

**OCTOBER 2011  
APPLICATIONS TO AMEND THE  
COMPREHENSIVE DEVELOPMENT  
MASTER PLAN**

**FOR MIAMI-DADE COUNTY, FLORIDA**



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OCTOBER 2011  
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THE COMPREHENSIVE DEVELOPMENT  
MASTER PLAN

December 2, 2011

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## BACKGROUND AND INTRODUCTION

The purpose of this report is to present the applications to amend the Miami-Dade County's Comprehensive Development Master Plan (CDMP), which were filed for evaluation during the October 2011 amendment review cycle. Amendments to the CDMP may be needed to correct an error, to reflect changing circumstances or conditions in the community, or to improve the ability of the CDMP to fulfill its purposes and goals. This report contains the tentative schedule of activities for this amendment review period, a table summarizing all of the applications, followed by a copy of each application, among other information.

Section 2-116.1 of the Miami-Dade County (County) Code establishes the exclusive procedures for the CDMP to be evaluated and amended periodically, usually semiannually. These procedures involve thorough reviews by the County, the State Land Planning Agency and other state and regional agencies (the reviewing agencies) as required by Chapter 163, Florida Statutes (F.S.). Current procedures provide for the filing of applications in the months of April and October, staff analysis of the applications and public participation in the amendment process, which generally takes eleven months to complete. CDMP components eligible for amendment during the various semiannual filing periods are summarized below\*.

Application Filing Period/Cycle (month)	CDMP Components Eligible for Amendment	
	Even Numbered Years	Odd-Numbered Years
April Filing Period	All Components Except UDB, UEA and Land Use Outside UDB [Mandatory Cycle]	All Components Including UDB and UEA [Mandatory Cycle]
October Filing Period	All Components Except UDB, UEA and Land Use Outside UDB [Optional Cycle]	All Components Except UDB and UEA and Land Use Outside UDB [Mandatory Cycle]

\*Source: Section 2-116.1, Code of Miami-Dade County.

Each CDMP amendment application will be thoroughly evaluated by the Department in coordination with other County departments and will be subject to further review at a series of public hearings. The final action adopting, adopting with change, or denying each or all of the applications will be made by the Miami-Dade Board of County Commissioners (Board). Further details about the hearings and the review process are discussed in the next section.

### Application Review Process and Schedule of Activities

The following is a summary of the CDMP review and amendment activities and the tentative schedule as required by Section 2-116.1, Code of Miami-Dade County (See Table 1). After all privately filed applications were finalized, the Department published this Applications Report on December 2, 2011, presenting all applications filed.

The review process is primarily done in two phases. In the first phase, the Department will evaluate each application and submit its recommendations to the Planning Advisory Board (PAB) and the directly affected Community Councils regarding each requested change in an Initial Recommendations report due to be published on or before February 25, 2012. Each directly affected Community Council in which a proposed amendment to the Land Use Plan map is located, may at its option, hold a public hearing in March 2012 to discuss the application(s), and to formulate recommendation(s) to the PAB and the Board regarding the request(s). The PAB acting as the County's Local Planning Agency (LPA), pursuant to Part 2 of Chapter 163, Florida Statutes (F.S.), will then hold a public hearing to be scheduled in April 2012 to receive comments on the proposed amendments and consider the Department's initial recommendations, and to formulate its recommendations to the Board. The LPA's recommendations will address transmittal of the requested "standard" amendments to the reviewing agencies for review and comment. The Board will conduct a public hearing in or about May 2012, to address transmittal of the requested "standard" amendments to the reviewing agencies. Transmittal of "standard" amendment applications to the reviewing agencies for review and comment does not constitute adoption of requested amendments.

The second phase of the review process begins after transmittal of the applications to the reviewing agencies, which is expected to occur in or about May 2012. The reviewing agencies are each expected to issue their comments in or about June 2012 addressing all transmitted applications. The PAB acting as the LPA would then conduct its final public hearing in July 2012, and the Board would conduct a final public hearing on the transmitted application(s) and take final action in September or October 2012.

During the review period for the reviewing agencies, the Department will also review comments received at the transmittal hearings and any additional document/materials submitted, and may issue a Revised Recommendations report to reflect any new information received prior to the final public hearing. The Department may also address any issues raised by the reviewing agencies in their respective comments in the Revised Recommendations report. Final action by the Board will be to adopt, adopt with change, or not adopt each or all of the transmitted applications.

