



JUL 17 2008

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING  
ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY  
ISSUING FINAL RECOMMENDATIONS TO THE BOARD OF COUNTY  
COMMISSIONERS REGARDING FINAL DISPOSITION OF  
APPLICATION REQUESTING AMENDMENTS TO THE  
COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR  
CONCURRENT PROCESSING WITH "BEACON LAKES"  
DEVELOPMENT OF REGIONAL IMPACT (DRI) NOTICE OF  
PROPOSED CHANGE (NOPC)

**WHEREAS**, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in November 1988; and

**WHEREAS**, Chapter 380.06(6), F.S., provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) and/or with a Notice of Proposed Changes to an approved DRI; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP in accordance with the requirements of the foregoing State Statutes and Administrative Codes; and

**WHEREAS**, the Beacon Lakes DRI application to amend the CDMP is being processed concurrently with a Notice of Proposed Change requesting approval of changes to the existing DRI; and

**WHEREAS**, the CDMP amendment application, and the initial recommendations of the Department of Planning and Zoning (DP&Z) required by Section 2-116.1, Code of Miami-Dade County, are contained in a document titled "Application and Initial Recommendation, Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan," dated November 21, 2007; and

**WHEREAS**, the Country Club of Miami Community Council acted in accord with County procedures and conducted a duly noticed public hearing on December 7, 2007, to receive public comments on the subject CDMP amendment application and on the initial recommendations of the DP&Z, and to formulate its recommendations regarding transmittal of the application to the

Florida Department of Community Affairs (DCA) for review and comment, and regarding subsequent final action to be taken on the requested amendment; and

**WHEREAS**, the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing on December 10, 2007, to address the subject CDMP amendment application, the recommendations of the affected Community Council and the DP&Z, to address transmittal by the PAB to the DCA of the subject amendment application for State agency review and comment, and to address subsequent action on the application by the PAB; and

**WHEREAS**, the Miami-Dade County Board of County Commissioners conducted a duly noticed public hearing on December 20, 2007, to address the subject CDMP amendment application, the recommendations of the affected Community Council and the DP&Z, to address transmittal by the Board to the DCA of the subject amendment application for State agency review and comment, and to address subsequent action on the application by the Board; and

**WHEREAS**, an Objections, Recommendations, and Comments (ORC) report on the Beacon Lakes DRI CDMP amendment application was issued by DCA on March 10, 2008; and

**WHEREAS**, DP&Z's revised recommendations addressing the Beacon Lakes DRI CDMP amendment application, DCA's ORC report, and DP&Z's response to the ORC report are contained in a document titled "Revised Recommendation Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan," dated April 25, 2008; and

**WHEREAS**, on May 5, 2008, the PAB acting as the Local Planning Agency conducted a duly noticed public hearing to receive public comments on the pending CDMP amendment application as transmitted for review and comment by DCA; on the revised recommendations of the DP&Z; on the ORC report; and to issue final recommendations to the Board of County Commissioners regarding final actions on the pending Beacon Lakes DRI CDMP amendment application; and

**WHEREAS**, final action by the Board may be to adopt, adopt with changes, or not adopt the pending Beacon Lakes DRI CDMP amendment application.

**NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY, that:**

The LPA hereby issues the following recommendations to the Board of County Commissioners regarding final action on the Beacon Lakes DRI Application to Amend the CDMP:

Application	Applicant/Representatives Location (Size) REQUESTED CHANGES TO THE CDMP	• Recommendation as to Final Action
Beacon Lakes DRI/CDMP Amendment	AMB Codina Beacon Lakes, LLC / Joseph G. Goldstein, Esq.  45.59 acres generally at the northeast corner of NW 137 Avenue and SR 836 extension (Originally was $\pm 48$ acres but was revised to 45.59 net acres by survey dated February 20, 2008.)  Change the land use designation on the subject property: From: Restricted Industrial and Office To: Business and Office	Adopt with Change and Acceptance of the Proffered Declaration of Restriction

The foregoing resolution was offered by Board Member Serafin Leal who moved its adoption. The motion was seconded by Board Member Rolando Iglesias and upon being put to a vote, the vote was as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	Absent
Pamela Gray	Yes	William A. Riley	Yes
Rolando Iglesias	Yes	Wayne Rinehart	Absent
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Horacio C. Huembes, Vice Chair	Yes
Georgina Santiago, Chair	Yes

The foregoing action was taken by the PAB acting as the LPA at the conclusion of its public hearing on May 5, 2008, and is certified correct by Subrata Basu, Executive Secretary of the Planning Advisory Board.

