
Print Name: Jim Hurley
[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF FLORIDA COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by Jim Hurley the VICE President of Vecellio and Grogan, Inc. corporation, on behalf of the corporation.
(Name) (Title) (Corporation Name)

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

Witness my signature and official seal this 14th day of June, 2009, in the County and State aforesaid.
Francine E. Hines
Signature
Francine E. Hines
Print Name

Notary Public-State of FLORIDA
My Commission Expires April 2, 2011



(Space reserved for Clerk)

ACKNOWLEDGMENT LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 10 day of September, 2010.

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

Witnesses:

Dana L. Hatcher
Signature

Dana L. Hatcher
Print Name

Robin Hammerman
Signature

ROBIN HAMMERMAN
Print Name

Black Pearl Nurseries, LLC
Name of LLC
Address:

By Stephanie Melfi
(Managing Member*)

Print Name: Stephanie Melfi

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

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by STEPHANIE MELFI (Name) the MANAGING MEMBER (Title) of BLACK PEARL NURSERIES (Name) LLC, on behalf of the LLC.

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

Witness my signature and official seal this 10th day of September, 2010, in the County and State aforesaid.

Francine E. Hines
Signature

FRANCINE E. HINES
Print Name

Notary Public-State of FLORIDA
My Commission Expires: APRIL 2, 2011



(Space reserved for Clerk)

ACKNOWLEDGMENT LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 11th day of June, 2009.

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

Witnesses:

[Signature]
Signature
Jennifer A. Reklinski
Print Name
[Signature]
Signature
Terry Jo Basher
Print Name

Green Garden Nurseries, LLC
Name of LLC
Address: 800 S.E. Monkey Commons Blvd,
Suite 200
Stuart, FL 34956
By [Signature]
(Managing Member*)
Print Name: Stephanie Melfi
[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF FLORIDA COUNTY OF PAUM BEACH

The foregoing instrument was acknowledged before me by STEPHANIE MELFI
the Manager of Green Garden Nurseries, LLC, on
(Title) (Name)
behalf of the LLC.

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

Witness my signature and official seal this 11th day of _____
JUNE, in the County and State aforesaid.

[Signature]
Signature
FRANCINE E. HINES
Print Name

Notary Public-State of FLORIDA
My Commission Expires: April 2, 2011



(Space reserved for Clerk)

ACKNOWLEDGMENT LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 11th day of June, 2009.

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

Witnesses:

[Signature]
Signature

Jennifer A. Rekinsi
Print Name

[Signature]
Signature

Terry JO Basher
Print Name

Diamond Nurseries, LLC
Name of LLC

Address:
800 SE Monterey Commons Blvd.

SUITE 200
STUART, FL 34996

By [Signature]
(Managing Member*)

Print Name: Stephanie Melfi

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

STATE OF FLORIDA

COUNTY OF PAIM BEACH

The foregoing instrument was acknowledged before me by STEPHANIE MELFI the Manager of DIAMOND NURSERIES LLC, on behalf of the LLC.
(Title) (Name)

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

Witness my signature and official seal this 11th day of JUNE, 2009, in the County and State aforesaid.

[Signature]
Signature

FRANCINE E. HINES
Print Name

Notary Public-State of FLORIDA
My Commission Expires: April 2, 2011

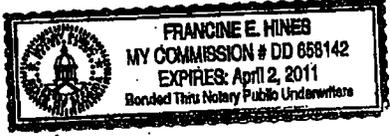


EXHIBIT "A"

LEGAL DESCRIPTION:

NW 194th STREET RIGHT-OF-WAY VACATION:

The south 15 feet of the North ½ and the north 15 feet of the South ½ of Section 5, Township 52 South, Range 40 East, in 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, less the west 60 feet thereof.

NW 97th AVENUE RIGHT-OF-WAY VACATION:

The west 10 feet of Section 4, Township 52 South, Range 40 East, Miami-Dade County, Florida, bounded on the north by a line 130 feet south of and parallel with the north line of said Section 4, and bounded on the south by the northwesterly right-of-way line of Florida's Turnpike Homestead Extension (State Road No. 821).

