

MEMORANDUM

Agenda Item No. 5(G)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** July 13, 2012

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

**SUBJECT:** Resolution ratifying and  
affirming after public hearing  
the Board of County  
Commissioners' May 15, 2012  
resolution granting petition to  
close portions of rights-of-way  
between SW 88 Street and SW  
96 Street and between SW 167  
Avenue and SW 172 Avenue  
(Road Closing Petition No. P-  
893)

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Resolution No. R-529-12

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The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** July 3, 2012

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Resolution Ratifying and Affirming after Public Hearing of the Board of County Commissioners' May 15, 2012 Resolution Granting Petition to Close Portions of Rights-of-Way Between SW 88 Street and SW 96 Street; and Between SW 167 Avenue and SW 172 Avenue (Road Closing Petition P-893)  
Commission District: 11

## Recommendation

It is recommended that the Board of County Commissioners (BCC) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Sustainability, Planning and Economic Enhancement, Public Works and Waste Management (PWWM), Water and Sewer and Fire Rescue have no objection to these rights-of-way being closed. This item was previously placed for public hearing and action, and was subsequently approved, at the May 15, 2012 meeting of the BCC. However, the item did not follow the typical legislative schedule for road closings since the item was waived from Committee and heard directly by the BCC. As such, County staff in-advertently advertised the item for public hearing eight (8) days in advance of the BCC meeting, rather than the 14 days required by Florida Statute.

## Scope

This road closing is located within Commission District 11.

## Fiscal Impact/Funding Source

If these rights-of-way are closed and vacated, it will not affect the tax roll, since alternate rights-of-way will be dedicated to replace them. The fee for this road closing is \$800.

## Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Raúl A. Pino, P.L.S., Chief, Land Development/Right-of-Way Division.

## Background

The petitioner, Lennar Homes, LLC, wishes to close portions of rights-of-way between SW 88 Street and SW 96 Street; and between SW 167 Avenue and SW 172 Avenue, in order to incorporate the area into the proposed plat of "KENDALL COMMONS RESIDENTIAL", tentative plat number T-23245. The rights-of-way requested to be closed have never been improved nor maintained by Miami-Dade County. The petitioner for the subject road closing will also dedicate alternate roads for traffic continuity.

The subject rights-of-way were dedicated in 2007, by the plat of KENDALL COMMONS, recorded in Plat Book 166, Page 73, of the Public Records of Miami-Dade County, Florida. The subject rights-of-way are zoned TND (Traditional Neighborhood District).

Alina T. Hudak



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** July 3, 2012

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

**SUBJECT:** Agenda Item No. 5(G)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(G)  
7-3-12

RESOLUTION NO. R-529-12

RESOLUTION RATIFYING AND AFFIRMING AFTER PUBLIC HEARING THE BOARD OF COUNTY COMMISSIONERS' MAY 15, 2012 RESOLUTION GRANTING PETITION TO CLOSE PORTIONS OF RIGHTS-OF-WAY BETWEEN SW 88 STREET AND SW 96 STREET AND BETWEEN SW 167 AVENUE AND SW 172 AVENUE (ROAD CLOSING PETITION NO. P-893)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying 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 closing of the aforementioned roads is contingent on the recording of the plat of KENDALL COMMONS RESIDENTIAL, tentative plat T-23245, that in the event the plat is not approved and recorded this resolution becomes null and void; (2) that the alleyways, streets, roads 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; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner **Audrey Edmonson** who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	<b>aye</b>
	Audrey M. Edmonson, Vice Chairwoman	<b>aye</b>
Bruno A. Barreiro	<b>aye</b>	Lynda Bell
Esteban L. Bovo, Jr.	<b>aye</b>	Jose "Pepe" Diaz
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan
Jean Monestime	<b>aye</b>	Dennis C. Moss
Rebeca Sosa	<b>aye</b>	Sen. Javier D. Souto
Xavier L. Suarez	<b>aye</b>	<b>absent</b>

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of July, 2012. 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



