



## Board of County Commissioner's Regular

**April 24, 2007**

Prepared by: Jovel Shaw

### EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	4/24/2007	-	Order of the Day
2	4/24/2007	-	Pull List
3	4/24/2007	-	County Manager's Memorandum of Changes to Agenda
4	4/24/2007	-	County Attorney's Notes
5	4/24/2007	-	Roll Call Vote Sheet
6	4/24/2007	-	Electronic Voting Sheets for agenda items 4B Sub. – 4K, 5A, 5B, 5D, 7A, 7C, 7D, 7E and 7F
7	4/24/2007	-	Memorandum from Cmr. Edmonson re: Notice of absence
8	4/24/2007	-	Memorandum from Cmr. Heyman re: Notice of absence
9	4/24/2007	5A	Clerk of the Board's memorandum re: Letters in Opposition to STDs on the 4/24/2007, BCC Agenda: (1) Letter from Billy Graham in opposition to San Souci Natural Gas Pipeline Extension Special Taxing District (STD)
10	4/24/2007	5A	Letter from Debra Young in opposition to San Souci Natural Gas Pipeline Extension STD
11	4/24/2007	5A	Letter from David Kayden in opposition to San Souci Natural Gas Pipeline Extension STD
12	4/24/2007	5D	Letter from Betty Nahmias in opposition to Bay Heights Roving Patrol Security Guard STD
13	4/24/2007	5H	Richmond Heights Community Petition - 16 sheets
14	4/24/2007	5H	Resolution extending temporary building moratorium and approving study area report dated 4/24/2007 prepared by Bercow & Radell, P.A.
15	4/24/2007	5H	County Manager's memorandum re: Report on property identified as Folio #30-5019-001-5971/ 11600 Bethune Drive Assignment Number 168894

16	4/24/2007	11A53	Mayor's memorandum re: Resolution approving allocation from capital asset special obligation bonds series 2007 acquisition account in amount of \$2.6 million to fund outstanding costs associated with Scott/Carver Homes HOPE VI Program
17	4/24/2007	14B2	A binder submitted by Ms. Heather Pernas regarding her concerns with Belen Jesuit Preparatory School, Inc.
18	4/24/2007	5H	A letter from J. Osbourne received on 6/2/2008



**MIAMI-DADE BOARD OF COUNTY  
COMMISSIONERS**

**ORDER OF THE DAY**

**TUESDAY, APRIL 24, 2007**

**9:30 A.M. CALL TO ORDER**

**ROLL CALL**

**MOMENT OF SILENT MEDITATION**

**PLEDGE OF ALLEGIANCE**

**12:00 P.M. BREAK FOR LUNCH**

**1:00 P.M. RECONVENE**

**6:00 P.M. CONTINUATION OF BCC TO APRIL 26, 2007**

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

APR 24 2007

Item \_\_\_\_\_  
Exhibit # 1  
Meeting BCC Regular



Miami-Dade County Commissioners

Pull List

Tuesday, April 24, 2007

RECEIVED  
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APR 24 2007

Item #	Description	Item Exhibit <u>A2</u> Meeting <u>BCC Regular</u>	Commissioner
4I	Ordinance Amending Chapter 18, Article II, Sections 18-25 And 18-30 Of The Code Of Miami-Dade County, Florida, Relating To The Miami-Dade County Fire And Rescue Service District; Eliminating Municipal Option To Opt Out Of District; Providing Severability, Inclusion In The Code, And An Effective Date		Rolle (co-sponsor)
8A1A	Resolution Approving Four Non-Exclusive Contracts For The Miami-Dade Aviation Department, Asbestos Hazardous Material Removal, Project Number ITB No. MDAD-03-06		Jordan
8C1A	Resolution Approving A Limited Passenger Motor Carrier Certificate Of Transportation For Unique Charters, Inc. To Provide Service As A Limited Passenger Motor Carrier		Jordan
8D1M**	Resolution Accepting "Assignment Of Option To Purchase" Approximately 10.206 Acres Of South Dade Wetlands Project Within The Environmentally Endangered Lands Program Acquisition Site With The Nature Conservancy As Assignor, Miami-Dade County As Assignee, And Melba Bocanegra De Resendez As Seller		Barreiro
8F1A	Resolution Authorizing Execution Of A Retroactive Sub-Lease Agreement At The Miami-Dade County Herbert S. Saffir Permitting And Inspection Center, 11805 S.W. 26 Street, Miami, With State Of Florida Department Of Health		Jordan
8F1L	Resolution Declaring Surplus County-Owned Property Located At N.W. 36th Street East Of N.W. 12th Avenue; Authorizing The Public Sale Of Same To The Highest Bidder; Waiving Administrative Order 8-4 As It Relates To Review By The Planning Advisory Board		Barreiro
8F1M	Resolution Declaring Surplus County-Owned Properties Located Adjacent To The Douglas Road Metrorail Station, Pursuant To Section 125.35 Florida Statutes, Authorizing The Public Sale Of Same To One High Bidder		Barreiro, Gimenez, Sosa
8G1B	Resolution Of The Board Of County Commissioners Of Miami-Dade County, Florida Approving The Local Housing Assistance Plan As Required By The State Housing Initiatives Partnership Program Act, Subsections 420.907-420.9079		Barreiro, Rolle
8G1B Alt	Resolution Of The Board Of County Commissioners Of Miami-Dade County, Florida Approving The Local Housing Assistance Plan As Required By The State Housing Initiatives Partnership Program Act, Subsections 420.907-420.9079		Barreiro
8J1C	Resolution Authorizing Additional Appropriation Of \$19 Million Included Under The Professional Services Agreement Between Miami-Dade County And Parsons Brinckerhoff Quade And Douglas, Inc. To Provide Program Management Consulting Services For The Implementation Of The People's Transportation Plan		Gimenez, Jordan, Martinez, Rolle
8J1D	Resolution Authorizing Execution Of A Joint Participation Agreement (JPA) With The Florida Department Of Transportation (FDOT) To Provide \$108,000,000 In New Starts Transit Program Funding For The Construction Of A 9.5 Mile Metrorail Extension Between The Existing Martin Luther King Jr. Metrorail Station And The Broward County Line		Gimenez



**Miami-Dade County Commissioners**  
**Pull List**  
**Tuesday, April 24, 2007**

<b>8J1F</b>	Resolution Authorizing Additional Appropriation Of \$10 Million Included Under The Professional Services Agreement Between Miami-Dade County And Parsons Brinckerhoff Quade And Douglas, Inc. To Provide Program Management Consulting Services For The Implementation Of The People's Transportation Plan	Gimenez, Moss, Rolle
<b>8M1A</b>	Resolution Authorizing A Request To Initiate And Advertise For Consultant Selection For Two (2) Consultants For Miami Metro Zoo Improvements	Martinez
<b>8M3A</b>	Contract Award Recommendation For Aquatic Facilities Development And Renovation - Project No.: A05-Park-07 GOB101,110,108,109-70045,70125,70123,70124; Contract No.	Sosa
<b>8M3B</b>	Contract Award Recommendation For Aquatic Facilities Development And Renovation - Project No.: A05-Park-07 GOB 101,110,108,109-70045,70125,70123,70124; Contract No.	Sosa
<b>8P1D</b>	Resolution Approving A Project Award Recommendation In The Amount Of \$147,072.92 Between All Quality Electrical Services, Inc. And Miami-Dade County For The People's Transportation Plan (PTP) Project Entitled Traffic Signal Installation At SW 102 Avenue And SW 64 Street In Commission District 7	Jordan
<b>8P1E</b>	Resolution Approving A Project Award Recommendation In The Amount Of \$170,444.78 Between All Quality Electrical Services, Inc. And Miami-Dade County For The People's Transportation Plan (PTP) Project Entitled Traffic Signal Installation At SW 152 Avenue And SW 18 Street In Commission District 11	Jordan
<b>8P1F</b>	Resolution Approving A Project Award Recommendation In The Amount Of \$189,259.59 Between All Quality Electrical Services, Inc. And Miami-Dade County For The People's Transportation Plan (PTP) Project Entitled Traffic Signal Installation At West 24 Avenue And West 76 Street In Commission District 12	Jordan
<b>8R1D</b>	Resolution Approving A Supplemental Joint Funding Agreement Between Miami-Dade County And U.S. Geological Survey ("USGS") To Conduct A Groundwater Study	Gimenez
<b>10F1A</b>	Resolution Establishing A Sister City Affiliation Between Miami-Dade County And The Department Of Guatemala	Martinez
<b>11A3</b>	Resolution Dedicating The Opa-Locka Head Start/Early Head Start Center In Honor Of Mrs. Ophelia E. Brown-Lawson And Naming This County-Owned Building The Ophelia E. Brown-Lawson Community Enrichment Center	Sorenson Moss (co-sponsorship)
<b>11A7</b>	Resolution Directing The County Mayor To Institute A Hiring Freeze Effective _____ And Authorizing A Procedure For Exceptions To Ensure The Continuing Effective Provision Of County Services	Jordan, Sorenson, Rolle
<b>11A8</b>	Resolution Directing The County Manager, Public Health Trust, Parks And Recreation Department, And Public Library System To Develop And Implement A Program To Promote Healthy Living	Sorenson (co-sponsorship)
<b>11A17</b>	Resolution Retroactively Authorizing In-Kind Services From The Miami-Dade Park And Recreation Department For The July 5-8, 2006 Miss Florida Pageant Sponsored By The Miss Florida Scholarship Pageant Organization, A Not-For-Profit Organization	Sorenson
<b>11A30</b>	Resolution Prohibiting County And Public Health Trust Employees From Using Trans Fats Or Any Product Containing Trans Fats In Foods Prepared By Miami-Dade County Or The Public Health Trust	Jordan (co-sponsor)



# Miami-Dade County Commissioners

## Pull List

Tuesday, April 24, 2007

11A31	Resolution Approving The Selection Of An Additional Subconsultant Under The Tallahassee Lobbying Contract With Ronald L. Book, P.A.	Jordan
11A32	Resolution Addressing Limited Conflict Of Interest Waiver Requests For State Contract Lobbyists	Sosa
11A33	Resolution Approving An Interlocal Agreement With The City Of South Miami Health Facilities Authority And Authorizing Its Execution And Delivery By The Mayor Or His Designee	Rolle
11A35	Resolution Requiring Phased Replacement Of Incandescent Lightbulbs In County-Owned And County-Operated Buildings With Energy Star Qualified Compact Fluorescent Lamps	Martinez Sorenson (co-sponsor)
11A36	Resolution Directing The County Manager To Study The Feasibility Of Establishing A Local Rental Housing Assistance Program For Very Low Income To Moderate Income Families Residing In Miami-Dade County	Sorenson, Sosa Rolle (co-sponsor)
11A39	Resolution Directing The Charter Review Task Force To Review Whether The Property Appraiser, Tax Collector, Sheriff And Supervisor Of Elections Shall Be Elected Positions Subject To Recall By The Voters	Jordan, Sorenson
11A40	Resolution Supporting The Miami-Dade County Public Schools' State Legislative Initiatives	Moss (co-sponsor)
11A41	Resolution Urging The Florida Legislature To Amend Florida's Sunshine Law To Allow Two Members Of A Board Of County Commissioners Or City Council That Has More Than Twelve Members To Meet And Discuss Certain Issues Without Complying With Notice And Other Requirements Of The Sunshine Law	Gimenez, Moss, Sorenson
11A42	Resolution Approving The Allocation Of FY 2006-2007 District Reserve Funds Of District 11	Martinez
11A45	Resolution Urging The Florida Legislature And The Florida Public Service Commission To Facilitate The Expedient Conversion Of Overhead Electric Distribution Facilities To Underground Facilities And Encouraging Florida Public Service Commission To Reflect Benefits Of Conversion In Utility Tariffs	Barreiro (co-sponsor) Rolle (co-sponsor)
11A47	Resolution Urging The Florida Legislature To Defeat Bills That Would Preempt Local Regulation And Franchising Of Cable Providers And Establish Statewide Cable Regulation	Jordan (co-sponsor) Rolle (co-sponsor)
11A49	Resolution Urging The Legislature To Increase Funding For Florida's Voluntary Pre-Kindergarten Education Program	Jordan (co-sponsor) Rolle (co-sponsor)
11A54	Resolution Urging Congress To Amend Federal Law To Allow Federal Financial Participation In Providing Medical Benefits To Incarcerated Individuals Until Convicted And Sentenced To Secure Detention	Rolle (co-sponsor)
11A55	Resolution Urging The United States Congress To Enact The Breast Cancer Patient Protection Act Of 2007	Jordan (co-sponsor) Rolle (co-sponsor)
11A56	Resolution Urging The Federal Government To Provide Fair And Equitable Treatment To Haitian Migrants	Jordan (co-sponsor) Moss (co-sponsor) Rolle (co-sponsor)



# Miami-Dade County Commissioners

## Pull List

Tuesday, April 24, 2007

11A58	Resolution Opposing The Centers For Medicare And Medicaid Services ("CMS") Proposed Rule Regarding The Medicaid Program; Urging The Secretary Of The U.S. Department Of Health And Human Services And The Acting Administrator Of CMS To Not Implement A Final Rule	Moss (co-sponsor) Rolle (co-sponsor)
11A59	Resolution Supporting The Miami-Dade County Academy Of Fire Rescue, Providing For Employment Preference, Authorizing The County Mayor Or His Designee To Execute Required Future Agreements And To Recommend Budgetary Funding To Ensure The Continued Success Of This Program	Moss (co-sponsor)
11A62	Resolution Directing The Commission Auditor To Create And Staff A Budget Section Within The Office Of Commission Auditor	Sorenson, Sosa
11A63	Resolution Urging The Florida Legislature To Designate NW 135th Street From NW 7th Avenue To NW 27th Avenue As Bishop Victor Tyrone Curry Boulevard	Barreiro
12B3	Community Affordable Housing Strategies Alliance (CAHSA) Task Force Final Report	Barreiro
12B5	Report On A Change In Policy Regarding Maximum Purchase Price Under Homeownership Assistance Program	Barreiro
12B5 alt	Report Re: Change In Policy Regarding Maximum Purchase Price Under Homeownership Assistance Program	Barreiro
14A1**	Resolution Authorizing The County Manager To Apply For Up To \$200,000 In Grant Funds From The Florida Fish And Wildlife Conservation Commission, Florida Boating Improvement Program To Construct A Canoe Launch, Restroom, And Pave An Existing Road At The Deering Estate	Barreiro
14B1	Acceleration Process Report On Building Better Communities General Obligation (BCC-GOB) Bond Program Project	
14B2	Presentation By Heather Pernas Regarding Issues With Belen Jesuit Preparatory School	
14B3	Presentation Of 38 Certificates Of Appreciation To Community Affordable Housing Strategies Alliances (CAHSA)	

\*\* MANAGER'S MUST PASS ITEM \*\*

# Memorandum



**Date:** April 24, 2007  
**To:** Honorable Chairman Bruno A. Barreiro and  
Members, Board of County Commissioners  
**From:** George W. Burgess  
County Manager  
**Subject:** Changes for the April 24, 2007 BCC Meeting

**RECEIVED**  
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APR 24 2007

Item \_\_\_\_\_  
Exhibit # 3  
Meeting BCC Regular

## Additions

### 4B SUBSTITUTE

Sen. Javier D. Souto

**071206** ORDINANCE AMENDING SECTION 2-48 OF THE CODE OF MIAMI-  
DADE COUNTY, FLORIDA; PERTAINING TO PUBLICATION ON THE  
COUNTY'S WEBSITE OF THE NAMES AND QUALIFICATIONS OF ALL  
PERSONS NEWLY HIRED OR PROMOTED BY THE COUNTY;  
PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN  
EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 070903]

### 4C SUPPLEMENT

**071200** SUPPLEMENTAL INFORMATION RE: ORDINANCE FOR ADDITIONAL  
SENIOR CITIZEN HOMESTEAD INFORMATION

Additions

4D SUBSTITUTE

**071202** ORDINANCE AUTHORIZING ISSUANCE OF MIAMI-DADE COUNTY, FLORIDA PUBLIC SERVICE TAX REVENUE BONDS (UMSA PUBLIC IMPROVEMENTS), SERIES 2007 IN AMOUNT NOT TO EXCEED \$35,000,000 PURSUANT TO ORDINANCE NO. 96-108, AS AMENDED AND SUPPLEMENTED, IN ONE OR MORE SERIES, FOR PURPOSE OF PAYING OR REIMBURSING COUNTY FOR COSTS OF CERTAIN CAPITAL PROJECTS LOCATED IN UNINCORPORATED AREAS OF COUNTY, FUNDING RESERVE FUND, PROVIDING FOR CAPITALIZED INTEREST, IF ADVISABLE, AND PAYING COSTS OF ISSUANCE; PROVIDING THAT DETAILS, TERMS AND OTHER MATTERS RELATING TO SERIES 2007 BONDS BE DETERMINED IN SUBSEQUENT SERIES RESOLUTION; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 071024] (Finance Department)

4I SUBSTITUTE

Dennis C. Moss,  
Carlos A. Gimenez, Rebeca Sosa

**071196** ORDINANCE AMENDING CHAPTER 18, ARTICLE II, SECTIONS 18-25 AND 18-30 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE MIAMI-DADE COUNTY FIRE AND RESCUE SERVICE DISTRICT; ELIMINATING MUNICIPAL OPTION TO OPT OUT OF DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 071138]

5J SUBSTITUTE

Jose "Pepe" Diaz

**071194** RESOLUTION AMENDING RESOLUTION NO. 213-07, WHICH JOINED THE CITY OF DORAL IN CODESIGNATING NW 107TH AVENUE FROM NW 25TH STREET TO NW 41ST STREET AS PERRY ELLIS WAY, TO CODESIGNATE NW 107TH AVENUE FROM NW 25TH STREET TO NW 41ST STREET AS GEORGE FELDENKREIS WAY [SEE ORIGINAL ITEM UNDER FILE NO. 071127]

Additions

8D1D SUPPLEMENT

- 071203** SUPPLEMENTAL INFORMATION TO SOUTH DADE WETLANDS PURCHASES [SEE AGENDA ITEM NOS. 8D1E, 8D1F, 8D1G, 8D1H, 8D1J AND 8D1M]

8J1F SUPPLEMENT

- 071205** SUPPLEMENTAL INFORMATION RE: ADDITIONAL APPROPRIATION OF \$10 MILLION UNDER THE PSA BETWEEN MIAMI-DADE COUNTY AND PARSONS BRINCKERHOFF QUADE AND DOUGLAS, INC.

11A63

Dorrian D. Rolle

- 071018** RESOLUTION URGING THE FLORIDA LEGISLATURE TO DESIGNATE NW 135TH STREET FROM NW 7TH AVENUE TO NW 27TH AVENUE AS BISHOP VICTOR TYRONE CURRY BOULEVARD

14A1

- 071185** RESOLUTION AUTHORIZING THE COUNTY MANAGER TO APPLY FOR UP TO \$200,000 IN GRANT FUNDS FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, FLORIDA BOATING IMPROVEMENT PROGRAM TO CONSTRUCT A CANOE LAUNCH, RESTROOM, AND PAVE AN EXISTING ROAD AT THE DEERING ESTATE AND FURTHER AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO ACCEPT, EXPEND FUNDS, AND EXECUTE AMENDMENTS AS REQUIRED (Park & Recreation Department)

14B1

- 070641** ACCELERATION PROCESS REPORT ON BUILDING BETTER COMMUNITIES GENERAL OBLIGATION (BCC-GOB) BOND PROGRAM PROJECT (County Manager)

**Note:** *This item was inadvertently omitted from the April 24, 2007 BCC agenda.*

**Additions**

14B2

Jose "Pepe" Diaz

**071204** PRESENTATION BY HEATHER PERNAS REGARDING ISSUES WITH  
BELEN JESUIT PREPARATORY SCHOOL

14B3

**071212** FY 2007-08 RECOMMENDED BUDGET PRIORITIES (Commission  
Auditor)

15C1 SUBSTITUTE

**071192** APPOINTMENT OF JOANNE FEUERMAN AND DIANA SUSI TO THE  
DIAL-A-LIFE PROGRAM ADVISORY AND OVERSIGHT BOARD (Clerk of  
the Board)

Deferrals

8D1C

**070539** RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 9.441 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND PEDRO E. ZUCCOLILLO AND GUNNULF BJORKMAN AS SELLERS; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

*Note: The County Manager is requesting deferral of this item to no date certain.*

8D1I

**070553** RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10.011 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND CONSUELO LOZANO DE RANGEL AS SELLER; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

*Note: The County Manager is requesting deferral of this item to no date certain.*

**Deferrals**

8D1K

**070567** RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 4.85 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND ROOSEVELT G. BIRD AND JEANE BIRD AS SELLERS; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

**Note: *The County Manager is requesting deferral of this item to no date certain.***

8D1L

**070576** RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10.161 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND EMILIO MATA AS SELLER; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

**Note: *The County Manager is requesting deferral of this item to no date certain.***

**Withdrawals**

8D1C SUPPLEMENT

**070617** SUPPLEMENTAL INFORMATION TO SOUTH DADE WETLANDS  
PURCHASES

8J1C

**070464** RESOLUTION AUTHORIZING ADDITIONAL APPROPRIATION OF \$19  
MILLION INCLUDED UNDER THE PROFESSIONAL SERVICES  
AGREEMENT BETWEEN MIAMI-DADE COUNTY AND PARSONS  
BRINCKERHOFF QUADE AND DOUGLAS, INC. TO PROVIDE PROGRAM  
MANAGEMENT CONSULTING SERVICES FOR THE IMPLEMENTATION  
OF THE PEOPLE'S TRANSPORTATION PLAN, CONTRACT NO. TR04-  
PTP1 (Miami-Dade Transit Agency)

**Scrivener's Errors**

8F1A

**070498** RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE SUB-LEASE AGREEMENT AT THE MIAMI-DADE COUNTY HERBERT S. SAFFIR PERMITTING AND INSPECTION CENTER, 11805 S.W. 26 STREET, MIAMI, WITH STATE OF FLORIDA DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH DEPARTMENT, BUREAU OF ENVIRONMENTAL HEALTH, FOR PREMISES TO BE UTILIZED TO PROVIDE SERVICES TO CITIZENS REQUIRING PERMITTING AND INSPECTION SERVICES; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

**Note:** *This lease is located in Commission District 11 not in District 10 as stated in the agenda item.*

11A7

Carlos A. Gimenez,  
Rebeca Sosa

**071114** RESOLUTION DIRECTING THE COUNTY MAYOR TO INSTITUTE A HIRING FREEZE EFFECTIVE \_\_\_\_\_ AND AUTHORIZING A PROCEDURE FOR EXCEPTIONS TO ENSURE THE CONTINUING EFFECTIVE PROVISION OF COUNTY SERVICES [SEE ORIGINAL ITEM UNDER FILE NO. 070685]

**Note:** *This item was reprinted in order to correct the subject matter on the cover memo.*

**Note:** UPON THE ADOPTION OF ANY SUBSTITUTE OR ALTERNATE AGENDA ITEM, THE ACCOMPANYING SUBSTITUTES AND/OR ALTERNATES SHALL BE DEEMED WITHDRAWN.

CAO NOTES -4-24-07

4B WITHDRAWN - SEE SUBSTITUTE  
4D WITHDRAWN - SEE SUBSTITUTE  
4I WITHDRAWN - SEE SUBSTITUTE  
4ISUB ADD ROLLE  
5C CARRIED OVER TO THURSDAY  
5C1 CARRIED OVER TO THURSDAY  
5C2 CARRIED OVER TO THURSDAY  
5F DEFERRED TO NO DATE  
5H TIE VOTE  
5I ADD SOUTO  
5J WITHDRAWN - SEE SUBSTITUTE  
7A ADOPTED AS AMENDED  
7B DEFERRED TO 5-8-07  
7D ADOPTED AS AMENDED  
7G SCHEDULED FOR THURSDAY  
8D1C DEFERRED TO NO DATE  
8D1I DEFERRED TO NO DATE  
8D1K DEFERRED TO NO DATE  
8D1L DEFERRED TO NO DATE  
8D1M CARRIED OVER TO THURSDAY  
8F1A CARRIED OVER TO THURSDAY  
8F1L CARRIED OVER TO THURSDAY  
8F1M CARRIED OVER TO THURSDAY  
8G1B WITHDRAWN - SEE ALTERNATE  
8J1C CARRIED OVER TO THURSDAY  
8J1D CARRIED OVER TO THURSDAY  
8J1F CARRIED OVER TO THURSDAY  
8M3A ADOPTED AS AMENDED  
11A3 CARRIED OVER TO THURSDAY; ADD MOSS  
11A7 DEFERRED TO 5-8-07  
11A8 ADD SORENSON  
11A9 ADD SOUTO  
11A17 CARRIED OVER TO THURSDAY  
11A30 ADD JORDAN  
11A35 CARRIED OVER TO THURSDAY; ADD SORENSON  
11A35SUPP CARRIED OVER TO THURSDAY  
11A36 CARRIED OVER TO THURSDAY  
11A37 ADD SOUTO  
11A39 CARRIED OVER TO THURSDAY  
11A40 ADD MOSS  
11A41 CARRIED OVER TO THURSDAY  
11A42 CARRIED OVER TO THURSDAY  
11A45 ADD BARREIRO, ROLLE  
11A47 ADD JORDAN, ROLLE  
11A49 ADD JORDAN, ROLLE  
11A54 ADD ROLLE  
11A55 ADD JORDAN, ROLLE  
11A56 ADD JORDAN, MOSS, ROLLE  
11A58 ADD MOSS, ROLLE  
11A59 ADD MOSS, ROLLE

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APR 24 2007

Item \_\_\_\_\_  
Exhibit 34  
Meeting BCC Regular

11A62  
12B3  
12B5

CARRIED OVER TO THURSDAY  
CARRIED OVER TO THURSDAY  
WITHDRAWN - SEE ALTERNATE

RECORDED  
By the \_\_\_\_\_ Record.

