OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(M)(2)

TO: Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners

DATE: September 4, 2013

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

SUBJECT: Resolution authorizing the release of unneeded canal reservation lying within the South ½ of Section 8, Township 53 South and Range 40 East
Resolution No. R-695-13

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: September 4, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Release of Unneeded Canal Reservation in the City of Doral, Miami-Dade County (WC-886)

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the execution of a Miami-Dade County Disclaimer for the release of unneeded canal reservation in the City of Doral in Section 8, Township 53 South and Range 40 East, Miami-Dade County.

Scope

The site is in Commission District 12 (Commissioner Diaz) along NW 74 Street between NW 97 Avenue and NW 107 Avenue in the City of Doral.

Fiscal Impact/Funding Source

This item has no fiscal impact for the County and does not require the expenditure of County funds.

Track Record / Monitor

The Water Control Section Manager within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, Maria Molina, P.E., will be responsible for tasks related to this transaction.

Background

In 1962, the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, gave to the County a canal reservation in northwestern Miami-Dade County. Under Florida Flood Control District Deed No. 81, the rights in reservation were for canal and water management purposes in connection with the Miami-Dade Water Control Master Plan over the south 130 feet of Section 8, Township 53 South and Range 40 East. Site diagrams are included in the attachments.

The two (2) properties encumbered by the above-stated canal reservation are owned by Terra Doral Commons Residential, LLC and Terra Doral Commons Commercial, LLC, both Florida limited liability companies. These companies plan to develop the properties and have requested the release of canal reservation along NW 74 Street between NW 97 Avenue and NW 107 Avenue, less a 100 foot section owned by the City of Doral. There is no existing canal along NW 74 Street and the Miami-Dade Water Control Master Plan shows no proposed canal at that location. In consideration of this, the canal reservation, with total area of 15.40 acres, is no longer needed for canal and water management purposes.

It is therefore recommended that the Board approve the attached resolution authorizing the execution of a Miami-Dade County Disclaimer for the release of unneeded canal reservation in the City of Doral in Section 8, Township 53 South, and Range 40 East, Miami-Dade County.

Jack Osterholt, Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 4, 2013

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

SUBJECT: Agenda Item No. 8(M)(2)

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 Mayor'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(M)(2)
9-4-13

RESOLUTION NO. R-695-13

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE SOUTH ½ OF SECTION 8, TOWNSHIP 53 SOUTH AND RANGE 40 EAST IN MIAMI-DADE COUNTY

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

WHEREAS, Terra Doral Commons Residential, LLC and Terra Doral Commons Commercial, LLC are the owners of the properties in Section 8, Township 53 South and Range 40 East which are encumbered by those rights in reservation given to Miami-Dade County in 1962 by the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, to be used for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan; and

WHEREAS, Terra Doral Commons Residential, LLC and Terra Doral Commons Commercial, LLC plan to develop the properties and have requested the release of the 130 foot wide canal reservation along the south line of Section 8, Township 53 South and Range 40 East, less 100 feet, with total area of 15.40 acres; and

WHEREAS, there is no existing canal along NW 74 Street between NW 97 Avenue and NW 107 Avenue and the Miami-Dade County Water Control Master Plan shows no proposed canal at that location; and

WHEREAS, in consideration of this and on behalf of Miami-Dade County, the Department of Regulatory and Economic Resources has determined that the requested canal reservation is no longer needed by the County for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the Mayor or the Mayor's designee to allow the release of unneeded canal reservation from Miami-Dade County in Section 8, Township 53 South and Range 40 East as indicated in the Mayor's memorandum, a copy of which is attached hereto and incorporated herein by reference; authorizes the Mayor to execute the disclaimer for release of the rights of reservation from Miami-Dade County through the instrument of conveyance in substantially the form attached hereto and made a part hereof. Pursuant to Resolution No. R-974-09, the Board directs the Mayor or the Mayor's designee to record the instrument of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			**aye**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of September, 2013. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eduardo W. Gonzalez

W.C. 886
1

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

SEE EXHIBIT A

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 81 dated July 25, 1962, recorded in Official Records Book 3356 at Page 609 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands; and

WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 81 dated July 25, 1962, recorded in Official Records Book 3356 at Page 609 of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the _____ day of _____ 20____.

ATTEST:

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

Print: _____

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

By: _____
Carlos A. Gimenez, Mayor

The foregoing instrument was acknowledged before me this ____ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____
STATE OF FLORIDA at large
(Seal)

My commission expires: _____

This instrument was prepared by:
Carlos A. Calvache of Miami-Dade County
Department of Regulatory and Economic Resources
701 N.W. 1st Court, 6th Floor
Miami, Florida 33136

EXHIBIT A

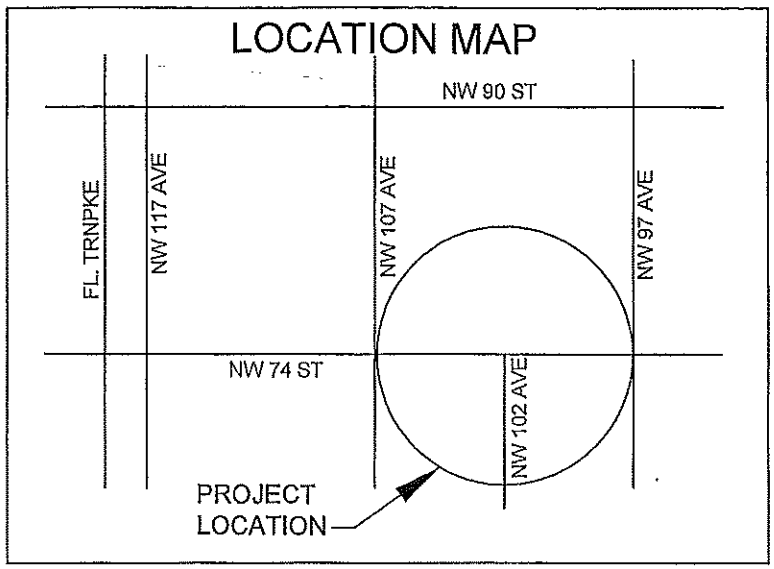
PORTIONS OF THE 130.00 FOOT CANAL RESERVATION, AS RECORDED IN OFFICIAL RECORDS BOOK 3356 AT PAGE 609 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LYING AND BEING IN SECTION 8, TOWNSHIP 53 SOUTH, RANGE 40 EAST, CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE NORTH 01°43'29" WEST, ALONG THE WEST LINE OF SAID SECTION 8, FOR 130.04 FEET; THENCE NORTH 89°39'25" EAST, ALONG A LINE PARALLEL WITH AND 130.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID SECTION 8, FOR 2633.20 FEET TO THE EAST LINE OF THE S.W. ¼ OF SAID SECTION 8; THENCE SOUTH 01°43'57" EAST, ALONG THE EAST LINE OF THE S.W. ¼ OF SAID SECTION 8, FOR 130.04 FEET TO THE SOUTH ¼ CORNER OF SAID SECTION 8; THENCE SOUTH 89°39'25" WEST, ALONG THE SOUTH LINE OF SAID SECTION 8, FOR 2633.22 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 8 AND THE POINT OF BEGINNING. SAID CANAL RESERVATION TO BE RELEASED CONTAINS 342,317 SQUARE FEET MORE OR LESS (7.85 ACRES MORE OR LESS)