  
 Subrata Basu  
 7/8/08  
 (Date)

JUL 17 2008

**MINUTES**

Miami-Dade County Planning Advisory Board  
Acting as the Local Planning Agency

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

Public Hearing on Beacon Lakes DRI Application to Amend  
The Comprehensive Development Master Plan

Miami-Dade County Commission Chamber  
111 NW 1 Street, Miami, Florida 33128

May 5, 2008

**PAB Members Present**

Pamela Gray	Georgina Santiago, Chair
Horacio Carlos Huembes	Christi Sherouse
Rolando Iglesias	Jay Sosna
Eddy Joachin	Ivan Rodriguez, School Board Member Appointee
Serafin Leal	Chief Larry Ventura, Homestead Air Reserve Base Appointee
William W. Riley	

**Department of Planning and Zoning Staff Present**

Mark R. Woerner, Interim Assistant Director for Planning  
Manuel Armada, Chief, Planning Research Section  
Patrick Moore, Section Supervisor, CDMP Administration  
Paula Church, Section Supervisor, Long Range Planning  
Bob Schwarzeich, Supervisor, Planning Research Section  
Napoleon Somoza, Principal Planner, Metropolitan Planning Section  
Mark Dorsey, Principal Planner, Metropolitan Planning Section  
Rosa Davis, Principal Planner, Metropolitan Planning Section  
Garett Rowe, Senior Planner, Metropolitan Planning Section  
Rommel Vargas, Senior Planner, Metropolitan Planning Section

**Other County Staff Present**

Dennis Kerbel, Assistant County Attorney  
Enrique Cuellar, Department of Environmental Resources Management  
Barbara Falsey, Miami-Dade County Park and Recreation  
John Garcia, Miami-Dade Transit  
Armando Hernandez, Public Works Department  
Joan Shen, Public Works Department  
Bertha Goldenberg, Water and Sewer Department

**I. Opening Remarks**

Ms. Georgina Santiago, Vice Chair of the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), opened the public hearing on the pending Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan (CDMP). She informed the PAB that the purpose of the hearing was to consider public comments and formulate final recommendations to the Board of County Commissioners (Board) regarding the application. The Chair provided an

overview of the procedures for the public hearing, and followed with an introduction of Mr. Mark Woerner, Acting Assistant Planning Director of DP&Z. Mr. Woerner presented Ms. Rosa Davis, Principal Planner, to provide an overview of the application.

## **II. Presentations**

Ms. Davis introduced the proposed amendment. She explained that the application site is approximately 45.59 net acres and is generally located on the northeast corner of SR 836 Extension and NW 137 Avenue, within the Beacon Lakes DRI. She further explained that the CDMP amendment application was requesting to change the land use on the subject site from "Restricted Industrial and Office" to "Business and Office" in order to allow the addition of 420,000 square feet of retail space to the DRI development program.

Ms. Davis indicated that there were no objections from Florida's Department of Community Affairs (DCA) in the Objections, Recommendations, and Comments report dated March 10, 2008.