BCC MEETING  
SEPTEMBER 26, 2006

APR 24 2007

Item \_\_\_\_\_  
Exhibit 6  
Meeting BCC Regular

TIME:

DATE: 4/25/1077:07 AM

VOTE TALLY

ORDINANCES FOR FIRST READING

EXCEPT: 4K, 4B

YES - 10

GIMENEZ  
MOSS  
DIAZ  
SOUTO

SORENSEN  
JORDAN  
BARREIRO

ROLLE  
SOSA  
MARTINEZ



NO - 0

ABSENT - 3

HEYMAN

EDMONSON

SEIJAS

BCC MEETING  
SEPTEMBER 26, 2006

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

APR 24 2007

DATE: 4/25/1077:08 AM

VOTE TALLY

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

TIME:

4B SUBSTITUTE

YES - 7

GIMENEZ  
MOSS  
DIAZ

SOUTO  
JORDAN

BARREIRO  
ROLLE



NO - 3

SORENSEN

SOSA

MARTINEZ

ABSENT - 3

HEYMAN

EDMONSON

SEIJAS

BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:08 AM

VOTE TALLY

TIME:

4K

YES - 8

GIMENEZ  
MOSS  
DIAZ

SOUTO  
SORENSEN  
JORDAN

BARREIRO  
SOSA



NO - 2

ROLLE

MARTINEZ

ABSENT - 3

HEYMAN

EDMONSON

SEIJAS

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

APR 24 2007

Iter \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:06 AM

VOTE TALLY

TIME:

5A

YES - 10

GIMENEZ  
MOSS  
DIAZ  
SOUTO

SORENSEN  
JORDAN  
BARREIRO

ROLLE  
SOSA  
MARTINEZ



NO - 0

ABSENT - 3

HEYMAN

EDMONSON

SEIJAS

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

APR 24 2007

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

BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:09 AM

VOTE TALLY

TIME:

5B  
ORDINANCE ABOLISHING THE S.W. 184TH  
ST. ROAD IMPROVEMENTA AND MAINTENANCE  
SPECIAL TAXING DISTRICT, DIRECTING  
REFUND OR SPECIAL ASSESSMENTS

YES - 10

GIMENEZ  
MOSS  
DIAZ  
SOUTO

SORENSEN  
JORDAN  
BARREIRO

ROLLE  
SOSA  
MARTINEZ



NO - 0

ABSENT - 3

HEYMAN

EDMONSON

SEIJAS

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

APR 24 2007

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

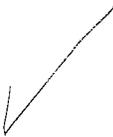
BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:10 AM

VOTE TALLY

TIME:

5D  
ORDINANCE AMENDING ORDINANCE  
NO. 97-120, AS PREVIOUSLY AMENDED BY  
ORDINANCE NO.02-83, RELATING TO BAY  
HEIGHTS ROVING PATROL SPECIAL TAXING



YES - 10

GIMENEZ  
MOSS  
DIAZ  
SOUTO

SORENSEN  
JORDAN  
BARREIRO

ROLLE  
SOSA  
MARTINEZ

NO - 0

ABSENT - 3

HEYMAN

EDMONSON

SEIJAS

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

APR 24 2007

File \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:12 AM

VOTE TALLY

TIME:

5D  
ORDINANCE AMENDING ORDINANCE  
NO. 97-120, AS PREVIOUSLY AMENDED BY  
ORDINANCE NO.02-83, RELATING TO BAY  
HEIGHTS ROVING PATROL SPECIAL TAXING

YES - 10

GIMENEZ  
MOSS  
DIAZ  
SOUTO

SORENSEN  
JORDAN  
BARREIRO

ROLLE  
SOSA  
MARTINEZ



NO - 0

ABSENT - 3

HEYMAN

EDMONSON

SEIJAS

By the Clerk for the record.

SEP 24 2007

Item \_\_\_\_\_  
Folio \_\_\_\_\_  
Meeting \_\_\_\_\_

BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:11 AM

VOTE TALLY

TIME:

7A AMENDED  
ORDINANCE AMENDING SECTION 29-124 OF  
THE CODE TO ALLOW THE USE OF SURTAX  
FUNDS FOR CONTRACTS IN SUPPPORT OF  
THE ADMINISTRATION OF THE CITT

YES - 9

GIMENEZ  
MOSS  
DIAZ

SOUTO  
SORENSEN  
JORDAN

BARREIRO  
SOSA  
MARTINEZ



NO - 1

ROLLE

ABSENT - 3

HEYMAN

EDMONSON

SEIJAS

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

APR 24 2007

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

BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:13 AM

VOTE TALLY

TIME:

7C  
ORDINANCE PERTAINING TO SEAPORT  
OPERATIONS AND SECURITY;

YES - 8

GIMENEZ  
MOSS  
DIAZ

SOUTO  
SORENSEN  
JORDAN

BARREIRO  
ROLLE



NO - 1

MARTINEZ

ABSENT - 4

HEYMAN  
SOSA

EDMONSON

SEIJAS

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

APR 24 2007

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

BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:14 AM

VOTE TALLY

TIME:

7D AMENDED  
ORDINANCE PERTAINING TO FIRE AND  
EMERGENCY MEDICAL SERVICE IMPACT FEES;

YES - 8

GIMENEZ  
MOSS  
DIAZ

SOUTO  
SORENSEN  
JORDAN

BARREIRO  
ROLLE



NO - 0

ABSENT - 5

HEYMAN  
SOSA

MARTINEZ  
EDMONSON

SEIJAS

**RECEIVED**  
By the Clerk for the Board.

APR 24 2007

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

BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:15 AM

VOTE TALLY

TIME:

7E  
ORDINANCE PERTAINING TO DISPOSITION  
OF COUNTY SURPLUS PROPERTY;

YES - 9

GIMENEZ  
MOSS  
DIAZ

SOUTO  
SORENSEN  
JORDAN

BARREIRO  
ROLLE  
SOSA



NO - 0

ABSENT - 4

HEYMAN  
MARTINEZ

EDMONSON

SEIJAS

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

APR 24 2007

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

BCC MEETING  
SEPTEMBER 26, 2006

DATE: 4/25/1077:15 AM

VOTE TALLY

TIME:

7F  
ORDINANCE AMENDING CHAPTER 31,  
ARTICLE II OF THE CODE RELATING TO  
FOR-HIRE MOTOR VEHICLES

YES - 9

GIMENEZ  
MOSS  
DIAZ

SOUTO  
SORENSEN  
JORDAN

BARREIRO  
ROLLE  
SOSA



NO - 0

ABSENT - 4

HEYMAN  
MARTINEZ

EDMONSON

SEIJAS

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

APR 24 2007

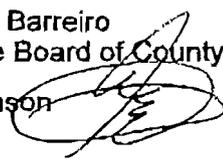
Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

# Memorandum



**Date:** April 10, 2007

**To:** The Honorable Chairman, Bruno Barreiro  
And Members of the Miami-Dade Board of County Commissioners

**From:** Commissioner Audrey M. Edmonson   
District 3

**Subject:** Absence from April 24, 2007 Regular BCC Meeting and April 26, 2007 Zoning and MPO Meetings

---

I will not attend the April 24, 2007 Regular BCC Meeting or the April 26, 2007 Zoning and MPO meetings because I will be attending the Jay Malina ITC Business Development Mission to South Africa. Please excuse my absence for the April meeting.

c: Honorable Mayor Carlos Alvarez  
George Burgess, County Manager  
Murray Greenberg, County Attorney

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

APR 24 2007

Item \_\_\_\_\_  
Exhibit 7  
Meeting BCC Regular



MEMORANDUM  
BOARD OF COUNTY COMMISSIONERS  
COMMISSIONER SALLY A. HEYMAN  
DISTRICT 4

---

TO: Honorable Bruno A. Barreiro, Chairman  
and Members of the Board of County  
Commissioners

DATE: April 11, 2007

FROM: Sally A. Heyman  
Commissioner  
District 4

SUBJECT: **Absence from Regular BCC Meeting,  
April 24, 2007 and Zoning & MPO  
Meeting, April 26, 2007**

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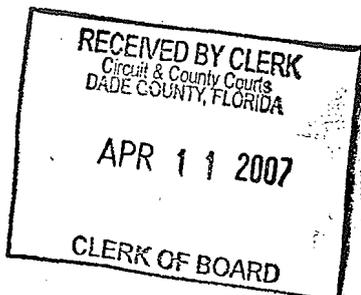
Please be advised that I will not be attending the April 24<sup>th</sup> Regular BCC Meeting nor the April 26, 2007 Zoning and MPO Meetings, I will be attending the Jay Malina ITC Business Development Mission to South Africa. Please excuse my absence for said meetings.

Cc: Honorable Carlos Alvarez, Mayor  
George Burgess, County Manager  
Murray A. Greenberg, County Attorney  
Harvey Ruvim, Clerk of the Courts  
Kay Sullivan, Clerk of the Board  
Diane Davis, Agenda Coordinator  
Subrata Basu, Interim Director  
Jose Luis Mesa, Director, MPO  
Irma San Roman, MPO

**RECEIVED**  
By \_\_\_\_\_ for the record.

APR 24 2007

Item: \_\_\_\_\_  
Exhibit # 8  
Meeting BCC Regular





## MEMORANDUM

TO: Honorable Chairman Bruno Barreiro      DATE: April 24, 2007  
and Members, Board of County Commissioners

FROM: Kay Sullivan, Director      SUBJECT: Letters in Opposition to Special Taxing  
Clerk of the Board Division      Districts on the Board of County  
*Kay Sullivan*      Commission Agenda of April 24, 2007

The Clerk of the Board has received, and has on file, letters in opposition to the following Special Taxing Districts on today's agenda:

**Agenda Item 5A    Sans Souci Natural Gas Pipeline Extension Special Taxing District**  
3 letters in opposition

**Agenda Item 5D    Bay Heights Roving Patrol Special Taxing District**  
1 letter in opposition

Copies of these letters have been forwarded to the Special Taxing District Division of the Public Works Department.

KMS:dc

**RECEIVED**  
By \_\_\_\_\_ at \_\_\_\_\_ for the record.

APR 24 2007  
Item 5A + 5D  
Exhibit 9  
Meeting BCC Regular

**Billy Graham**  
1975 NE 118<sup>th</sup> Road  
No. Miami, Fl. 33181

April 12<sup>th</sup>, 2007

Harvey Ruvin  
Clerk  
Board of County Commissioners  
111 NW 1<sup>st</sup> Street, Suite 17-202  
Miami, Fl. 33128

Re: Sans Souci Natural Gas Pipeline Extension Special Taxing District.

My home is located at 1975 NE 118<sup>th</sup> Road, No. Miami, Fl.. We wish to file a written objection for the gas line on 118<sup>th</sup> Road and the additional cost that it would be to us.

The natural gas would be of no use to us as our stove is in the middle of home and would require a lot to be torn out to use the gas.

Also, our taxes and other expenses are quite high living here and this would just be additional expense

Please accept my objection.

Thanking you, I remain

Sincerely,



Billy Graham, Owner  
1975 NE 118<sup>th</sup> Road  
No. Miami, Fl. 33181

CLERK OF THE BOARD  
2007 APR 18 PM 4:12  
CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

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

APR 24 2007

Item 5A  
Exhibit 9  
Meeting BOC Regular

CLERK OF THE BOARD

2007 APR 19 AM 10:51

CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

DEBRA E. YOUNG  
1965 N. E. 118<sup>th</sup> Road  
North Miami, FL 33181

April 17, 2007

Ms. Kay Sullivan  
Clerk of the Board of County Commissioners  
111 NW 1<sup>st</sup> Street  
Suite 17-202  
Miami, FL 33128

Re: San Souci Natural Gas Pipeline Extension Special Taxing District

Dear Ms. Sullivan:

I am a homeowner located on N. E. 118<sup>th</sup> Road, and I am opposed to the creation of the San Souci Natural Gas Pipeline Extension Special Taxing District.

I am opposed to the installation of a gas pipeline for the following reasons:

1. I do not intend to use the natural gas pipeline as none of my appliances can use natural gas.
2. My gasoline generator is new and I don't intend to purchase a new one.
3. The road has just been repaved with new pavement and it is wasteful to dig it up again.

This is an unnecessary expense that I don't wish to pay for.

Sincerely,

  
Debra E. Young

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

APR 24 2007

Item 5A  
Exhibit #10  
Meeting BCC Regular



I preface my comments by stating that neither I nor Ms Young was afforded the opportunity to sign the petition and indicate our opposition to the Special Taxing District. Although a homeowner came by and asked Ms. Young her position on the Taxing District, when Ms. Young indicated both her and my opposition, the homeowner stated that she would be back with the "No Petition." She never returned with the petition. The petition currently has 18 "Yes" votes; and 15 "No" votes; our votes would make the count 18 for, and 17 against the Taxing District. Since there are only 36 homes in the proposed Taxing District, only half of the homeowners are in favor of this matter. Since there is no large mandate favoring the proposal, creation of the Taxing District should not be approved on this basis alone.

The Board is being asked to consider a Special Taxing District to extend a natural gas pipeline the length of 118<sup>th</sup> Road. Currently, many homeowners are either satisfied with electricity alone, or have propane supplied by one of several companies. This has sufficed until now. The impetus for the gas pipeline is to supply large natural gas generators (in excess of 15,000 watts) to power a home in the event of a power failure. Although it may be a necessity to power some appliances in the event of a power failure, it is a luxury to power an entire home to the same extent as when normal electrical service is provided. A smaller generator could provide more than adequate power for most homes, and could be supplied by one large propane tank, or several smaller 100 cubic foot tanks. Since only half of the residents are interested in this luxury, it is not reasonable to ask the other half to pay for this. Both Ms. Young and I have gasoline generators which provide us with adequate power. With gasoline stations now having generators for their pumps, gasoline should be in ample supply in the event of a storm leading to a loss of power.

As the Board may be aware, 118<sup>th</sup> Road was recently repaved. It seems inappropriate to dig up the street for a pipeline of questionable value and use. I would add that all of the other utilities are currently above ground. It would make far more sense to bury all of the utilities (in particular the electric), and install a gas pipeline at that time. It would be more cost efficient, and far less wasteful. In addition, burying the electric lines would protect them in the event of a storm, thus decreasing the chance of a power failure and the need for a generator. Additionally, burying the electric cables would add value to the community as a whole, while the value of the proposed pipeline is at best marginal.

Exhibit A included with the Public Notice states in part: "the proposed improvement ... will provide benefits to all property within the district equal to or exceeding the total amount of special assessments to be levied." This certainly has not been explained, and is likely not true. Adding a natural gas pipeline to a home which only has electric appliances has no benefit. Similarly, adding a natural gas pipeline to a home with a gasoline generator is of no benefit. Homes with gas appliances already have them supplied with a tank filled by a commercial company; in this case the benefits would be minimal. The estimated assessment for a typical lot is stated to be \$1350. This cost would not be recouped since fuel costs would be similar. If the pipeline is of no benefit to a home, it cannot provide benefits "equal to or exceeding the total value of special assessments levied." In addition, in order to gain this "benefit", the home must be connected to the gas pipeline. If a homeowner chooses not to connect, the assessment levied is wasted and does not provide any benefit. If one elects to connect to the pipeline, no benefit is achieved until one spends additional money to actually connect to it. If \$1350 is assessed, but it

costs an additional \$1000 to connect, \$2300 of value must be attained. It is difficult to see any benefit, much less \$2300 if the status quo is sufficient. There may be a benefit to having a home with a natural gas powered generator which can supply the same amount of electricity in the event of a power failure as with normal electric service. However, the installed cost of that project would exceed \$15,000. There is only one home in the proposed Taxing District with that system installed. Although that home may benefit from a \$1350 assessment for a gas pipeline, no other home does, and that home did have to invest over \$15,000. Spending over \$15,000 to achieve what would be a \$1350 improvement makes no sense. It is probable that the proposed "improvement" provides little if any benefit to an individual home, or to the community as a whole. Given the high selling prices of the homes in the proposed Taxing District, the presence of a gas pipeline would not alter the selling price of a home. This is a major reason that creation of this Taxing District should not be approved.

Although the average cost for each home may appear to be \$1350, this does not represent the total cost for each home. Each home would need to be connected to the pipeline; this would require additional digging, and additional expense. The average total cost would be at least \$2300, if not substantially more. This does not include the cost of natural gas appliances, natural gas generator and their installation. The homeowners opposed to the proposed Taxing District are happy with their current arrangement. They would be throwing out \$1350 if they did not connect to the pipeline. They would be spending even more money (good money after bad) to connect to the pipeline and then purchase appliances which use natural gas, all for no reason. It is not feasible in some cases. In my case, 20-30 feet of Chicago brick driveway would have to be torn up and replaced. I certainly do not want to spend over \$3000 just to connect a natural gas pipeline that is of no use to me. I am left to pay (waste) \$1400 for a pipeline which I would not use. In essence, I am paying for someone else to use the pipeline. Roughly half of the proposed Taxing District is in this position; this inequity should be a strong reason not to approve the creation of the Taxing District.

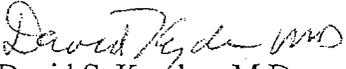
This project has not been discussed with the 18 homeowners involved. No County official has met with us to outline the project, shown us the various bids and proposals, and explained how the total cost was calculated. More importantly, no one has met with us to see how we feel about it. I understand that this public hearing is our only opportunity to let the Board know how we feel. In my case (and Ms. Young's), the 14 days notice received was insufficient to allow us to attend; we had already made commitments to be out of town on the date of the hearing. The Board is already aware that only 18 homes (exactly half) are in favor of the proposed pipeline; that in itself should be reason for the Taxing District not to be approved.

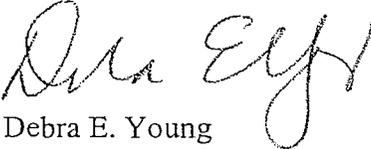
In summary, I am opposed to the proposed Sans Souci Natural Gas Pipeline Extension Special Taxing District. There are at least 16 other homeowners who are similarly opposed (15 have signed the petition; Ms. Young and I make 17). These 17 homeowners are satisfied with the current arrangement. For some residents, it is too difficult (or perhaps impossible, if not cost prohibitive) to connect our homes to the pipeline, or to run a gas line to the location of an existing appliance in the house. It is not clear how "the proposed improvement ... will provide benefits to all property within the district equal to or exceeding the total amount of special assessments to be levied."

Finally, I have tried to contact Commissioner Heyman to express my thoughts to her. I have learned that she is currently out of the country and will not return until after the vote. I would have liked to address the commission in person, but I had previously made plans to be out of town. The 14 days notice we were provided precluded my (or Ms Young) changing plans and being able to attend the hearing.

Thank you for your consideration.

Sincerely yours,

  
David S. Kayden, M.D.

  
Debra E. Young

Item 5 D  
4/24/07

CLERK OF THE BOARD

**Betty Nahmias**  
**21 Shore Drive North**  
**Coconut Grove, FL 33133**

2007 APR 16 PM 4:09

13th CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

April 12, 2007

Mr. Harvey Ruvin  
Clerk of the Circuit and County Courts  
111 NW 1<sup>st</sup> St., Suite 17-202  
Miami, FL 33128-1983

**RE: Objection to proposed amendment of Ordinance No. 02-83/"Bay Heights Roving Patrol Security Guard Special Taxing District"**

Esteemed Mr. Ruvin:

I am in receipt of the "Public Notice" concerning the above referenced matter. I would like to take this opportunity to **fully object to this petition to increase the level of roving patrol service of the existing district.**

As a very concerned resident of Bay Heights for twelve (12) years, I must honestly advise you that this is a total and complete waste of our money. Residents fair much better with their home alarm and security services.

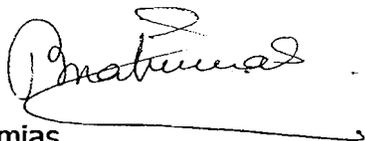
During the day, I have seen the car stationed in driveways or by the neighborhood mailbox. In the late evening or very early morning, I, a single mother of two, have never seen any car patrolling nor had the feeling of any kind of protection.

I would suggest reviewing carefully the current operative hours and working around this existing schedule/shift in order to use more efficiently the service already in place.

Furthermore, I am completely against further increases and assessments, which are and would be included in our property taxes as they are already significantly high and unaffordable.

Thanking you in advance for your kind attention to this serious matter.

Sincerely,



Betty Nahmias

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

APR 24 2007

Item 50  
Exhibit 12  
Meeting 1000 Regular

RICHMOND HEIGHTS COMMUNITY

19

**RICHMOND HEIGHTS COMMUNITY**

4-24-07

PETITION-----PETITION

THIS PETITION STATES THAT THE SIGNATURES BELOW RESPECTFULLY REQUEST THE COMMISSIONERS TO USE ALL POWER OF VOTING TO RESEND ANY PREVIOUS ACTION OF CONSENT RICHMOND HEIGHTS COMMUNITY.

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

NAME

ADDRESS

- 1. MACNEIL LEE 14804 SW 116 Ave Miami FL 33176
- 2. Betty Howard 14848 Carver Dr Miami 33126
- 3. [Signature] 14824 Carver Dr Miami FL 33176
- 4. MARY HOWARD 11404 SW 148 TER 33176
- 5. Jonathan Clark 11440 Booker T. Washington 33176
- 6. JERLYN OSBOURNE 11310 BOOKER T. WASHINGTON BLD 33176
- 7. JOSEPH WHITE 10730 SW 147 ST MIAMI FL 33176

54  
13  
REG BCC

RICHMOND HEIGHTS COMMUNITY

13  
33

**RICHMOND HEIGHTS COMMUNITY**

PETITION-----PETITION

1/16/2007  
4/24/07

THIS PETITION STATES THAT THE SIGNATURES BELOW RESPECTFULLY REQUEST THE COMMISSIONERS TO USE ALL POWER OF VOTING TO RESEND ANY PREVIOUS ACTION OF CONSENT RICHMOND HEIGHTS COMMUNITY.

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

NAME ADDRESS

- 1. JANE BELL 15111 POLK St. N.H.
- 2. Mable Woot 22220 SW 27th Ave
- 3. ~~BURTON GILM~~ 21951 SW 24th
- 4. 14640 SW 146th
- 5. ~~John W. Robinson~~
- 6. AMAR ALI 14700 BUCKHART ST
- 7. 14387 SW 15th St
- 8. Alfred Smith 14741 Jackson St
- 9. Hattie Hannah 14500 S. Waver
- 10. Paul Kilde 11504 7th St
- 11. Yonnie Smith-Reyes 11730 SW 168 St
- 12. Yonnie Alley 14700 BOOKER T. WASH. BLVD #109
- 13. Yonnie Alley 1120 SW 116th St.



RICHMOND HEIGHTS COMMUNITY

(B)  
4/16/07

**RICHMOND HEIGHTS COMMUNITY**

PETITION-----PETITION

4/16/07

THIS PETITION STATES THAT THE SIGNATURES BELOW RESPECTFULLY REQUEST THE COMMISSIONERS TO USE ALL POWER OF VOTING TO RESEND ANY PREVIOUS ACTION OF CONSENT RICHMOND HEIGHTS COMMUNITY.

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

	NAME	ADDRESS
14	Kimberly Flowers	10310 SW 175 St.
15	MARK Jerome	10821 SW 158 St
16	BEATRIZ VINCENT	14032 SW 179 St
17	<del>A. Miller</del>	<del>11251 SW 157 St</del>
18	Martha Hughes	13833 Van Buren St.
19	LARRY WILLIAMS	10170 SW 171 St.
20	Beatrice Reid	11600 Lincoln Blvd
21	Denise Lathan	10370 SW 220 St
22	Steve BZ	1538 SW 101 Av
23	Joan Lynzats	15005 SW 113 St
24	Julie Hernandez	11223 SW 1537 B.
25	Dorothy Meek	14970 Pierce St
26	Katie Farrell	10765 SW 147 St

RICHMOND HEIGHTS COMMUNITY

11

**RICHMOND HEIGHTS COMMUNITY**

PETITION-----PETITION

THIS PETITION STATES THAT THE SIGNATURES BELOW RESPECTFULLY REQUEST THE COMMISSIONERS TO USE ALL POWER OF VOTING TO RESEND ANY PREVIOUS ACTION OF CONSENT RICHMOND HEIGHTS COMMUNITY.

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

4/19/07

- | 27. | NAME               | ADDRESS                            |
|-----|--------------------|------------------------------------|
| 28  | Latherine Saunders | 8214 SW 100th Miami 57, Fla. 33157 |
| 29  | Angela Branch      | 14640 SW 104th                     |
| 30  | Angela Branch      | 750 NW 13 Ave                      |
| 31  | ACEL ROBERSON      | 11501 S. W. 142 ST MIAMI FL 33176  |
| 32  | OTIS THOMAS        | 14721 PIERCE ST.                   |
| 33  | ANTONIO VIAL       | 11421 BOOKER T WASH                |
| 34  | Eric Washington    | 147-17 SW 116 AVE                  |
| 35  | Madame L. Young    | 14816 SW 116 Avenue 33176          |
| 36  | Vanessa Williams   | 11005 SW 147 Ter. M. FL 33176      |
| 37  | Earl Sims          | 14712 SW 116 AVE M, FL 33176       |
| 38  | Varona N. Sims     | 14712 S.W. 116 Ave Miami, FL 33176 |
| 39  | CIRKTIAN JNO       | 14612 SW 116 AVE Miami             |

Branch

51

14  
13  
13  
51

14

RICHMOND HEIGHTS COMMUNITY

**RICHMOND HEIGHTS COMMUNITY**

4/20/07

4/24/07

PETITION-----PETITION

THIS PETITION STATES THAT THE SIGNATURES BELOW RESPECTFULLY REQUEST THE COMMISSIONERS TO USE ALL POWER OF VOTING TO RESEND ANY PREVIOUS ACTION OF CONSENT RICHMOND HEIGHTS COMMUNITY.

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

1	NAME	ADDRESS
	Janice Gibson	14729 SW 116th Ave
2	George Wright	10770 Meadow
3	J.D. Spant	14960 MOUNTAIN CREST
4	Pearl James	16000 S
5	MELBA CARROLL	14780 main St
6	Genevieve Keye	11730 SW 168th
7	Thoms Davis	11570 Ardmore Dr
8	CARMEN FERDINAND	10750 SW 173 ST
9	T. Williams	14700 Van Buren
10	Miller Wilson	72270 SW 107 Ave
11	Theresa Cannon	716th SW 107 Ave
12	Hattie M. Hannah	14500 corner W
13	Annal Cambridge	14420 Fiddlers St
14	John Pollock	14630 10th St

(B)

15. Gloria Thomas 1126 R 1165 Terr
16. Manuel Martinez 14760 Buchanan St
17. L. Mariano 143518 W 156 St
18. Wanda Daniels 13600 JACKSON ST
19. Mary Holdman 14800 SW 103 Ave
20. George M. Pinedo 15030 Tyburn St RH
21. MARGARET HALL 10770 SW 141 ST 33175
22. MARGARET BELL 15111 POLIC ST, R.H.
23. Mary Ann 14201 Westchester Ave P.H.
24. Walter Bethel 14760 Monroe St RH
25. Bernada 14853 SW 11114 R H
26. Wanda Perez 13410 SW 113 PL
27. Ruben Green 10270 S.W. 151 TERR. R.H.