BEGINNING AT THE SOUTH ¼ CORNER OF SAID SECTION 8; THENCE NORTH 01°43'57" WEST, ALONG THE EAST LINE OF S.W. ¼ OF SAID SECTION 8, FOR 130.04 FEET; THENCE NORTH 89°39'25" EAST, ALONG A LINE PARALLEL WITH AND 130.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID SECTION 8, FOR 1452.72 FEET TO A POINT HEREINAFTER KNOWN AS POINT "A"; THENCE SOUTH 01°44'25" EAST, ALONG A LINE PARALLEL WITH AND 1180.17 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 8, FOR 130.04 FEET TO THE S.E. CORNER OF SAID SECTION 8; THENCE SOUTH 89°39'25" WEST, ALONG THE SOUTH LINE OF SAID SECTION 8, FOR 1452.75 FEET TO THE SOUTH ¼ CORNER OF SAID SECTION 8 AND THE POINT OF BEGINNING. SAID CANAL RESERVATION TO BE RELEASED CONTAINS 188,856 SQUARE FEET MORE OR LESS (4.33 ACRES MORE OR LESS)

TOGETHER WITH

BEGINNING AT THE AFOREMENTIONED POINT "A"; THENCE NORTH 89°39'25" EAST FOR 100.03 FEET TO THE POINT OF BEGINNING "A"; THENCE CONTINUE NORTH 89°39'25" EAST FOR 1080.45 FEET TO THE EAST LINE OF SAID SECTION 8 (LAST MENTIONED TWO COURSES BEING ALONG A LINE PARALLEL WITH AND 130.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID SECTION 8); THENCE SOUTH 01°44'25" EAST, ALONG THE EAST LINE OF SAID SECTION 8, FOR 130.04 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE SOUTH 89°39'25" WEST, ALONG THE SOUTH LINE OF SAID SECTION 8, FOR 1080.44 FEET; THENCE NORTH 01°44'25" WEST, ALONG A LINE PARALLEL WITH AND 1080.17 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 8, FOR 130.04 FEET TO THE POINT BEGINNING. SAID CANAL RESERVATION TO BE RELEASED CONTAINS 140,457 SQUARE FEET MORE OR LESS (3.22 ACRES MORE OR LESS)