Although Staff's initial recommendation was to deny this application, Ms. Davis explained that Staff is now recommending approval based on the fact that the applicant provided additional information that addressed many of the Staff's concerns. One of the primary reasons for the original recommendation for denial was lack of compatibility with a nearby fat rendering plant, which emits foul odor, and the residential and outdoor restaurant uses allowed under the "Business and Office" designation. To address this issue, the applicant proffered a Declaration of Restrictions (covenant) prohibiting residential use on the application site. Ms. Davis also mentioned that the development order conditions for the DRI will require the applicant to provide a disclosure statement to any party purchasing or leasing the property regarding the existence of the nearby fat rendering plant. Another concern with the application was inconsistencies with the traffic concurrency analysis. Ms. Davis noted that the inconsistencies were addressed by the applicant in a revised traffic analysis. Finally, Ms. Davis noted that there was a need for more information on the cost feasibility of providing transit service to the site, particularly since Route 147, which was to serve the property, has been discontinued and Miami-Dade Transit (MDT) estimates that it would cost approximately \$900,000 annually to serve the site from the Dolphin Mall. To address this issue, the applicant has agreed to a development order condition which stipulates that prior to any building permit being issued the applicant will coordinate with MDT in developing a service plan for providing transit service to the site. Options to be considered include neighborhood circulators, route extension/realignment, as well as developer contributions.

Ms. Davis concluded that due to the fact there were no State objections and that the applicant had addressed many of Staff's concerns, Staff's revised recommendation is to approve the application with acceptance of proffered declaration of restrictions.

Mr. Joseph Goldstein, the applicant's legal representative, made a brief presentation and asked the PAB Members to recommend approval of the application. He pointed out that the State had no objections, and that the applicant had worked with County Staff to resolve the County's concerns.

## **III. Public Hearing**

There were no comments from the public.

## **IV. PAB Discussion and Recommendation**

Board Member Mr. Jay Sosna asked how the applicant was going to address the transit issues. Mr. Goldstein replied that they will work with the Transit Department to provide transit service to the area.

Board Member Mr. Sosna also asked if access from NW 137 Avenue would be provided prior to the opening of the site. Mr. Goldstein replied that access to both NW 137 Avenue and NW 14 Street will be provided by the time the project opens.

Board Member Mr. Serafin Leal reiterated Staff's recommendation and noted that the applicant had addressed objections from the last hearing.

Board Member Mr. Leal acknowledged the proposed DRI development order conditions and the comments made throughout the hearing and made a motion to recommend adoption of the CDMP amendment based on Staff's recommendation, which was to approve the application with acceptance of proffered declaration of restrictions. Board Member Rolando Iglesias seconded the motion. Final votes on this application follows:

Horacio Carlos Huembes	Yes	Rolando Iglesias	Yes
Serafin Leal	Yes	Jay Sosna	Yes
William W. Riley	Yes	Christi Sherouse	Yes
Pamela Gray	Yes	Eddy Joachin	Yes
Reginald J. Clyne	Absent	Antonio Fraga	Absent
Daniel Kaplan	Absent	Felipe Llanos	Absent
Wayne Rinehart	Absent	Al Maloof	Absent
Georgina Santiago, Chair	Yes		

**BEACON LAKES DRI APPLICATION MATRIX**  
**Summary of Recommendations/Revised Recommendations by DP&Z, Community Council, PAB and BCC**

**Beacon Lakes DRI Application to Amend the CDMP**

Application	Commissioner/ BCC.District/	DP&Z Initial Recommendation  (Nov. 21, 2007)	Country Club of Miami Community Council 5  (Dec. 7, 2007)	Local Planning Agency Recommendation  (Dec. 10, 2007)	Board of County Commissioners Recommendation  (Dec. 20, 2007)	Objections, Recommendations and Comments Issues  (March 10, 2008)	DP&Z Revised Recommendation  (April 25, 2008)	Local Planning Agency Final Recommendation  (May 5, 2008)	Board of County Commissioners Final Actions  (July 17, 2008)
Beacon Lakes DRI/CDMP Amendment	Jose Diaz / 12	Deny and do not Transmit	Adopt and Transmit	Transmit with no Recommendation	Adopt and Transmit	None	Adopt with Change and Acceptance of the Proffered Declaration of Restriction	Adopt with Change and Acceptance of the Proffered Declaration of Restriction	