2  
13  
10  
13  
14  
13  
13

MAIN TOTALS:  
116  
51  
33  
205

116

13

# RICHMOND HEIGHTS COMMUNITY

# RICHMOND HEIGHTS COMMUNITY

PETITION-----PETITION

3/19/07 4/24/07

THIS PETITION STATES THAT THE SIGNATURES BELOW RESPECTFULLY REQUEST THE COMMISSIONERS TO USE ALL POWER OF VOTING TO RESEND ANY PREVIOUS ACTION OF CONSENT RICHMOND HEIGHTS COMMUNITY.

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

NAME ADDRESS

1 Mac Bell	15111 POLIC ST.
2 G. Be good	10621 S.W. 149th
3 Thomas L. Collier	14621 SW 106 AVE
4 DAVID D. DONAHUE	14242 SW 177 Terry
5 EMMA GARCIA	11680S W 141 CT
6 JAMES Payne	14751 HARRISON ST.
7 VERA WILSON	9803 S.W. 191 ST
8 ALVIN Dakey	20020 S.W. 111 AVE.
9 KENNETH H. RUSSELL	151721 HARRISON ST
10 Ricardo Vilco	11426 SW 18th Terrace
11 SADIE M. MILLER	14645 VAN BUREN ST.
12 BOBEN BAKER	14651 SW 167 ST
	14600 SW 116th Ave

RICHMOND HEIGHTS COMMUNITY

**RICHMOND HEIGHTS COMMUNITY**

PETITION-----PETITION

3/19/67

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10

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

	NAME	ADDRESS
1.	William L. [unclear]	10201 Hammocks Blvd Miami FL 33176
2.	Flattie J. [unclear]	14635 S.W. 107 Ave 33176
3.	Arrington [unclear]	10314 SW 149 Ave 33176
4.	Ethel Boone	1412 SW 118th Miami 33176
5.	Walter J. [unclear]	20110 SW 116 Ave Miami FL 33189
6.	[unclear]	14920 [unclear] St 33176
7.	Yvonne [unclear]	14145 Madison St 33176
8.	Alfonda Holmes	11601 Pinkston Drive 33176
9.	W.C. [unclear]	14541 Jackson 33176
10.	L. Kaska [unclear]	10361 S.W. 183 St. 33157

RICHMOND HEIGHTS COMMUNITY

**RICHMOND HEIGHTS COMMUNITY**

PETITION-----PETITION

3/16/07

THIS PETITION STATES THAT THE SIGNATURES BELOW RESPECTFULLY REQUEST THE COMMISSIONERS TO USE ALL POWER OF VOTING TO RESEND ANY PREVIOUS ACTION OF CONSENT RICHMOND HEIGHTS COMMUNITY.

*Gas Station*

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

13

NAME	ADDRESS
1. <i>[Signature]</i>	<i>8145 SW 5th St. #1642</i>
2. <i>[Signature]</i>	<i>2600 SW 10th Ave</i>
3. <i>[Signature]</i>	<i>15835 SW 109th Ct</i>
4. <i>[Signature]</i>	<i>11269 SW 1st Ave</i>
5. <i>[Signature]</i>	<i>11264 SW 1st Ave</i>
6. <i>[Signature]</i>	<i>17230 TIGARD RD</i>
7. <i>[Signature]</i>	<i>1514 1st Ave SE</i>
8. <i>[Signature]</i>	<i>17230 TIGARD RD</i>
9. <i>[Signature]</i>	<i>14222 1st Ave SE</i>
10. <i>[Signature]</i>	<i>15835 SW 109th Ct</i>
11. <i>[Signature]</i>	<i>15835 SW 109th Ct</i>
12. <i>PATRICK MURPHY</i>	<i>15835 SW 109th Ct</i>
13. <i>[Signature]</i>	<i>11005 SW 1st Ave</i>

1. *[Signature]* 8145 SW 5th St. #1642
2. *[Signature]* 2600 SW 10th Ave
3. *[Signature]* 15835 SW 109th Ct
4. *[Signature]* 11269 SW 1st Ave
5. *[Signature]* 11264 SW 1st Ave
6. *[Signature]* 17230 TIGARD RD
7. *[Signature]* 1514 1st Ave SE
8. *[Signature]* 17230 TIGARD RD
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10. *[Signature]* 15835 SW 109th Ct
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13. *[Signature]* 11005 SW 1st Ave

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THIS PETITION STATES THAT THE SIGNATURES BELOW RESPECTFULLY REQUEST THE COMMISSIONERS TO USE ALL POWER OF VOTING TO RESEND ANY PREVIOUS ACTION OF CONSENT RICHMOND HEIGHTS COMMUNITY.

14

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

- | 1.  | NAME                                    | ADDRESS                                  |
|-----|---|--|
|     | <u>K. Wilson</u>                        | <u>10765 SW 147<sup>ST</sup></u>         |
| 2.  | <u>G. Bedgood</u>                       | <u>10621 S.W. 149<sup>th</sup> ST</u>    |
| 3.  | <u>H. Cahier</u>                        | <u>11481 Lincoln Blvd 33126</u>          |
| 4.  | <u>Hilda Caracas</u>                    | <u>14552 Carver Drive 33176</u>          |
| 5.  | <u>Eleanor Johnson</u>                  | <u>14885 S.W. 122<sup>nd</sup></u>       |
| 6.  | <u>Z. Deane London</u>                  | <u>11126 S.W. 156<sup>th</sup> 33157</u> |
| 7.  | <u>M. K. M. Wilkey</u>                  | <u>14705 SW 103<sup>rd</sup> Ave.</u>    |
| 8.  | <u>J. O. H. H. H.</u>                   | <u>14800 SW 103<sup>rd</sup> Ave</u>     |
| 9.  | <u>Mrs. MARY C. Johnson</u>             | <u>14043 Jackson St</u>                  |
| 10. | <u>James C. <del>Smith</del> Taylor</u> | <u>21700 SW 108<sup>th</sup> St</u>      |
| 11. | <u>Beverly J. Taylor</u>                | <u>21700 SW 108<sup>th</sup> St</u>      |
| 12. | <u>NEC ROBERTSON</u>                    | <u>11501 S.W. 142<sup>nd</sup> St</u>    |
| 13. | <u>James Landrum</u>                    | <u>14808 Carver Dr.</u>                  |
| 14. | <u>Ruby Green</u>                       | <u>10370 S.W. 151<sup>st</sup> Ter.</u>  |

RICHMOND HEIGHTS COMMUNITY

**RICHMOND HEIGHTS COMMUNITY**

PETITION-----PETITION 3/16/07 Gas Station

THIS PETITION STATES THAT THE SIGNATURES BELOW RESPECTFULLY REQUEST THE COMMISSIONERS TO USE ALL POWER OF VOTING TO RESEND ANY PREVIOUS ACTION OF CONSENT RICHMOND HEIGHTS COMMUNITY.

AND VOTE NO TO THE REQUEST TO BUILD A GASOLINE STATION AT SW 116 AVENUE AND JEFFERSON AND BETHUNE DRIVE

13

NAME	ADDRESS
1. <del>Matthew Bous</del>	<del>5011 St 10th pl.</del>
2. Denis C. Martin	14125 Jefferson St.
3. Charles H. Gray	14000 monroe st. miami 33174
4. <del>Dana Hyman</del>	<del>11363 SW 165 Terr Miami FL 33157</del>
5. <del>[Signature]</del>	<del>13900 Harrison street 33126</del>
6. Susan Blake	11363 SW 165 Terr MIAMI, FL 33157
7. Flo Gibson	14840 Jackson St Miami Fla 33176
8. Christine Hodge	14704 S.W. 116 Ave Miami 33176
9. Ruby L. Johnson	13847 monroe Street Richmond Heights Fla 33176
10. Thoman Appleby	14705 SW 116 Ave 33176
11. Audrey Appleby-Spell	14614 Jefferson St Miami 33176
12. Pamela Gillipie	11608 S.W. 147 Terr Miami, FL 33176
13. Rochelle Nealy	14604 S.W. 116 Ave

3/14/2007

# RICHMOND HEIGHTS COMMUNITY

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(13)

	NAME	ADDRESS
--	------	---------

- |     |                         |                               |
|-----|-------------------------|-------------------------------|
| 1.  | Morgan P. Mitchell, Jr. | 11731 SW 190th. 33176         |
| 2.  | Chabehn Cambridge       | 14711 SW 104 Ct. 33176        |
| 3.  | Evelyn Martin           | 10740 SW 150 Ter 33176        |
| 4.  | S PALMER                | 14521 Lincoln Blvd. 33176     |
| 5.  | Joe H. Chester          | 14600 Tyler Ct. 33176         |
| 6.  | Johny Robben            | 14650 SW 104th                |
| 7.  | Artis Reding            | 15701 NORFOLK ST. 33176       |
| 8.  | Anna Hudson             | 14521 Harrison St. 33176      |
| 9.  | Anna Campbell           | 14117th Fullerton # 33176     |
| 10. | Ruth Christensen        | 14810 Robinson St. 33176      |
| 11. | Bobby Stinson           | 17030 SW 107 Ct. 33157        |
| 12. | Jana Fredrickson        | 12921 Jefferson St 33176      |
| 13. | Carroll K. Pomeroy      | 11511 S. 31st 139th Ter 33176 |

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- | 1.  | NAME                      | ADDRESS                                  |
|-----|---------------------------|--|
|     | <i>Ken Wear</i>           | <i>10765 SW 147<sup>th</sup></i>         |
| 2.  | <i>G. Bedgood</i>         | <i>10621 S.W. 149<sup>th</sup> St</i>    |
| 3.  | <i>H. Collier</i>         | <i>11481 Lincoln Blvd 33176</i>          |
| 4.  | <i>Hilida Caracas</i>     | <i>1485 Carver Drive 33176</i>           |
| 5.  | <i>Elena Jimenez</i>      | <i>14885 SW 125<sup>th</sup></i>         |
| 6.  | <i>Theresa Lewis</i>      | <i>11126 S.W. 152<sup>nd</sup> 33157</i> |
| 7.  | <i>Mickie Wilkey</i>      | <i>1478 SW 103<sup>rd</sup> Ave.</i>     |
| 8.  | <i>Cheryl Brown</i>       | <i>14800 SW 103<sup>rd</sup> Ave</i>     |
| 9.  | <i>Ms MARY C. Johnson</i> | <i>14045 Jackson St</i>                  |
| 10. | <i>James C. Taylor</i>    | <i>21700 SW 100<sup>th</sup> St</i>      |
| 11. | <i>Brenda J. Taylor</i>   | <i>21700 SW 100<sup>th</sup> St</i>      |
| 12. | <i>NEC REEFERSON</i>      | <i>11501 S.W. 142<sup>nd</sup></i>       |
| 13. | <i>James Landis</i>       | <i>14805 Carver Dr.</i>                  |
| 14. | <i>Burling Green</i>      | <i>10370 S.W. 151<sup>st</sup> Ter.</i>  |

# RICHMOND HEIGHTS COMMUNITY

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NAME ADDRESS

1. Nathan Vause 15011 St 13th Pl.
2. Denis C. Martin 14125 Jefferson St.
3. Charles H. Gray 14000 monroe st. miami 33174
4. ~~Donna Thompson~~ 11363 SW 165 Terr Miami FL 33157
5. ~~[Signature]~~ 13900 Harrison street 33176
6. Susan Blake 11363 SW 165 Terr Miami, FL 33157
7. Felo Gibson 14840 Jackson St Miami Fla 33176
8. Christine Hodge 14704 S.W. 116 Ave Miami 33176
9. Ruby L. Johnson 13847 monroe Street Richmond Heights Fla 33176
10. Sharon Appley 14705 SW 116 Ave 33176
11. Audrey Appley-Spell 14614 Jefferson St Miami 33176
12. Raymond Galipie - 11608 S.W. 147 Terr. Miami, FL 33176
13. Rochelle Nealy 14604 S.W. 116 Ave

3/14/2007

RICHMOND HEIGHTS COMMUNITY

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(13)

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1. Major P. Mitchell, Jr. 11731 SW 190th. 33176
2. Chabel Cambridge 14711 SW 104 Ct. 33176
3. Evelyn Martimer 10740 SW 150 Ter 33176
4. S PALMER 14521 Lined in Blue 33176
5. Joe H. Chester 1460 Tyler Ct. 33176
6. D. O. Rabbau 14645 SW 101 St SW
7. Curtis Redman 15701 NORFOLK ST. 33176
8. Anna Hudson 14521 HALLWAY ST. 33176
9. Annmarie Campbell 14117th Fullerton 33176
10. Ruth CHRISTENSEN 14244 Douglas 14810 Robinson St. 33176
11. Bobby Stinson 17030 SW 107 Ct. 33157
12. Jina J. J. J. 14721 Jefferson St 33176
13. Gerard H. Thammik 11511 S. 312 139th Lane 33176

CARMEL INVESTMENT & DEVELOPMENT, INC.  
11600 Bethune Drive

**RESOLUTION EXTENDING TEMPORARY  
BUILDING MORATORIUM AND APPROVING  
STUDY AREA REPORT**

April 24, 2007

Received by the Clerk  
for the Council  
APR 24 2007  
INDEX 5H  
EXHIBIT ~~14~~ 14  
APPL REG BCC

Prepared by:

Bercow & Radell, P.A.  
200 S. Biscayne Blvd,  
Suite 850  
Miami, Florida 33131

## Table of Contents

1. Summary
2. Zoning Confirmation Letter
3. Building Permit 2007049181
4. Approvals and Reliance History
5. Retail Center Site Plan
6. Financial Reliance
7. Contractual Reliance
8. Permit Summary
9. Gas Stations with Proximity to Residential in Miami-Dade County
10. Letter to James Marshall, Richmond Heights Homeowners Association
11. Analysis of Study Area Report

# Summary

CARMEL INVESTMENT AND DEVELOPMENT, INC.  
11600 Bethune Drive

Summary

Carmel Investment and Development, Inc. (the "Owner") purchased the property at 11600 Bethune Drive (the "Property") in September 2001 in order to develop it as a retail center with a restaurant and some shops. Shortly thereafter, the Owner obtained a zoning confirmation letter from the Miami-Dade County Department of Planning and Zoning that the parcel was zoned BU-3. In September 2005, the Owner reached 100% permitting and was scheduled to pay impact fees for a Huddle House restaurant. There were no objections to business or commercial uses at this time.

When Miami-Dade County's plan for the Metro Zoo water park expansion became public, the Owner reevaluated his business model. Because of the expected increase in traffic to the area generated by the park, the Owner felt that a gas station / retail center within such close proximity to the water park and Florida Turnpike was a more appropriate use for the site. Accordingly, he revised his plans and submitted five separate building permit applications for paving and drainage, the convenience store and gas station, retail shops, canopy, and fuel storage tanks. Of these, only the fuel tanks permit had been approved prior to November 28, 2006 (approved November 7, 2006). He was well along in the process until November 28, 2006 when the County Manager issued an Administrative Building Moratorium for all non-residential development in the area.

At the December 19, 2006, Board of County Commissioners meeting, the administrative building moratorium was not approved by the Commission and Mr. Gonzalez was allowed to continue processing his permits. On December 28, 2006, he obtained the paving and drainage permit, and work is 85% complete on this permit. He obtained multiple sign-offs from County departments for the other permits, including the Department of Planning and Zoning for zoning consistency.

On January 25, 2007, the County Commission once again heard the item of the building moratorium and the vote was an affirmative vote to maintain the moratorium. Nevertheless, it was communicated to Carmel from the dais that the resolution reinstating the moratorium would not take effect for 10 days.

In that 10 day period, Carmel made additional progress with regard to the Gas Station / C-Mart Permit, which would have also permitted the approval of the Canopy Permit. Although all other sign-offs had been obtained, the Zoning

and Public Works departments placed Carmel in a "catch-22" from January 29 - February 2, 2007, by each failing to sign off and requiring the other to sign first. Finally, permitting was halted by the County on the morning of February 2, 2007, even though the 10 day period had not run. Carmel was told that the Mayor had signed the resolution.

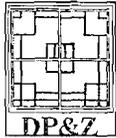
On March 20, 2007, the Department of Planning and Zoning presented their findings to the Board of County Commissioners. Upon a tie vote of 6-6, the Commission failed to extend the moratorium and did not direct staff to process applications for rezoning pursuant to the Study Area Report. With that result, the moratorium was lifted and Carmel continued to process its permits. At this point, Building Director Charles Danger asked Carmel to combine the C-Mart, canopy, fuel tanks and paving and drainage permit applications under one process / permit number. Carmel agreed and Process No. 2006112656 included all of these. Permit 2007049181 was issued on April 20, 2007.

The Property is zoned BU-3 which would allow a gas station and retail center as of right.

#### Financial Reliance

**Minimum Actual Costs So Far \$866,933.36 as of March 12, 2007**  
**Community Bank Loan - \$2.7 million encumbering this Property**

# Zoning Confirmation Letter



STEPHEN P. CLARK CENTER

DEPARTMENT OF PLANNING AND ZONING  
111 N.W. 1ST STREET  
SUITE 1210  
MIAMI, FLORIDA 33128-1972  
(305) 375-2800

November 19, 2001

Mr. Carmelo Gonzalez  
Carmel Investment & Development Inc.  
14220 S.W. 136 Street  
Miami, Florida 33186

Re: **The NE 350 feet of Tract L, Block 40**  
**RICHMOND HEIGHTS, PB 50-19**  
**Folio # 30-5019-001-5971**

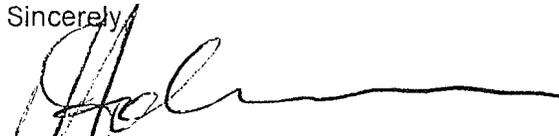
Dear Mr. Gonzalez:

This is in response to your zoning classification request, please be advised that the subject property is zoned BU-3 (Business Liberal District). Enclosed is a copy of the permitted uses and zoning standards for same.

Building permit issuance will be subject to compliance with all code requirements and concurrency approval.

Should you need additional zoning information, please contact this office at (305) 375-1808.

Sincerely,



Damon Holness, Supervisor  
Zoning Information Section

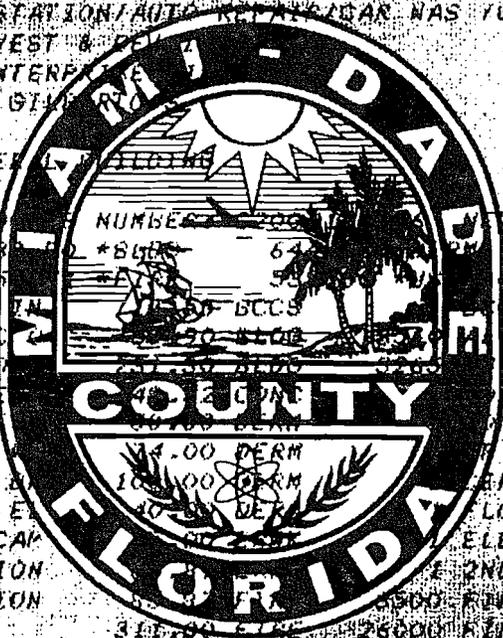
# MIAMI-DADE COUNTY

## BUILDING PERMIT AND INSPECTION RECORD

PERMIT NO. 2007-049183  
 JOB SITE ADDRESS 11600 BETHUNE DR  
 LEGAL TURNPIKE SHOPPING CENTER  
 APPLICATION TYPE NEW  
 PROPOSED USE GAS/SEVY STATION/AUTO REPAIR/ CAR WAS  
 OWNER NAME CARMEL INVEST  
 CONTRACTOR GILNICK ENTERPRISES  
 QUALIFIER FERNANDEZ GILNICK  
 PERMIT TYPE BUILDING  
 CATEGORIES 0001 GENERAL BUILDING

DATE 4/20/2007  
 FGL 30 3000130015971

DATE	PROJ	NUMBER	NEW	*AMOUNT PAID
4/20/2007	BLCO	64		2730.41
TOTALS	EXPR	55		428.00 *ERWK 85.00
BAIF	3510 BLDG ADMIN			0000000.00 *ZMFR 192.00
BLCO	1 BUILDING CO			CO SURCHARG 243.60
BLDG	30000 NEW CONST			OTHERS 339.12
BLDG	3500 OFFFRONT FE			INGS & CAN 222.02
DERM	1 DERM REV OF			CURRENCY F 168.81
DERM	5 COMMERCIAL			MMERCIAL SE 74.00
DERM	1 PAVING AND			FRONT FEE- 50.00
DERM	1 PROCESSING E			ERT. OF COMP 50.00
DERM	1 TREE/LANDSCAP			FLOOD PLAIN R 55.00
EXPR	1 1ST EXTENSION			ELECTRICAL RE 85.87
EXPR	1 3RD EXTENSION			2ND EXTENSION 85.87
FIRE	31100 FIRE FEE			5000 FUEL DEP/UNT 32.00
HRS	3510 HRS FEE			26000 FIRE FEES 260.00
				OTHER FEES 328.30



4/20/2007 11600 BETHUNE DR 30703-1010



DEPARTMENT OF PLANNING AND ZONING  
IMPACT FEE RECEIPT

PROCESS #: C2006112656 . 0

BATCH:

COLLECTION NO.: 88411

FOLIO #: 3050190015971

SITE ADDRESS: 11600 BETHUNE DR

FEEPAAYER: CARMEL INVESTMENTS & DEVELOP  
14220 SW 136 ST

DATE: 04/19/2007

		MIAMI		FL 33186					
FEE TYPE	DIST. ID	CAT. CODE		CATEGORY DESCRIPTION	UNITS	FEE		EXTENDED AMOUNT	
FIRE	4.0	2004 00		RETAIL/PUBLIC ASSEMBLY	3,510	0.2912		1,022.11	
POLC	2.0	3002 00		NON-RESIDENTIAL	3,510	0.2394		840.29	
ROAD	5.0	844 00		SERVICE STATION	5	2,103.0000		10,515.00	
ROAD	5.0	820 00		GENERAL RETAIL (0 -10 KSF)	3,510	2.4080		8,452.08	
ROAD	5.0	820 00		GENERAL RETAIL (0 -10 KSF)	-2,000	2.4080		-4,816.00	

TOTAL AMOUNT DUE: \$16,013.48  
PAID CHECK: \$16,013.48  
PAID CASH: \$0.00

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[miamidade.gov](http://miamidade.gov)



Resident Visitor Business Employee



**Permit Application History**

<b>Process Number:</b>	C2006112656	<b>Application Date:</b>	03/13/2006		
<b>Address:</b>	11600 BETHUNE DR	<b>Folio Number:</b>	30-5019-001-5971		
<b>Sq Ft:</b>	3510	<b>Units:</b>	1	<b>Floors:</b>	1
<b>Owner's Name:</b>	CARMEL INVEST & DEV INC	<b>Permit Number:</b>	2007049181		
<b>Legal:</b>	TURNPIKE SHOPPING CENTER	PB T-21179			
<b>Contractor:</b>	CBC010630	GILNICK ENTERPRISES INC			
<b>Application Type:</b>	07	NEW			
<b>Permit Type:</b>	BLDG				
<b>Proposed Use:</b>	GAS/SERV STATION/AUTO REPAIR/CAR WASH				
<b>Categories:</b>	GENERAL BUILDING				

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MIAMI-DADE

## Status of Plans

Process: C2006112656 Application Date: 03/13/2006 Storage Location:

By: Date Picked up:

Review	Reviewed By	Est Comp Date	Disp Date	Disposition
DRYR		03/13/2006	04/19/2007	A
DERM	JOSE TORMES	03/22/2006	01/31/2007	A
MECH	DAVID MEYERS	03/23/2006	04/11/2007	A
PLUM	FRANCIS WINTER	03/24/2006	04/19/2007	A
ELEC	OSMOND WALKER	03/27/2006	04/19/2007	A
PWKS	SANCHEZ, LISSETTE	04/06/2006	04/20/2007	A
FIRE	GONZALEZ, RICARDO	04/11/2006	11/03/2006	A
PLAN	LACROIX, HEROLD	04/12/2006	04/19/2007	A
PWIF	HUNG, ANTHONY W.	04/13/2006	04/19/2007	A
PWCC	ANGEL CARDENAS R.	04/14/2006	04/20/2007	A
ZNPR	ANNIE HERMAN-HERRERA	03/16/2006	04/18/2007	A

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e-Permitting

Search:



**Status of Plans**

**Process:** C2006112656 **Application Date:** 03/13/2006 **Storage Location:**  
**By:** **Date Picked up:**

Review	Reviewed By	Est Comp Date	Disp Date	Disposition
SLDW	JOANN PIRRELLO	04/17/2006	03/20/2006	A
MDTA	JOANN PIRRELLO	04/18/2006	03/20/2006	A
BLDG	LARRY BROWN	03/29/2006	04/18/2007	A
EXPR	HARRY STULTZ	01/27/2007	01/30/2007	A
ENFC	GINA EVANS	03/13/2006	01/08/2007	A
HRS	GARY PERKINS	02/01/2007	02/01/2007	N
PERM	ALINA GARCIA	03/22/2007	04/19/2007	A
STRU	RICARDO GOMEZ	04/04/2006	04/18/2007	A

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# Approvals and Reliance History

### Approvals and Reliance History

- January 31, 1983 Letter from Miami-Dade County E. Perez, Supervisor Land Use Division - confirming to J. Liso (prior owner) that Property is BU-3
- September 2001 Carmel Investment and Development Inc. purchased 11600 Bethune Drive
- July - August 2001 Property Owner meets with homeowners to gauge support for a Waffle House style restaurant with retail shops
- November 19, 2001 Letter to Carmelo Gonzalez from Damon Holness, Supervisor, Zoning Information Section confirming BU-3 zoning on Property
- July 2002 Plans and drawings for Huddle House completed
- August 2002 - May 2004 Building permit plans for Huddle House were being reviewed and processed; Carmel Investment & Development, Inc. was negotiating with WASA regarding mitigation for an 8" water main; engineering drawings prepared for water main
- June 3, 2004 Mitigation paid to WASA for use of existing 8" Water Main, in lieu of 12" Water Main
- January 7, 2005 T-Plat (T-21179) approved for "Turnpike Square" (Notice of Action sent 1/10/05)
- April - May 2005 Plans for Huddle House reconsidered; Carmel Investment & Development, Inc. begins to explore plans for gas station /retail
- June 2005 Plans and drawings for gas station / retail center completed
- June 2005 - May 2006 Carmel Investment & Development, Inc. begins contacting and negotiating with potential tenants and franchises, including Shell Gas, Quizno's Subs, Dunkin Donuts, Papa John's Pizza and a local bakery.
- May 3, 2006 Contract executed with Blaylock Oil for Shell Gas Station

May 4, 2006	Financing secured for \$2,623,000 construction loan from Community Bank of Florida
May 26, 2006	Obtained T-Plat extension until 5/27/07
September 11, 2006	Permit C2005039469, Turnpike Square Retail Center and Shell Gas; Received Approval from Zoning Department
September 13, 2006	Permit C2005039469, Turnpike Square Retail Center and Shell Gas; Received Approval from DERM
November 28, 2006	Administrative Building Moratorium imposed by County Manager, pursuant to Section 33-319(a), County Code.
December 19, 2006	BCC item 5(P); Administrative Building Moratorium lifted
December 28, 2006	Paving and Drainage Permit issued
December 2006 - January 2007	Progress on all permitting and work continues
January 25, 2007	BCC item 5(T) approves Moratorium; apparently effective February 4, 2007
January 25, 2007 - February 2, 2007	Significant progress on permitting and sign-offs are obtained
February 2, 2007	Carmel told Mayor signed off; permitting halted
March 20, 2007	BCC Item 5(P) and 5(P1) - Study Area Report and Resolution to Extend Moratorium; Direct Rezoning Applications. Item failed with a tie vote 6-6.
March 21, 2007	Progress on permit work resumes; process numbers combined into master permit
April 20, 2007	Permit 2007049181 is issued
April 24, 2007	BCC Item 5(H) and 5(H1) - Study Area Report and Resolution to Extend Moratorium; Direct Rezoning Applications on BCC agenda again.