**Christopher Agrippa**

By: \_\_\_\_\_  
Deputy Clerk

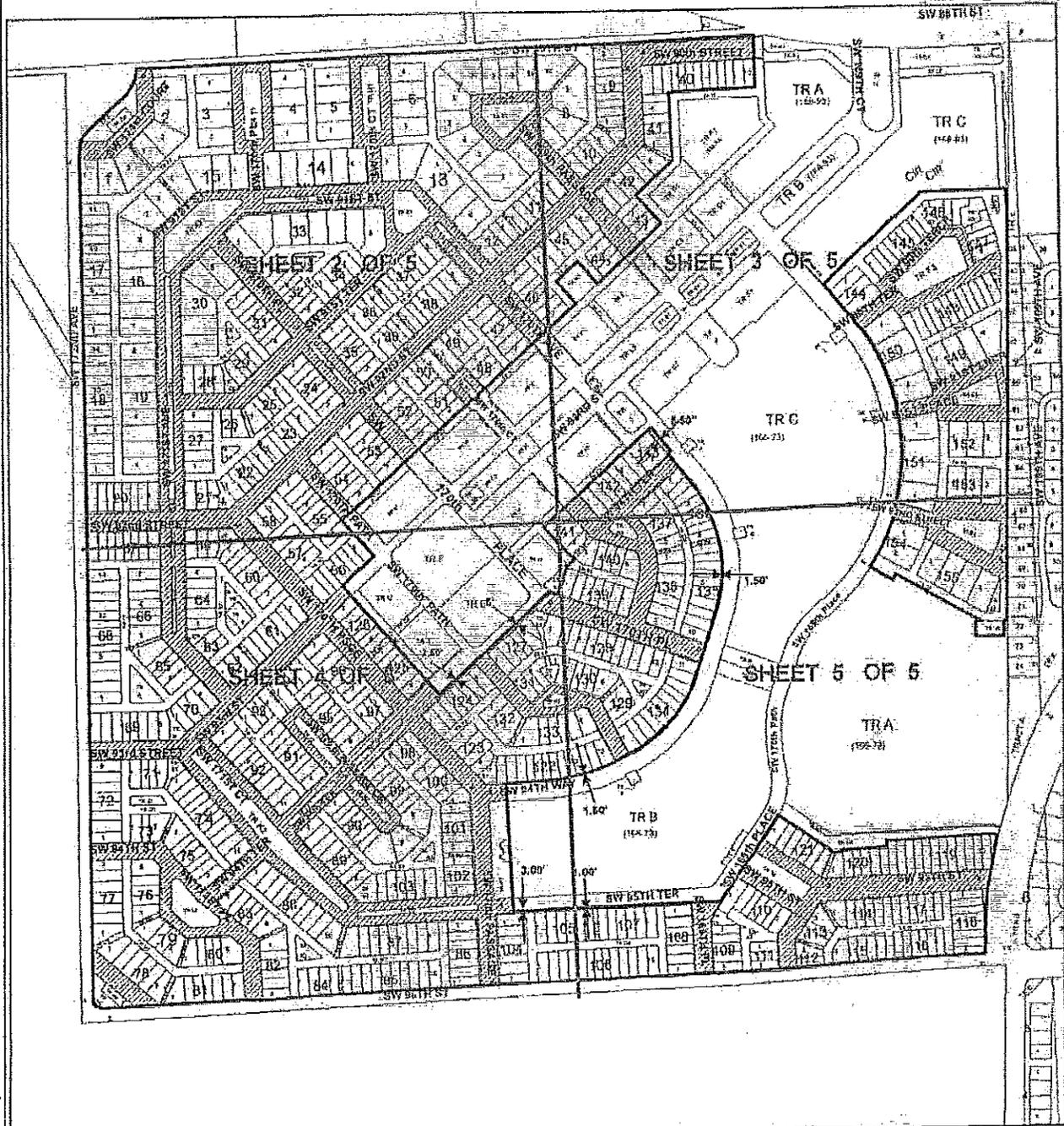
Approved by County Attorney as  
to form and legal sufficiency.

Alex S. Bokor



# Location Map

## SECTION 06 TOWNSHIP 55 S RANGE 39 E



This is not a survey.

### SHEET 1 OF 5

## P- 893

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Jose A. Martinez - 11

MIAMI-DADE COUNTY  
Public Works & Waste Management Department  
Land Development/Right-of-Way Division  
111 NW 1st STREET, SUITE 1610, MIAMI, FLORIDA 33128  
PH (305) 375-2714 FAX (305) 375-2825