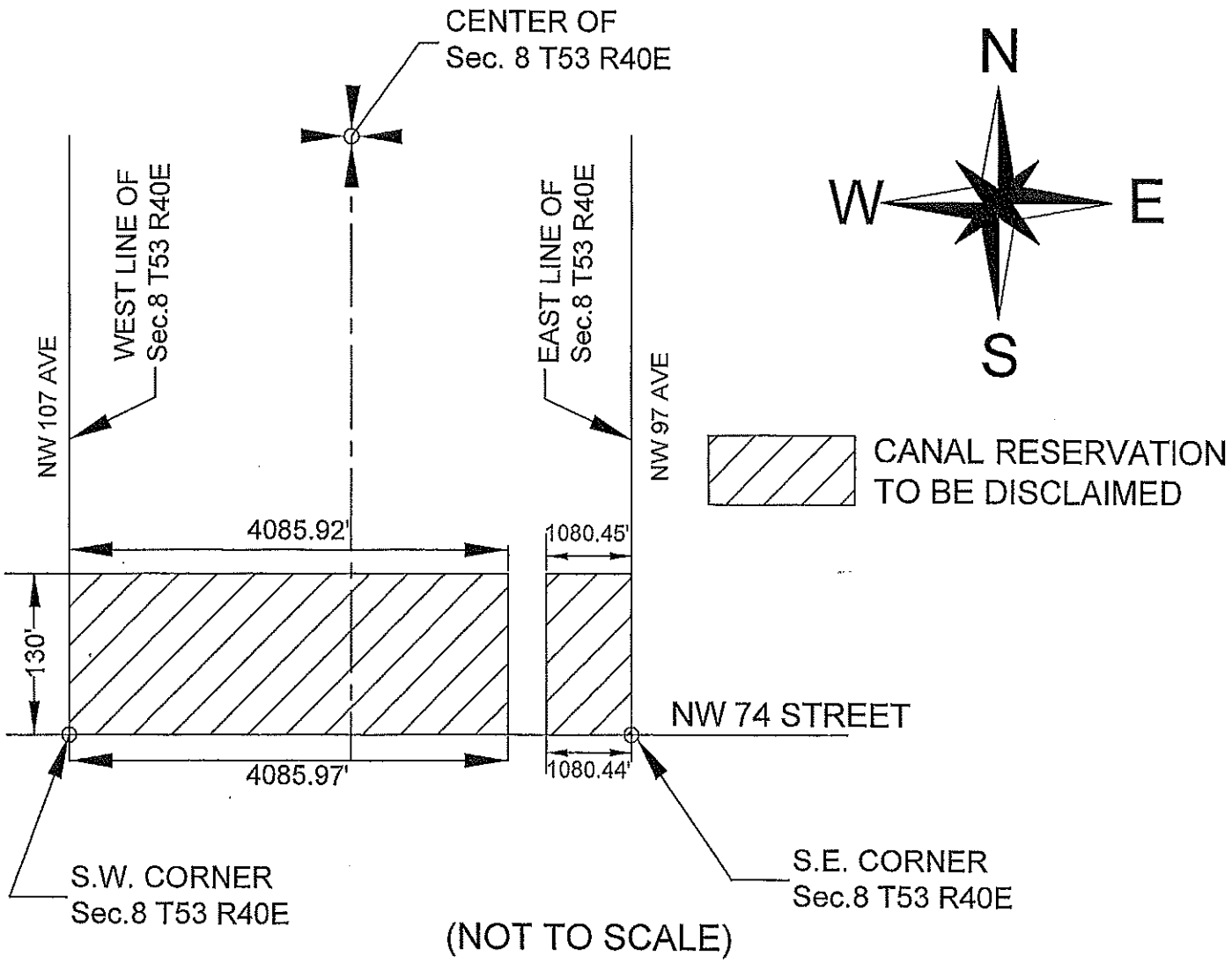


WC. 886

SEC. 8

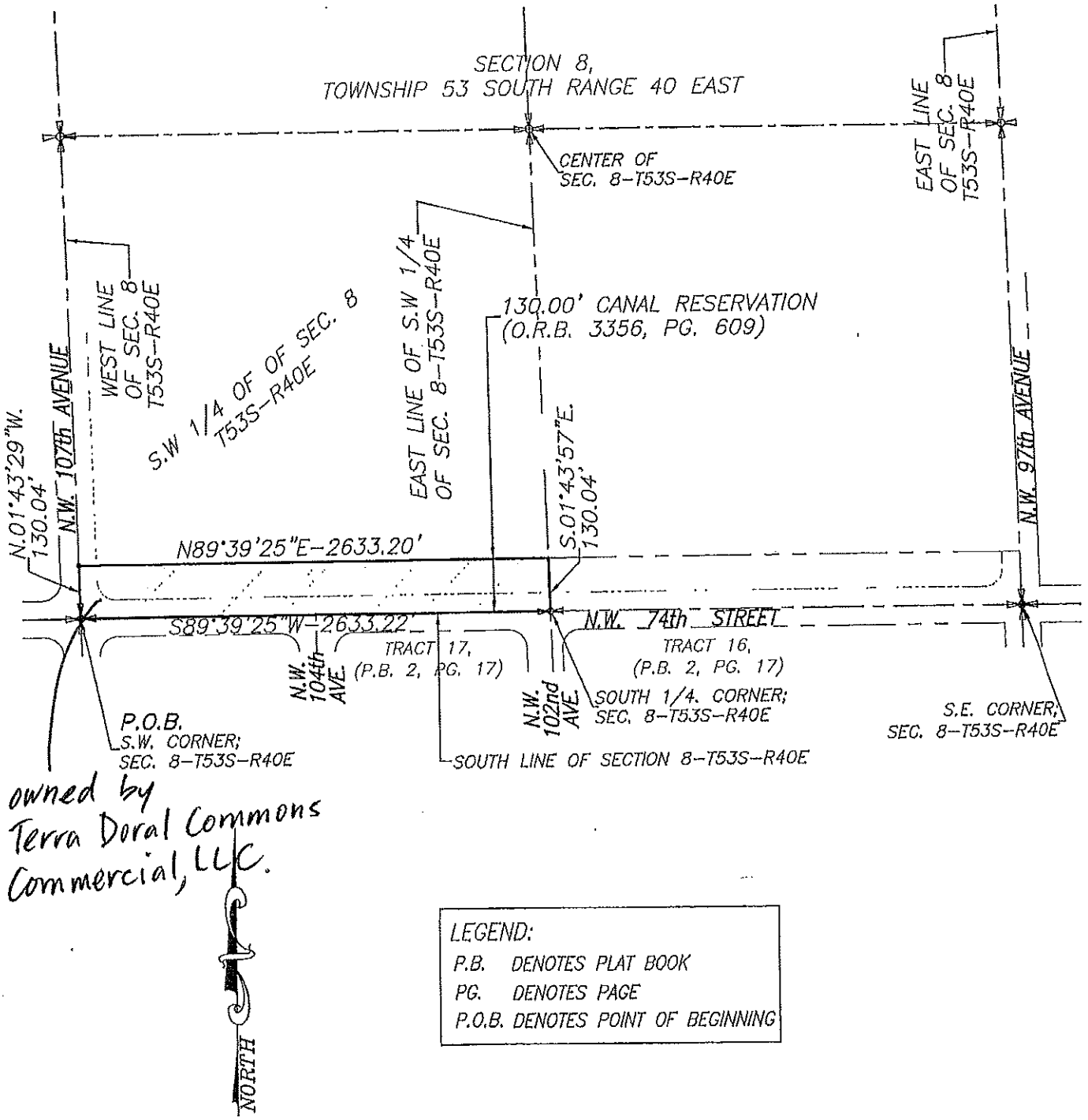
TWP. 53

RGE. 40



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

CANAL RESERVATION TO BE RELEASED



LEGEND:

P.B. DENOTES PLAT BOOK
PG. DENOTES PAGE
P.O.B. DENOTES POINT OF BEGINNING

NOT TO SCALE

SHEET 1 OF 2 SHEETS

Schwebke-Shiskin & Associates, Inc.
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No. (954)438-3288

ORDER NO. 201088
DATE: MARCH 1, 2013
THIS IS NOT A " BOUNDARY SURVEY"
CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

MARK STEVEN JOHNSON SEC'Y & TREAS.
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

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2) ORDERED BY: TERRA GROUP
3) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.