Outside this regular CDMP amendment process, requests to amend the CDMP can be made only by the Board under a "Special" amendment process, or by an application for concurrent approval, or amendment of a Development of Regional Impact (DRI). Procedures for processing such "Special Amendment" or "Concurrent DRI/CDMP" amendments are established in Section 2-116.1 of the County Code.

TABLE 1  
SCHEDULE OF ACTIVITIES  
OCTOBER 2011-2012 CDMP AMENDMENT CYCLE

Pre-application Conference	Prior to October 3, 2011
Application Filing Period	October 3 to October 31, 2011
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	November 7, 2011
Deadline for resubmittal of unclear or incomplete Applications	Seventh business day after Notice of Deficiency
Applications Report published by the Department	December 2, 2011
Deadline for submitting Technical Reports	December 30, 2011
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	January 28, 2012
Initial Recommendations Report released by the Department	February 25, 2012 or Earlier
Community Council(s) Public Hearing(s)	Specific date(s) to be set in March 2012
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Transmittal of Amendment requests to the State Land Planning Agency (SLPA)	April 2012** County Commission Chamber 111 NW 1 <sup>st</sup> Street Miami, Florida 33128
Board of County Commissioners (Board) Public Hearing on Transmittal of Amendment requests to SLPA and other state and regional agencies (reviewing agencies)	May 2012** County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to SLPA and other reviewing agencies	May 2012**
Deadline for Filing Supplementary Reports by the Public	Forty-five (45) days after Board's transmittal hearing
Receipt of Comments from reviewing agencies	June 2012** (Approximately 45 days after transmittal)
Public Hearing and Final Recommendations: PAB	Specific date(s) to be set July 2012** (Within 30 days after receipt of Comments from reviewing agencies)
Public Hearing and Final Action on Applications: Board	Specific date(s) to be set in September 2012** (No later than 60 days after receipt of Comments from reviewing agencies)

Note: \*\* Estimated Date, dates are subject to change. All hearings will be duly noticed by newspaper advertisement.

### Small-Scale Amendments

A procedure is provided for the expedited processing of “Small-scale” amendments to the Land Use Plan (LUP) map as defined in Section 163.3187, F.S. However, no eligible small-scale application was filed in the October 2011 CDMP amendment cycle. Therefore, the small-scale amendment procedures are not presented in this report.

#### Additional Information

Anyone having questions regarding any aspect of the Plan review and amendment process or seeking help in the preparation of an application requesting to amend the CDMP should visit or call the Metropolitan Planning Section of the Miami-Dade County Sustainability, Planning and Economic Enhancement Department, 12<sup>th</sup> Floor, Stephen P. Clark Center, 111 N.W. 1<sup>st</sup> Street, Miami, Florida 33128-1972; telephone (305) 375-2835.

#### Prohibition on Argument or Representation Regarding Proposed Specific Future Uses Without Proffering a Declaration of Restrictions

According to Section 2-116.1(9) of the Miami-Dade County Code, no applicant or applicant’s representative seeking a recommendation for approval or approval of an amendment to the Land Use Plan map shall be permitted to argue or represent to the Board or other recommending County board a specific future use or uses for an application site without proffering a Declaration of Restrictions. The representation cannot include a specific use or uses or exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a Declaration of Restrictions committing to such representation for the subject property, which has been submitted to the Director and has received approval as to form. The Declaration of Restrictions and associated opinion of title and joinders should be submitted to the Department Director’s Office, on the 11<sup>th</sup> floor at the address given above. The Director’s Office is also where the applicant’s representative will deliver the fully executed documents with all signatures on Declaration of Restrictions, Opinion of Title, any and all joinders with the fee for recording through the Clerk of the Records.

#### Deadlines for Submitting Declaration of Restrictions By Applicants

The Department has established deadlines for the submission of Declaration of Restrictions at different stages throughout the CDMP application review process. These deadlines allow for adequate review of proffered Declaration of Restrictions by the Department, and for consideration by the affected Community Councils, the Planning Advisory Board and the Board of County Commissioners at their respective public hearings. The table below indicates these deadlines:

TABLE 2  
DECLARATION OF RESTRICTIONS SUBMISSION DEADLINES  
OCTOBER 2011-2012 CDMP AMENDMENT CYCLE

Deadline for submitting Declaration of Restrictions to be considered in the Initial Recommendations Report	January 28, 2012
Deadline for submitting Declaration of Restrictions to be considered at Community Council(s) Public Hearing(s)	17 days prior to Community Council hearing
Deadline for submitting Declaration of Restrictions to be considered at Planning Advisory Board (PAB) Hearing Regarding Transmittal of Standard Amendments	17 days prior to PAB Hearing
Deadline for submitting Declaration of Restrictions to be considered at the Board's Public Hearing Regarding Transmittal of Standard Amendments	17 days prior to BCC Hearing
Deadline for submitting Declaration of Restrictions to be considered in the Revised Recommendations Report	Four (4) weeks prior to PAB Final Public Hearing
Deadline for submitting Declaration of Restrictions to be considered at PAB Hearing Regarding Final Recommendations	17 days prior to hearing
Deadline for submitting Declaration of Restrictions to be considered at Board's Hearing Regarding Adoption of Standard Amendments	17 days prior to hearing



## **OVERVIEW OF THE OCTOBER 2011 AMENDMENT APPLICATIONS**

A total of four (4) applications were filed, by private parties, in this October 2011 Cycle of amendments to the CDMP. Application Nos. 1 and 3 are requests to amend the CDMP Adopted 2015 and 2025 Land Use Plan (LUP) map and have proffered Declaration of Restrictions. Application No. 1 is seeking to redesignate a 194-acre application site from "Parks and Recreation" and "Low-Medium Density Residential" to "Industrial and Office" and "Business and Office" land use categories, and Application No. 3 is seeking to redesignate ±67.89 gross acres (Parcel A) of a 141-acre site from "Low-Medium Density Residential" to "Business and Office". Application No. 2 is a Land Use Element (LUE) text amendment request to release/delete a previously approved Declaration of Restriction on a 42-acre property in order to allow a residential development on the property. Application No. 4 is a request to revise the "Agriculture" land use category text on page I-59 of the LUE.