# Retail Center Site Plan

# CARMEL INVESTMENTS & DEVELOPMENT, INC. TURNPIKE SQUARE RETAIL CENTER / SHELL GAS

**PERMIT NO. 2007049181**

**PERMIT NO. 2007049181**

**PROCESS NO. 2007002212  
PENDING**

HOMESTEAD EXTENSION  
FLORIDA TURNPIKE

ACCESS ROAD

JEFFERSON  
EAST. F.H.

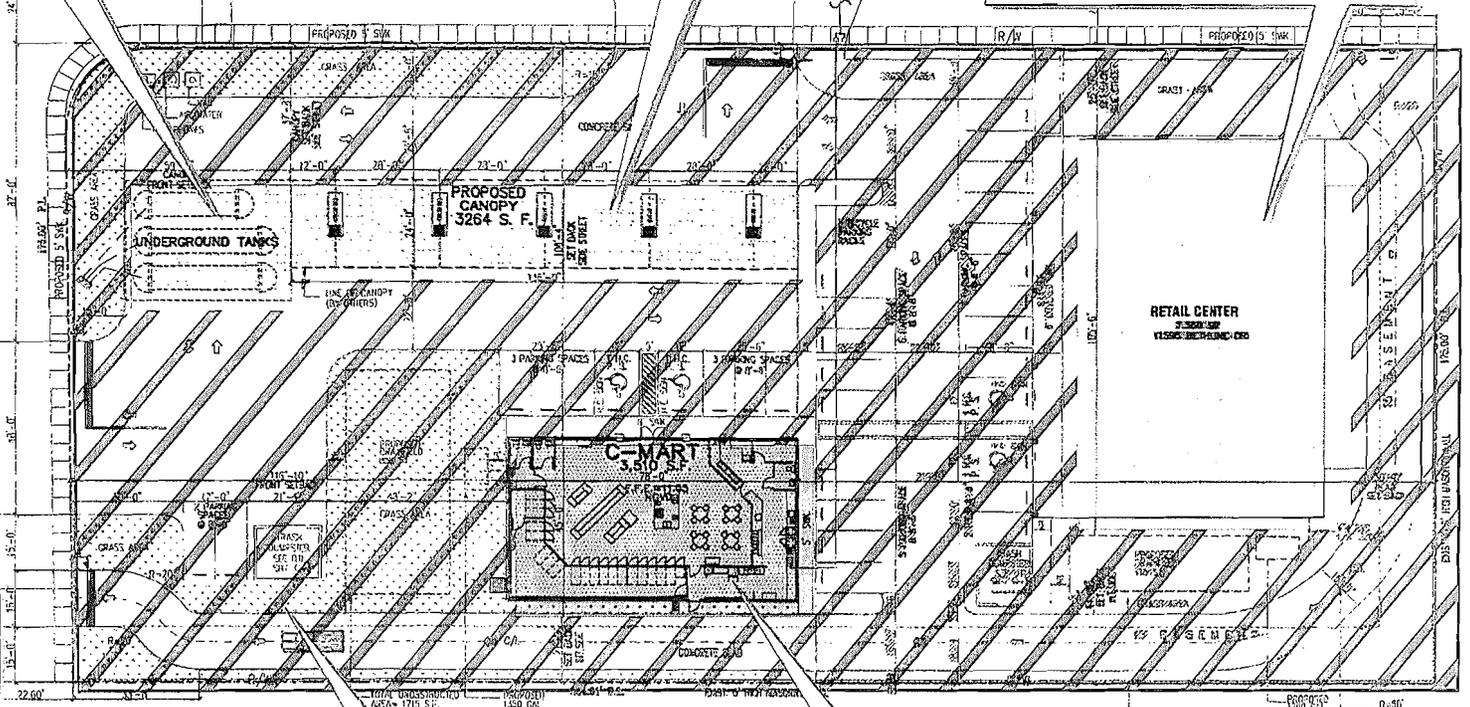
RICHMOND TOWNHOUSE

**PERMIT NO. 2007049181**

**PERMIT NO. 2007049181**

site plan

- UNDERGROUND TANKS
- CANOPY
- TIRE 4 LESS /RETAIL SHOPS
- C-MART
- PAVING AND DRAINAGE



**RETAIL CENTER**  
11,500 S.F. (APPROX.)

**C-MART**  
3,300 S.F. (APPROX.)

RICHMOND TOWNHOUSE

TOTAL UNRESTRICTED AREA = 142,517 S.F.

1" = 20'-0"

# Financial Reliance

## Financial Reliance

Owner has relied upon zoning approvals, representations and information provided by Miami-Dade County by spending no less than \$866,933.36, including monthly payments on a \$2.7 million construction loan from Community Bank of Florida. The following pages contain a detailed breakdown of these expenses.

**Carmel Investment & Development Inc.**  
**Job Actual Cost Detail**  
 All Transactions

Date	Num	Source Name	Name Stat	Account	Cl	Split	Amount	Balance
<b>2007 Job Cost-2007 TURNPIKE SQUARE</b>								
9/20/2001	AB	2007 Job Cost-2007...	LAND COST			Mortgage Payable	112,445.25	112,445.25
10/16/2001	1103	PAUL CONTESSA	Professional Fees			First Union Bank	29,814.74	142,259.99
10/26/2001	447	SOUTH ATLANTIC ...	Professional Fees			Cash	125.00	142,384.99
11/24/2001	1005	QUINTERO HEAVY...	Subcontractors			First Union Bank	3,700.00	146,084.99
12/4/2001	448	NATIONAL CONST...	Equipment Rental			Cash	1,363.52	147,448.51
12/5/2001	1135	NATIONAL FENCE ...	Materials & Supplies			First Union Bank	2,390.00	149,838.51
12/6/2001	451	SOUTH ATLANTIC ...	Professional Fees			Cash	125.00	149,963.51
12/19/2001	068478	JOSEPH LISO	LOAN INTEREST			Cash	1,813.93	151,777.44
12/21/2001	468	TRANSPORT ANA...	Professional Fees			Cash	250.00	152,027.44
1/3/2002	450	SOUTH ATLANTIC ...	Professional Fees			Cash	150.00	152,177.44
1/18/2002	1016	TRANSPORT ANA...	Professional Fees			Commercial Bank of Florida	650.00	152,827.44
2/1/2002	1032	DAVIS ENGINEER...	Professional Fees			Commercial Bank of Florida	500.00	153,327.44
2/4/2002	1033	TRANSPORT ANA...	Professional Fees			Commercial Bank of Florida	300.00	153,627.44
2/20/2002	449	SOUTH ATLANTIC ...	Professional Fees			Cash	375.00	154,002.44
2/21/2002	1054	BOARD OF COUN...	Licenses and Permits			Commercial Bank of Florida	200.00	154,202.44
3/1/2002	1067	JOSEPH LISO	LOAN INTEREST			Commercial Bank of Florida	1,813.93	156,016.37
3/13/2002	176	SOUTH ATLANTIC ...	Professional Fees			Cash	675.00	156,691.37
3/15/2002	1104	BOARD OF COUN...	Licenses and Permits			Commercial Bank of Florida	1,007.00	157,698.37
3/21/2002	1090	CVG	Subcontractors			Commercial Bank of Florida	525.00	158,223.37
4/12/2002	1177	QUINTERO HEAVY...	Subcontractors			First Union Bank	1,160.00	159,383.37
4/22/2002	1131	CONDE ARCHITE...	Professional Fees			Commercial Bank of Florida	3,500.00	162,883.37
5/1/2002	1147	MICHAEL BRADY A...	Professional Fees			Commercial Bank of Florida	500.00	163,383.37
5/1/2002	1148	FEDEX	Miscellaneous			Commercial Bank of Florida	15.66	163,399.03
5/13/2002	1168	CVG	Subcontractors			Commercial Bank of Florida	200.00	163,599.03
6/10/2002	1215	CVG	Subcontractors			Commercial Bank of Florida	200.00	163,799.03
6/11/2002	559	SOUTH ATLANTIC ...	Professional Fees			Cash	375.00	164,174.03
6/15/2002	690	EC & ASSOCIATE...	Professional Fees			Cash	4,500.00	168,674.03
6/21/2002	592	SOUTH ATLANTIC ...	Professional Fees			Cash	275.00	168,949.03
7/9/2002	946	SOUTH ATLANTIC ...	Professional Fees			community bank	1,600.00	170,549.03
7/11/2002	1251	CONDE ARCHITE...	Professional Fees			Commercial Bank of Florida	2,500.00	173,049.03
7/25/2002	1272	JOSEPH LISO	LOAN INTEREST			Commercial Bank of Florida	1,838.93	174,887.96
8/1/2002	1284	CONDE ARCHITE...	Professional Fees			Commercial Bank of Florida	3,500.00	178,387.96
8/12/2002	1301	CVG	Subcontractors			Commercial Bank of Florida	400.00	178,787.96
9/12/2002	1363	CVG	Subcontractors			Commercial Bank of Florida	420.00	179,207.96
9/30/2002	1207	CVG	Subcontractors			First Union Bank	200.00	179,407.96
10/3/2002	1409	PERMIT Solutio...	Licenses and Permits			Commercial Bank of Florida	728.70	180,136.66
11/1/2002	1469	EMILIO CASTRO	Subcontractors			Commercial Bank of Florida	2,500.00	182,636.66
12/3/2002	1518	MIAMI DADE WAT...	Utilities			Commercial Bank of Florida	200.00	182,836.66
12/4/2002	120402	ALEMANS IRRIGA...	Subcontractors			Cash	3,200.00	186,036.66
12/31/2002	1005	QUINTERO HEAVY...	Subcontractors			Commercial Bank of Florida	3,700.00	189,736.66
1/28/2003	1614	EC & ASSOCIATE...	Professional Fees			Commercial Bank of Florida	1,750.00	191,486.66
2/14/2003	1630	EC & ASSOCIATE...	Professional Fees			Commercial Bank of Florida	2,500.00	193,986.66
3/5/2003	619743	EC & ASSOCIATE...	Professional Fees			CASHIERS CHECK	2,500.00	196,486.66
3/28/2003	1700	PERMIT Solutio...	Licenses and Permits			Commercial Bank of Florida	1,414.65	197,901.31
3/28/2003	1699	PERMIT Solutio...	Licenses and Permits			Commercial Bank of Florida	1,227.52	199,128.83
4/20/2003	1700	PERMIT Solutio...	Licenses and Permits			Commercial Bank of Florida	823.48	199,952.31
5/2/2003	7163	PERMIT Solutio...	Licenses and Permits			Commercial Bank of Florida	5,000.00	204,952.31
5/19/2003	1320	PERMIT Solutio...	Licenses and Permits			Cash	50.00	205,002.31
6/17/2003	1322	CVG	Subcontractors			Cash	696.00	205,698.31
7/10/2003	1321	AP EQUIPMENT	Subcontractors			community bank	950.00	206,648.31
7/11/2003	1810	KA LUMBER	Materials & Supplies			First Union Bank	2,059.00	208,707.31
7/23/2003	4213	PERMIT Solutio...	Licenses and Permits			Cash	498.00	209,205.31
7/29/2003	89508	WALT SHAWGER	Materials & Supplies			Cash	73.47	209,278.78
8/2/2003	040277	ARMANDO JIMENEZ	Subcontractors			Cash	2,967.00	212,245.78
8/13/2003	INV 3...	M & J CONCRETE	Materials & Supplies			Cash	225.00	212,470.78
9/2/2003	1336	M & J CONCRETE	Materials & Supplies			Cash	225.00	212,695.78
9/17/2003	1706	SOUTH ATLANTIC ...	Professional Fees			First Union Bank	645.00	213,340.78
9/19/2003	2086	JONEL PIERRE	Subcontractors			Cash	1,000.00	214,340.78
12/2/2003	2148	PERMIT Solutio...	Licenses and Permits			Cash	2,384.14	216,724.92
2/24/2004	39273...	CLERK OF THE C...	Taxes			CASHIERS CHECK	2,280.00	219,004.92
3/19/2004	2428	EC & ASSOCIATE...	Professional Fees			Cash	750.00	219,754.92
5/13/2004	1982	EC & ASSOCIATE...	Professional Fees			Commercial Bank of Florida	15.00	219,769.92
5/28/2004	1038	CARMELO V GON...	Subcontractors			Commercial Bank of Florida	676.50	220,446.42
5/28/2004	1869	HOME EQUITY	LOAN INTEREST			Commercial Bank of Florida	2,049.59	222,496.01
5/28/2004	1865	HOME EQUITY	LOAN INTEREST			Commercial Bank of Florida	1,209.38	223,705.39
6/2/2004	1872	CONDE ARCHITE...	Professional Fees			Commercial Bank of Florida	5,000.00	228,705.39
6/18/2004	1062	JONEL PIERRE	Subcontractors			Commercial Bank of Florida	1,200.00	229,905.39
8/2/2004	1920	FLORIDA DEPART...	Licenses and Permits			Commercial Bank of Florida	610.00	230,515.39
9/10/2004	1958	MIAMI DADE COU...	Licenses and Permits			Commercial Bank of Florida	70.00	230,585.39
9/21/2004	1105	EC & ASSOCIATE...	Professional Fees			Commercial Bank of Florida	3,500.00	234,085.39
10/21/2004	2008	MIAMI DADE COU...	Licenses and Permits			Commercial Bank of Florida	180.00	234,265.39
11/15/2004	2035	EC & ASSOCIATE...	Professional Fees			Commercial Bank of Florida	2,000.00	236,265.39
11/15/2004	08076...	MIAMI DADE COU...	Licenses and Permits			MONEY ORDER	250.00	236,515.39
11/23/2004	4125	TERRA TECH CON...	Professional Fees			Cash	1,400.00	237,915.39
1/19/2005	2141	TERRA TECH CON...	Professional Fees			Commercial Bank of Florida	1,875.00	239,790.39
1/20/2005	2142	CONDE ARCHITE...	Professional Fees			Commercial Bank of Florida	3,000.00	242,790.39
3/2/2005	4304	CASH	Miscellaneous			Cash	28.82	242,819.21

**Carmel Investment & Development Inc.**  
**Job Actual Cost Detail**  
**All Transactions**

Date	Num	Source Name	Name State	Account	CI	Split	Amount	Balance
3/7/2005	4192	MIAMI DADE COU...		Licenses and Permits		Cash	260.00	243,079.21
3/7/2005	4303	GILNICK ENTERP...		Professional Fees		Cash	260.00	243,339.21
3/14/2005	2197	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	9,833.66	253,172.87
3/14/2005	2194	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	4,204.84	257,377.71
3/17/2005	4180	GILNICK ENTERP...		Professional Fees		Cash	120.00	257,497.71
3/20/2005	4181	GILNICK ENTERP...		Professional Fees		Cash	135.00	257,632.71
3/28/2005	4188	ROBERTO PARDO		Subcontractors		Cash	1,500.00	259,132.71
3/28/2005	4189	CARLOS CABRERA		Subcontractors		Cash	2,500.00	261,632.71
3/31/2005	4237	LOPEFRA CORPO...		Equipment Rental		Cash	1,036.00	262,668.71
3/31/2005	4239	PRONTO WASTE ...		Subcontractors		Cash	350.00	263,018.71
4/1/2005	2223	EC & ASSOCIATE...		Professional Fees		Commercial Bank of Florida	3,800.00	266,818.71
4/1/2005	4238	LOPEFRA CORPO...		Equipment Rental		Cash	1,406.00	268,224.71
4/5/2005	4240	PRONTO WASTE ...		Subcontractors		Cash	390.00	268,614.71
4/22/2005	8085	L.MORENO EQUIP...		Equipment Rental		Cash	3,460.00	272,074.71
4/22/2005	2237	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	1,653.84	273,728.55
4/22/2005	2242	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	4,379.56	278,108.11
5/2/2005	4226	CASH		Landscaping		Cash	1,000.00	279,108.11
5/20/2005	1191	EC & ASSOCIATE...		Professional Fees		Commercial Bank of Florida	700.00	279,808.11
5/20/2005	1190	EC & ASSOCIATE...		Professional Fees		Commercial Bank Rental	4,000.00	283,808.11
5/31/2005	2271	SOUTH ATLANTIC ...		Professional Fees		Commercial Bank of Florida	2,000.00	285,808.11
6/15/2005	2285	MIAMI DADE COU...		Licenses and Permits		Commercial Bank of Florida	274.64	286,082.75
6/16/2005	4359	PAUL CONTESSA		Professional Fees		Cash	525.00	286,607.75
6/27/2005	2292	CONDE ARCHITE...		Professional Fees		Commercial Bank of Florida	5,000.00	291,607.75
7/21/2005	2321	EC & ASSOCIATE...		Professional Fees		Commercial Bank of Florida	3,000.00	294,607.75
7/25/2005	2324	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	8,356.85	302,964.60
7/25/2005	2329	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	5,649.64	308,614.24
8/16/2005	1213	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	95.00	308,709.24
8/25/2005	924	SOUTH ATLANTIC ...		Professional Fees		Commercial Bank of Florida	1,850.00	310,559.24
8/29/2005	56892	MIAMI DADE COU...		Miscellaneous		Cash	60.00	310,619.24
9/1/2005	2360	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	2,646.60	313,265.84
9/6/2005	2895	MIAMI DADE COU...		Licenses and Permits		Commercial Bank of Florida	12,090.00	325,355.84
9/7/2005	2894	SOUTH ATLANTIC ...		Professional Fees		Commercial Bank of Florida	2,000.00	327,355.84
9/21/2005	2910	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	3,979.46	331,335.30
9/21/2005	2915	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	2,739.82	334,075.12
10/14/2005	2779	NATIONAL BLUEP...		Miscellaneous		Commercial Bank of Florida	396.44	334,471.56
10/17/2005	2781	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	2,659.64	337,131.20
10/28/2005	2805	EDWIN VIHLEN		Subcontractors		Commercial Bank of Florida	600.00	337,731.20
11/16/2005	2818	PERMIT SOLUTIO...		Licenses and Permits		Commercial Bank of Florida	1,350.00	339,081.20
11/22/2005	2821	EDWIN VIHLEN		Subcontractors		Commercial Bank of Florida	2,000.00	341,081.20
3/15/2006	169	MIAMI DADE BUIL...		Licenses and Permits		Transatlantic	300.00	341,381.20
3/16/2006	2664	SOUTH ATLANTIC ...		Subcontractors		Commercial Bank of Florida	1,950.00	343,331.20
4/27/2006	1520	HOME EQUITY		LOAN INTEREST		Commercial Bank Rental	3,690.00	347,021.20
4/27/2006	1519	HOME EQUITY		LOAN INTEREST		Commercial Bank Rental	11,400.00	358,421.20
5/11/2006	D9162	MIAMI DADE COU...		Licenses and Permits		Cash	195.25	358,616.45
5/24/2006	1731	EVANS PETROLE...		Materials & Supplies		community bank	18,000.00	376,616.45
6/1/2006	2727	MIAMI DADE COU...		Licenses and Permits		Commercial Bank of Florida	180.00	376,796.45
6/15/2006	1632	MIAMI DADE BUIL...		Licenses and Permits		Commercial Bank Rental	175.00	376,971.45
6/15/2006	2736	MIAMI DADE COU...		Licenses and Permits		Commercial Bank of Florida	180.00	377,151.45
6/22/2006	103052	REPROGRAFIA INC.		Miscellaneous		Cash	300.46	377,451.91
7/7/2006	1668	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	246.65	377,698.56
7/20/2006	2606	MIAMI DADE COU...		Licenses and Permits		Commercial Bank of Florida	92.34	377,790.90
7/25/2006	2617	SOUTH ATLANTIC ...		Professional Fees		Commercial Bank of Florida	1,000.00	378,790.90
8/2/2006	2619	MIAMI DADE COU...		Licenses and Permits		Commercial Bank of Florida	62.97	378,853.87
8/10/2006	2652	PRESTRESS PRE...		Materials & Supplies		Commercial Bank of Florida	17,066.50	395,920.37
8/17/2006	1602	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	375.00	396,295.37
8/18/2006	1603	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	403.00	396,698.37
8/28/2006	1689	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	69.00	396,767.37
8/29/2006	1735	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	78.00	396,845.37
8/30/2006	2632	HOME EQUITY		LOAN INTEREST		Commercial Bank of Florida	1,836.00	398,681.37
9/14/2006	2651	SOUTH ATLANTIC ...		Professional Fees		Commercial Bank of Florida	2,785.00	401,466.37
9/25/2006	2384	MIAMI DADE COU...		Licenses and Permits		Commercial Bank of Florida	60.00	401,526.37
9/26/2006	2408	EVANS PETROLE...		Subcontractors		Commercial Bank of Florida	36,300.00	437,826.37
10/2/2006	1782	MIAMI DADE BUIL...		Licenses and Permits		Commercial Bank Rental	151.80	437,978.17
10/3/2006	2386	SOUTH ATLANTIC ...		Subcontractors		Commercial Bank of Florida	475.00	438,453.17
10/5/2006	2387	M & R TEMP. FEN...		Materials & Supplies		Commercial Bank of Florida	1,580.34	440,033.51
10/9/2006	1812	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	676.88	440,710.39
10/10/2006	1811	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	5,127.75	441,223.14
10/17/2006	1611	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	228.00	441,451.14
10/17/2006	2403	SOUTH ATLANTIC ...		Professional Fees		Commercial Bank of Florida	984.00	442,435.14
10/23/2006	2614	MIAMI DADE COU...		Licenses and Permits		Commercial Bank of Florida	360.00	442,795.14
10/23/2006	1796	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	672.00	443,467.14
10/24/2006	2047	B&G INSURANCE		INSURANCE		community bank	4,000.00	447,467.14
10/30/2006	2411	SOUTH ATLANTIC ...		Professional Fees		Commercial Bank of Florida	1,925.00	449,392.14
10/30/2006	1814	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	96.00	449,488.14
11/1/2006	1802	MIAMI DADE COU...		Licenses and Permits		Commercial Bank Rental	53.00	449,541.14
11/2/2006	1819	FORD ENGINEER...		Professional Fees		Commercial Bank Rental	800.00	450,341.14

2:51 PM  
12/13/06

Carmel Investment & Development Inc.  
**Job Actual Cost Detail**  
All Transactions

<u>Date</u>	<u>Num</u>	<u>Source Name</u>	<u>Name State</u>	<u>Account</u>	<u>CI</u>	<u>Split</u>	<u>Amount</u>	<u>Balance</u>
11/15/2006	1842	MIAMI DADE COU...	Licenses and Permits			Commercial Bank Rental	111.42	450,452.56
12/5/2006	2181	TOTALBANK	INSURANCE			community bank	751.00	451,203.56
Total 2007 Job Cost-2007 TURNPIKE SQUARE							<u>451,203.56</u>	<u>451,203.56</u>
<b>TOTAL</b>							<u><b>451,203.56</b></u>	<u><b>451,203.56</b></u>

Carmel Investments & Development Inc.  
14220 SW 136 St  
MIAMI, FL 33186  
305-233-7165 Fax 305 234 3411

Ref: Turnpike Square  
Additional Cost Incurred.

below is a breakdown of  
additional cost spent by Carmel Investment & Development  
Inc. since the Dec, 19, 2006.

1. Board of County Commissioners  
Paving & drainage cash bond to close  
T-plat T21179

\$18,801.00

2. Prepaid Taxes for 2006-07  
To close T-Plat T21179  
Paid 12-28-06

\$10,337.00

3. Additional storm drains & catch basin  
Approved by public works in paving &  
Drainage.

\$5,800.00

4. Twin Tees (concrete roof) for retail structure  
11596 Bethune Drive. Process # C2007002212

\$38,000.00

5. Twin Tees (concrete roof)  
Retail structure  
C-Mart/Shell Gas Station  
11600 Bethune Drive.  
Process# C2006112656  
\$34,000.00

6. Excavation of storm drains (14) piping  
Drains (14) piping & gravel passed inspection.  
\$28,131.00

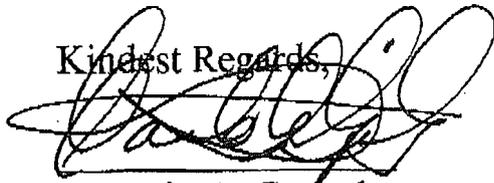
7. Builders Risk Insurance premium  
Prepaid (one year) Jan, 4, 2007  
\$10,883.00

8. Permit fees paid for paving & drainage  
Improvements to widening Bethune Drive off Site.  
11580 Bethune Drive Permit # 2007-023025  
\$3,000.00

9. Attorneys Fees to Date-  
\$29,000.00

Total Expenditures: \$177,952.00

Kindest Regards,



Carmelo A. Gonzalez  
CEO

# Contractual Reliance

## Contractual Reliance

Owner has relied upon zoning approvals, representations and information provided by Miami-Dade County by entering into contractual commitments for:

- a. a \$2,623,000 construction loan with Community Bank of Florida for a Shell Gas Station at 11600 Bethune Drive (see attached commitment letter)
- b. a Retailer Product Sales Agreement with Blaylock Oil Company (Shell brand) for the sale of 1,500,000 - 1,875,000 gallons of gasoline annually (see attached excerpts)

Additionally, Owner has entered into agreements with Quizno's Subs and Dunkin Donuts, pending the construction of the retail center at 11600 Bethune Drive.