NOT TO SCALE

SHEET 2 OF 2 SHEETS

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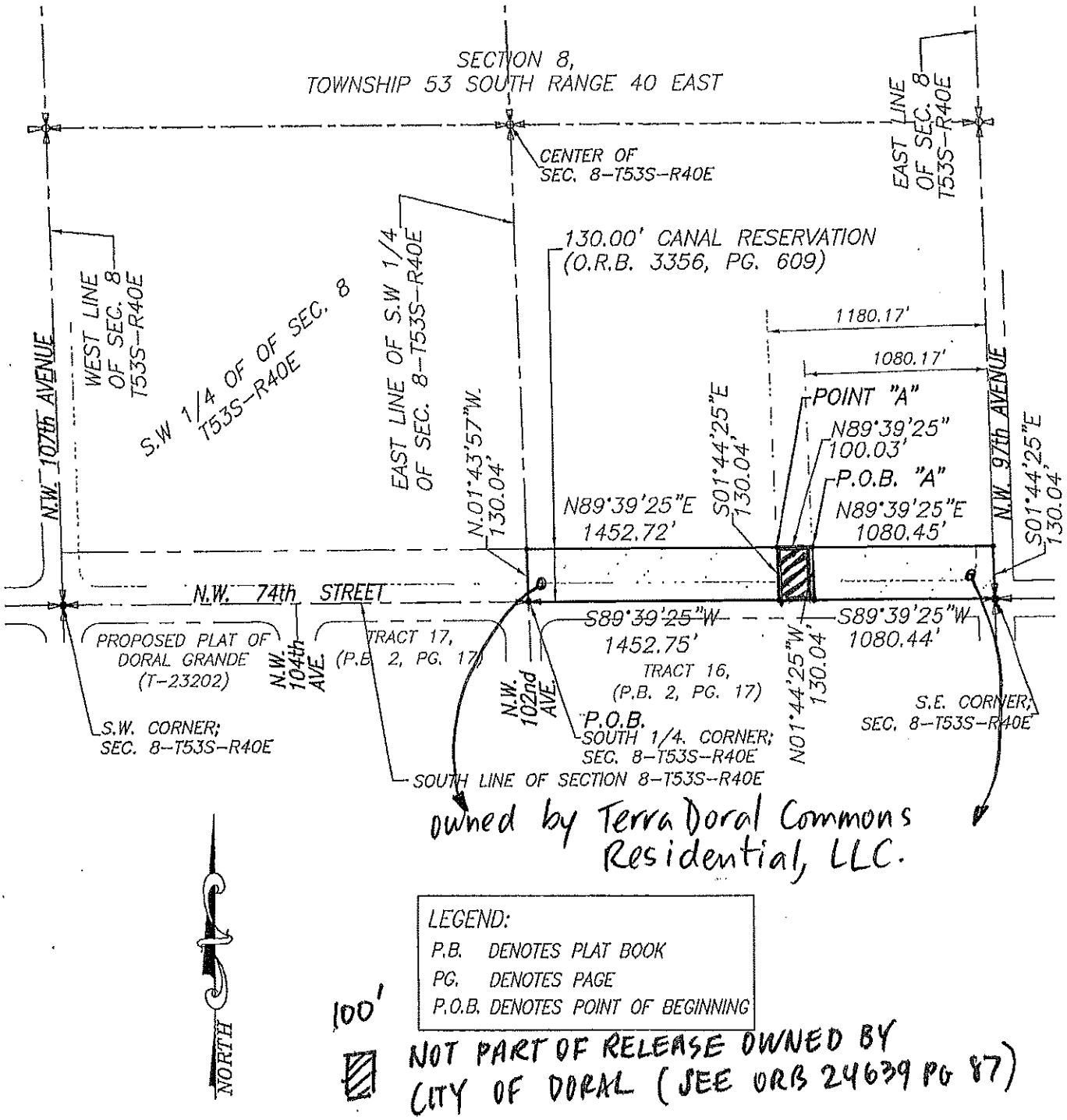

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PREPARED UNDER MY SUPERVISION:
MARK STEVEN JOHNSON SEC'Y & TREAS.
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

CFN 2012R0761481
OR Bk 28327 Pgs 2793 - 2797; (5pgs)
RECORDED 10/24/2012 14:55:31
DEED DOC TAX 79,884.00
SURTAX 59,913.00
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

THIS INSTRUMENT WAS PREPARED BY:
Kolleen Cobb, Esq.
2855 S. LeJeune Road
4th Floor
Coral Gables, Fl 33134

AFTER RECORDING RETURN TO:
Ricardo L. Fraga, Esq.
Greenberg Traurig, P.A.
333 S.E. 2nd Avenue
Miami, Florida 33131

Folio No.: A portion of 35-3008-000-0040

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 18 day of October, 2012, between FDG DORAL COMMONS LLC, a Delaware limited liability company, an address of which is 2855 S. LeJeune Road, 4th Floor, Coral Gables, Florida 33134 ("Grantor"), and TERRA DORAL COMMONS COMMERCIAL, LLC, a Florida limited liability company, an address of which is 2665 S. Bayshore Drive, Suite 1020, Miami, Florida 33133 ("Grantee").

WITNESSETH THAT:

Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars ($10.00), lawful money of the United States of America, to it in hand paid by the Grantee, at or before the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, alienated, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee and its/his/her heirs or successors and assignees forever, the following parcel of land, situate, lying and being in the County of Miami-Dade ("County"), State of Florida, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF (the "Land").

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Real property taxes, assessments and special district levies, if any, for the year 2012 and for subsequent years.

2. Zoning and other regulatory laws and ordinances affecting the Land.

3. Those certain matters set forth in EXHIBIT B attached hereto, without re-imposing the same.

4. All matters that would be revealed or disclosed in an accurate survey of the Property.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of the Land hereby conveyed in fee simple; that it has good right and lawful authority to sell and convey said Land; that it hereby specially warrants the title to said Land and will defend the same against the lawful claims of any persons claiming by, through or under the said Grantor.

[TEXT AND SIGNATURES FOLLOW]

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, the day and year first above written.