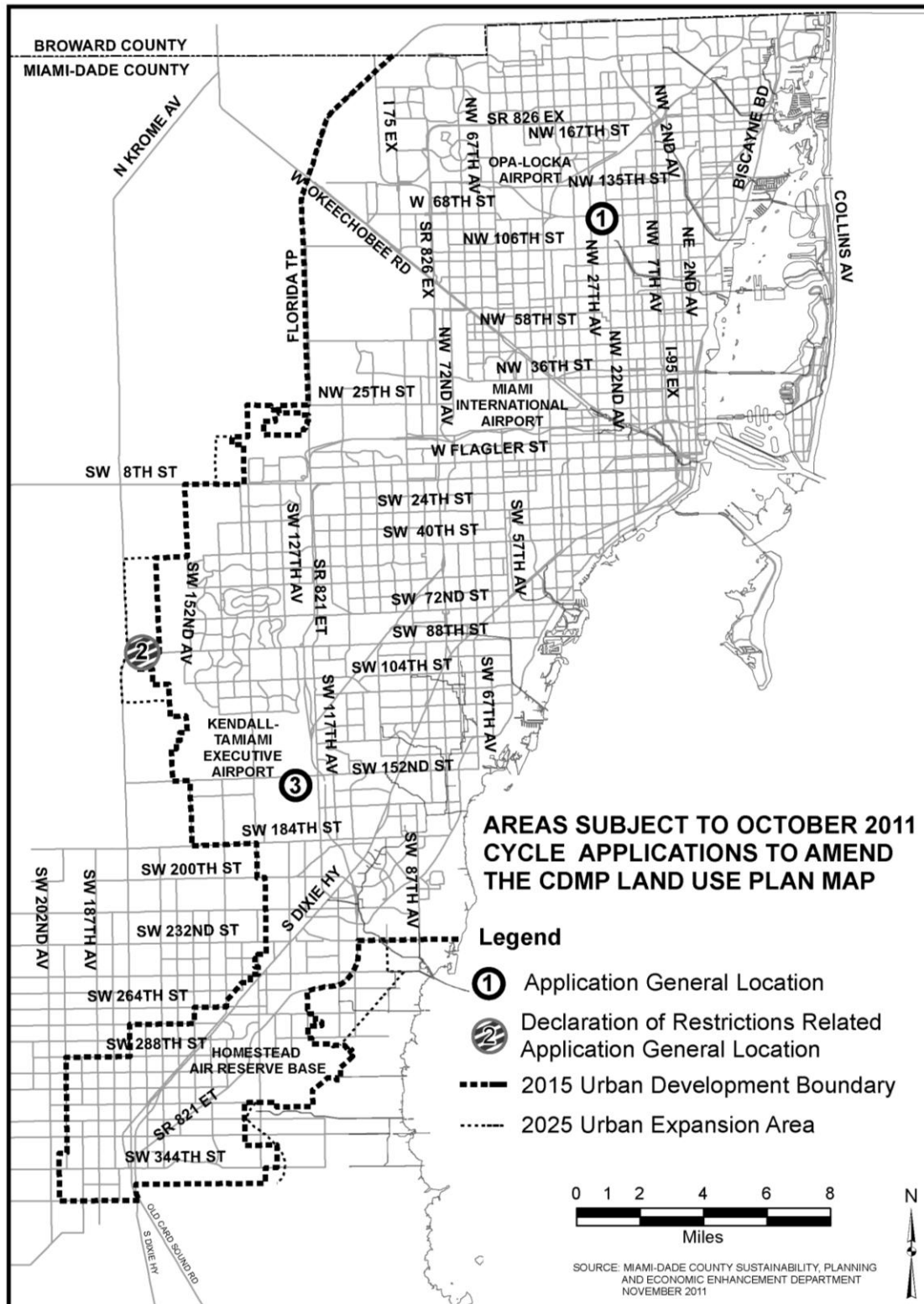


TABLE 3  
OCTOBER 2011 APPLICATIONS REQUESTING AMENDMENTS TO  
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

Application Number	Applicant/Representative Location Requested Changes	Acres
1	<p>Rosal Westview, LLC/Jeffrey Bercow, Esq. &amp; Melissa Tapanes, Esq. Between NW 22 Avenue and NW 27 Avenue and between NW 107 Street and NW 132 Street</p> <p>Requested Amendment to the CDMP</p> <p>1. Redesignate application site on the LUP map From: Parks and Recreation and Low-Medium Density Residential To: Industrial and Office &amp; Business and Office</p> <p>2. Revise the Restrictions Table in the Land Use Element on page I-74.1 of the CDMP to include a proffered Declaration of Restrictions, if accepted by the Board</p> <p>Standard Amendment</p>	<p>±196 Gross Acres ±180.4 Net Acres</p>
2	<p>Kendall Investors 172, LLC/Juan J. Mayol, Esq. South side of SW 88 Street lying west of SW 167 Avenue</p> <p>Requested Amendment to the CDMP</p> <p>1. Release and delete current Declaration of Restrictions that prohibits residential development on the 42-acre application area from the Restrictions Table in the Land Use Element on Page I-74.6 (April 2007 Cycle Application No. 8)</p> <p>Standard Amendment</p>	<p>±42 Gross Acres ±38.5 Net Acres</p>

Application Number	Applicant/Representative	Acres
	Location Requested Changes	
3	<p>RAM Development Company/Juan J. Mayol, Esq., Joseph G. Goldstein, Esq. &amp; Tracy R. Slavens, Esq. Southwest corner of SW 152 Street and SW 124 Avenue</p> <p>Requested Amendment to the CDMP</p> <ol style="list-style-type: none"> <li>Redesignate Parcel A (<math>\pm 67.89</math> gross acres) of overall application site on the LUP map <ul style="list-style-type: none"> <li>From: Low-Medium Density Residential</li> <li>To: Business and Office</li> </ul> </li> <li>Release current Declaration of Restrictions governing the overall application site</li> <li>Revise the Restrictions Table in the Land Use Element on page I-74.1 of the CDMP to include the new proffered Declaration of Restrictions, if accepted by the Board</li> </ol>	<p><math>\pm 141.57</math> Gross Acres <math>\pm 137.90</math> Net Acres</p>
Standard Amendment		
4	<p>Cemex Construction Materials Florida, LLC/Kerri L. Barsh, Esq.</p> <p>Requested Amendment to the CDMP</p> <ol style="list-style-type: none"> <li>Revise the third paragraph of the "Agriculture" land use category text, on page I-59 of the Land Use Element, which reads "Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion". This is to exempt existing quarrying and ancillary uses and the expansion thereof in areas designated Agriculture from the requirements of Land Use Element Policy LU-3F.</li> </ol>	Not Applicable
Standard Amendment		