**Legend**

 ROAD CLOSING

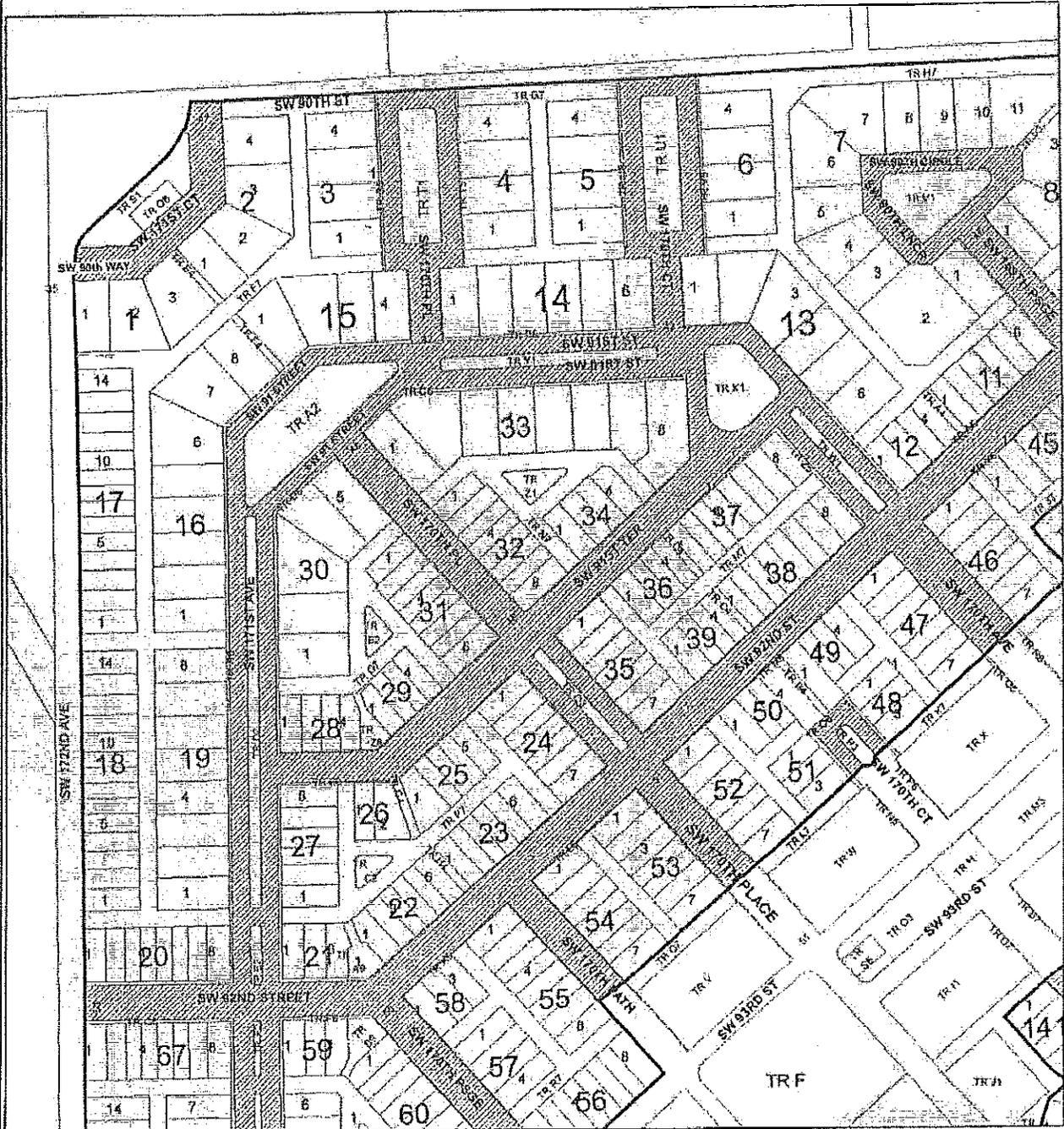


Date: March 07, 2012  
Prepared by: [illegible]



# Location Map

SECTION 06 TOWNSHIP 55 S RANGE 39 E



This is not a survey

**SHEET 2 OF 5**

MIAMI-DADE COUNTY  
 Public Works & Waste Management Department  
 Land Development/Right-of-Way Division  
 111 NW 1st STREET, SUITE 1610, MIAMI, FLORIDA 33128  
 PH (305) 375-2714, FAX (305) 375-2825

**P- 893**

**Legend**

 ROAD CLOSING

Municipality: UNINCORPORATED MIAMI DADE  
 Commission District: Joe A. Martinez, 11