FDG DORAL COMMONS LLC, a Delaware limited liability company

Witness

Lisette Goyanes
Printed Name of Witness

Witness

Estrella Manso
Printed Name of Witness

By: _____
Name: Kolleen Cobb
Title: Vice President

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

The foregoing Special Warranty Deed was acknowledged before me this 16 day of October, 2012, by Kolleen O. P. Cobb, as Vice President of FDG DORAL COMMONS LLC, a Delaware limited liability company, on behalf of the limited liability company, who (✓) is personally known to me, or ( ) produced _____ as identification.

Signature of Notary Public

Lisette Goyanes
Printed Name of Notary Public

LISETTE GOYANES
MY COMMISSION #EE013079
EXPIRES: OCT 02, 2014
Bonded through 1st State Insurance

17

EXHIBIT A

[Legal Description]

A PORTION OF THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 53 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST ¼ OF SAID SECTION 8; THENCE N01°43'29"W, AS BASIS OF BEARING ALONG THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 120.55 FEET; THENCE N89°39'25"E FOR A DISTANCE OF 51.52 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE N01°43'29"W ALONG A LINE 51.50 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 451.08 FEET; THENCE N03°11'19"W FOR A DISTANCE OF 158.71 FEET; THENCE N89°39'25"E ALONG A LINE 729.99 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 2585.92 FEET; THENCE S01°43'57"E ALONG THE EAST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 8 FOR A DISTANCE OF 641.69 FEET; THENCE S89°39'25"W ALONG A LINE 88.50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 8 FOR A DISTANCE OF 400.68 FEET TO A POINT OF CURVATURE; THENCE 408.05 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 7863.07 FEET AND A CENTRAL ANGLE OF 02°58'24" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 401.37 FEET ALONG THE ARC OF SAID REVERSE CURVE, SAID CURVE HAVING A RADIUS OF 7737.25 FEET AND A CENTRAL ANGLE OF 02°58'20" TO A POINT OF TANGENCY; THENCE N89°05'54"W FOR A DISTANCE OF 138.10 FEET; THENCE S89°39'25"W ALONG A LINE 70.50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 858.83 FEET; THENCE N77°56'08"W FOR A DISTANCE OF 51.20 FEET; THENCE S89°39'25"W ALONG A LINE 81.50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 285.84 FEET TO A POINT OF CURVATURE; THENCE 61.87 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 88°37'07" TO THE POINT OF BEGINNING.

EXHIBIT B

1. Canal reservations contained in Deed Book 50, Page 407, which reservations are now held by Dade County by virtue of the Assignments recorded in Official Records Book 3274, Page 657, and in Official Records Book 3356, Page 609, all of the Public Records of Miami-Dade County, Florida.

2. Easement granted to Florida Power & Light Company by instrument recorded in Official Records Book 6142, Page 326, of the Public Records of Miami-Dade County, Florida.

3. First Amended and Restated Master Development Agreement recorded October 3, 2012 in Official Records Book 28297, Page 3336, of the Public Records of Miami-Dade County, Florida.

CFN 2012R0761398
OR Bk 28327 Pgs 2591 - 2596; (6pgs)
RECORDED 10/24/2012 14:45:25
DEED DOC TAX 87,516.00
SURTAX 65,637.00
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

THIS INSTRUMENT WAS PREPARED BY:
Kolleen Cobb, Esq.
2855 S. LeJeune Road
4th Floor
Coral Gables, Fl 33134

AFTER RECORDING RETURN TO:
Ricardo L. Fraga, Esq.
Greenberg Traurig, P.A.
333 S.E. 2nd Avenue
Miami, Florida 33131

Folio Nos.: 35-3008-000-0042;
A portion of 35-3008-000-0040

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 18 day of October, 2012, between FDG DORAL COMMONS LLC, a Delaware limited liability company, an address of which is 2855 S. LeJeune Road, 4th Floor, Coral Gables, Florida 33134 ("Grantor"), and TERRA DORAL COMMONS RESIDENTIAL, LLC, a Florida limited liability company, an address of which is 2665 S. Bayshore Drive, Suite 1020, Miami, Florida 33133 ("Grantee").

WITNESSETH THAT:

Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars ($10.00), lawful money of the United States of America, to it in hand paid by the Grantee, at or before the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, alienated, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee and its/his/her heirs or successors and assignees forever, the following parcel of land, situate, lying and being in the County of Miami-Dade ("County"), State of Florida, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF (the "Land").

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Real property taxes, assessments and special district levies, if any, for the year 2012 and for subsequent years.

2. Zoning and other regulatory laws and ordinances affecting the Land.

3. Those certain matters set forth in EXHIBIT B attached hereto, without re-imposing the same.

4. All matters that would be revealed or disclosed in an accurate survey of the Property.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of the Land hereby conveyed in fee simple; that it has good right and lawful authority to sell and convey said Land; that it hereby specially warrants the title to said Land and will defend the same against the lawful claims of any persons claiming by, through or under the said Grantor.

[TEXT AND SIGNATURES FOLLOW]

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, the day and year first above written.

FDG DORAL COMMONS LLC, a Delaware limited liability company

Witness

Lisette Goyanes
Printed Name of Witness

Witness

Estrella Mano
Printed Name of Witness

By: _____
Name: Kolleen Cobb
Title: Vice President

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

The foregoing Special Warranty Deed was acknowledged before me this 18 day of October, 2012, by Kolleen O. P. Cobb, as Vice President of FDG DORAL COMMONS LLC, a Delaware limited liability company, on behalf of the limited liability company, who (✓) is personally known to me, or ( ) produced _____ as identification.

LISETTE GOYANES
MY COMMISSION #EE013679
EXPIRES: OCT 02, 2014
Bonded through 1st State Insurance

Signature of Notary Public

Lisette Goyanes
Printed Name of Notary Public

EXHIBIT A

[Legal Description]

A PORTION OF THE SOUTHEAST ¼ OF SECTION 8, TOWNSHIP 53 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ¼ CORNER OF SAID SECTION 8; THENCE N01°43'57"W, AS BASIS OF BEARING ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 88.52 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE N01°43'57"W ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 521.56 FEET; THENCE N89°39'25"E ALONG A LINE 609.90 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8 FOR A DISTANCE OF 1452.64FEET; THENCE S01°44'24"E FOR A DISTANCE OF 535.75 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS N01°16'43"E; THENCE 225.20 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 7957.25 FEET AND A CENTRAL ANGLE OF 01°37'18" TO A POINT OF TANGENCY; THENCE S89°39'25"W ALONG A LINE 77.50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8 FOR A DISTANCE OF 785.57 FEET; THENCE N87°49'35"W FOR A DISTANCE OF 250.53 FEET; THENCE S89°39'25"W ALONG A LINE 88.50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8 FOR A DISTANCE OF 192.02 FEET TO THE POINT OF BEGINNING.