<u><b>Applicant</b></u>	<u><b>Applicant's Representative</b></u>
Rosal Westview, LLC 1666 Kennedy Causeway Suite 505 North Bay Village, Florida 33141	Jeffrey Bercow, Esq., Melissa Tapanes Llahues, Esq. Bercow, Radell & Fernandez, PA 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 (305) 374-530

1. Redesignate application site on the LUP map  
From: Parks and Recreation ( $\pm 191.6$  gross acres) and Low-Medium Density Residential (6 to 13 dwelling units per gross acre;  $\pm 4.4$  gross acres)  
To: Industrial and Office ( $\pm 148.1$  gross acres; Part 1 and Part 4) & Business and Office ( $\pm 47.9$  gross acres; Part 2 and Part 3)
2. Revise the Restrictions Table in the Land Use Element on page I-74.1 of the CDMP to include the proposed Declaration of Restrictions, if accepted by the Board

Acreage Owned by Applicant: 0 Acres

1. This page is not part of the Application that was filed by the applicant.
2. The Disclosure of Interest published herein contains only those applicable pages; all others were deleted.
3. 196 gross acres stated above include a portion of NW 119 Street right-of-way that is not considered in gross acres stated in the application as filed.

**APPLICATION TO AMEND THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**1. APPLICANTS**

Rosal Westview, LLC  
1666 Kennedy Causeway  
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North Bay Village, Florida 33141

**2. APPLICANTS' REPRESENTATIVES**

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Melissa Tapanes Llahues, Esq.  
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(305) 374-5300

By:   
Jeffrey Bercow, Esq.

Date: October 31, 2011

By:   
Melissa Tapanes Llahues, Esq.

Date: October 31, 2011

**3. DESCRIPTION OF REQUESTED CHANGES**

An amendment to the Comprehensive Development Master Plan ("CDMP") Land Use Plan Map is requested.

A. Changes to the Land Use Element, Land Use Plan Map (Item A. 1 in the fee schedule) are requested.

B. Description of Application Area

The application area ("Application Area") consists of approximately 194 acres located in Sections 27 and 34, Township 52 South, Range 41 East. See Exhibit A ("CDMP Legal and Sketch").

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METROPOLITAN PLANNING SECT  
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The Application Area is designated for Park and Recreation use on the CDMP Land Use Plan Map, and is zoned "Single-Family Residential District" (RU-1), "Two-Family Residential District" (RU-2), "Bungalow Court District" (RU-3B), and "Limited Business District" (BU-1A).

The Application Area is proposed to accommodate approximately 400,000 square feet of retail and service uses and a business park with approximately 1,600,000 square feet of office, light industrial, warehouse and flex space.

E. Acreage

Application Area: approximately 193.8 gross acres (approximately 180.4 net acres)

Acreage owned by Applicant: 0 acres

Acreage under contract by Applicant: approximately 193.8 gross acres (approximately 180.4 net acres)

F. Requested Changes

- 1) It is requested that the Application Area (approximately 194 acres) be redesignated on the Land Use Plan Map from "Park and Recreation" and "Low-Medium Density Residential" to "Business and Office" and "Industrial and Office" as follows:

Industrial and Office North ("I/O-N")

67.8 net acres

73.2 gross acres

Business and Office North ("B/O-N")

20.6 net acres

22.3 gross acres

Industrial and Office South ("I/O-S")

70.5 net acres

74.9 gross acres

Business and Office South ("B/O-S")

21.5 net acres

23.4 gross acres

See Exhibit B ("CDMP Aerial Exhibit").

- 2) If the CDMP amendment application is adopted by the Board of County Commissioners and a proffered covenant restricting the use of the Application Area is accepted as a condition of such approval, then the Applicant requests that the covenant be added to the text of the CDMP Land Use Element,

specifically to the table contained therein entitled "Restrictions accepted by the Board of County Commissioners in association with Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County in accordance with the timelines adopted by the Department of Sustainability, Planning and Economic Enhancement.

#### **4. REASONS FOR AMENDMENTS**

The Application Area is located on either side of State Road 924 (Gratigny Road), a major east-west artery in northern Miami-Dade County that connects Interstate 75 and State Road 826 (Palmetto Expressway) to the west with State Road 7 (US 441) and Interstate 95 to the east. The Application Area is known as the former Westview Country Club, and is surrounded by single-family, multi-family, institutional, and commercial uses. It is also part of a much larger area that has received a brownfields designation. Major industrial and institutional uses are located just west of the Application Area, across N.W. 27 Avenue, in an area known as the "N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor". Miami-Dade College's 245-acre North Campus is located to the southwest of the Application Area and enrolls over 41,000 students.