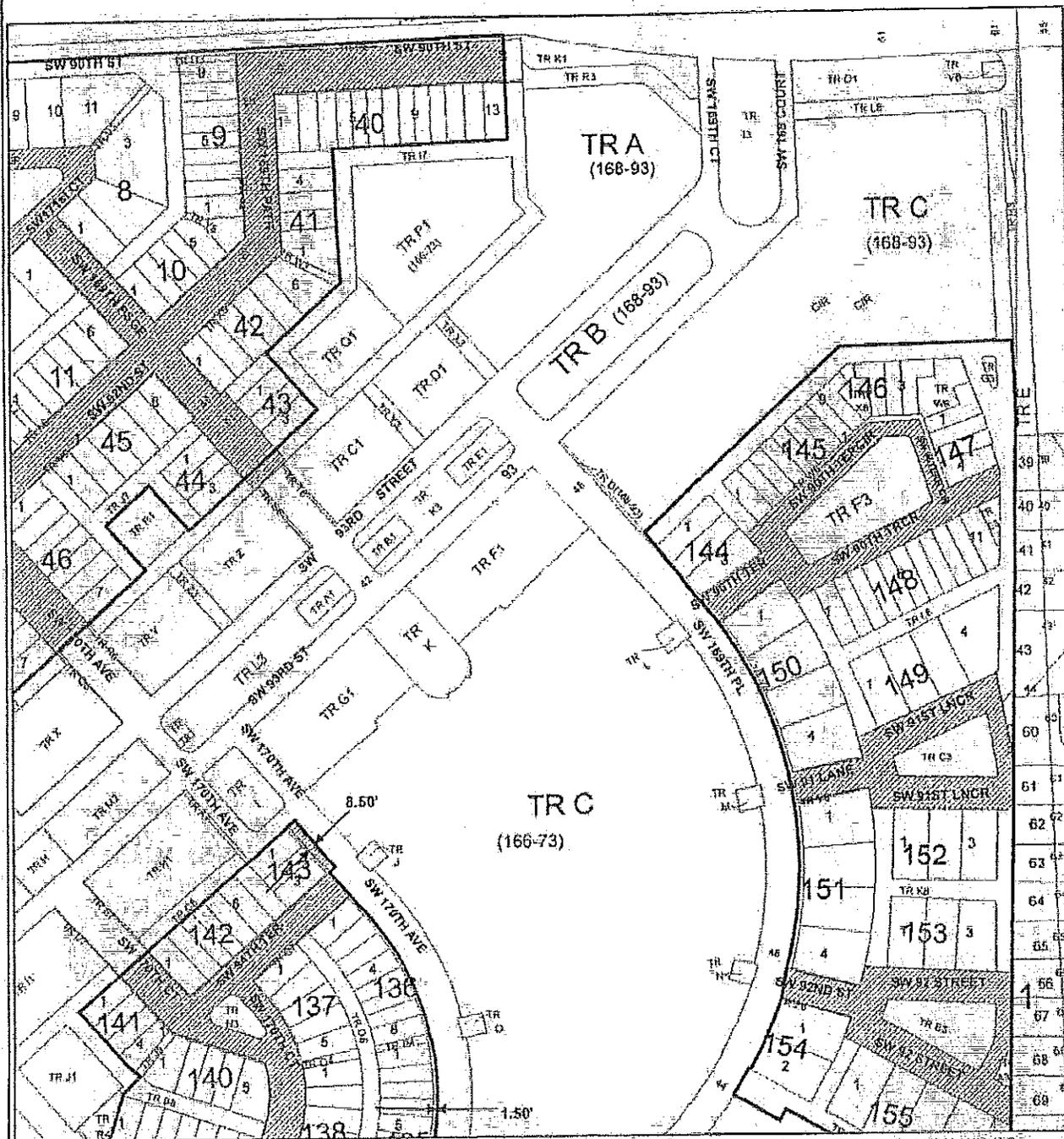


Date: March 01, 2012  
 Prepared by: SM



# Location Map

## SECTION 06 TOWNSHIP 55 S RANGE 39 E



This is not a survey

### P-893

Municipality UNINCORPORATED MIAMI-DADE  
Commission District: Jan A. Martinez, 11

### SHEET 3 OF 5

MIAMI-DADE COUNTY  
Public Works & Waste Management Department  
Land Development/Right-of-Way Division  
113 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33126  
PH: (305) 376-2734 FAX: (305) 376-2825