AND

A PORTION OF THE SOUTHEAST ¼ OF SECTION 8, TOWNSHIP 53 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 8; THENCE S89°39'25"W, AS BASIS OF BEARING ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 82.54 FEET; THENCE N00°20'35"W FOR A DISTANCE OF 63.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE S89°39'25"W ALONG A LINE 63.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8 FOR A DISTANCE OF 312.56 FEET; THENCE S88°51'00"W FOR A DISTANCE OF 337.61 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S00°34'10"W; THENCE 272.23 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 7843.50 FEET AND A CENTRAL ANGLE OF 01°59'19" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 77.56 FEET ALONG THE ARC OF SAID REVERSE CURVE HAVING A RADIUS OF 7957.25 FEET AND A CENTRAL ANGLE OF 00°33'31"; THENCE N01°44'24"W FOR A DISTANCE OF 657.23 FEET; THENCE N89°39'25"E ALONG A LINE 727.88 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 1080.49 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8; THENCE S01°44'25"E ALONG THE EAST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 623.12 FEET; THENCE S88°15'35"W FOR A DISTANCE OF 40.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS N88°15'35"E; THENCE 63.81 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 91°23'50" TO THE POINT OF BEGINNING.

AND

A PORTION OF THE SOUTHEAST ¼ OF SECTION 8, TOWNSHIP 53 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ¼ CORNER OF SAID SECTION 8; THENCE N01°43'57"W, AS BASIS OF BEARING ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 610.08 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE N01°43'57"W ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8, FOR A DISTANCE OF 120.13 FEET; THENCE N89°39'25"E ALONG A LINE 730.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8 FOR A DISTANCE OF 24.29 FEET; THENCE N01°44'24"W FOR A DISTANCE OF 489.78 FEET; THENCE N89°39'25"E ALONG A LINE 1219.63 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8 FOR A DISTANCE OF 714.24 FEET; THENCE S01°44'24"E FOR A DISTANCE OF 609.91 FEET; THENCE S89°39'25"W ALONG A LINE 609.90 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 8 FOR A DISTANCE OF 738.55 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

1. Canal reservations contained in Deed Book 50, Page 407, which reservations are now held by Dade County by virtue of the Assignments recorded in Official Records Book 3274, Page 657, and in Official Records Book 3356, Page 609, all of the Public Records of Miami-Dade County, Florida.

2. First Amended and Restated Master Development Agreement recorded October 3, 2012 in Official Records Book 28297, Page 3336, of the Public Records of Miami-Dade County, Florida.

CFN 2006R0660026
OR Bk 24639 Pgs 0087 - 91; (5pgs)
RECORDED 06/16/2006 13:43:37
DEED DOC TAX 54,000.00
SURTAX 40,500.00
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared By and Return to:
Kolleen O.P. Cobb, Esq.
Codina Group, Inc.
355 Alhambra Circle – Suite 900
Coral Gables, Florida 33134

(THIS 100' PORTION IS NOT PART OF THE RESERVATION RELEASE.

Folio No(s). 35-3008-000-0040

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made as of the 14th day of June, 2006, by Atlas City Property, LLC, a Florida limited liability company, having an address of 355 Alhambra Circle – Suite 900, Coral Gables, Florida 33134, hereinafter called the Grantor, to the City of Doral, a Florida municipal corporation, having an address of 8300 N.W. 53rd Street, Suite 100, Doral, Florida 33166, hereinafter called the Grantee:

(Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Grantor, for and in consideration of the sum of $10.00 and other good and valuable consideration, receipt and sufficiency whereof are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, that certain parcel of land situated in Miami-Dade County, Florida, and more particularly described on Exhibit A attached hereto and made a part hereof (the "Land").

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO:

1. Taxes for the year 2006 and subsequent years not yet due and payable.
2. Restrictions, reservations and easements of record, if any, which are not reimposed hereby.
3. All applicable zoning ordinances, other land use laws and regulations, and all applicable regulations and restrictions imposed by governmental authorities.
4. The use of the Land shall be limited to a public park, public school, or any other public purpose, except that the Land may not be used for (i) a landfill or any other use related to the hauling, curing or disposition of waste, (ii) any uses that constitutes a nuisance or that may have a detrimental impact on the health, safety or welfare of area residents, or (iii) a school for delinquent or at-risk students.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of the Land in fee simple; that the Grantor has good right and lawful authority to sell and convey the Land, and hereby warrants the title to the Land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but none other.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

Atlas City Property, LLC, a Florida limited liability company

Print Name: Ana C. Lopez

By: _____
Armando Codina, President

Print Name: Jose Hevia

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

The foregoing instrument was acknowledged before me this 14th day of June, 2006, by Armando Codina as President of Atlas City Property, LLC, a Florida limited liability company, on behalf of such limited liability company, who is personally known to me.

Name: Ana C Lopez
Notary Public
State of Florida
My Commission Expires:

Ana C. Lopez
My Commission DD199945
Expires April 03, 2007

EXHIBIT "A"

LEGAL AND SKETCH

SURVEYOR' S NOTES:

1. Bearings are based on the South line of Section 8-53-40 (S89°39'25"W).
2. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
3. This sketch does not represent a land survey.