May 4, 2006

Mr. Carmelo Gonzalez, President  
Carmel Investments & Development, Inc.  
14220 SW 136 Street, #J  
Miami, FL 33186

RE: Shell Gas Station at 115XX Bethune Drive, Richmond Heights

Dear Carmelo:

We are pleased to inform you that Community Bank of Florida has approved the following financing commitment:

**Amount:** \$2,623,000 (Construction to permanent Loan)

**Mortgagor/Borrower:** Carmel Investments & Development, Inc.

**Mortgagee/Bank:**

Community Bank of Florida, 28801 SW 157<sup>th</sup> Avenue, Homestead, Florida 33033. (Sometimes referred to as "Lender" or "Bank")

**Collateral:**

First mortgage and Assignment of Rents/Leases on commercial property located at: 115XX Bethune Drive, Richmond Heights, FL, identified by Miami-Dade County Folio #30-5019-001-5971

and

First UCC1 position lien on all business assets now or hereafter owned by Gas Station/Convenience Store operations on site.

**Loan Term:**

258 Months, the first 18 months of which will be structured on a monthly interest repayment (construction and stabilization period), followed by a full 240 month amortization (amortization period).

**Guaranty and Surety:**

This loan will be guaranteed by Carmelo Gonzalez and Dana Lynn Gonzalez in full, jointly and severally.

**Loan Fee:**

You shall pay a nonrefundable commitment fee to Community Bank of \$30,000, payable as follows: \$10,000 at the time of acceptance of this Commitment and an additional \$20,000 at the time of closing.

file

JOB  
30077

TURNPIKE  
SQUARE

***Disbursement of Proceeds:***

The proceeds of the loan shall be utilized by the Borrower for the following purposes, and only the following purposes:

Approximately \$563,000 to refinance existing first mortgage on the collateral property with Home Equity Mortgage, approximately \$1,794,981 to finance the construction of the project, and approximately \$265,000 to finance the interest reserve for the first 12 months

***Interest Rate:***

Interest will be billed and payable monthly at a per annum rate of 1.5% above Wall Street Journal Prime Rate (WSJP) during the construction and stabilization periods (the first 18 months from closing). This rate is subject to change from time to time according to WSJP moving base rate. Thereafter, interest will be billed and payable monthly at a per annum rate of 1% above Wall Street Journal Prime Rate (WSJP), adjusted annually.

**CHANGE DATES:**

The interest rate may change daily during the construction and stabilization and annually thereafter. Each date on which the interest rate could change is called a "Change Date".

Beginning with the first Change Date, the interest rate will be based on an index. The "Index" is the rate as indicated in the Wall Street Journal Prime (WSJP). WSJP rate shall mean that rate designated and published by the Wall Street Journal from time to time. The most recent index figure available as of the date thirty (30) days before each Change Date is called the "Current Index".

Before each Change Date during the construction and stabilization period, the Bank will calculate the new interest rate by adding one and one-half percentage points (1.5%) to the Wall Street Journal Prime Rate. Before each Change Date during the amortization period, the Bank will calculate the new interest rate by adding one percentage points (1%) to the Wall Street Journal Prime Rate

***Computing Interest:***

The annual interest rate on the Note will be computed on a 365/360 basis; that is, by applying the ratio of the annual interest rate over a year of 360 days, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding.

***Payment of Principal and Interest:***

Interest will be charged on the outstanding principal balance and will be due and payable monthly during the construction and stabilization period. Thereafter, interest, as stipulated above, will be charged on the outstanding principal balance and will be billed and payable monthly. Within eighteen (18) months after the settlement date, the principal amount outstanding, \$2,623,000, shall be payable in 240 principal and interest installments of \$23,383 (*estimated*) each payable monthly. The principal payment will be recalculated based on the remaining term and interest rate in effect on the anniversary date of the loan closing each year.

***Prepayment Penalty:***

This loan will be subject to a declining prepayment penalty during the first four years, namely: 4% of the outstanding principal balance during the first year, 3% of the outstanding principal balance during the second year, 2% of the outstanding principal balance during the third year, and 1% of the outstanding principal balance during the fourth year.

The prepayment penalty will be applicable in the event of a refinance of the subject loan and not in the event of the sale of the collateral property in an arms-length transaction or prepayment from excess cash flow.

**Closing Costs and Fees:**

You agree to pay all closing costs and fees, including charges for documentary stamps, intangible tax, title examination, insurance, surveys, recording fees, legal fees, appraisal fees, and any other fees, which may be required to complete this loan transaction, whether this transaction closes and proceeds are funded or not. You shall pay these fees at closing.

**Lenders Call Option:**

At Lender's option, this loan is callable five (5) years from the date of funding and every five (5) years thereafter on the anniversary date of initial funding. Absent any event of default, Lender agrees to give Borrower 60 days notice of its intent to exercise the call option.

**Deposit Accounts:**

As long as any principal balance is outstanding, the principal deposit relationship will be maintained at the Bank.

Further, the Borrower agrees to obtain Merchant Services for the Gas Station/Convenience Store through Community Bank of Florida.

**Integration of Agreements and Approvals:**

As a condition precedent to any advance or payment by Bank to Borrower under this loan, Borrower shall be in full compliance with all governmental regulations and all agreements, both with Bank and any other party relating to completion of all improvements to be located in, on or about the project. It is understood and agreed that Borrower will forward to Bank all accepted bids and contracts for construction work to be performed as soon as received and prior to any disbursements of funds from Bank.

Prior to final closing on this loan, Borrower shall submit to Bank all necessary documentation in the form reasonably required by Bank including, but not limited to, the following:

- ~~A.~~ Phase I Environment Assessment to be certified to Community Bank of Florida
- B. Construction Loan Agreement
- C. Approved Plans and Specifications
- D. Copy of Permit
- E. Insurance showing Bank as Loss Payee
- F. Executed Distributor Agreement
- G. Executed Contractor agreement
- H. Schedule of construction timeline
- I. Notice of Commencement to be recorded

**Real Estate Taxes and Assessments:**

Mortgagor shall pay, before becoming delinquent, all obligations, encumbrances, taxes, assessments, paving, sidewalk, sanitary sewer and other assessments, levied or liens, now or hereafter levied or imposed upon or against the mortgaged property, and to exhibit to the Mortgagee the official receipts for payment thereof, and if the same or any part thereof not be paid before becoming delinquent, the Mortgagee may at any time pay the same with accrued interest and charges, if any, without waiving or affecting Mortgagee's option to foreclose on the mortgage, or any right thereunder, and every payment so made shall bear interest from the date thereof at the maximum legal rate and all such payments shall be secured by the lien of the mortgage.

Furthermore, real estate taxes on the mortgaged property are to be paid by December 1<sup>st</sup> of the year in which they become a lien on the property, with copies of the receipts and paid tax bills delivered to the Bank by December 31<sup>st</sup> of each year.

**Title:**

Title to the premises shall be good and marketable and will be insured by Combank Title, Inc., or a title company deemed acceptable to the Bank, in the full amount of the Mortgage, insuring that the Mortgage constitutes a first lien on the entire premises without any exceptions with regard to pending disbursements, mechanics' liens and municipal claims. Further provided that the fee simple title shall be in the name of the Mortgagor and that there shall be no existing leases relating to the premises, both at the time of the execution of the Mortgage and continuing thereafter until the Mortgage is satisfied.

**Financial Statements:**

Borrower will provide within ninety (90) days after the end of its fiscal year, an annual financial statement prepared in accordance with generally accepted accounting principles in form and substance satisfactory to Community Bank.

After stabilization Borrower covenant(s) to furnish to the Bank on a quarterly basis, a year to date quarterly financial statement prepared in accordance with generally accepted accounting principals in form and substance satisfactory to the Bank. Borrower covenant(s) to furnish to the Bank no less than annually, a current Rent Roll of the subject property.

The Borrower and Guarantor covenant(s) to furnish to the Bank, upon request and within ninety (90) days from the end of their fiscal year, complete financial statements of their assets and liabilities and complete Federal Income Tax Returns and such other information as Bank may, from time to time, request.

Borrower covenant(s) to maintain a debt service coverage ratio of no less than 1.25X, to be tested quarterly by the Bank after stabilization (commencing 18 months from closing).

**Inspections:**

The Bank will engage an engineer to monitor and administer construction advances. The Bank will require periodic inspections during the course of construction in accordance with a payout schedule, which will be forwarded to the Bank prior to, or subsequent to, final closing by the Contractor. Acceptance of this Commitment will constitute the acceptance of such engagement and further authorizes Bank, any of its agents, employees, or otherwise, to enter upon the construction site for inspection purposes. The Bank's inspection fee of \$100 shall be deducted from each draw request. The Borrower will be responsible for the fees associated with the Bank's inspections and/or third party inspections.

**Construction Sign:**

Borrower hereby authorizes the Bank to place a sign on the construction premises indicating the Bank's financing of the project. The Bank shall be responsible for the placing, maintenance and removal of the sign during the construction of the project.

**Builder's Risk Insurance:**

Builder's Risk or Hazard Insurance with extended coverage shall be furnished prior to closing, and at all times thereafter, for the full insurable value of the existing improvements with full standard coverage including, but not limited to, fire, theft, vandalism, and malicious damage, plus any other casualty which Bank, in its sole and absolute discretion may require to be insured. Separate policies providing similar coverages for Windstorm, General Liability, and Flood will likewise be required. These policies shall be written by carriers acceptable to bank with reinsurance as Bank may require. These policies shall provide that losses thereunder shall be payable to bank as Bank's interest may appear. Bank may apply any

proceeds of such insurance which may be received by Bank toward payment of Liabilities, whether of not due, in such order of application as Bank may determine. Such policies or certificates thereof shall, if the Bank so requests, be deposited with Bank. The coverage amounts will be: \$4,600,000 for Builder's Risk or Hazard and Windstorm, \$500,000 for Flood, and \$3,000,000 for General Liability.

***Fire Insurance:***

Fire Insurance with extended coverage shall be furnished to the full insurable value of the in place construction and existing improvements with full standard extended coverage including, but not limited to, vandalism, windstorm and malicious damage, plus any other casualty which Bank, in its sole and absolute discretion may require to be insured. The fire insurance and casualty insurance shall be written by carriers acceptable to the Bank with reinsurance as Bank may require.

***Flood Insurance:***

FIRM Flood Insurance Rate Map, Miami-Dade County, Florida, will be used to determine if the property is in a flood hazard area. Flood Hazard Certification will be requested through an authorized agent. The Borrower is responsible for a fee. If the property is found to be in a Flood Hazard Area, either now or at any time throughout the term of the loan, Flood Insurance will be required.

***Hazard Insurance:***

Borrower will, at all times, keep all tangible Collateral insured against loss, damage, theft and other risks, in such amounts, with such companies and under such policies and in such form as shall be satisfactory to Bank. The policies shall provide that loss thereunder shall be payable to Bank as Bank's interest may appear. Bank may apply any proceeds of such insurance which may be received by Bank toward payment of liabilities, whether or not due, in such order of application as Bank may determine. Such policies or certificates thereof shall, if the Bank so requests, be deposited with Bank.

***State Governmental Permits and Requirements:***

All existing improvements and building, and all proposed improvements and building, must meet all requirements of the State and Local governments as they pertain to water supply, sewer discharge and sewer connections, use of septic tanks or alternatives and air pollution control, including permits for both installation and operation of any equipment capable of emitting a pollutant into the atmosphere and any other permit which may be required.

***Hazardous Material:***

To the best of Borrower's knowledge, after diligent investigation and inquiry, the property is free from Hazardous Materials and does not constitute an environmental hazard of any type under local, state or federal law.

***Boards and Bureaus Proof of Approvals, etc.:***

Guarantor, prior to closing, shall secure and furnish to the Bank copies of all permits, consents, approvals, agreements and performance bonds requested by all Boards and Bureaus having jurisdiction thereof.

***Building and Zoning Laws:***

Assurance will be required that the land, building and improvements, and their intended use meet with all applicable building and zoning laws, rules and regulations.

***Concurrency Requirement:***

Evidence satisfactory to Community Bank, at its sole discretion, that no building permit(s) or certificate(s) of occupancy for the lot(s) financed will be withheld by Miami-Dade County due to concurrency requirements.

**Utilities:**

A certification satisfactory to the Bank is required concerning the adequacy of water supply, sanitary systems and energy.

**Survey:**

Two (2) copies of a current survey of the subject premises shall be furnished by the Mortgagor, certified to the Mortgagee showing lot and streetlines, location of buildings and improvements, and satisfactory means of access to public roads, together with a description prepared by a licensed engineer or surveyor.

**Appraisal:**

This Commitment is subject to the current appraisal of this project certified to the Bank. The Borrower is responsible for all appraisal fees.

**Transfer of Commitment:**

You shall not assign the within Commitment without the express written consent of the Bank, which consent the Bank shall not be obligated nor required to give.

**Transfer of Title:**

No transfer of title will be permitted during the life of the loan, without the express written consent of the Bank, which consent the Bank shall not be obligated nor required to give.

**Tax Consequences:**

I/We understand that Lender makes no representation or warranty whatsoever concerning the tax consequences of this loan, including the deductibility of interest and that I/we should consult with my/our own tax advisor for guidance on this subject. I/We also agree that Lender shall not be liable in any manner whatsoever should the interest paid on the loan not be deductible.

**Termination Dates:**

At its option, the Bank may terminate and withdraw this Commitment if:

- a) It has not been accepted within five (5) days of the date hereof, or
- b) the Borrower has not executed all final documents and closed on or before ninety (90) days from the date hereof, unless this time is extended in writing by Bank, of which such extension shall not be unreasonably withheld by the Bank.

**No Adverse Change:**

If, prior to the initial closing or prior to any other disbursements hereunder, there have been any material adverse changes with regard to any of the representations of the Borrower, or if the Borrower or the guarantors are involved in any bankruptcy, reorganization or insolvency proceedings, the Bank, at its option, may elect not to close the loan or to advance any further funds.

**Survival of Provisions:**

This Commitment and all of its provisions not then satisfied shall survive the closing of this loan. It is specifically understood and agreed that all of the conditions are continuing insofar as the Borrowers are concerned, and breach of any of the conditions herein set forth shall constitute a default under any and all of the loan agreements pursuant to this letter.

**Legal Review:**

All papers are to be reviewed by Bank Counsel no less than ten (10) working days prior to the anticipated closing date and must be approved by Bank Counsel prior to closing.

**Events of Default:**

- A. Failure of the Borrower to comply with any of the above terms and conditions;
- B. Any significant deterioration in the financial condition of the Borrower in the opinion of the Bank;
- C. Any event of default as recited in the note, mortgage, this letter agreement or other loan documents used in this transaction.

This letter embodies all the terms and conditions of the Bank's commitment for the financing of this loan request. There are no oral promises, conditions, representations, understandings, interpretations or terms of any kind in effect as conditions or inducements to the acceptances of this loan commitment, all said prior oral or written statements and understanding being merged into this Letter of Commitment, except by a written agreement executed by the parties hereto.

In the event there is any failure to abide by the terms and conditions hereof, or if subsequent information reveals an unmarketable title, or should there develop other facets or information contrary to the Bank's knowledge of the collateral, purpose or intent of these obligations, this Commitment may be withdrawn at the discretion of the Bank by means of a written notice to the Borrower. If the Bank has disbursed funds under this commitment, the Bank shall, at its discretion, demand payment in full and take whatever legal action is necessary to collect the balance of the loan and any other sums due to the Bank.

Please indicate your acceptance of this Commitment by signing this letter where indicated and returning it to me, along with your check in the amount of \$10,000, representing the non-refundable commitment fee and a deposit toward closing expenses, within the date described herein.

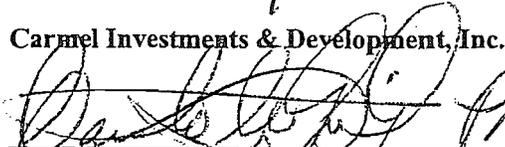
Sincerely,

  
Lisa Greer  
Vice President

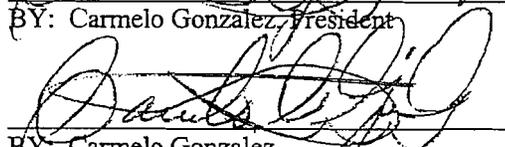
I/We hereby approve and accept this Commitment this 5 day of MAY, 2006.

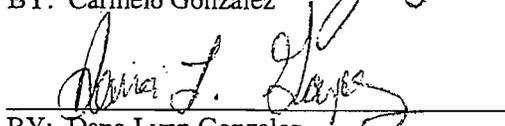
**BORROWER:**

Carmel Investments & Development, Inc.

  
BY: Carmelo Gonzalez, President

**GUARANTOR(S):**

  
BY: Carmelo Gonzalez

  
BY: Dana Lynn Gonzalez

**RETAILER PRODUCT SALES AGREEMENT (RPSA)  
(Shell Brand)**

THIS AGREEMENT which includes Blaylock Oil Company's original proposal dated June 9, 2005 (exhibit E), Exhibits A-D1, and Retailer Facility Development Incentive Program Agreement is effective May 3, 2006, between BLAYLOCK OIL CO. ("Seller") whose address is 724 S. FLAGLER AVENUE, HOMESTEAD, FLORIDA 33030 and Sierra Oil & Retail Center, inc. ("Buyer") whose address is 14801 Bethune Drive, Miami, FL 33177.

1. **DEFINITIONS.** As used in this Agreement, the terms below have the following meanings, whether singular or plural:

(a) "Business Entity" – Any legal entity that is not an individual or sole proprietorship, including, without limitation, a partnership, corporation, limited liability company, limited liability partnership, or association.

(b) "Buyer's Marketing Premises" – Buyer's premises, including, but not limited to, Buyer's office and storage, and distribution facilities that Buyer uses in connection with the Products.

(c) "Buyer's Outlets" – Those retail outlets, including marinas and truck stops, operated or supplied by Buyer and which Seller has authorized Buyer to display the Identifications in connection with the resale of the Products to consumers.

(d) "Identifications" – The trademarks, trade dress, service marks, and color schemes relating to the Shell brand licensed to Buyer by Seller under the terms of this Agreement for use by Buyer and Buyer's Outlets in connection with the marketing and sale of the Products.

(e) "Law" – Any applicable statute, constitution, ordinance, regulation, rule, administrative order, or other requirement of any federal, state, or local government agency or authority in effect at the time of execution, or during the term, of this Agreement.

(f) "Plant" – The distributing plant from which deliveries of Petroleum Products are made to Buyer.

(g) "PMPA" – The Petroleum Marketing Practices Act as may be amended from time to time (15 U.S.C. §2801 et seq.).

(h) "Products" – The gasoline and diesel fuel sold to Buyer by Seller for resale under the Identifications.

**2. PURCHASE AND SALE OF PRODUCTS.**

(a) Subject to Articles 18 and 19, Seller shall sell and deliver to Buyer, and Buyer shall purchase and accept from Seller, the minimum quantities of Products identified in Exhibit A during each month and year during the term of this Agreement ("Minimum Quantities"). Buyer acknowledges that the Minimum Quantities are necessary and reasonable for, among other reasons, Seller to plan its supply operations and, as such, are of material and reasonable significance to the franchise relationship. Buyer also acknowledges that Seller has established minimum volume levels for gasoline ("Base Volume") to be resold through Buyer's Outlets for its customers in order to retain a Wholesale Marketer Agreement. Accordingly, in no event may Buyer's Minimum Quantities be less than the following Base Volume:

1,500,000	to	1,875,000	<u>ANNUAL</u>	gallons
<u>MIN</u>	to	<u>MAX</u>	<u>GASOLINE</u>	gallons
_____	to	_____	_____	gallons
_____	to	_____	_____	gallons

If the Minimum Quantities are less than the minimum Base Volume, the Minimum Quantities are deemed amended to be the same as the minimum Base Volume; and the Maximum Quantities will be proportionately increased. If Buyer fails to purchase this minimum Base Volume, Seller may take such action as Seller deems appropriate, including, without limitation, terminating or not renewing this Agreement.

(b) Seller may, but will not be obligated to, sell Buyer more than the "Maximum Quantities" identified in Exhibit A. Seller's exercise of its right to do so will not obligate Seller to continue to sell Buyer such excess quantities.

(c) To the extent practicable, Buyer shall take delivery of all Products on a ratable basis.

(d) If Buyer fails to purchase and accept the Minimum Quantities in any 12-month period, Seller may unilaterally downward adjust the Minimum/Maximum Quantities each succeeding 12-month period by the difference between the annual Minimum Quantities and the amount actually purchased for that 12-month period. In addition, Buyer may request that Seller downward adjust Buyer's Minimum/Maximum Quantities if the need for the downward adjustment is due to a reason beyond Buyer's reasonable control. If Seller agrees that the reason is beyond Buyer's reasonable control, Seller shall downward adjust the Minimum/Maximum Quantities each succeeding 12-month period by the difference between the annual Minimum Quantities and the amount actually purchased for that 12-month period. Likewise, if Buyer purchases more than the Minimum Quantities, Buyer may request that Seller upward adjust Buyer's Minimum/Maximum Quantities. If Seller agrees, the Minimum/Maximum Quantities will be upward adjusted for each succeeding 12-month period.

(e) If the term of this Agreement commences at any time after January 1st of any year during the term of this Agreement, Buyer must purchase and accept the Minimum Quantities during the remaining months of that 12-month period, but Seller's rights and remedies set forth in Articles 2(a) and (d) above will not commence until the next full 12-month period.

(f) If Buyer terminates this Agreement prior to the expiration of its term or if Seller terminates this Agreement for cause in accordance with the PMPA or applicable Law, Seller will be entitled to all remedies available at Law or in equity. Notwithstanding the foregoing, if Buyer terminates this Agreement and Buyer's Outlets remain branded under the Identifications, Seller may waive its remedies pursuant to this article.

### 3. PRICES AND TERMS OF PAYMENT.

(a) PRICES: Buyer's place of business delivered by Seller's truck or common carrier furnished by Seller.

(1) For Gasoline and Diesel Fuel and for Gasohol: Seller's price to retailers in effect at time of delivery.

(2) For Motor Lubricants and Anti-Freeze: Seller's price to retailers in effect at time of delivery less applicable quantity discounts based on Seller's announced quantity discount schedule for these products.

(3) For other products: Seller's price to retailers in effect at time of delivery.

(b) TERMS OF PAYMENT:

(1)	Gasoline and Diesel Fuel	<u>EFT Seven Days</u>
(2)	Gasohol	<u>N/A</u>
(3)	Motor Lubricants	<u>30 Days / As Agreed</u>
(4)	Anti-Freeze	<u>30 Days / As Agreed</u>
(5)		<u></u>

(c) Seller may charge Buyer interest, at a reasonable lawful rate per annum, on all overdue sums owed to Seller. Further, if Buyer fails to make timely payment of any amount due Seller, in addition to all other rights or remedies available, Seller may take such action as Seller deems reasonable under the circumstances. Without limiting the generality of the foregoing, Seller may setoff or equitably recoup against any amount then due Buyer, defer further deliveries of the Products until payment of all outstanding indebtedness is made, and demand advance cash payment for further deliveries. Buyer shall comply with the terms of any commercially acceptable reclamation notice issued to Buyer by Seller under applicable Law.

*10 years after 1<sup>ST</sup> Del*  
*Delivery*  
4. **TERM.** The term of this Agreement begins on the effective date specified above and ends on applicable Law. Upon expiration, this Agreement will continue on a month-to-month basis until the parties either execute a new agreement or Seller terminates or does not renew this Agreement in accordance with applicable Law.

**5. PERMISSION TO USE THE IDENTIFICATIONS.**

(a) Seller grants to Buyer permission to use the Identifications only in connection with the resale of the Products and so long as Buyer complies with the terms of this Agreement. Buyer acknowledges that the Identifications are a valuable and important property right and are essential to the goodwill and reputation of the Products. Buyer further acknowledges Seller's interest in the Identifications and Buyer shall not claim any right to or title or interest thereto.

(b) Buyer must obtain Seller's prior written authorization to use and display, or permit the use and display of, the Identifications at any retail outlet. Those retail outlets currently authorized by Seller are identified in Exhibit B, as may be amended by the parties from time to time. Buyer acknowledges that Seller may, in its sole discretion, approve or not approve any outlet Buyer requests Seller to brand under the Identifications.

(c) Buyer shall follow all rules, regulations, standards, and guidelines Seller establishes from time to time relating to the use and display of the Identifications in connection with the resale of the Products.

(d) Buyer shall not use the word "Shell" as part of Buyer's proprietary or Business Entity name. Buyer shall not use the Identifications or the word "Shell" in Buyer's trade style if the use is likely to: (1) create the impression that the business is owned or operated by Seller or (2) deceive or cause a likelihood of confusion to prospective customers.

**6. PRODUCT STEWARDSHIP AND QUALITY.** Pursuant to Seller's permission to grant Buyer use of the Identifications, Buyer shall comply with the following requirements relating to the marketing, storage, and resale of the Products.

(a) Buyer shall not resell, nor may any operator of Buyer's Outlets resell, gasoline at Buyer's Outlets other than the gasoline purchased by Buyer from Seller to be resold under the Identifications pursuant to the terms of this Agreement.

(b) The quality of the Products must be strictly maintained and not adulterated, commingled, or blended with any other products or substances in any manner.

(c) All Products must be clearly identified, correctly labeled, and resold under their proper Identifications and grades.

(d) All signs and other advertising devices or materials furnished by Seller to Buyer will remain Seller's property, must be used solely in connection with the resale of the Products, and must be returned to Seller immediately upon demand at Buyer's expense.

(e) Buyer shall obtain Seller's prior written approval before using, or permitting the use of, any promotional materials or advertising that bear any of the Identifications.