**RECEIVED**  
By the Clerk for the record.

JUL 17 2008

Item e  
 Exhibit 2  
 Meeting BCC Zoning CDMP

**RECEIVED**  
By the Clerk for the record.

JUL 17 2008

This instrument ~~was prepared under~~ **2008 MAY 9 P 4: 34**  
the supervision of:

PLANNING & ZONING  
METROPOLITAN PLANNING SECT  
Name: Joseph G. Goldstein, Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

(Space Reserved for Clerk of the Court)

**DECLARATION OF RESTRICTIONS**

**WHEREAS**, the undersigned (the "Owner"), holds the fee simple title to that certain parcel of land that is legally described on Exhibit "A" to this Declaration of Restrictions (the "Property"); and

**WHEREAS**, an application has been filed to amend the Comprehensive Development Master Plan ("CDMP") of Miami-Dade County with the Planning and Zoning Department (the "Planning and Zoning Department"), which application is known as The Beacon Lakes DRI Application to Amend the CDMP (the "Application"), seeking to re-designate the land use designation on the Property from "Restricted Industrial and Office" to "Business and Office." The Application was filed in association with a Notice of Proposed Change ("NOPC") to the Beacon Lakes DRI (the "DRI") and is being processed pursuant to a special procedure established in Chapter 380.06, Florida Statutes, and Section 2-116.1, Miami-Dade County Code.

**NOW, THEREFORE**, in order to assure the Miami-Dade County Board of County Commissioners (the "Board of County Commissioners") that the representations made by the Owner during consideration of the Application shall be binding commitments to be performed by

the Owner, its successors and assigns, freely, voluntarily and without duress, the Owner makes the following Declaration of Restrictions covering and running with the Property:

1. **Restrictions on the Use and Development of the Property.** Notwithstanding the Land Use Plan map designation of the Property of "Business and Office," residential land use as implemented in accordance with Chapter 380.06, Florida Statutes, shall not be permitted within the Property.
2. **Miscellaneous.**
  - A. **Covenant Running with the Land.** This Declaration of Restrictions shall constitute a covenant running with the land and may be recorded, at the 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 its 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, the then owner(s) of the real property and for the public welfare.
  - B. **Term.** This Declaration of Restrictions 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 that this Declaration of Restrictions 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 released pursuant to Section C below.
  - C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to Property, or any portion thereof, by a written instrument executed by the then owner(s) of the Property, provided that the same

is also approved by the Board of County Commissioners. Any such modification or release shall be subject to the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans, and Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding the previous sentence, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications or releases of this Declaration of Restrictions shall be subject to Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans and by the provisions for the adoption of zoning district boundary changes. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a

written instrument effectuating and acknowledging such modification, amendment or release.

- D. **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 of Restrictions 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.
- E. **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration of Restrictions are not being complied with, in addition to any other remedies available, Miami-Dade County is hereby authorized to withhold any further permits from the violating owner(s), and refuse to make any inspections or grant any approvals, until such time as this Declaration of Restrictions is complied with.
- F. **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.
- G. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by Miami-Dade County, and inspections made and approval of occupancy given by the Miami-Dade

County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration of Restrictions.

- H. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect.
- I. **Recordation and Effective Date.** This Declaration of Restrictions shall be filed of record, at the Owner's expense, in the public records of Miami-Dade County, Florida, following adoption by the Miami-Dade County Board of County Commissioners of an ordinance approving the Application, a finding of "in compliance" by the State Land Planning Agency, and the expiration of any applicable appeal period. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal does not result in final approval of the Application, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of such appeal that does not result in final approval of the Application, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument acknowledging that this Declaration of Restrictions is null and void and of no further effect.

J. Acceptance of Declaration of Restrictive Covenants. The Owner acknowledges that approval of the Application and acceptance of the Declaration of Restrictions does not entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part.