**Legend**

ROAD CLOSING



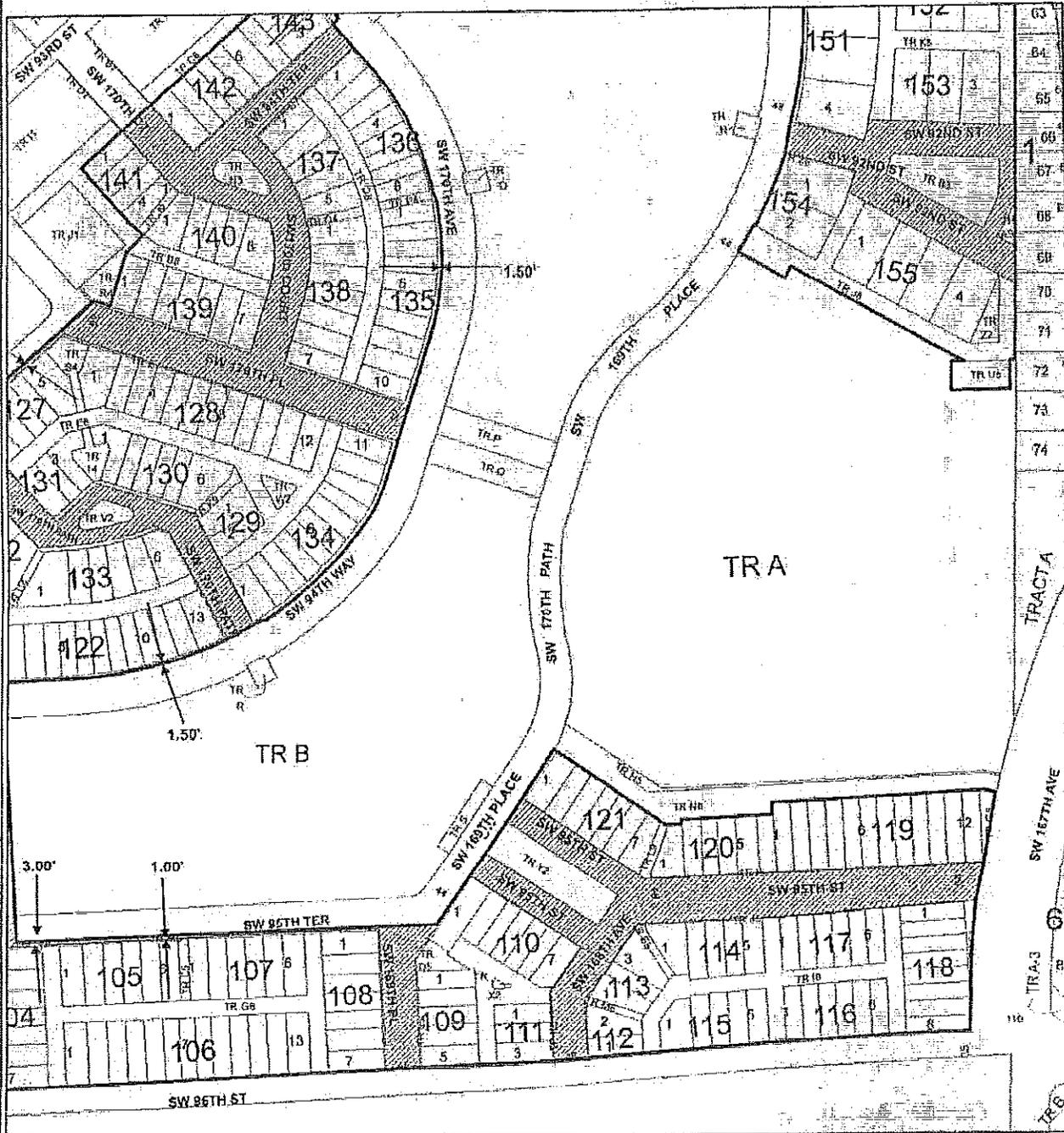
Date: March 07, 2012  
Prepared by: ync





# Location Map

SECTION 06 TOWNSHIP 55 S RANGE 39 E



This is not a survey

## SHEET 5 OF 5

MIAMI-DADE COUNTY  
 Public Works & Waste Management Department  
 Land Development/Right-of-Way Division  
 111 NW 1st STREET, SUITE 1610, MIAMI, FLORIDA 33128  
 PH (305) 375-2714 FAX (305) 375-2825

# P- 893

### Legend

 ROAD CLOSING

Municipality: UNINCORPORATED MIAMI-DADE  
 Commission District: Joe A. Martinez, 11



Date: March 21, 2012  
 Prepared by: JRM

**PETITION TO CLOSE ROAD**

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

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

The undersigned hereby certify:

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

See attached Exhibit "A"



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):

The rights-of-way which are the subject of this Petition are being replatted. Said rights-of-way have never been used for roadway travel purposes. The new roads will be dedicated through the new plat. Moreover, the granting of this Petition will not prevent other property owners from having access to and from their properties and no other property owners in the vicinity will be adversely affected.

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

SIGNATURE

ADDRESS



Carlos González, V.P.  
Lennar Homes, LLC

701 NW 107<sup>th</sup> Avenue, Suite 400  
Miami, Florida 33172

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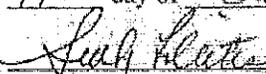
Attorney for Petitioner: Juan J. Mayol, Jr., Esq.  
Address: Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131

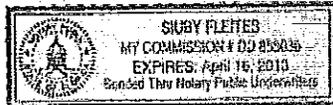
STATE OF FLORIDA            )  
  ) SS  
MIAMI-DADE COUNTY        )

BEFORE ME, the undersigned authority, personally appeared Carlos Gonzalez, V.P. of Lennar Homes, LLC, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all 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:

19<sup>th</sup> day of Jan., 2012  
  
Notary Public State of Florida at Large



My Commission Expires: APRIL 16, 2013

EXHIBIT "A"

Those portions of SW 90th Way, SW 171st Court, SW 171st Avenue, SW 91st Street, SW 170th Place, SW 170th Court, SW 170th Avenue, SW 90th Lane Circle, SW 169th Passage, SW 90th Street, SW 169th Path, SW 92nd Street, SW 91st Terrace, SW 170th Path, SW 93rd Street, SW 170th Passage, SW 170th Passage Circle, SW 94th Terrace, SW 95th Terrace, SW 171st Place, SW 94th Street, SW 171st Path, SW 94th Way, SW 169th Place, SW 168th Avenue, SW 95th Street, SW 91st Lane, SW 90th Terrace Circle, and any unnamed Public Dedicated Right-Of-Way as shown within the plat of "KENDALL COMMONS", as recorded in Plat Book 166 at Page 73 of the Public Records of Miami-Dade County, Florida, which lie within the following described two (2) parcels of land.