**7. BRAND IDENTIFICATION AND MINIMUM STANDARDS.** Buyer acknowledges that the Identifications represent to the motoring public the manufacture and sale of quality Products. Buyer shall undertake no action of any kind that may harm or degrade the Identifications. Buyer further acknowledges that uniform standards of quality and appearance must be maintained at all retail outlets displaying the Identifications in order to properly market and sell the Products, preserve and promote the reputation of Seller, and achieve public acceptance of the Products. Accordingly, Buyer shall comply with, and cause the operators of Buyer's Outlets to comply with, all standards of operation and appearance established from time to time by Seller, including, without limitation, the following minimum obligations; provided, however, the means and the manner of performance are within the sole discretion of Buyer:

(a) Buyer shall comply with the Retail Visual Identity Design Standards and Conversion guidelines ("Image Guidelines") as may be amended by Seller or SOPUS/MOTIVA from time to time. If Seller or SOPUS/MOTIVA amends the Image Guidelines, Seller shall provide Buyer written notice. Buyer acknowledges receipt of, or has been informed on how to access, the Image Guidelines through the Internet. Buyer shall also comply with the image conversion time requirements identified in Exhibit C. If Buyer's Outlets are not imaged in accordance with these time requirements, Seller may terminate or not renew this Agreement.

(b) Buyer acknowledges receipt of, or has been informed on how to access through the online website of Seller and/or SOPUS/MOTIVE, the brand standards pertaining to Seller's and SOPUS/MOTIVA'S operations, appearance, and cleanliness requirements ("Brand Standards"). At all times during the term of this Agreement, Buyer shall maintain, and cause the operators of Buyer's Outlets to maintain, Buyer's Outlets in accordance with the Brand Standards, as may be amended by Seller or SOPUS/MOTIVA from time to time. If Seller or SOPUS/MOTIVA amends the Brand Standards, Seller shall provide Buyer notice. If any Buyer's Outlet fails to meet the Brand Standards, Buyer shall de-identify the Buyer's Outlet upon notice from Seller in accordance with Article 23.

(c) The Products must be diligently and efficiently merchandised and promoted at Buyer's Outlets.

(d) The operations at Buyer's Outlets must be conducted in a professional and business-like manner and the public must be provided with prompt, courteous, and efficient service.

(e) Buyer shall promptly and courteously respond to any customer complaints (including written responses when appropriate) and take immediate action to satisfactorily resolve each customer complaint.

(f) In order to operate Buyer's Outlets in an organized and efficient manner, adequate and competent personnel who are able to converse in English with Seller, customers, government officials, and other persons, considering both the volume and nature of the business activity, must be maintained at Buyer's Outlets.

(g) The operators and employees at Buyer's Outlets shall wear neat, clean uniforms of a type and style approved by Seller; provided, however, for uniforms with Buyer logos, such approval will not be unreasonably withheld.

(h) All service work at Buyer's Outlets must be performed in a workmanlike manner utilizing only first-class new materials and parts except when the customer specifically authorizes rebuilt or used materials or parts.

(i) Buyer's Outlets must be kept in a clean, sanitary, and safe condition and all property and equipment kept in good operating condition and repair. The driveways, sidewalks, and other landscaped areas must be kept in a neat and orderly appearance free from weeds, debris, snow, ice, and rubbish.

(j) Buyer's Outlets may not be used for any unlawful, offensive, hazardous, unsightly, or other objectionable purpose, including, but not limited to, the sale or display of materials with dominant themes of sex, nudity, prurient interest, or pornography, which are unacceptable under local community standards. Merchandise or paraphernalia that is morally offensive or distasteful to the general public may not be displayed or offered for sale at Buyer's Outlets.

(d) The provisions of this Agreement are severable. If any provision of this Agreement is, for any reason, invalid or unenforceable, the remaining provisions of this Agreement are valid and enforceable if the basic intent of the parties is still capable of being achieved.

(e) This Agreement is binding upon and enforceable against the parties' respective successors, permitted assignees, legal representatives, executors, administrators, heirs, and legatees.

(f) Neither this Agreement nor any subsequent agreement amending or supplementing this Agreement is binding unless a duly authorized representative of the parties signs the Agreement, amendment, or supplement.

Executed on the date shown below.

Buyer: Sierra Oil & Retail Center, Inc.

Seller: BLAYLOCK OIL CO.

By: \_\_\_\_\_

By: [Signature]

Title: \_\_\_\_\_

Title: PRES.

Date: \_\_\_\_\_

Date: 5/8/06

BY: [Signature]

TITLE: CHAIRMAN corp Secretary

DATE: 5/4/05

# Permit Summary

## Permit Summary

1. Process No. 2006112656      C-Mart      Applied 3/13/06
  - a. Sign-offs obtained: Solid Waste, MDTA, Electrical, Building, Public Works, Zoning, Structural, EXPR, Fire, Mechanical, Plumbing, DERM, ENFC, Planning
  - b. Sign-offs pending: None
    - *Permit 2007049181 was issued on April 20, 2007*
    - *Also includes Paving & Drainage, Fuel Tanks and Canopy*
  
2. Process No. 2007002212      Tires 4 Less / Retail Shops      Applied 10/3/06
  - a. Sign-offs obtained: Solid Waste, MDTA, Building
  - b. Sign-offs pending: Zoning, Public Works, DERM, Mechanical, Plumbing, Electric, Structural, Planning
    - *It has been in the Building Department since early January pending review of the revisions. Some additional revisions may result.*
    - *Only one permit may be issued prior to Final Plat approval*

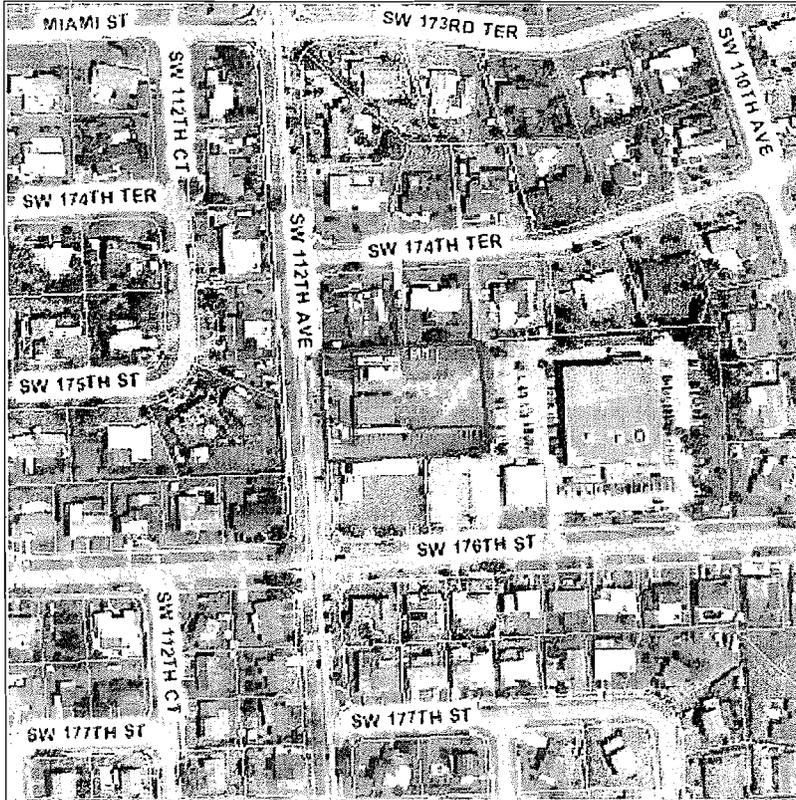
Gas Stations with  
Proximity to  
Residential in Miami-  
Dade County

My Home  
Miami-Dade County, Florida

MIAMI-DADE

miamidade.gov

Property Information Map



Digital Orthophotography - 2006

0 127 ft

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**Summary Details:**

Folio No.: 30-5031-020-0010  
 Property: 11191 SW 176 ST  
 Mailing: TIFFANY TRADING LLC  
 Address: 11191 SW 176 ST MIAMI FL 33157-

**Property Information:**

Primary: 6400 COMMERCIAL,  
 Zone: MEDIUM INTENSITY  
 CLUC: 0026 SERVICE STATION-AUTOMOTIVE  
 Beds/Baths: 0/0  
 Floors: 1  
 Living Units: 0  
 Adj Sq Footage: 5,132  
 Lot Size: 46,292 SQ FT  
 Year Built: 1965  
 Legal Description: FIRST LEJEUNE PLAZA PB 106-70 TRACT A /1.06 AC OR 20084-3501 1001 6 (2) COC 25274-2194 12 2006 2

**Sale Information:**

Sale O/R: 25274-2194  
 Sale Date: 12/2006  
 Sale Amount: \$2,200,000

**Assessment Information:**

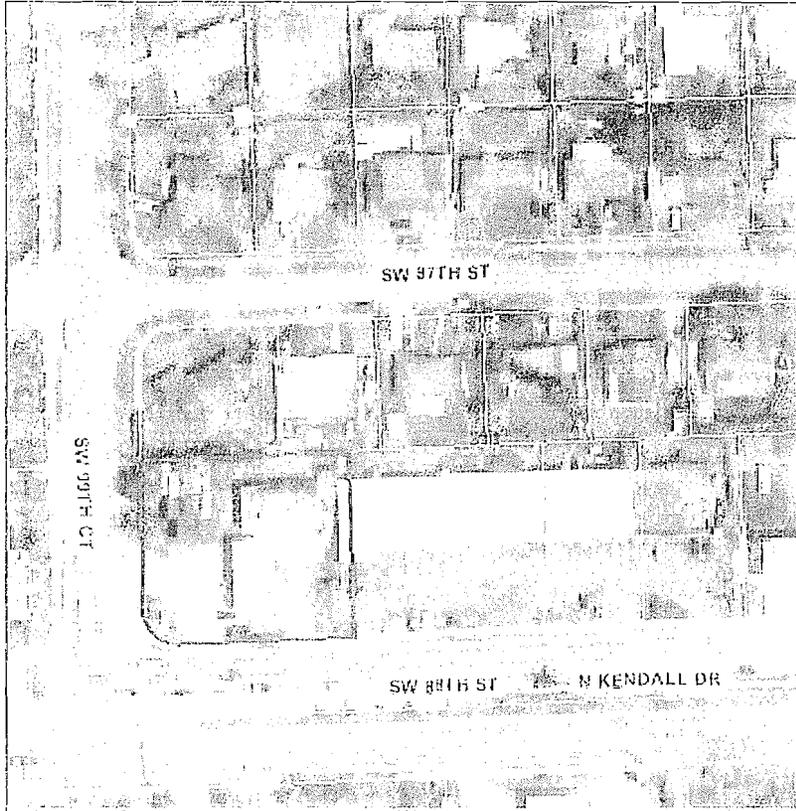
Year:	2006	2005
Land Value:	\$162,022	\$162,022
Building Value:	\$229,841	\$209,847
Market Value:	\$391,863	\$371,869
Assessed Value:	\$391,863	\$371,869
Total Exemptions:	\$0	\$0
Taxable Value:	\$391,863	\$371,869



My Home  
Miami-Dade County, Florida

MIAMI-DADE

Property Information Map



Summary Details:

Folio No. 30-4032-009-0130  
 Property 9949 SW 88 ST  
 Mailing MOBIL OIL CORP  
 Address PROPERTY TAX DIV  
 PO BOX 4973 HOUSTON TX  
 77210

Property Information:

Primary 6400 COMMERCIAL,  
 Zone MEDIUM INTENSITY  
 CLUC 0026 SERVICE STATION-  
 AUTOMOTIVE  
 Beds/Baths 0/0  
 Floors 1  
 Living Units 0  
 Adj Sq 4,958  
 Footage  
 Lot Size 20,250 SQ FT  
 Year Built 1974  
 32 54 40 HEFTLER HOMES  
 Legal SUNSET PK SEC 2 REPLAT  
 Description OF BLKS 34 & 35 PB 73-75  
 LOT 13 BLK 34-A LOT SIZE  
 20250 SQUARE FEET

Sale Information:

Sale O/R.  
 Sale Date 0/0  
 Sale Amount \$0

Assessment Information:

Year:	2006	2005
Land Value	\$607,500	\$607,500
Building Value:	\$191,707	\$195,630
Market Value	\$799,207	\$803,130
Assessed Value:	\$799,207	\$803,130
Total Exemptions:	\$0	\$0
Taxable Value	\$799,207	\$803,130

Digital Orthophotography - 2006

0 60 ft

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My Home  
Miami-Dade County, Florida

MIAMI-DADE

Property Information Map



Digital Orthophotography - 2006

0 58 ft

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Summary Details:

Folio No 01-4138-001-1420  
Property 2000 SW 3 AVE  
Mailing ESCOBARS GULF INC  
Address 2000 SW 3 AVE MIAMI FL  
33129-1436

Property Information:

Primary Zone 4800 OFFICE  
CLUC 0026 SERVICE STATION-AUTOMOTIVE  
Beds/Baths 0/0  
Floors 1  
Living Units 0  
Adj Sq Footage 2,095  
Lot Size 14,040 SQ FT  
Year Built 1957  
Legal Description HOLLEMAN PARK PB 8-23  
LOTS 8 & 9 BLK 10 LOT SIZE  
1193 1

Sale Information:

Sale O/R: 16150-1676  
Sale Date 11/1993  
Sale Amount: \$330,000

Assessment Information:

Year	2006	2005
Land Value	\$1,193,400	\$912,600
Building Value	\$60,000	\$60,000
Market Value	\$1,253,400	\$972,600
Assessed Value	\$1,253,400	\$972,600
Total Exemptions	\$0	\$0
Taxable Value	\$1,253,400	\$972,600

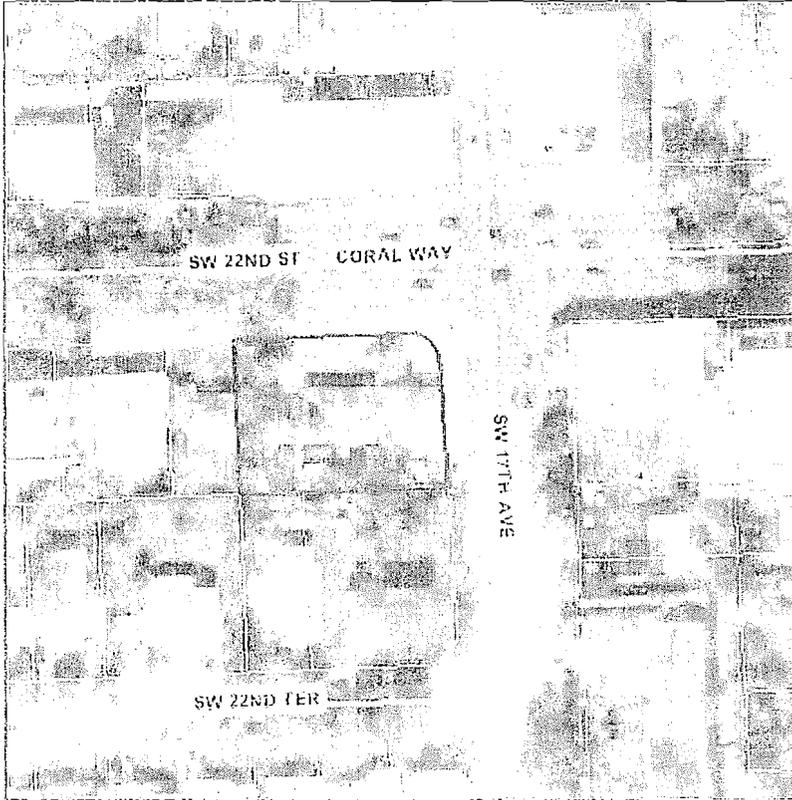


My Home  
Miami-Dade County, Florida

MIAMI DADE

MIAMI DADE COUNTY

Property Information Map



Digital Orthophotography - 2006

0 56 ft

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Summary Details:

Folio No: 01-4115-012-0010  
 Property: 1700 SW 22 ST  
 Mailing Address: LEADER SERVICES LLC  
 Address: 2805 SW 103 PL MIAMI FL  
 33165-2461

Property Information:

Primary Zone: 6100 RESTRICTED COMMERCIAL  
 CLUC: 0026 SERVICE STATION-AUTOMOTIVE  
 Beds/Baths: 0/0  
 Floors: 1  
 Living Units: 0  
 Adj Sq Footage: 2,216  
 Lot Size: 17,416 SQ FT  
 Year Built: 1938  
 Legal Description: NEW SHENANDOAH PB  
 10-55 LOTS 1 TO 6 INC BLK  
 27 LOT SIZE 17416 SQUARE  
 FEET OR 17945-2190 0198 4  
 COC 24236-0832 02 2006 4

Sale Information:

Sale O/R: 16381-2071  
 Sale Date: 4/1994  
 Sale Amount: \$270,000

Assessment Information:

Year:	2006	2005
Land Value:	\$783,720	\$653,100
Building Value:	\$61,170	\$5,400
Market Value:	\$844,890	\$658,500
Assessed Value:	\$844,890	\$658,500
Total Exemptions:	\$0	\$0
Taxable Value:	\$844,890	\$658,500



Letter to  
James Marshall



**BERCOW & RADELL**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6238  
E-Mail: MMarrero@BRZoningLaw.com

VIA CERTIFIED MAIL

March 22, 2007

James Marshall  
Richmond Heights Homeowners Association  
13900 Harrison Street  
Miami, Florida 33176

Re: 11600 Bethune Drive, Richmond Heights

Dear Mr. Marshall:

We represent Carmel Investment and Development, Inc., the Owner of the parcel at 11600 Bethune Drive. As you know, this property had been previously affected by a temporary building moratorium that has been lifted by Miami-Dade County.

Our client is committed to providing a safe and mutually beneficial development to Richmond Heights. To that extent, we would like to request an opportunity to meet with you and the board of the Richmond Heights Homeowners Association regarding measures that can be taken that will alleviate some of your concerns regarding the development of this property.

Please call me at your earliest convenience at (305) 377-6238 so that we can schedule a meeting with you.

Sincerely,

Michael J. Marrero

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$ 39
Certified Fee	240
Return Receipt Fee (Endorsement Required)	185
Restricted Delivery (Endorsement Required)	
<b>Total Postage</b>	<b>464</b>

POSTAL STORE

Postmaster Here

Sent Via Marshall  
 Street, Apt. No. or PO Box No. 13900 HARRISON ST  
 City, State, ZIP+4 MIAMI FL 33176

PS Form 3800, August 2006 See Reverse for Instructions

# Analysis of Study Area Report

## ANALYSIS OF STUDY AREA REPORT

An analysis of the Department of Planning & Zoning Report, dated March 20, 2007 (Agenda Item 5H1) makes it very clear that the parcel owned by Carmel Investment and Development, Inc. is being singled out for special treatment. The report analyzes thirty-five different parcels in the study area:

- 3 of the parcels are zoned AU (Agriculture). These parcels presently are developed with single family homes. The report proposes EU-M residential zoning; thus the report proposed no substantial change to the current use.
- 9 of the parcels are zoned GU (Interim). These parcels are occupied by cemeteries and churches. The report proposes that these parcels remain GU; thus no change is proposed.
- 26 of the remaining parcels have a BU (Business) district zoning. Twenty of these parcels are proposed to remain in a BU zoning district. Of these, eight are recommended to be downzoned from BU-2 or BU-3 to BU-1A, and the recommendations for twelve are for no change to the current zoning. Thus 20 of the BU parcels will remain in a BU zoning district.

The DP&Z Report recommends that the remaining 6 BU parcels be rezoned to a residential zoning. These parcels are described below.

- B-5: 21,875 sf of land owned by County Office of Community and Economic Development (OCED), which has already expressed interest in zoning to residential. Residential is generally recommended, but not specific recommendation.
- B-20: 1.76 acres of vacant land owned by Richmond Heights Townhouse Development Corp; recommended from BU-3 to RU-5.
- B-21: 0.86 acres of vacant land owned by Martin Memorial African Church; recommended from BU-3 to RU-5.
- B-22: 17,500 sf; unoccupied one-story office building on site owned by Martin Memorial African Church; recommended from BU-1 to RU-5. Current use compatible with RU-5.
- B-23: 21,855 sf of vacant land owned by Richmond Heights Townhouse; recommended BU-1 to RU-5.

B-24: Carmel Investment & Development; BU-3 recommended to RU-5.

Of these 6 BU parcels that are recommended for rezoning, Parcel B-5 is a County property which has been scheduled for a change in use. The other 4 parcels (B-20, B-21, B-22 and B-23) are either consistent with the current or proposed use. The only parcel that has been recommended for a zoning that will affect the proposed use is the property owned by Carmel Investment and Development, Inc. – Parcel B-24.

# Memorandum

MIAMI-DADE  
COUNTY

RECEIVED  
By the Clerk for the record.

APR 24 2007

Item 5H  
Exhibit 15  
Meeting BCC Regular

Date: APR 06 2007

To: Honorable Dennis C. Moss, Commissioner  
Board of County Commissioners, District 9

From: George M. Burgess  
County Manager 

Subject: Report on property identified as Folio #30-5019-001-5971/ 11600 Bethune Drive  
Assignment number 168894

Please find the following information in response to your memorandum dated March 28, 2007, in which you requested a report outlining the following details:

1. What permits were issued?
2. Whether the permits were appropriately issued?
3. Did the plans used by the applicant to acquire the fuel tank permit indicate that the permit was for the removal of existing tanks?
4. Did the application for the fuel tank permit indicate that the application was for the removal of fuel tanks?

Following is a chronology of Events for the referenced property:

- a) According to the Building Department's records, Permit number 2003-012771 (relating to process number C2003-019884) was initially issued on Nov 15, 2002 and was subsequently re-issued on July 23, 2003 (relating to process number 2003-168767). The permit was for construction of 6 feet high concrete block wall that separates the commercial zoning from the residential zoning district located along the south property line. This wall met zoning approval and received final inspection approval by the Building Department on September 9, 2003.
- b) Application process number C2005-179214 is filed on June 16, 2005 for construction of Retail Store E. No permit has been issued.
- c) Application process number C2006-112656 is filed on March 13, 2006 for construction of Gas Station/Convenience Store. No permit has been issued.
- d) Application process number C2006-216028 is filed on July 06, 2006 for construction of Gas Station Canopy. No permit has been issued. This process number is now under C2006-112656.
- e) Permit number 2007-010763 (relating to process number C2006-237793) was issued for unspecified number of tanks removal and installation of unspecified number of underground tanks on Nov 07, 2006. It was determined by field inspections conducted at the site that this was new installation of tanks and not a replacement of tanks. The referenced permit was revoked the same day due to the fact that the information presented on the application was different from the intended work. The application form, filled out and signed by the applicant and the plans signed by the engineer of record, referred to removal and installation of tanks but the work did not involve any replacement but rather installation of new tanks, which requires that a permit for actual gas station be issued (see attachment A).

- f) Permit number 2007-023025 (relating to process number C2007-014229) was issued for Paving and Drainage on December 28, 2006. This permit was issued in error by the Building Department because paving and drainage needs to be part of the permit for the gas station. The Florida Building Code does not regulate paving and drainage and therefore, a separate building permit cannot be issued just for paving and drainage. The permit was revoked on February 7, 2007.

Please call me if you need any further information.

Attachments:

Cc:

Alex Munoz, Assistant County Manager

Charles Danger, Director, Building Department

Subrata Basu, Interim Director, Department of Planning and Zoning

ATTACHMENT 'A'

MIAMI-DADE COUNTY BUILDING DEPARTMENT  
 Herbert E. Saffir Permuting and Inspection Center  
 11805 SW 10th Street (East Wing) • Miami, Florida 33175-2474 • (784) 255-2100

C2006 237793

LOCATION OF IMPROVEMENTS	Job Address <u>14801 Bethunne Drive</u>	Contractor No. <u>PCC046044</u>
	Folio <u>3050190015971 / 70</u>	Last four (4) digits of Qualifier No. <u>3803</u>
TYPE OF IMPROVEMENTS	Subdivision _____	Contractor Name <u>EVANS PETROLEUM SERV.</u>
	Metes and bounds _____	Qualifier Name <u>WILLIAM S. EVANS</u>
PERMIT TYPE	<input type="checkbox"/> New Construction on Vacant Land	Address <u>4960 E. 10th</u>
	<input checked="" type="checkbox"/> Alteration Exterior	City <u>MIAMI</u> State <u>FLA</u> Zip <u>33013</u>
OWNER'S NAME	<input type="checkbox"/> Alteration Interior	Owner <u>CARMELO CONTRERAS</u>
	<input type="checkbox"/> Relocation of Structures	Address <u>14801 BETHUNNE DR.</u>
ARCHITECT/ENGINEER	<input type="checkbox"/> Short Term Event	City <u>MIAMI</u> State <u>FLA</u> Zip _____
	<input type="checkbox"/> New Roof	Phone <u>305.216.1956</u>
BUILDER/LENDER	<input type="checkbox"/> Recovery (Roof)	Last four (4) digits of Owner's Social Security No. <u>N/A</u>
	<input type="checkbox"/> Permit by Affidavit	Name <u>A.F. WEBBER III</u>
<input type="checkbox"/> Enclosure <input type="checkbox"/> Repair <input type="checkbox"/> Repair Due to Fire <input type="checkbox"/> Demolish <input type="checkbox"/> Shell Only <input type="checkbox"/> Addition Attached <input type="checkbox"/> Addition Detached <input type="checkbox"/> Re-Roof <input type="checkbox"/> Foundation Only		Description of Work <u>( ) TANKS REMOVAL &amp; INSTALLATION OF ( ) UNDERSTAIRS</u> Sq. Ft. _____ Units _____ Floors _____ Value of Work <u>\$600.00</u>
<input type="checkbox"/> Building Category <input type="checkbox"/> Electrical <input checked="" type="checkbox"/> Mechanical <u>09/16</u> <input type="checkbox"/> Plumbing <input type="checkbox"/> LPGX		Name <u>P.O. BOX 22009A</u> Address _____ City <u>HOWLAND</u> State <u>FLA</u> Zip <u>33022</u> Phone <u>305.796.9695</u>
<input type="checkbox"/> Chg. Contractor <input type="checkbox"/> Re-Issue <input type="checkbox"/> Extension <input type="checkbox"/> Supplement <input type="checkbox"/> Reinspection		Name <u>N/A</u> Address _____ City _____ State _____ Zip _____ Phone _____

See reverse side for Building Code.  
 Applicant is hereby made to obtain a permit to do work and practice as authorized. For this all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that separate permits are required for ELECTRICAL, MECHANICAL, SIGNS, POOLS, MECHANICAL, WINDOVS, SISTERS and COOKING RANGES and there may be additional permits required for other general contract work.  
 OWNER'S/PERMIT APPLICANT'S AFFIDAVIT: I certify that all of the foregoing information is accurate and that there are no unpaid city penalties, administrative hearing cost assessments, enforcement, towing or monitoring costs or unpaid fines which are owed in Miami-Dade County.