The Application Area is located within the North Planning Analysis Tier in Minor Statistical Area 2.4. See Planning Analysis Tiers and Minor Statistical Areas, 2010, Draft 2010 Evaluation and Appraisal Report (July 28, 2010). The current supply of vacant industrial land in Minor Statistical Areas 2.4 and 4.2 totals less than 80 acres. The entire supply of industrial land within the market area will be entirely depleted in 2018. Within the current supply of vacant industrial land, there is one parcel of approximately 20 acres under single ownership; of the remaining 57 acres of vacant industrial land, only eight parcels are more than two acres in size and only four sites are larger than five acres in size. Clearly, more industrial land is needed to satisfy the CDMP Land Use Element Policy LU-8F.

The "N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor Industrial Land Use Analysis" prepared in February 2011 by the Miami-Dade Department of Planning and Zoning illustrates the prominence and potential of this underserved area in Miami-Dade County. When compared to the West Airport and Hialeah industrial areas, the N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor – located approximately one-quarter of a mile from the Application Area – boasts the highest occupancy rate (93% compared to 92% and 88%, respectively) and the lowest vacancy rate (7% compared to 8% and 12%, respectively). See Table 1, N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor Industrial Land Use Analysis (February 2011). Also, in comparison to West Airport and Hialeah industrial areas, the average age of buildings is the oldest and the average lease rate is the lowest. See Table 1, N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor Industrial Land Use Analysis (February 2011). In Subarea 1 of this corridor, which the Application Area abuts, the vacancy rate is only 6%. See Table 2, N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor Industrial Land Use Analysis (February 2011). Less than 3% of all identified businesses in the corridor are considered "big business" and only three businesses list themselves



as a headquarter location. This data supports the strong demand and high potential for a high-quality, institutional grade industrial commerce center in this area.

The market area for the proposed commercial uses is comprised of the area bounded by Interstate 95, State Road 826 (Palmetto Expressway), Le Jeune Road and State Road 112, which includes portions of Minor Statistical Areas 2.4 and 4.2. This market area has a population of nearly 170,000 people. On an overall basis, there are 1,089 acres of commercial land in the area (both vacant and developed). Historically, this market area has been underserved in terms of access to national and value-oriented retailing.

This market area has a total of 164.3 vacant acres of land designated for commercial uses. See Table 1.1-10, Draft 2010 Evaluation and Appraisal Report (July 28, 2010). However, of the hundreds of vacant parcels in the area, fewer than 25 parcels are over one acre in size and only one is over three acres in size. Accordingly, the low absorption rate reflects the poor economic climate of the past few years as well as the low potential for development of the existing vacant parcels to address the current demand for national and value-oriented retailing due to their negligible size. Notably, there is no supply of unused, significantly-sized industrial sites to convert into retail.

A substantial portion of the market area is within an Enterprise Zone and/or an Empowerment Zone, which means that it is characterized by lower than average incomes and higher than averages rates of unemployment and under-employment. Development of a new major employment center in this underserved area of Miami-Dade County would be beneficial to create jobs and provide services for local residents. In addition, the location of the Application Area in close proximity to the N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor will provide opportunity for existing businesses to expand and new businesses to locate within a desirable and established industrial area.

The North Central Charrette Area Plan Report echoes the community's desire to promote economic growth and infill development in a manner that achieves the following objectives:

- To provide necessary services in order to integrate Miami-Dade College, its activities and students, into the community.
- To attract businesses, both retail and office uses, that will provide a wide range of jobs easily accessible to residents.
- To encourage local ownership of properties, businesses and development.
- To improve the community's appearance.
- To implement a plan that promotes growth and infill development and preserves the community's heritage in a form that is compact, diverse and walkable.

Approval of the instant application will provide necessary retail and services to integrate Miami-Dade College students, faculty and employees into the community. On a permanent basis, this project would generate at least 3,600 to 4,500 new permanent

jobs. During the construction phase, the project will generate over 870 temporary construction jobs. The opportunity to encourage local ownership of businesses will be increased with the development of this proposed business park located on a major east-west artery and abutting the established N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor. The proposed business park will improve the community's appearance by developing on vacant land with a brownfield designation in compliance with today's stringent land development regulations. Approval of the instant application will serve to implement the North Central Charrette Area Plan Report in an effort to promote growth and infill development that is compact and diverse.