LEGEND:

POC	Point of Commencement	R	Radius	SEC.	Section
POB	Point of Beginning	D	Delta	O.R.B.	Official Record Book
POT	Point of Termination	L	Length		
P.B.	Plat Book	SF	Square Feet		
PG.	Page	R/W	Right of Way		

LEGAL DESCRIPTION:

A portion of Section 8, Township 53 South, Range 40 East, lying and being in Miami-Dade County, Florida. Being more particularly described as follows:

COMMENCE at the SE corner of said Section 8, Township 53 South, Range 40 East; thence S89°39'25"W along the South line of said Section 8 for a distance of 1080.49 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue S89°39'25"W along said line for a distance of 100.00 feet; thence N01°44'24"W for a distance of 610.00 feet; thence S89°39'25"W for a distance of 714.15 feet; thence N01°44'24"W for a distance of 610.00 feet; thence N89°39'25"E for a distance of 1008.87 feeT; thence S01° 44'24"E for a distance of 491.99 feet; thence S89°39'25"W for a distance of 194.72 feet; thence S01°44'24"E for a distance of 728.01 feet to the POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.
Ludovici and Orange Consulting Engineers Inc. L.B. #1012

By: _____
Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

15 acres

E-5

PROJ. NO: 2005 03G	DATE: 01-24-2006	DRAWN: SS	CHECKED: AAS	SCALE: AS NOTED

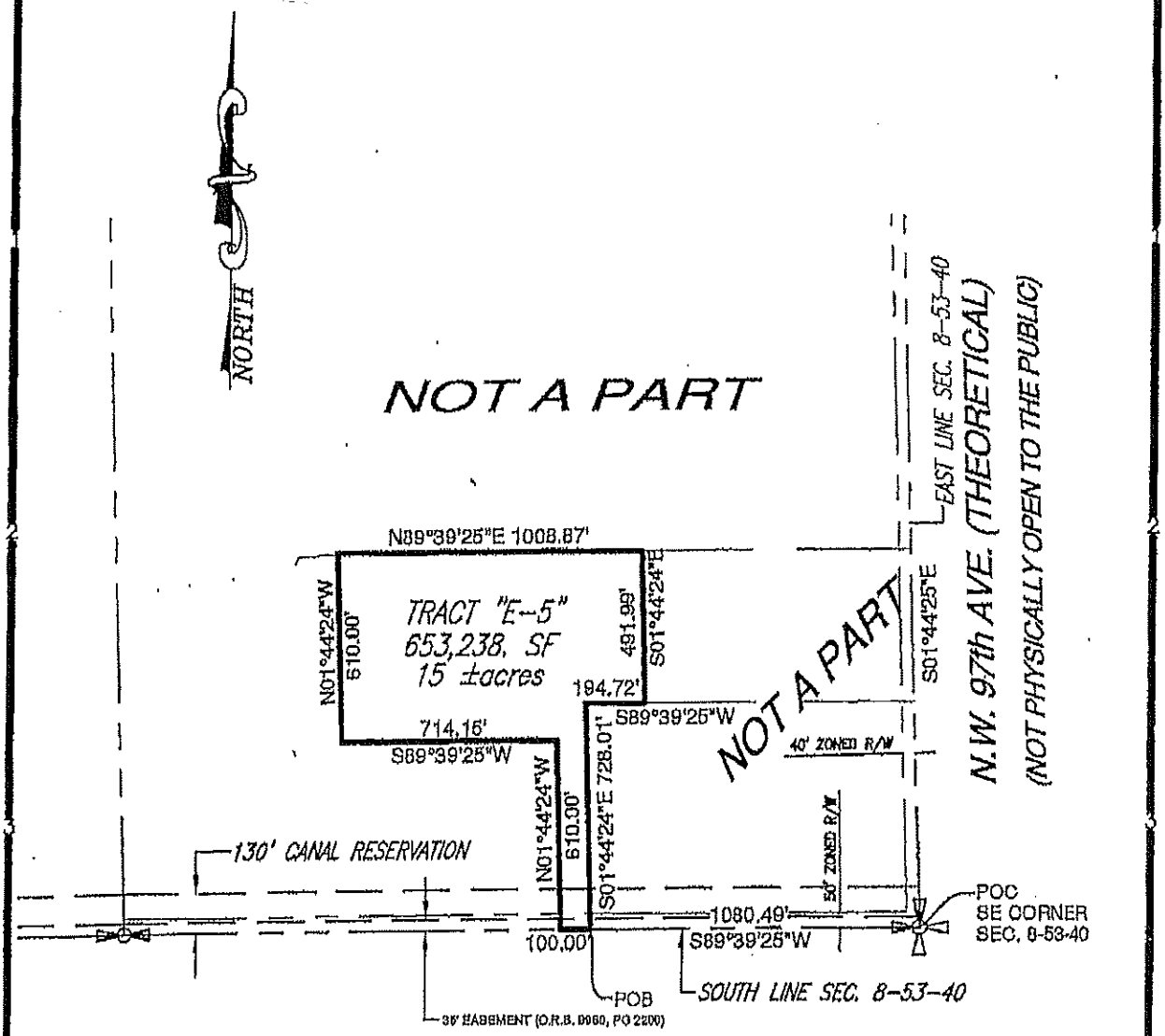
LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 - 305/448-1600 - LB-1012

LEGAL & SKETCH

SHEET 1 OF 2 SHEETS

P:\Projects\2005\2005 03G\DWG\2005 03G.dwg 2/6/2006 8:17:18 AM EST

LEGAL AND SKETCH



15 acres

E-5

PROJ. NO: 2005 03G	DATE: 01-24-2006	DRAWN: SS	CHECKED: AAS	SCALE: AS NOTED

LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 - 305/448-1600 - LB 1012

LEGAL & SKETCH

SHEET 2 OF 2 SHEETS

P:\Projects\2005\2005 03G\DWG\2005 03G.dwg 2/6/2006 8:17:32 AM EST

State of Florida

Department of State

I certify from the records of this office that ATLAS CITY PROPERTY, LLC is a limited liability company organized under the laws of the State of Florida, filed on March 31, 2006.

The document number of this limited liability company is L06000034313.

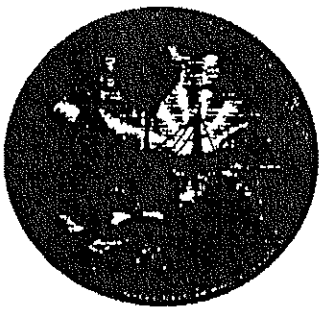
I further certify that said limited liability company has paid all fees due this office through December 31, 2006, and its status is active.