Signature of Owner or Owner's Agent: CARMELO CONTRERAS  
 PRINT NAME: CARMELO A CONTRERAS  
 STATE OF FLORIDA COUNTY OF MIAMI-DADE  
 Sworn to and subscribed before me this July 16 day of July 2006  
 by [Signature]  
 Notary Public  
 My Commission Expires July 27, 2008  
 Banded through 1st State Insurance

Signature of Qualifier: William S. Evans Jr.  
 PRINT NAME: WILLIAM S. EVANS JR.  
 STATE OF FLORIDA COUNTY OF MIAMI-DADE  
 Sworn to and subscribed before me this July 16 day of July 2006  
 by [Signature]  
 Notary Public  
 My Commission Expires July 27, 2008  
 Banded through 1st State Insurance





RECEIVED  
By the Clerk for the record.

MEMORANDUM  
OFFICE OF THE MAYOR

APR 24 2007  
Item 11A53  
Exhibit 16  
Meeting BCC Regular

DATE: April 23, 2007  
TO: Honorable Chairman Bruno A. Barreiro, and Members  
Board of County Commissioners  
FROM:   
Carlos Alvarez, Mayor  
Miami-Dade County

CLERK OF THE BOARD  
2007 APR 23 9:42:34  
CLERK, CIRCUIT COURT  
MIAMI-DADE COUNTY

SUBJECT: RESOLUTION APPROVING ALLOCATION FROM CAPITAL ASSET SPECIAL OBLIGATION BONDS SERIES 2007 ACQUISITION ACCOUNT IN AMOUNT OF \$2.6 MILLION TO FUND OUTSTANDING COSTS ASSOCIATED WITH SCOTT/CARVER HOMES HOPE VI PROGRAM

In the recent months, staff at the County has made great strides towards improving upon the service provided by the Miami-Dade Housing Agency (MDHA). Within the changes made have been positive steps regarding Hope VI and we are all glad to see that progress is being made. Under the close watch of my office, the Board of County Commissioners (Board) and with the hands on administration by County Manager George Burgess and Senior Advisor Cynthia Curry, MDHA is headed in the right direction.

While we continue to work with HUD towards a plan for MDHA, we must continue to make all efforts to continue providing essential housing services to our residents. I understand the Board's decision to withhold funds in relation to Hope VI; however, it is important not to penalize developers that have already completed work and are owed payment. I urge the Board to pass the resolution sponsored by Commissioner Rolle that would release \$2.6 million of the HOPE VI set aside from the County's Capital Asset Special Obligation Bonds.

Given the uncertainty surrounding MDHA, the steps taken by the Board to protect the best interests of the residents of Miami-Dade County are understandable. At the same time, it is clear that the County must honor its financial and contractual obligations. With the passage of this resolution, we can take one more step towards fulfilling our promises to the Hope VI project.

- c: Honorable Harvey Ruvin, Clerk of the Courts
- Denis Morales, Chief of Staff
- George M. Burgess, County Manager
- Murray A. Greenberg, County Attorney
- Kay Sullivan, Director, Clerk of the Board
- Cynthia W. Curry, Senior Advisor

Exhibit 11A53  
4-24-07

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Received by the Clerk  
for the Council

APR 24 2001  
Item 14 B2  
Exhibit 17  
App. BCC Regular

RESOLUTION NO. 2-122-77

The following resolution was offered by Commissioner Clara Gosterle, seconded by Commissioner Beverly S. Phillips, and upon poll of members present, the vote was as follows:

Neal Adams	aye	Harvey Rubin	aye
Clara Gosterle	aye	Barry D. Schreiber	aye
William G. Oliver	absent	Ruth Shack	aye
Beverly S. Phillips	aye	Stephen P. Clark	aye
James F. Redford, Jr.	aye		

WHEREAS, Solon School, Inc. & Antonio R. Garcia has applied for the following:

- (1) SPECIAL EXCEPTION to permit a private school from grades 7 thru 12, to include a kitchen and dining area, gymnasium, and custodian's quarters.
- (2) USE VARIANCE to permit a NU-4A use in the EU-1 zone to wit, to permit a two story structure with twenty overnight sleeping accommodations for occasional use by students and/or their parents for the purpose of meditation.
- (3) UNUSUAL USE to permit a recreational facility, to wit; basket ball and tennis courts, football, track and field and baseball field.
- (4) VARIANCE OF ZONING REGULATIONS as it applies to the height of fences, to permit an 8 foot (6' permitted) fence on the side street (E) and front (N) property lines.
- (5) VARIANCE OF ZONING REGULATIONS as it applies to the height of fences to permit a 12' (6' permitted) baseball backstop on the front (N) property lines.
- (6) VARIANCE OF ZONING REGULATIONS requiring accessory uses to be behind the principle building, to wit; to permit the proposed baseball and football fields in front (on dual streets) of the principle building.
- (7) VARIANCE OF SETBACK REQUIREMENTS to permit a proposed baseball diamond and backstop to setback 6' (75' required) from the front (N) property line and permit a tract filed to setback 25' (75' required) from the front (N) property line.

SUBJECT PROPERTY: The E½ of the NE¼ of the SE¼ of Section 2, Twp. 54 S., Rge. 39 East.

LOCATION: West side of SW 127 Ave. between SW 2 Street and SW 6 Street.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held as required by law, and all interested parties concerned in the matter were heard, and the Zoning Appeals Board was of the opinion that the requested Special Exception, Use Variance and Variances would not be compatible with the area and its development and would not be in harmony with the requirements and intent of the Zoning Procedure Ordinance, and denied without prejudice the requested application, and

WHEREAS, Solon School, Inc. and Antonio N. Garcia had appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance, a hearing was held by this Board, and after reviewing the record and the decision of the Zoning Appeals Board and having

*Denied*

1977

given an opportunity for all interested parties to be heard, and upon considering the record and the decision of the Zoning Appeals Board and all matters presented at the meeting, it is the opinion of this Board that the grounds and reasons specified for the reversal of the ruling made by the Zoning Appeals Board were sufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board is hereby overruled and the requested Special Exception, Use Variance, Unusual Use and Variances be and the same are hereby approved, subject to the following conditions:

*Provide Docs drawing*

1. That a detailed plot use plan be submitted to and meet with the approval of the Zoning Director; said plan shall be drawn to scale and shall include dimensions to indicate lot size, distances from center line of streets to property lines, size and location of building or buildings; said plan shall also include among other things, but not be limited thereto, off-street parking areas, and driveways, walls, hedges and fences, landscaping, etc. The plot plan shall contain a title block identifying the project, the name and title of the person preparing the plan, the date of preparation of the plan, and the scale of the drawing.
2. That the proposed structure, or the addition to the existing structure, be of a residential type and character and meet with the approval of the Zoning Director.
- 3. That the use be established and maintained in accordance with the approved plan.
- 4. That the use be approved and restricted to a maximum of 1000 students.
- 5. That the uses be conducted on the premises on weekdays only, Monday through Friday inclusive.
6. That the hours of operation shall be from 7 a.m. to 10 P.M.
7. That the play area, if any, shall be enclosed with a fence of a type and at a location to be approved by the Zoning Director.
- 8. That the number of grades will be from 7 to 12. *- nd to ✓ exchanged to 6th grade*
- 9. That the number of classrooms will be as follows:

7-8	7 classes
9-10	10 classes
11-12	4 classes plus Labs and Special classrooms.
10. That the number of teachers will be 40.
11. That the proposed school is accredited by the State of Florida.
- 12. That the proposed school will have sport facilities on a competitive basis, and there will not be night lights.
- 13. That transportation to be furnished in connection with the proposed school, will consist of no vehicles and shall be of a N/A type; said vehicles will not be stored on the premises.
- 14. That the Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions and be subject to cancellation upon violation of any of the conditions, or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

- ✓ 15. That Belen School restrict its enrollment of 600 students until such time as SW 6 Street is completely improved to Dade County standards from the school site to SW 132 Ave.
- ? 16. That Belen School's school buses and/or vans restrict their access to and from the school site via SW 132 Ave. subsequent to the completion of the SW 6 Street improvements.
17. That Belen School dedicate and improve to Dade County standards all zoned rights-of-way associated with the school site, less any portions thereof so waived by the Director of the Public Works Department.
18. That Belen School obtain commitment from the Miami-Dade Water and Sewer Authority to provide potable water and sewage service and in turn extend the Authority's water and sewage lines to the school site; that no on-site potable water or wastewater treatment facilities be permitted on the school site.
19. That Belen School submit a detailed landscape plan to the Park and Recreation, Building and Zoning, and Planning Departments for their review and approval.
- 20 ✳ → 10. That Belen School be granted no Special Exceptions to permit night illumination of any of its proposed recreational facilities.
- 21 → 11. That Belen School be required to relinquish the previously approved Special Exception to permit school use on the 9 acre site to the northeast of the subject property.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building & Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 5th day of June, 1977.

Heard 5-9-77  
No. 77-5-19  
6-30-77  
as

DADE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

Richard P. Brinker, Clerk

By EDWARD D. PHELAN  
Deputy Clerk

This resolution transmitted to the  
Clerk of the Board of County Commissioners  
on the 1 day of July, 1977.

# BELEN JESUIT PREPARATORY SCHOOL

January 5, 2001

Miami Dade County  
Department of Planning and Zoning.  
Zoning Hearing Section  
111 N.W. First Street  
Miami, Florida 33128-1974

**RECEIVED**  
201-017  
JAN 05 2001

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY FE

Re: Letter of Intent  
Proposed use of the Subject Property.

Subject Property: Parcel three: The SE ¼ of the SE ¼ of the NE ¼ of Sec 2  
Township 54 South Range 39 East, less the East 50 feet  
And less the West 25 feet, Miami Dade County, Florida.

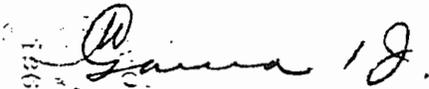
GENTLEMEN:

The applicant, Belen Jesuit Preparatory School Inc. hereby requests an "Unusual Use" to permit the use of the subject property for recreational and parking facilities in conjunction with the Belen Jesuit Preparatory School which presently occupies the contiguous site directly South of said property.

The proposed development of this property will meet all the requirements of DERM and other applicable agencies.

This "Unusual Use" is needed in order to provide better oriented playing fields while providing much desired off-street parking facilities in connection with the fields.

Sincerely,



Father Marcelino Garcia S.J.  
President of Belen Jesuit Preparatory School Inc.

FMG/III  
BELEN

A



51

SW and St



SW 127 Ave

69



7

SW 127 Ave



8

SW 127 Ave



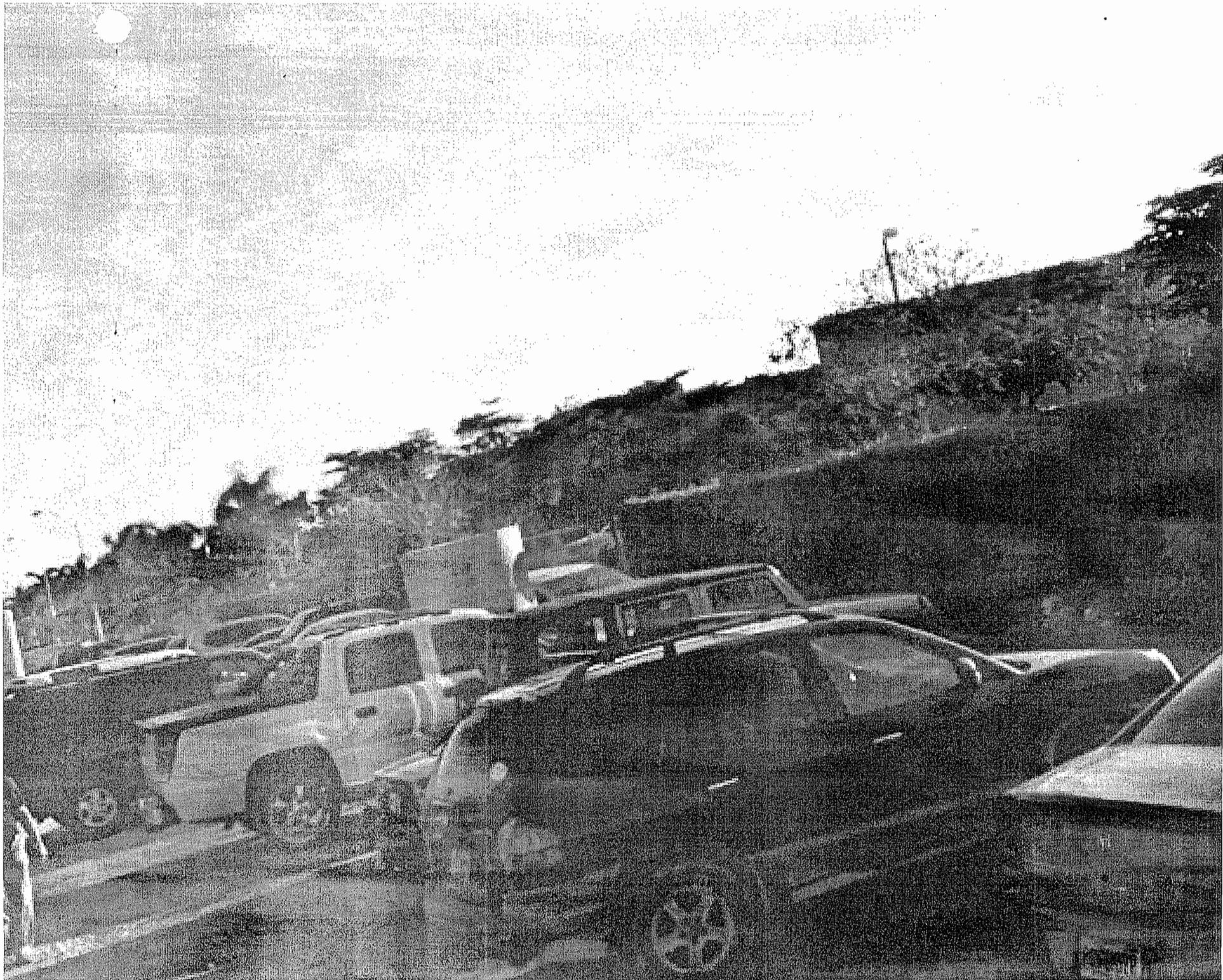
6

SW 127 Ave



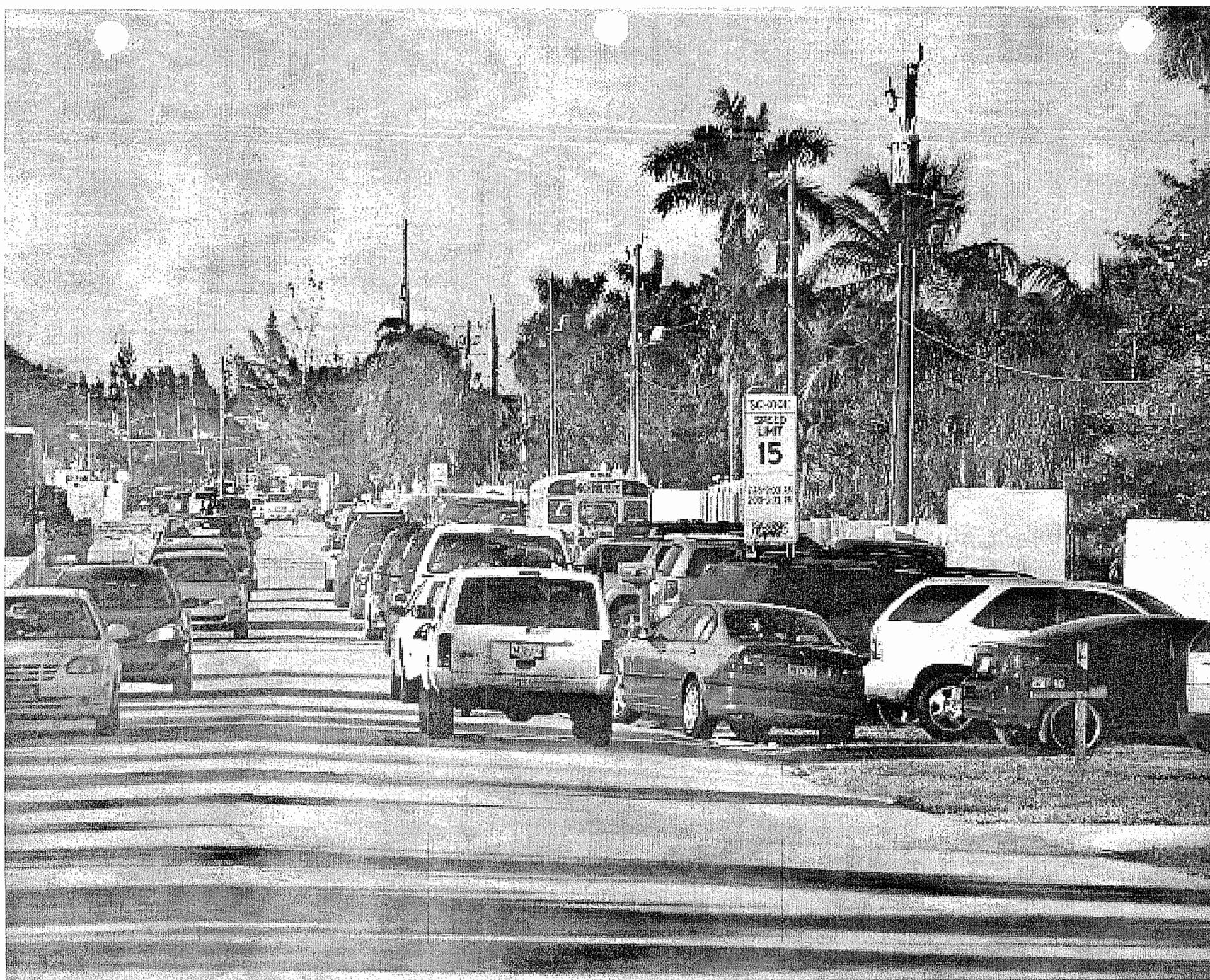
15

SW 127 Ave



30 127 Ave

11



12

SW 127 Ave



13

SW 127 Ave

# BELEN JESUIT PREPARATORY SCHOOL

May 9, 2001

Miami Dade County  
Department of Planning and Zoning.  
Zoning Hearing Section  
111 N.W. First Street  
Miami, Florida 33128-1974

RECEIVED  
201-017  
MAY 10 2001

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY FLB

Re: Letter of Intent  
Proposed use of the Subject Property.

Subject Property: Parcel three: The SE ¼ of the SE ¼ of the NE ¼ of  
Sec 2 Township 54 South Range 39 East, less the  
East 50 feet And less the West 25 feet, Miami Dade  
County, Florida.

## GENTLEMEN:

The applicant, Belen Jesuit Preparatory School Inc. hereby requests an  
"Special Exception" in order to expand the existing School unto this  
additional property to the North, by allowing its use for Recreational and  
Parking facilities, for the sole use of the School.

The Recreational facilities proposed consist of a senior baseball field a  
junior baseball field, portable bleachers, football and soccer playfields,  
and parking facilities, all to work in conjunction with the presently under  
construction or planned additions to the school to the South.

The applicant is willing to legally commit the subject property to the  
requested use, and only for School Athletic Activities.

No night illumination is contemplated under this application.

The proposed development of this property will meet all the requirements of DERM and other applicable agencies.

The special Exception request is needed in order to obtain a better organization of the playing fields and to provide parking facilities in the vicinity of the fields.

Sincerely,



A handwritten signature in cursive script, appearing to read "Father Marcelino Garcia S.J.".

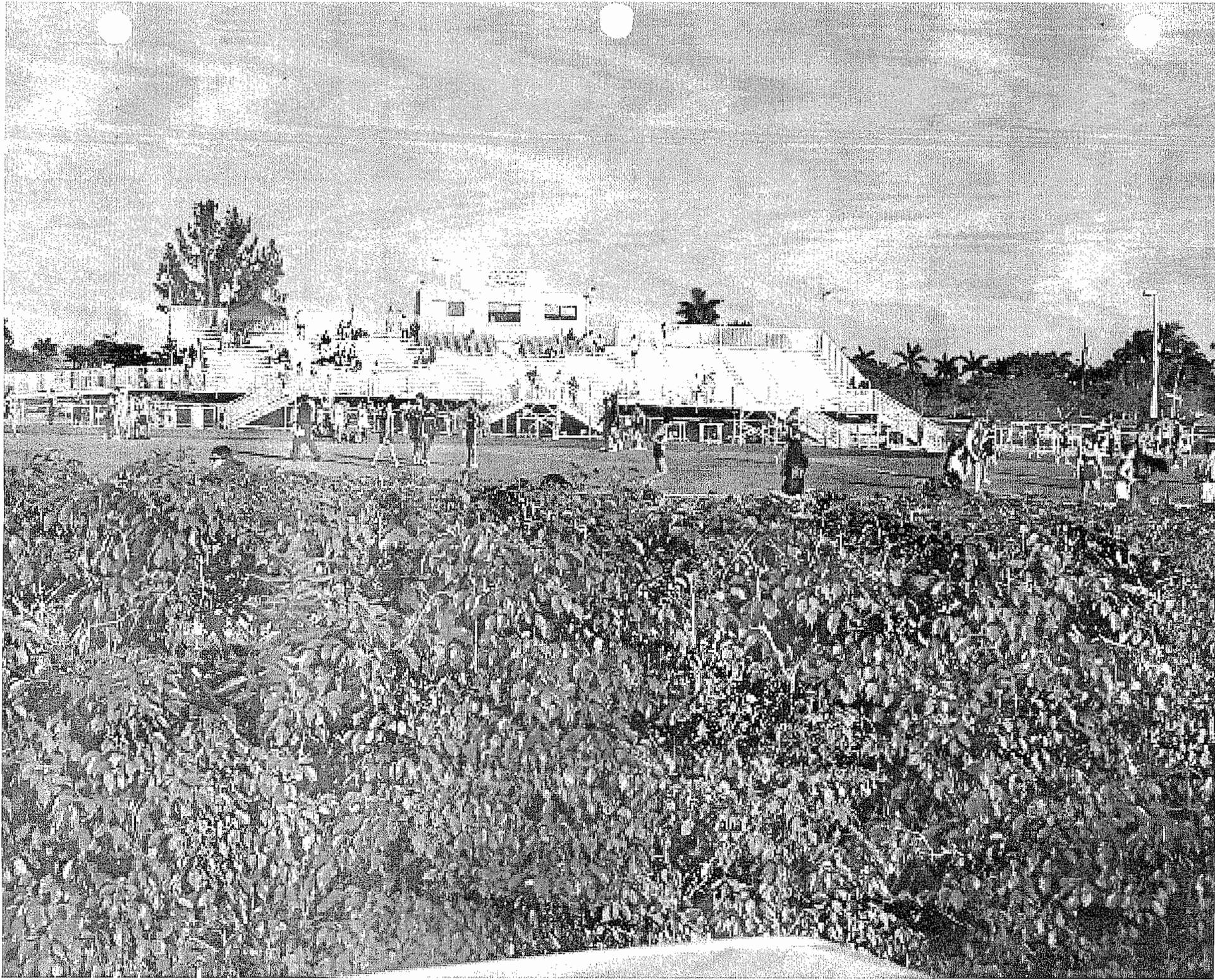
Father Marcelino Garcia S.J.  
President of Belen Jesuit Preparatory School Inc.

FMG/III  
BELEN-Father Garcia

RECEIVED  
201-017  
MAY 10 2001

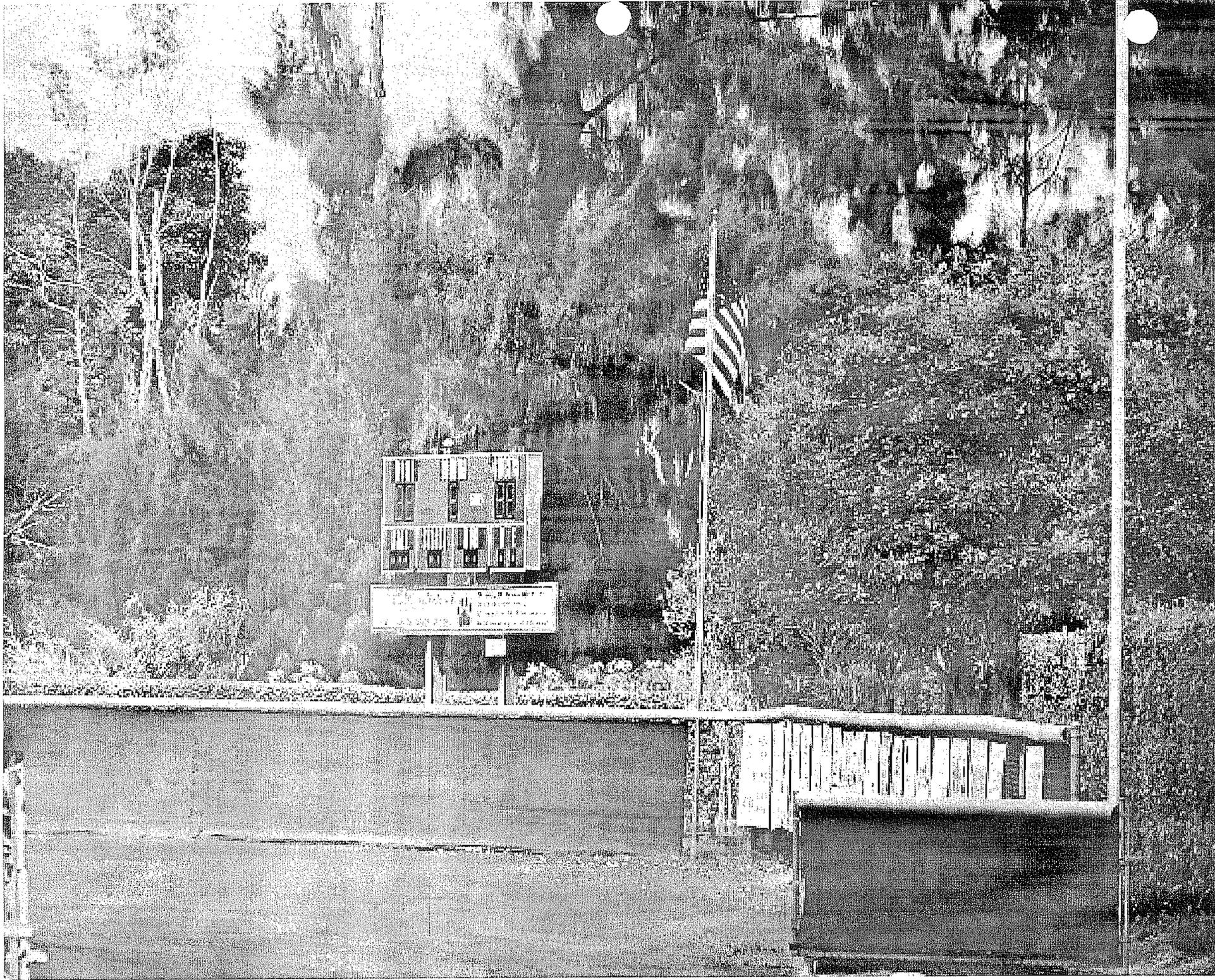
ZONING HEARINGS SECTION  
PLANNING AND ZONING DEPT.