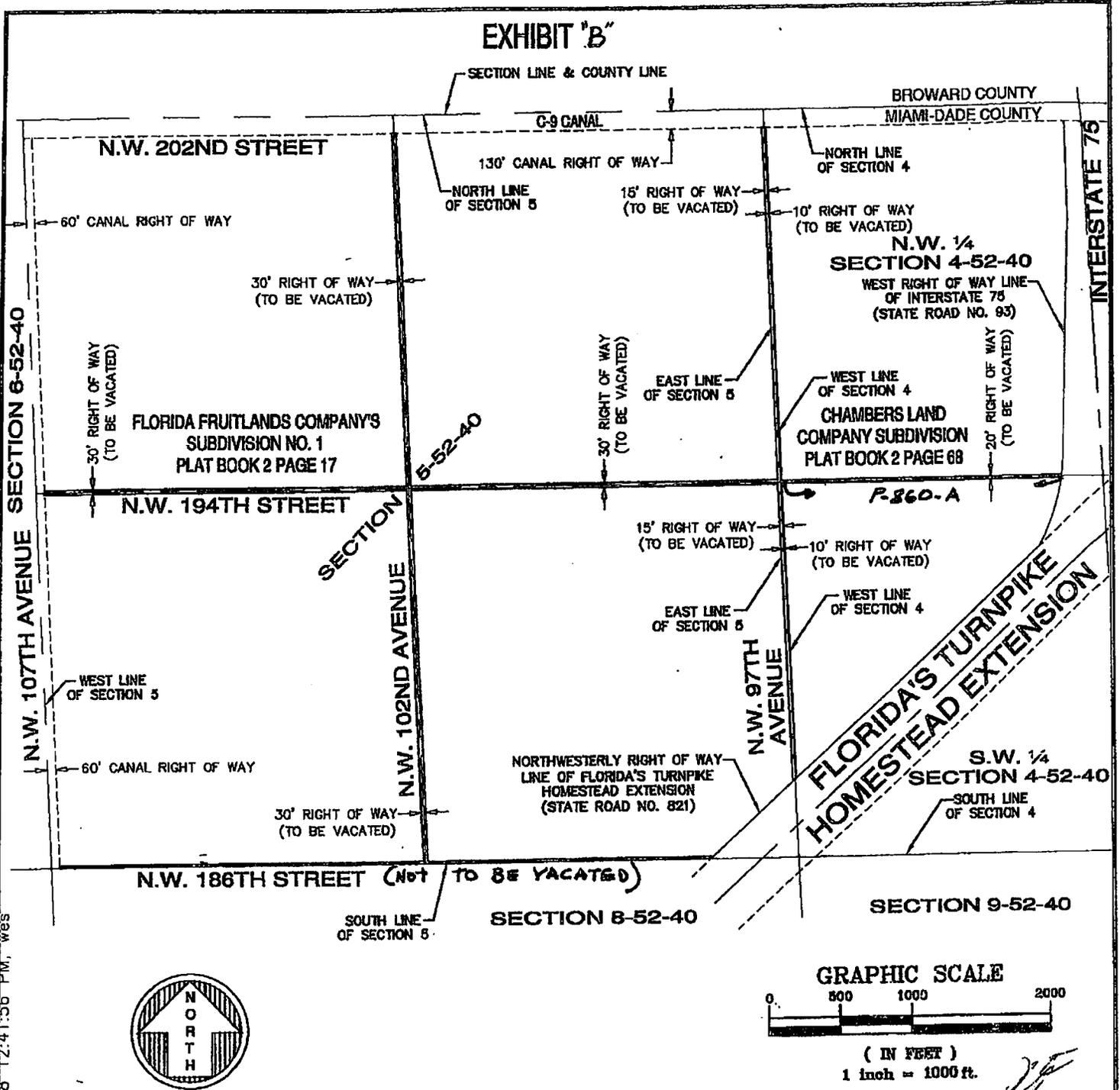
And

The east 15 feet of Section 5, Township 52 South, Range 40 East, Miami-Dade County, Florida, bounded on the north by a line 130 feet south of and parallel with the north line of said Section 5, and bounded on the south by the northwesterly right-of-way line of Florida's Turnpike Homestead Extension (State Road No. 821).

NW 102nd AVENUE RIGHT-OF-WAY VACATION:

The west 15 feet of the East ½ and the east 15 feet of the West ½ of Section 5, Township 52 South, Range 40 East, Miami-Dade County, Florida, less the north 130 feet and less the south 40 feet thereof.

EXHIBIT "B"



(IN FEET)
1 inch = 1000 ft.

RIGHT OF WAY VACATION

Drawn By	WLO
Cad. No.	070422
Ref. Dwg.	3006-099
Plotted:	3/5/08 12:40a

SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th Street / North Miami Beach, Florida. 33162
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

Date	2/28/2008
Scale	1"=1000'
Job. No.	070422
Dwg. No.	1007-052
Sheet	