Approval of this application is also consistent with the following Goals, Objectives and Policies of the CDMP:

- **Objective LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.**

Objective LU-1 requires emphasis on the concentration and intensification of development around centers of activity, renewal of blighted areas, and contiguous urban expansion. Approval of the instant application will serve to intensify development around two major centers of activity, the N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor and Miami-Dade College, as well as rehabilitate a vacant and unused brownfield of a significant size in the midst of an urbanized community.

- **LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.**

CDMP Land Use Element Policy LU-1C requires the County to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. The proposed development is both infill development on a vacant brownfield and redevelopment of an underdeveloped environmentally suitable urban area contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. The proffered covenant will ensure that the proposed

development will satisfy all level of service requirements for public infrastructure.

- **LU-8F.** The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of ten years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total of 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.

CDMP Land Use Element Policy LU-8F provides that the adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The unusually high percentage of small vacant parcels in this market area creates a disincentive towards development of in-demand national and value-oriented retailing and significant business parks that generate jobs, provide services and preserve property values and the ad valorem tax base through economic cycles. The absence of large parcels "appropriate to the type of use" is clear and warrants approval of this application.

- **LU-1G.** Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

CDMP Land Use Element Policy LU-1G encourages business developments to be placed in clusters or nodes at the intersections of major roadways. The Application Area is located on the Gratiigny Road, a major east-west arterial

road, and within the vicinity of two major arterial roadway intersections, N.W. 27 Avenue and N.W. 22 Avenue. The CDMP's Guidelines for Urban Form provide an exception to the Generalized Neighborhood Development Pattern where a project must conform to the density, intensity, use, building, envelope, traffic generation and demand on services and infrastructure which exists in an established neighborhood. Although the Application Area is not located at the intersection of N.W. 27 Avenue and the Gratigny Road, these corners have already been developed with one large institutional user, Miami-Dade College, and small parcels with residential, commercial and industrial users. Approval of the instant application is necessary to satisfy a demand for services and conform to the limitations of the established neighborhood.

- **LU-1O. Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.**

CDMP Land Use Element Policy LU-1O requires the County to "prevent discontinuous, scattered development at the urban fringe." The Application Area is urban infill development of a vacant brownfield and not discontinuous, scattered development at the urban fringe or located within the agricultural areas.

- **LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Services (LOS) standards specified in the Capital Improvements Element (CIE).**

The proffered covenant will ensure the provision of services at or above the level of service standards specified in the Capital Improvements Element.

- **LU-2B. Priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the areas within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) Map. Second priority shall support the staged development of the Urban Expansion Area (UEA). Urban services and facilities which support or encourage urban development in Agricultural and Open Land areas shall be avoided, except for those improvements necessary to protect the public health and safety and which service the localized needs of non-urban areas.**

CDMP Land Use Element Policy LU-2B requires the County to give priority to serve the areas within the Urban Development Boundary of the Land Use Plan Map. The Application Area is located within the Urban Development

Boundary and therefore must be given priority in the provision of services and facility and the allocation of financial resources for services and facilities.

- **LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resources degradation; maintenance of quality of life and creation of amenities[.] Density patterns should reflect the Guidelines for Urban Form contained in this Element.**

CDMP Land Use Element Policy LU-8A requires the County to strive to accommodate proximity and accessibility to employment, commercial and cultural centers, as well as create amenities. Approval of the instant application will give the surrounding residential communities access to employment opportunities and to a commercial center that will create amenities for residents and workers within the urbanized area.

- **LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:**
  - (i) **Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;**
  - (ii) **Enhance or impede provision of services at or above adopted LOS Standards;**
  - (iii) **Be compatible with abutting and nearby land use and protect the character of established neighborhoods; and**
  - (iv) **Enhance or degrade environmental or historical resources, features or systems of County significance; and**
  - (v) **If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes would be use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.**

CDMP Land Use Element Policy LU-8E provides evaluation criteria for applications seeking amendments to the CDMP Land Use Plan map. Approval of the instant application and acceptance of the proffered covenant will accommodate additional economic growth in the County by providing needed industrial and business designated land, will not impede the provision

of services at or above adopted LOS standards, will protect the existing character of the area, and will not degrade environmental or historical resources.