FE



76



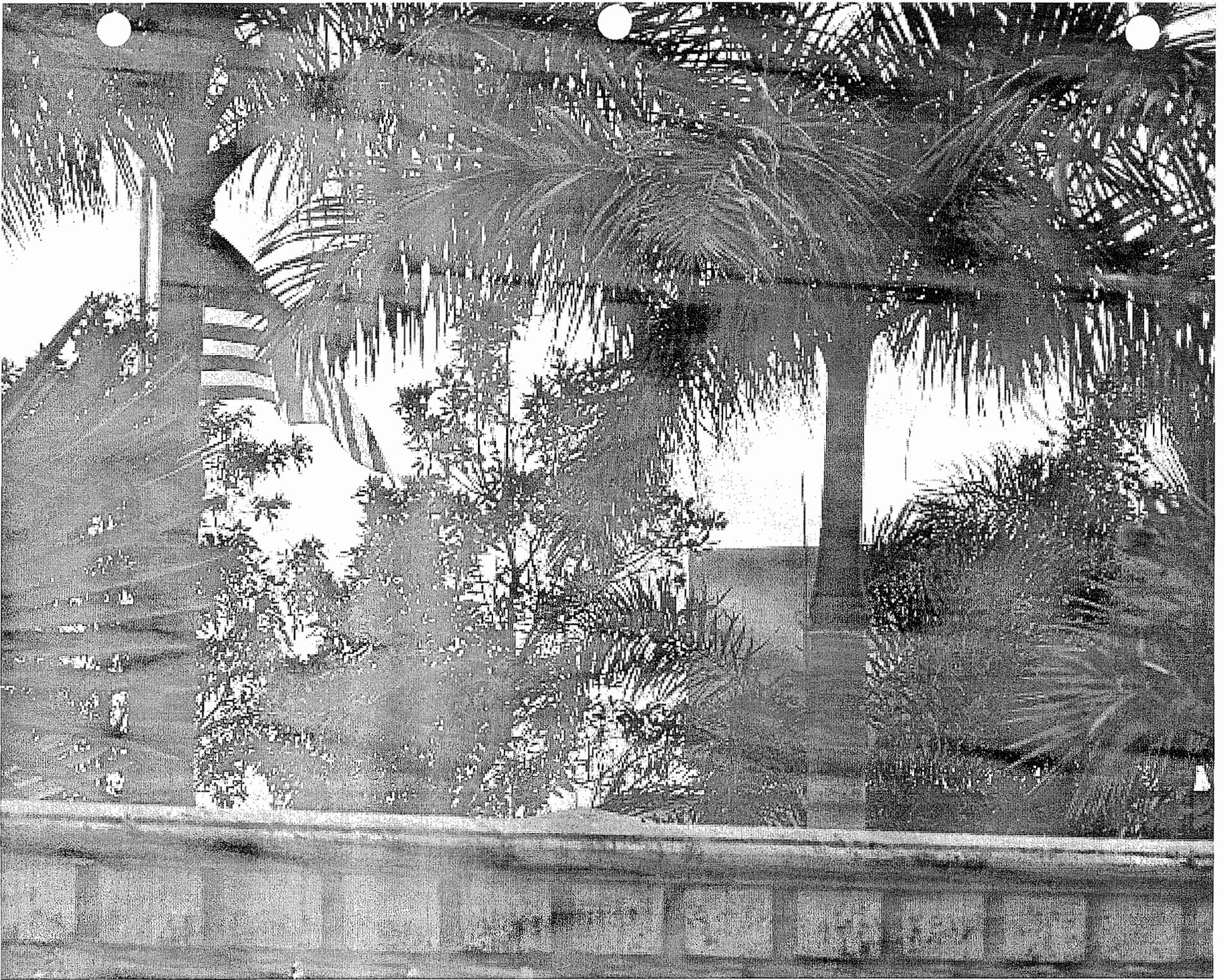


18



02





Resolution

**RESOLUTION NO. CZAB10-79-01**

*WHEREAS*, BELEN JESUIT PREP., INC. applied for the following:

- (1) SPECIAL EXCEPTION to permit the expansion of an existing school onto additional property to the north and to permit recreational fields to be used in conjunction with the school use.
- (2) NON-USE VARIANCE OF LANDSCAPE REQUIREMENTS to permit 40 lot trees (80 trees required), and 400 shrubs (1,160 shrubs required).

A plan is on file and may be examined in the Zoning Department entitled "Belen Jesuit Recreational Facility," as prepared by Albaisa Architects, dated 12/23/99 and consisting of 1 sheet. Plans may be modified at public hearing.

SUBJECT PROPERTY: The SE ¼ of the SE ¼ of the NE ¼ of Section 2, Township 54 South, Range 39 East, less the east 50' and less the west 25' thereof.

LOCATION: Between S.W. 127 Avenue & S.W. 128 Avenue, lying north of theoretical S.W. 2 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the non-use variance of landscape requirements (Item #2), and

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested special exception (Item #1) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and would not have an adverse impact upon the public interest and should be approved, and that the withdrawal of the non-use use variance of landscape requirements (Item #2) be granted, and

22

WHEREAS, a motion to approve Item #1 and to grant the withdrawal without prejudice of Item #2 was offered by Luis Perez-Medina, seconded by Manuel Casas, and upon a poll of the members present, the vote was as follows:

Eduardo L. Alonso	absent	Joan D. Maturo	aye
George A. Alvarez	absent	Luis Perez-Medina	aye
Manuel Casas	aye	Jesus Rodriguez	nay

Paul De Bodor Angelo XXVII                      aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10 that the requested special exception (Item #1) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Belen Jesuit Recreational Facility," as prepared by Albaisa Architects, dated 12/23/99 and consisting of 1 sheet.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.
5. That the applicant obtain a Certificate of Use and Occupancy from (and promptly renew the same annually with) the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the recreational fields on this parcel be operated only as an accessory use of the school to the south and if the school use is terminated the recreational fields use will automatically expire and be abated.
7. That a Unity of Title be submitted to the Department of Planning and Zoning prior to building permit issuance for the proposed recreational field use. Said document shall tie the subject property to the school use to the south.

8. That no night lighting be permitted.

*BE IT FURTHER RESOLVED*, that the request to withdraw the non-use use variance of landscape requirements (Item #2) be and the same is hereby granted and said Item is withdrawn without prejudice.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 25<sup>th</sup> day of September, 2001.

Hearing No. 01-4-CZ10-5  
mc

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 7<sup>TH</sup> DAY OF NOVEMBER, 2001.**

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

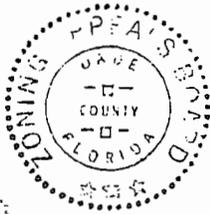
I, Mario Cepero, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-79-01 adopted by said Community Zoning Appeals Board at its meeting held on the 25<sup>th</sup> day of September, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand on this 8<sup>th</sup> day of November, 2001.



\_\_\_\_\_  
Mario Cepero, Deputy Clerk  
Miami-Dade County Department of Planning and Zoning

**SEAL**



MIAMI-DADE COUNTY, FLORIDA



STEPHEN P. CLARK CENTER

November 8, 2001

Belen Jesuit Prep., Inc.  
c/o Adolfo M. Albaisa AIA  
2964 Aviation Avenue  
Miami, FL 33133

DEPARTMENT OF PLANNING AND ZONING  
111 NW FIRST STREET  
SUITE 1110  
MIAMI FLORIDA 33128-1974  
(305) 375-2800  
FAX (305) 375-2795

Re: Hearing No. 01-4-CZ10-5  
Location: Between S.W. 127 Avenue & S.W. 128 Avenue, lying of theoretical S.W. 2 Street.

Dear Applicant:

Enclosed herewith is Resolution No. CZAB10-79-01, adopted by the Miami-Dade County Community Zoning Appeals Board 10, which approved your application on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Failure to comply with any condition will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and/or Certificate of Use and Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. Additionally, please be advised that pursuant to Section 307 of the South Florida Building Code, construction permits must be obtained and final inspection approvals received for all construction work done or required prior to issuance of the Certificate of Use and Occupancy. This is required pursuant to Section 33-8 of the Zoning Code and may also appear as a condition of the Resolution. Payment of the Certificate of Use and Occupancy may also be subject to annual renewal by this Department.

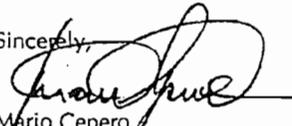
You are hereby advised that the decision of the Miami-Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128-1993

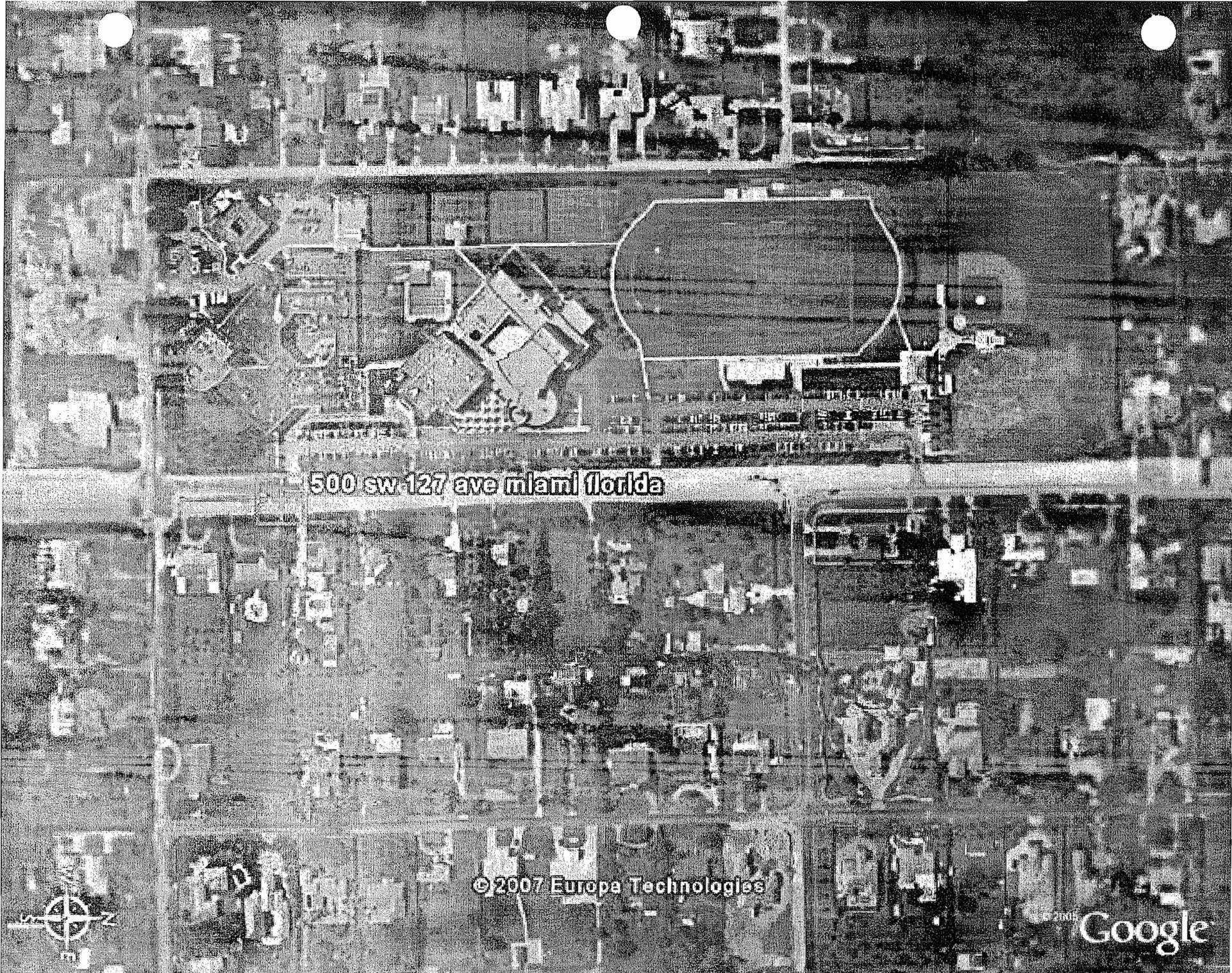
The County Attorney is not permitted to accept official service of process.

Sincerely,

  
Mario Cepero  
Deputy Clerk

Enclosures





500 sw 127 ave miami florida

© 2007 Europa Technologies

Google

28

plan restriction down zoning

Professional/Indiv.

# PROFESSIONAL PREPARER'S STATEMENT OF LANDSCAPING COMPLIANCE

PROCESS NUMBER \_\_\_\_\_

Legal description: Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision \_\_\_\_\_  
P.B. \_\_\_\_\_ Page \_\_\_\_\_, Development name \_\_\_\_\_  
Located at (address) 502 SW 127 AVE MIAMI FL 33184

I/We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Ordinance 95-222 (landscaping ordinance) as to species, height, trunk width and location at time of planting, and that the species as shown are in accordance with the accepted species approved by Miami-Dade County and that none of the species are from the prohibited list.

Additionally automatic sprinkler system (if applicable) comply with requirement of said ordinance as to type of heads, spray system, location, etc.

I/We further certify that I/we am/are authorized under Chapter 481, Florida statutes to prepare and submit this landscaping/irrigation plan.

A. Albaist

Professional Preparer's Signature

Seal:

ARDOU M. ALBAIST, AIA

Print Name

STATE OF Fla  
COUNTY OF MIAMI-DADE

I, an officer authorized to take acknowledgments, according to the law and duly qualified and so acting, do hereby certify that on this date appeared before me \_\_\_\_\_ to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act and deed for the uses and purposes therein mentioned;

Witness my signature and official seal this 5 day of JANUARY 1991, in the County and State aforesaid, the date and year last aforesaid.



My Commission Expires:

Owner/Indiv.

OWNER'S STATEMENT OF LANDSCAPE COMPLIANCE

PUBLIC HEARING NUMBER \_\_\_\_\_

I/We hereby certify that as owner/agent for owner of Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision \_\_\_\_\_, name \_\_\_\_\_, P.B. \_\_\_\_\_ Page \_\_\_\_\_, (or metes and bounds) legal description THE SE 1/4 OF SE 1/4 OF NE 1/4 OF SECTION 2 TOWNSHIP 54 SOUTH RANGE 39 EAST LESS EAST 50 FT LESS WEST 25 FT. MIAMI DADE COUNTY FLORIDA

Located at (address) 500 SW 127TH AVE MIAMI DADE FL., that the landscaping plans being submitted comply with the requirements of Chapter 18A (Landscape Code) except for any non-use variance(s) requested as part of this public hearing as to species, height, trunk width and location at time of planting and that the species as shown are in compliance with those approved by Miami-Dade County and that none of the species were selected from the "prohibited species" list.

I/We further certify that I/we am/are authorized under Chapter 481, Florida statutes to prepare and submit this landscaping/irrigation plan.

Individual Owner's Signature \_\_\_\_\_

James J. (PRESIDENT)  
Officer's Signature

Print Name of Owner \_\_\_\_\_

BELEN JESUIT PROP. SCHOOL INC.  
Print Name of Corporation (Owner)

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address: 500 SW. 127 AVE  
MIAMI FL. 33184

STATE OF FLA  
COUNTY OF MIAMI DADE

I, an officer authorized to take acknowledgments, according to the law and duly qualified and so acting, do hereby certify that on this date appeared before me FATHER MARCELINO GARCIA S.J. to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act and deed for the uses and purposes therein mentioned;

Witness my signature and official seal this 5 day of January 1990, in the County and State aforesaid, the date and year last aforesaid

Notary Seal: James J. Garcia  
OFFICIAL NOTARY SEAL  
COMMISSION NUMBER  
CC973292  
MY COMMISSION EXPIRES  
DEC. 2004

Print Name

My Commission Expires:

**SCAPE LEGEND - Information Required to be Permanently Affixed to Plan**

District: EU-1

Net Lot Area: 8.8 acres 386,668 s.f.

**OPEN SPACE**

REQUIRED PROVIDED

Square Feet of open space required by Chapter 33, as indicated on site plan:  
 Net lot area = 386,668 s.f. x 40 % = 154,668 s.f.

154,668      154,750

Square Feet of parking lot open space required by Chapter 18A, as indicated on site plan:  
 No. parking spaces 99 x 10 s.f per parking space = 990

990      1,100

Total s.f. of landscaped open space required by Chapter 33: A + B =

155,658      155,850

**LAWN AREA CALCULATION**

191,532 total s.f. of landscaped open space required by Chapter 33

Maximum lawn area (sod) permitted = 60 % x 114,919 s.f. =

114,919      114,850

**TREES**

A. No. trees required per net lot acre

Less existing number of trees meeting minimum requirements  
 = 9 trees x net lot acres = 8.8 net (play fields) 4.4 = 4.4

40      40

B. % Palms Allowed: No. trees provided / 2 x 30% =

N/A      -

% Palms permitted to count as street trees on 1:1 basis x 30%

N/A      -

C. % Natives Required: No. trees provided x 30% =

13      40

D. Street trees (maximum average spacing of 35' o.c.): 1320 linear feet along street / 35 =

38      38

E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.):  
 \_\_\_\_\_ linear feet along street / 25 =

-      -

**SHRUBS**

A. No. trees required x 10 = no. of shrubs allowed

400      400

B. No. shrubs allowed x 30% = no. of native shrubs required

120      400

IRRIGATION PLAN: If required by Chapter 33

(Yes)      (No)

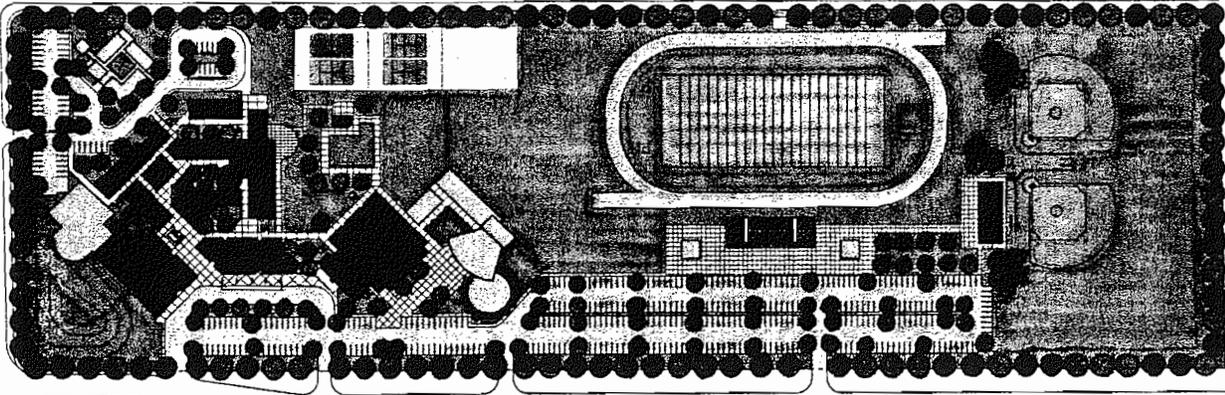
TABLE containing information as indicated in sample:

SYMBOL USED ON PLAN			PLANT NAME		NATIVE SPECIES		CALIPER		HEIGHT		CANOPY DIAMETER	QUANTITY
Symbol	New	Existing	Scientific	Common	Yes	No	Installed	Installed	Estimated at maturity*	Estimated at maturity*		
<u>SEE LANDSCAPE DRAWINGS</u>												

\* Required for trees located underneath or adjacent to powerlines and palms used at 1:1 ratio

ADDITIONAL INFORMATION REQUIRED BY CHAPTER 18A FOR BUSINESS AND INDUSTRIAL ZONES

# The Future Belen Jesuit



*"Glory to God in the highest heaven, and on earth peace..."*  
*Lucas 2:14*

# HIGH SCHOOL FOOTBALL

Ida State, Rutgers, Wisconsin and Notre Dame.

## THE WOLVERINES COME OUT AT NIGHT

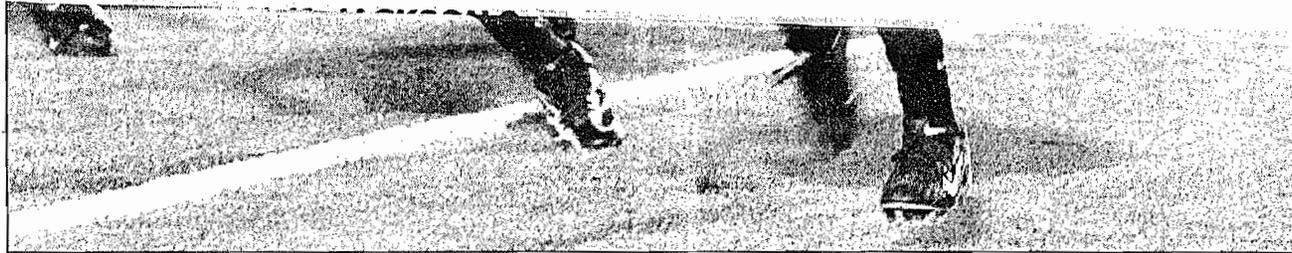
Friday's game between Belen and Archbishop Carroll marked the first-ever on-campus night game for the Wolverines. Belen (9-1), which defeated Carroll, 17-14 in a matchup of playoff-bound Dade teams, rented the portable lights adjacent to De La Cruz Stadium in order to celebrate its homecoming ceremonies under the lights.

An estimated crowd of 2,350 fans celebrated the school's 25-year anniversary on the campus located at 500 SW 127th Avenue.

Belen coach Rich Stuart said the school is working toward installing permanent lights in the next few years.

"It was a great for our school and fun for the kids," Stuart said. "I know we're trying to get lights, hopefully soon, but I've heard it may be within the next five years. It would be a great accomplishment if we can manage it."

— ANDRE C. FERNANDEZ



ALEXIA FODERE/FOR THE MIAMI HERALD

**ON THE RUN:** Northwestern's Hargrett Daquan picks up some yards against Jackson on Friday night.

# A perfect finish to regular season

**Northwestern shut down cross-town rival Jackson in the annual Soul Bowl as the Bulls continued their dominance over opponents. Northwestern gave up only one first down and it was via a penalty.**

BY ANDRE C. FERNANDEZ  
alfernandez@miamiherald.com

Northwestern's defense posting a shutout is becoming a weekly occurrence.

But what wasn't routine Friday

of the safeties.

The other two safeties happened in the fourth quarter. On the first, Jackson quarterback C'Alonzo Milton fumbled the ball and eventually recovered it in his own end zone and was tackled by Ronald Jackson. A couple of drives later, Jackson running back Dante Branton was tackled in the end zone.

"What a job those kids did tonight," Northwestern coach Roland Smith said. "Those boys have been playing tremendous ball the whole year and they believe if the other

the Bulls on the scoreboard with his first of two touchdowns — a 2-yard plunge.

Jackson's defense also put pressure on Bulls' quarterback Jacory Harris, sacking him twice and intercepting him in the first half when Aja Hayward jumped in front of what would have been a touchdown pass to Tommy Streeter near the Jackson goal line.

It was only Harris' third interception of the season.

But in the second half, Northwestern's duo of 6-4 junior wide receivers

## SOUL BOWL

death by coacnes ai remains true as both Streeter came up w catches to save drive

"Big-time players i plays. Those are t players and that's w [colleges] wants Northwestern co: Smith.

Holding only a 9- facing a fourth-do from the 11-yard line a minute to play in Johnson came up wit that crushed the Ge when he jumped fo down pass over defender to push th heading into the hal

"I told [quarter [Harris] I wanted t son said. We usual something points in Just like how we pra tice on a lot of stuff being locked dow come to us to get c and make it happen.

Midway through ter, Johnson came when he beat Jac Jones, one of the b ners in the county, touchdown pass an

Streeter also cam bing a 39-yard pass Bulls a first down long in the first qua it didn't result in a sign of things to co

33

CLERK OF THE BOARD

2008 JUN -2 AM 8:32

CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

Jerlyn Osbourne  
11310 Booker T. Wash. Blvd  
Miami, Fl 33176

Clerk of the Board  
Dear Sir or Madam:

On April 24, 2008 I appeared in the Commissioners chamber reference legislative item  
**File number:** 070772  
**File Name:** TEMP. MORATORIUM EXTENSION FOR STUDY AREA **Introduced:** 3/12/2007  
**Title:** RESOLUTION EXTENDING TEMPORARY MORATORIUM AND DIRECTING THE FILING OF CERTIAN ZONING APPLICATIONS IN THE STUDY AREA DESCRIBED IN RESOLUTION 16-07.

I spoke in support of the foregoing proposed resolution and in opposition to the proposed gestation.

Due to the fact that this information is public my entire name and address is placed on the internet.

Reference I am a Law Enforcement Officer with the Miami-Dade Police department, living and working in the Miami-Dade Communities Is there any way for you to omit my address and use my first initial and last name.  
In concern my safety due to readily available information that can lead someone straight to my home.

Thank you for your attention in to this matter

Yours Truly,

J. Osbourne

**RECEIVED**  
By the Clerk for the ... d.

APR 24 2007  
Item 5H  
Exhibit 18  
Meeting BCC Regular