Parcel 1:

BEGIN at the Northwest corner of Tract "F7", of said plat of "KENDALL COMMONS"; thence N87°43'42"E, along the North Boundary line of said plat of "KENDALL COMMONS", said line being coincident with the North line of the Northeast 1/4 of Section 6, Township 55 South, Range 39 East, Miami-Dade County, Florida, for a distance of 1,706.82 feet to a point of intersection with the Northerly prolongation of the Easterly line of Lot 13, Block 40 of said plat of "KENDALL COMMONS"; thence S02°16'23"E, along the last described line for a distance of 146.10 feet to the Southeast corner of said Lot 13, Block 40; thence S87°43'37"W, along the Southerly line of said Block 40, for a distance of 246.00 feet to a point of intersection with the Northerly prolongation of the Easterly line of Block 41, of said plat of "KENDALL COMMONS"; thence S02°16'23"E, along the last described line and its Southerly prolongation, for a distance of 182.68 feet to a point of intersection with the Northeasterly prolongation of the Southeasterly line of Block 42, of said plat of "KENDALL COMMONS"; thence S47°55'21"W, along said Southeasterly line of said Block 42, for a distance of 143.14 feet to a point of intersection with the Northwesterly prolongation of the Northeasterly line of Block 43, of said plat of "KENDALL COMMONS"; thence S42°04'39"E, along said Northeasterly line of said Block 43, for a distance of 108.00 feet to the most Easterly corner of Lot 3, of said Block 43; thence S47°55'21"W, along the Southeasterly line of said Block 43 and of Block 44, of said plat of "KENDALL COMMONS" and its Southwesterly prolongation, for a distance of 246.00 feet to the most Easterly corner of Tract "R1", of said plat of "KENDALL COMMONS"; the next described three (3) courses and distances being along the Northeasterly, Northwesterly and Southwesterly lines of said Tract "R1"; 1) thence N42°04'39"W for a distance of 84.00 feet to the most Northerly corner of said Tract "R1"; 2) thence S47°55'21"W for a distance of 82.00 feet to the most Westerly corner of said Tract "R1"; 3) thence S42°04'39"E for a distance of

84.00 feet to the most Southerly corner of said Tract "R1", thence S47°55'21"W, along the Southeasterly line of Block 46, of said plat of "KENDALL COMMONS", and its Northerly prolongation and Southwesterly prolongation, and Southeasterly line of Blocks 47 and 48, of said plat of "KENDALL COMMONS", and its Southwesterly prolongation, for a distance of 375.99 feet to its intersection with the Southeasterly line of Tract "P3", of said plat of "KENDALL COMMONS", said point being on the arc of a circular curve to the right, concave to the Northwest, a radial line to said point bears N80°11'37"E; thence Southerly, Southwesterly and Westerly along the arc of said curve, having for its elements a radius of 11.25 feet, through a central angle of 115°27'29" for an arc distance of 22.67 feet to its intersection with the Northeasterly prolongation of the Southeasterly line of Block 51, of said plat of "KENDALL COMMONS", thence S47°55'21"W, along the last described line and its Southwesterly prolongation, and along the Southeasterly line of Blocks 52, 53 and 54, of said plat of "KENDALL COMMONS", and its Southwesterly prolongation, for a distance of 497.30 feet to a point on a line that is parallel with and 3.00 feet Northeasterly of the Northeasterly line of Tract "K6", of said plat of "KENDALL COMMONS", thence S42°04'39"E, along the last described line, for a distance of 28.00 feet; thence S47°55'21"W for a distance of 3.00 feet to a point on said Northeasterly line of said Tract "K6", thence S42°04'39"E, along the last described line for a distance of 106.00 feet to the most Easterly corner of said Tract "K6", thence S47°55'21"W, along the Southeasterly line of said Tract "K6" and Block 56, of said plat of "KENDALL COMMONS", for a distance of 122.25 feet to a point of intersection with the Northwesterly prolongation of the Northeasterly line of Block 126 of said plat of "KENDALL COMMONS", thence S42°04'39"E, along the last described line and its Southeasterly prolongation, and along the Northeasterly line of Block 125, of said plat of "KENDALL COMMONS", and its Southerly prolongation, for a distance of 413.17 feet to a point on a line parallel with and 2.50 feet Northwesterly of the Northwesterly line of Tract "I6", of said plat of "KENDALL COMMONS", thence N47°55'21"E, along the last described line for a distance of 174.52 feet; thence N42°04'39"W for a distance of 0.50 feet to a point on a line that is parallel with and 5.00 feet Northwesterly of the Northwesterly line of Tract "E7", of said plat of "KENDALL COMMONS", thence N47°55'21"E, along the last described line and its Northeasterly prolongation, for a distance of 241.04 feet to its intersection with the Westerly line of Tract "D7", of said plat of "KENDALL COMMONS", the next two (2) courses and distance being along the Westerly and Southwesterly line of said Tract "D7"; 1) thence S42°04'39"E for a distance of 2.49 feet; 2) thence S72°22'53"E for a distance of 24.30 feet to a point of intersection with the Southwesterly prolongation of the Northwesterly line of Lot 1, of Block 139, of said plat of "KENDALL COMMONS", thence N17°37'07"E, along the last described line for a distance of 80.50 feet to the most Northwesterly corner of said Lot 1, of said Block 139, thence N47°55'21"E for a distance of 31.54 feet; thence N51°08'43"W for a distance of 5.06 feet to its intersection with the Southeasterly