[Signature pages follow]



**EXHIBIT A**

Legal Description of Subject Property:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA; THENCE N01°45'25"W ALONG THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 35, AS BASIS OF BEARING, FOR 130.04 FEET; THENCE N89°41'35"E ALONG A LINE 130 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 35 FOR 117.20 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS N37°42'32"W; THENCE 217.87 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2042.00 FEET AND A CENTRAL ANGLE OF 6°06'47" TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE N01°45'25"W ALONG A LINE 300 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST ¼ OF SECTION 35 FOR A DISTANCE OF 1124.59 FEET; THENCE N89°46'43"E FOR A DISTANCE OF 1839.90 FEET TO A POINT OF CURVATURE; THENCE 152.15 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 440.00 FEET AND A CENTRAL ANGLE OF 19°48'48" TO A POINT OF TANGENCY; THENCE S70°24'29"E FOR A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE; THENCE 187.76 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 510.00 FEET AND A CENTRAL ANGLE OF 21°05'38" TO A POINT OF INTERSECTION WITH A REVERSE CURVE, A RADIAL LINE TO SAID POINT BEARS N01°30'07"W; THENCE 70.47 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF 89°43'34" TO A POINT OF TANGENCY; THENCE S01°46'33"E ALONG A LINE 35.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHWEST ¼ OF SECTION 35 FOR A DISTANCE OF 691.81 FEET TO A POINT ON THE SR 836 LIMITED ACCESS R/W LINE ; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE S89°45'57"W FOR A DISTANCE OF 1239.33 FEET TO A POINT OF CURVATURE; THENCE 1117.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2042.00 FEET AND A CENTRAL ANGLE OF 31°21'42" TO THE POINT OF BEGINNING.  
CONTAINING 45.59 ACRES MORE OR LESS.

**MIAMI-DADE COUNTY  
ENGINEERING SUBDIVISION CONTROL  
OPINION OF TITLE**

TO: MIAMI -DADE COUNTY, a political subdivision of the State of Florida.

With the understanding that this opinion of title is furnished to MIAMI-DADE COUNTY, FLORIDA, as an inducement for acceptance of a Declaration of Restrictions covering the real property hereinafter described, I hereby certify that I have examined (i) Lawyers Title Insurance Corporation Policy No. A97-0003133, effective March 12, 2003, and (ii) Attorneys Title Insurance Fund certified computer updates from March 12, 2003 through April 14, 2008 at 11:00 p.m. covering the property (the "Property") described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO**

Basing my opinion solely on our review of the foregoing items, I am of the opinion that as of April 14, 2008 at 11:00 p.m. (the "Certified Title Date"), fee simple title to the Property is vested in AMB Codina Beacon Lakes, LLC, a Delaware limited liability company, subject to the following liens, encumbrances, and other exceptions:

**Authorized signatories of AMB Codina Beacon Lakes, LLC are Jose Hevia, as Vice President and Kolleen Cobb, as Assistant Secretary of FEC Lakes, LLC, a Florida limited liability company, acting in its capacity as the managing member of AMB Codina Beacon Lakes LLC.**

1. **RECORDED MORTGAGES:**

NONE

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

Final Judgment, Case No. 03-12456 (23), Beacon Lakes Community Development District, Plaintiff v. The State of Florida, recorded July 31, 2003 in Official Records Book 21420, Page 3179.

Stipulated Final Judgment, Case No. 04-04520, recorded in Official Records Book 22566, Page 93, Official Records Book 23961, Page 3993 and Stipulated Order of Taxing recorded in Official Records Book 22372, Page 741 (Miami Dade County Expressway Authority - Parcel 106.),

3. **GENERAL EXCEPTIONS:**

- (a) All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.
- (b) Rights of persons other than the above owners who are in possession.
- (c) Facts that would be disclosed by an accurate survey.

- (d) Any unrecorded laborers', mechanics' or materialmens' liens.
- (e) Zoning and other restrictions imposed by governmental authority.