I further certify that said limited liability company has not filed Articles of Dissolution.

Given under my hand and the Great Seal of Florida, at Tallahassee, the Capital, this the Thirteenth day of June, 2006

Sue M. Cobb

Secretary of State



Authentication ID: 500076159205-061306-L06000034313

To authenticate this certificate, visit the following site, enter this ID, and then follow the instructions displayed.
www.sunbiz.org/auth.html

DEED NO. 81

RIGHTS IN RESERVATIONS T.I.I.F. #16284"A"-401

CENTRAL AND SOUTHERN FLORIDA FLOOD
CONTROL DISTRICT, A PUBLIC CORPORATION
OF THE STATE OF FLORIDA, GRANTOR

TO

DADE COUNTY, A POLITICAL SUBDIVISION
OF THE STATE OF FLORIDA, GRANTEE

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Chapter 610, Laws of Florida, Acts of 1855, entitled "AN ACT To Provide For and Encourage a Liberal System of Internal Improvements In This State" refers to proper objects of internal improvement in relation to roads, canals, navigable streams, and to the drainage and reclamation of the land; and

WHEREAS, Chapter 25270, Laws of Florida, Acts of 1949, created Central and Southern Florida Flood Control District for the purposes defined therein and as further defined in Chapter 25209, Laws of Florida, Acts of 1949, all in the interest of flood control, reclamation, conservation and allied purposes, and by said Chapter 25209 the State of Florida is authorized to cooperate with districts organized and operating under said chapter; and Chapter 25213, Laws of Florida, Acts of 1949, provides for that effectuated by this instrument; and

WHEREAS, Chapter 24465, Laws of Florida, Acts of 1947, created a Water Conservation District within Dade County for the purposes defined therein and as further defined in Chapter 22935, Laws of Florida, Acts of 1945, and by said Chapter 22935 is authorized to acquire lands for the installation of ditches, canals, dams and other facilities as may be necessary; and

WHEREAS, Dade County in cooperation with the Central and Southern Florida Flood Control District has developed a plan of secondary channels to implement the [illegible] from the primary facilities of the Central and Southern Florida Flood Control District; and

WHEREAS, Central and Southern Florida Flood Control District holds certain rights of way which have now been requested by Dade County for use for secondary channels, said rights of way vesting in the Central and Southern Florida Flood Control District by virtue of conveyances from the Trustees of the Internal Improvement Fund of the State of Florida of the following "Rights In Reservations":

> Reserving the right at any time to enter upon said lands and to make or cause to be made and constructed thereon such canals, cuts, sluiceways, dikes and other works as might in the judgment of the said Trustees, or in their successors, be necessary and needful for drainage and reclamation of the lands, and to take from the said land so conveyed and to use such gravel, stone or earth as might in the judgment of the said Trustees, or their successors, be necessary to use in the making and construction of said canals, cuts, sluiceways, dikes and other works upon said land for the purposes aforesaid.

NOW, THEREFORE, for making use of the Rights In Reservations as aforesaid, and to facilitate Dade County in carrying out the purposes for which said County was established as a Water Conservation District, the CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT in the public interest and for the public convenience and welfare does hereby convey, assign, set over and grant to Dade County, for canal and levee purposes as provided by the reservations aforesaid, the following described rights of ways lying and being in Dade County, State of Florida:

The North 130 feet of Section 18, Township 53 South, Range 39 East.

The South 130 feet of Section 8, Township 53 South, Range 40 East.

The East 130 feet of the West 180 feet; ALSO, the South 130 feet, ALSO, the South 130 feet of the North 165 feet lying Westerly of the West line of the right of way of the Miami Canal of Section 10, Township 53 South, Range 40 East.

Approved as to description

Date 6/1/62

[illegible]

The West 130 feet, ALSO, the South 130 feet of the North one-half (N½), ALSO, the North 130 feet of the South one-half (S½), ALSO, the East 130 feet of Section 26, Township 54 South, Range 39 East.

The South 130 feet of the North one-half (N½), ALSO, the North 130 feet of the South one-half (S½), ALSO, the East 130 feet of Section 27, Township 54 South, Range 39 East.

IN WITNESS WHEREOF, the CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT has caused these presents to be executed in its name and its official seal affixed hereto by its Governing Board, acting by the Chairman of said Board and attested by its Secretary, at West Palm Beach, Palm Beach County, State of Florida, this the 25th day of July A. D., 1962.

CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT, BY ITS GOVERNING BOARD.

BY: [signature]
Chairman

Legal Form Approved
FCD Legal Department
By [signature] Date 7/23/62

ATTEST:

[signature]
Secretary

State of Florida, County of Dade
This instrument was [illegible] 1962 at 1:58 P.M. and [illegible]
Book 3356 on Page 609 [illegible] 168066
E. B. LEATHERMAN
Clerk Circuit Court
By [signature] D. C.

STATE OF FLORIDA

COUNTY OF PALM BEACH

I HEREBY CERTIFY, that on this the 25th day of July A. D., 1962, before me, the undersigned authority, personally appeared RILEY S. MILES and G. E. DAILY JR., Chairman and Secretary, respectively of the Governing Board of CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT, a public corporation created by the Acts of the Florida Legislature of 1949, to me known to be the persons who signed the foregoing instrument as such officers, and acknowledged the execution thereof to be their free act and deed as such officers for the purposes and uses therein mentioned, and that they affixed thereto the official seal of the Governing Board of Central and Southern Florida Flood Control District, and that the said instrument is the act and deed of said CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT and the Governing Board thereof.

WITNESS my signature and official seal at West Palm Beach, said County and State, the day and year last aforesaid.

[signature]
Notary Public

My Commission Expires:

The foregoing dedication was accepted and approved on the 25th day of September 1962 by resolution No. 1915 of the Board of County Commissioners of Dade County, Florida.

[signature]
Chairman of said Board

ATTEST: E. B. LEATHERMAN
Clerk of said Board

By: [signature]
Deputy Clerk