prolongation of the Southwesterly line of Block 141, of said plat of "KENDALL COMMONS"; thence  $N42^{\circ}04'39''W$ , along the last described line for a distance of 122.52 feet to the most Westerly corner of Lot 1, of said Block 141; thence  $N47^{\circ}55'21''E$ , along the Northwesterly line of said Block 141 and Blocks 142 and 143, of said plat of "KENDALL COMMONS", and its Northeasterly prolongation, for a distance of 405.87 feet to a point on a line that is 8.50 feet Northeasterly of and parallel with the Northeasterly line of Tract "B7", of said plat of "KENDALL COMMONS"; thence  $S42^{\circ}04'39''E$ , along the last described line for a distance of 83.53 feet; thence  $S47^{\circ}55'21''W$  for a distance of 7.00 feet; thence  $S42^{\circ}04'39''E$  for a distance of 78.49 feet to a point of curvature of a circular curve to the Right, concave to the Southwest; the following described five (5) courses and distances being along a line parallel with and 1.50 feet Northeasterly, Easterly and Southeasterly of the Southwesterly, Westerly, Northwesterly and Northerly Right-of-Way lines of S.W. 170th AVENUE and S.W. 94th WAY, as shown on said plat of "KENDALL COMMONS"; 1) thence Southeasterly, Southerly and Southwesterly along the arc of said curve, having for its elements a radius of 391.49 feet, through a central angle of  $59^{\circ}41'47''$  for an arc distance of 407.90 feet to a point of tangency; 2) thence  $S17^{\circ}37'07''W$  for a distance of 210.37 feet to a point of curvature of a circular curve to the Right, concave to the Northwest; 3) thence Southwesterly along the arc of said curve, having for its elements a radius of 176.50 feet, through a central angle of  $17^{\circ}31'03''$  for an arc distance of 53.96 feet to a point of compound curvature of a circular curve to the right, concave to the Northwest; 4) thence Southwesterly and Westerly along the arc of said curve, having for its elements a radius of 531.88 feet, through a central angle of  $51^{\circ}52'41''$  for an arc distance of 481.59 feet to a point of tangency; 5) thence  $S87^{\circ}00'51''W$  for a distance of 102.30 feet to a point of intersection with the Northerly prolongation of the Easterly line of Tract "P2", of said plat of "KENDALL COMMONS"; thence  $S02^{\circ}59'09''E$ , along the last described line and its Southerly prolongation, for a distance of 366.52 feet to a point on a line that is parallel with and 3.00 feet North of the Northerly line of Tract "M5", of said plat of "KENDALL COMMONS"; thence  $N87^{\circ}00'51''E$ , along the last described line for a distance of 45.04 feet; thence  $S02^{\circ}59'09''E$  for a distance of 2.00 feet to a point on a line parallel with and 1.00 foot North of the Northerly line of said Tract "M5"; thence  $N87^{\circ}00'51''E$ , along the last described line for a distance of 542.38 feet to its intersection with the Northwesterly line of Tract "K5", of said plat of "KENDALL COMMONS"; thence  $N33^{\circ}29'25''E$ , along the last described line and its Northeasterly prolongation and along the Northwesterly line of Tract "I5", of said plat of "KENDALL COMMONS", for a distance of 277.58 feet to a point of curvature of a circular curve to the left, concave to the Northwest; thence Northeasterly along the arc of said curve, having for its elements a radius of 206.50 feet, through a central angle of  $05^{\circ}36'00''$  for an arc distance of 20.18 feet to the most Northerly corner of said Tract "I5"; thence  $S56^{\circ}30'35''E$ , along the Northeasterly line of said Tract "I5" and of Block 121, of said plat of "KENDALL COMMONS", for a distance