4. **SPECIAL EXCEPTIONS:**

- a) Environmental Quality Control Board Order recorded January 9, 2002, in Official Records Book 20130, Page 4521.
- b) Easement(s) in favor of Florida Power & Light Company set forth in instrument(s) recorded August 20, 1982 in Official Records Book 11534, Page 1676.
- c) Reservations in the Trustees of the Internal Improvement Fund for oil and other minerals, as created in that certain deed from the Trustees of the Internal Improvement Fund to Richard J. Bolles recorded January 7, 1909, in Deed Book 46, Page 240, as affected by Release of Canal Reservations recorded in Official Records Book 25777, Page 455.
- d) Canal Maintenance Easement in favor of Dade County recorded August 8, 1975, under Clerk's File No. 75R-161341 and Official Records Book 9067, Page 1762, affecting the East 20 feet of the West 55 feet and the North 20 feet of the South 150 feet.
- e) Easement to Florida Power and Light Company dated May 3, 1957, recorded June 7, 1957, in Deed Book 275, Page 250, under Clerk's File No. GG-93134, providing an easement for construction of guy stubs, anchors and wires.
- f) Easement to Florida Power & Light Company for H-frame right-of-way affecting the East 170 feet of the West 300 feet of the property, recorded March 27, 1963, under Clerk's File No. 63R-50861.
- g) Declaration of Restrictions recorded June 25, 2002 in Official Records Book 20487, Page 4478.
- h) Easement(s) in favor of Florida Power and Light Company set forth in instrument(s) recorded August 16, 1982 in Official Records Book 11528, Page 720.
- i) Covenant Running with the Land in favor of Metropolitan Dade County recorded in Official Records Book 20562, Page 4995.
- j) Covenant Running with the Land in favor of Metropolitan Dade County recorded in Official Records Book 20562, Page 5019, as corrected by instruments recorded in Official Records Book 25156, Page 1391 and Official Records Book 25156, Page 1402.
- k) Variance from Miami Dade County Environmental Quality Control Board, Order 01-82, recorded January 9, 2002 in Official Records Book 20130, Page 4521.

- l) Declaration of Covenants recorded April 2, 2003 in Official Records Book 21139, Page 5010.
- m) Deed of Conservation Easement recorded June 11, 2003 in Official Records Book 21324, Page 935.
- n) Notice of Establishment of the Beacon Lakes Community Development District recorded July 9, 2003 in Official Records Book 21412, Page 2270.
- o) Declaration of Consent to Jurisdiction of Beacon Lakes Community Development District and to Imposition of Special Assessments recorded October 14, 2003 and recorded in Official Records Book 21738, Page 4167.
- p) Covenant Running with the Land of Beacon Lakes Industrial Park concerning the Protection and Maintenance System located west of the HEFT to N. W. 137th Avenue from N.W. 25th Street to N. W. 12th Street, Miami, Dade County, Florida recorded January 14, 2004 in Official Records Book 21970, Page 876.
- q) Agreement for Water and Sanitary Sewage Facilities for Beacon Industrial Park Phase II, recorded in Official Records Book 22199, Page 376.
- r) Resolution R-1032-04 creating Special Lighting Tax District recorded February 10, 2005 in Official Records Book 23072, Page 2087.
- s) Creation of Special Taxing District for Beacon Lakes 04-156, dated 9/9/04 recorded on February 10, 2005 in Official Records Book 23072, Page 3604.
- t) Creation of Special Taxing District for Beacon Lakes Multi-04-157, dated 9/9/04, recorded on February 10, 2005 in Official Records Book 23072, Page 3637.
- u) Miami Dade County Environmental Quality Board Order No. 05-02 recorded March 1, 2005, in Official Records Book 23124, Page 3440.
- v) Declaration of Covenants, Conditions, Easement and Restrictions for Beacon Lakes recorded in Official Records Book 24721, Page 2251, as amended by First Amendment to Declaration of Restrictions recorded in Official Records Book 25211, Page 1512.
- w) Triparty Agreement recorded November 30, 2006 in Official Records Book 25142, Page 2517.
- x) Agreement for Water and Sanitary Sewage Facilities Between Miami Dade County and AMB Beacon Codina Lakes, LLC and Beacon Lakes Community Development District (Block C) recorded in Official Records Book 25738, Page 2429, as amended by Addendum No. 1 recorded in Official Records Book 26321, Page 625.
- y) Declaration of Consent to Jurisdiction of Beacon Lakes Community Development District and to Imposition of Special Assessments recorded in Official Records Book 25874, Page 4946.

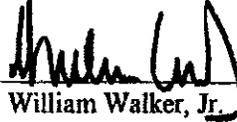
z) Notice of Commencement recorded in Official Records Book 25939, Page 1879.

Therefore it is my (our) opinion that the following parties must join in the execution of the Restrictions of the above described real property in order to grant MIAMI-DADE COUNTY, FLORIDA.

<u>NAME</u>	<u>INTEREST</u>
AMB Codina Beacon Lakes, LLC	Owner

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

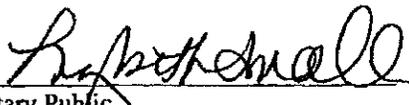
Respectfully submitted as of April 30, 2008.



H. William Walker, Jr.  
White & Case, LLP  
200 South Biscayne Blvd., Suite 4900  
Miami, Florida 33131-2352  
(305) 371-2700

STATE OF FLORIDA            )  
  )ss  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of April, 2008, by H. William Walker, Jr., who is personally known to me or who has produced a Florida Driver's License as identification.

  
\_\_\_\_\_  
Notary Public  
State of Florida At Large  
Print Name: \_\_\_\_\_

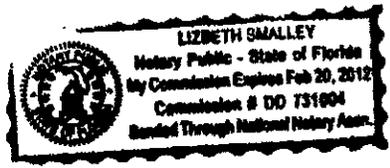


EXHIBIT "A"

Legal Description of Subject Property:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA; THENCE N01°45'25"W ALONG THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 35, AS BASIS OF BEARING, FOR 130.04 FEET; THENCE N89°41'35"E ALONG A LINE 130 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 35 FOR 117.20 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS N37°42'32"W; THENCE 217.87 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2042.00 FEET AND A CENTRAL ANGLE OF 6°06'47" TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE N01°45'25"W ALONG A LINE 300 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST ¼ OF SECTION 35 FOR A DISTANCE OF 1124.59 FEET; THENCE N89°46'43"E FOR A DISTANCE OF 1839.90 FEET TO A POINT OF CURVATURE; THENCE 152.15 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 440.00 FEET AND A CENTRAL ANGLE OF 19°48'48" TO A POINT OF TANGENCY; THENCE S70°24'29"E FOR A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE; THENCE 187.76 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 510.00 FEET AND A CENTRAL ANGLE OF 21°05'38" TO A POINT OF INTERSECTION WITH A REVERSE CURVE, A RADIAL LINE TO SAID POINT BEARS N01°30'07"W; THENCE 70.47 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF 89°43'34" TO A POINT OF TANGENCY; THENCE S01°46'33"E ALONG A LINE 35.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHWEST ¼ OF SECTION 35 FOR A DISTANCE OF 691.81 FEET TO A POINT ON THE SR 836 LIMITED ACCESS R/W LINE ; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE S89°45'57"W FOR A DISTANCE OF 1239.33 FEET TO A POINT OF CURVATURE; THENCE 1117.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2042.00 FEET AND A CENTRAL ANGLE OF 31°21'42" TO THE POINT OF BEGINNING. CONTAINING 45.59 ACRES MORE OR LESS.

RECEIVED  
By the Clerk for the record.

BCC MEETING  
SEPTEMBER 26, 2006

JUL 17 2008

DATE: 7/17/10811:10 AM

VOTE TALLY

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

TIME: \

SUBSTITUTE SPECIAL ITEM NO.1

CDMP

YES - 11

GIMENEZ  
MOSS  
DIAZ  
SOUTO

JORDAN  
BARREIRO  
ROLLE  
SOSA

MARTINEZ  
EDMONSON  
SEIJAS

NO - 2

HEYMAN

SORENSEN

ABSENT - 0