of 177.45 feet; thence N87°00'51"E, along the Westerly and Easterly prolongation of the Northerly line of Block 120, of said plat of "KENDALL COMMONS", for a distance of 159.54 feet to a point on the Westerly line of Lot 1, of Block 119, of said plat of "KENDALL COMMONS"; thence N02°59'09"W, along the last described line for a distance of 16.83 feet to the Northwest corner of said Lot 1, of said Block 119; thence N87°00'51"E, along the Northerly line of said Block 119 and of Tract "G5", of said plat of "KENDALL COMMONS", for a distance of 295.34 feet to the Most Northerly corner of said Tract "G5"; thence S77°08'31"E, along the Northerly line of said Tract "G5", for a distance of 17.17 feet to the Northeast corner of said Tract "G5", said point being on the arc of a circular curve to the left, concave to the Southeast, a radial bearing to said point bears N77°08'00"W; the next described two (2) courses and distances being along the Westerly Right-of-Way line of S.W. 167th AVENUE, as shown on said plat of "KENDALL COMMONS"; 1) thence Southerly along the arc of said curve, having for its elements a radius of 1,355.54 feet, through a central angle of 12°13'10" for an arc distance of 289.10 feet to a point of tangency; 2) thence S00°38'32"W for a distance of 68.42 feet to the Southeast corner of Tract "F5", of said plat of "KENDALL COMMONS"; thence S87°00'51"W, along the North Right-of-Way line of S.W. 96th STREET, as shown on said plat of "KENDALL COMMONS", said line being 35.00 feet North of and parallel with the Southerly line of the said Northeast 1/4 of said Section 6, for a distance of 2,497.79 feet to a point of curvature of a circular curve to the right, concave to the Northeast; thence Westerly, Northwesterly and Northerly along the arc of said curve, having for its elements a radius of 25.00 feet, through a central angle of 92°15'36" for an arc distance of 40.26 feet to a point of tangency; thence N00°43'33"W, along the Easterly Right-of-Way line of S.W. 172nd AVENUE, as shown on said plat of "KENDALL COMMONS", said line being 35.00 feet East of and parallel with the Westerly line of the said Northeast 1/4 of said Section 6, as per FINAL JUDGMENT recorded in Official Records Book 14242, at Page 0597, of the Public Records of Miami-Dade County, Florida, for a distance of 2,390.76 feet to a point of curvature of a circular curve to the right, concave to the Southeast; thence Northerly and Northeasterly along the arc of said curve, having for its elements a radius of 65.00 feet, through a central angle of 48°39'00" for an arc distance of 55.19 feet to a point of tangency; thence N47°55'27"E, along the Northwesterly line of Tract "S1", of said plat of "KENDALL COMMONS", for a distance of 135.37 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 135.00 feet, through a central angle of 41°02'19" for an arc distance of 96.70 feet to its intersection with the said Northerly line of the Northeast 1/4 of said Section 6; thence N87°43'42"E, along the last described line for a distance of 41.21 feet to the POINT OF BEGINNING.

Parcel 2:

BEGIN at the Southeast corner of Tract "U8", of said plat of "KENDALL COMMONS"; the next described three (3) courses and distances being along the Southerly, Westerly and Northerly Boundary Lines of said Tract "U8"; 1) thence N89°21'16"W for a distance of 80.00 feet; 2) thence N00°38'44"E for a distance of 40.00 feet; 3) thence S89°21'16"E for a distance of 16.32 feet; thence N60°40'41"W, along the Southwesterly Line of Tract "J8", of said plat of "KENDALL COMMONS", for a distance of 277.12 feet; thence S29°19'19"W for a distance of 18.00 feet; thence N60°40'41"W, along the Southwesterly Line of said Tract "J8", for a distance of 74.66 feet to a point on the Southeasterly Right-of-way Line of S.W. 169th PLACE, as shown on said Plat of "KENDALL COMMONS", said point being on the arc of a circular curve to the left, concave to the Northwest, a radial line to said point bears S56°28'35"E; thence Northeasterly along the last described line and along the arc of said curve, having for its elements a radius of 573.22 feet, through a central angle of 4°12'07" for an arc distance of 42.04 feet; thence S60°40'42"E, along a radial line to the next described curve for a distance of 1.00 foot to a point on the arc of a circular curve to the left, concave to Northwest; thence Northeasterly along the arc of said curve, having for its elements a radius of 574.22 feet, through a central angle of 14°52'56" for an arc distance of 149.15 feet to its intersection with the Southwesterly line of Tract "Y6", of said plat of "KENDALL COMMONS"; thence N73°27'53"W, along the last described line for a distance of 3.50 feet to the most Southwesterly corner of said Tract "Y6", said point being on the arc of a circular curve to the left, concave to the West, a radial line to said point bears S75°34'26"E, said point also being on said Easterly Right-of-Way Line of S.W. 169th PLACE, as shown on said plat of "KENDALL COMMONS"; thence Northerly and Northwesterly along the Westerly line of said Tract "Y6" and of Tract "X6", of said plat of "KENDALL COMMONS", and along the arc of said curve, having for its elements a radius of 570.70 feet, through a central angle of 51°39'15" for an arc distance of 514.50 feet to a point of tangency; thence N42°04'39"W, along said Right-of-Way line for a distance of 132.32 feet; thence N47°55'21"E, along the Southwesterly prolongation of the Northwesterly line of Block 144, of said plat of "KENDALL COMMONS", and its Northeasterly prolongation, and along the Northwesterly line of Block 145 and Tract "X8", all of said plat of "KENDALL COMMONS", for a distance of 370.72 feet to the Northerly corner of said Tract "X8"; thence N87°43'37"E, along the Northerly line of said Tract "X8" and along the Northerly line of Block 146 and Tract "W8", and its Easterly prolongation, all of said plat of "KENDALL COMMONS", for a distance of 236.70 feet to a point on the Easterly boundary line of said plat of "KENDALL COMMONS"; thence S00°38'32"W, along the last described line for a distance of 1,175.32 feet; thence N89°21'28"W, along the Southerly Line of said Tract "J8", for a distance of 7.20 feet; thence S00°38'22"W, along the Easterly Line of said Tract "U8", for a distance of 40.00 feet to the POINT OF BEGINNING.