- **ECO-7A. Miami-Dade County's strategy for meeting countywide employment needs for the next several years should be to emphasize its strengths in international commerce, health services, the visitor industry, and aviation-related activities, and endeavor to expand in the areas of biomedical, film and entertainment, financial services, information technology and telecommunications, while simultaneously promoting the creation and development of small and medium-sized, labor intensive enterprises geared to the socio-economic needs and opportunities of specific neighborhoods and locations meant to serve a diversity of markets.**

Policy 7A of the CDMP's Economic Element encourages an emphasis on expanding existing industries and promoting the creation of small and medium-sized labor intensive enterprises geared to the socio-economic needs and opportunities of specific neighborhoods meant to serve a diversity of markets. Development of a business park within this underserved neighborhood in close proximity to an Enterprise Zone and/or Empowerment Zone will implement Policy 7A by promoting the generation of labor intensive enterprises geared to the opportunities available through close proximity to large institutional uses, like Miami-Dade College, and the well-established N.W 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor.

## **5. ADDITIONAL MATERIAL SUBMITTED**

- 1) Surveys (Overall and Parcels Subject to LUP Map changes)
- 2) 8 1/2 X 11 sheet showing Application Area Location
- 3) Aerial Photograph

The Applicant reserves the right to supplement the application with additional documentation within the time permitted by the Code of Miami-Dade County.

## **6. COMPLETE DISCLOSURE FORMS: See attached.**

## DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

### APPLICANT (S) NAME AND ADDRESS:

APPLICANT: Rosal Westview, LLC  
1666 Kennedy Causeway  
Suite 505  
North Bay Village, Florida 33141

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. **PROPERTY DESCRIPTION:** Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES (net)</u>
Rosal Westview, LLC	Miami National Golf Club, LLC	30-2134-001-0621	
		30-2134-001-0620	
		30-2134-003-0290	
		30-2134-003-0270	
		30-2127-010-1110	
		30-2127-032-0020	
		30-2134-003-0260	
		30-2134-021-0020	
		30-2134-003-0280	
Total:			180.4 net acres

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2., above.

<u>APPLICANT</u>	<u>OWNER</u>	<u>LESSEE</u>	<u>CONTRACTOR FOR PURCHASE</u>	<u>OTHER (Attach Explanation)</u>
X			X	

4. **DISCLOSURE OF APPLICANT'S INTEREST:** Complete all appropriate sections and indicate N/A for each section that is not applicable.

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
N/A	

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME:** Rosal Westview, LLC, a Florida limited liability company

NAME, ADDRESS, AND OFFICE (if applicable)	PERCENTAGE OF STOCK
Francisco Rojo, 1666 Kennedy Causeway, Suite 505, NBV, FL 33141	50%
Robert Saland, 1666 Kennedy Causeway, Suite 505, NBV, FL 33141	50%

- c. If the applicant is a TRUSTEE, list the trustee's name, the name beneficiaries of the trust, and the percentage of interest held by each. [ Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEES NAME:** N/A

BENEFICIARY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
N/A	

- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (5) trust (5) or other similar entities, further disclosure



shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF INTEREST</u>
<u>N/A</u>	

- e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

<u>NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
-------------------------	-------------------------------

See Applicant and Owner Information

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

N/A

5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

- a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
--------------------------------------	-------------------------------

N/A

- b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME:** Miami National Golf Club, LLC, a Florida limited liability company

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
<u>Armando Cignarale, 909 Ridgebrook Road, Suite 220, Sparks, Maryland 21152</u>	
<u>Daniel Hirschfeld, 909 Ridgebrook Road, Suite 220, Sparks, Maryland 21152</u>	
<u>Marc Kovens, 909 Ridgebrook Road, Suite 220, Sparks, Maryland 21152</u>	

- c. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEE'S NAME:**

N/A

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
<u>N/A</u>	

- d. If the owner is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**PARTNERSHIP NAME:**

N/A

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF OWNERSHIP</u>
N/A	

- e. If the owner is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

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For any changes of ownership or changes in contract for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

  
Applicant's Signatures and Printed Names

Rosal Westview, LLC  
Francisco Rojo

Sworn to and subscribed before me  
this 28 day of OCTOBER, 2011.

Notary Public, State of Florida at Large (SEAL)  
My Commission Expires:

  
NOTARY PUBLIC-STATE OF FLORIDA  
Alejandro J. Barroso  
Commission #DD912574  
Expires: SEP. 19, 2013  
BONDED THRU ATLANTIC BONDING CO., INC.

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

## ROSAL WESTVIEW, LLC

### LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

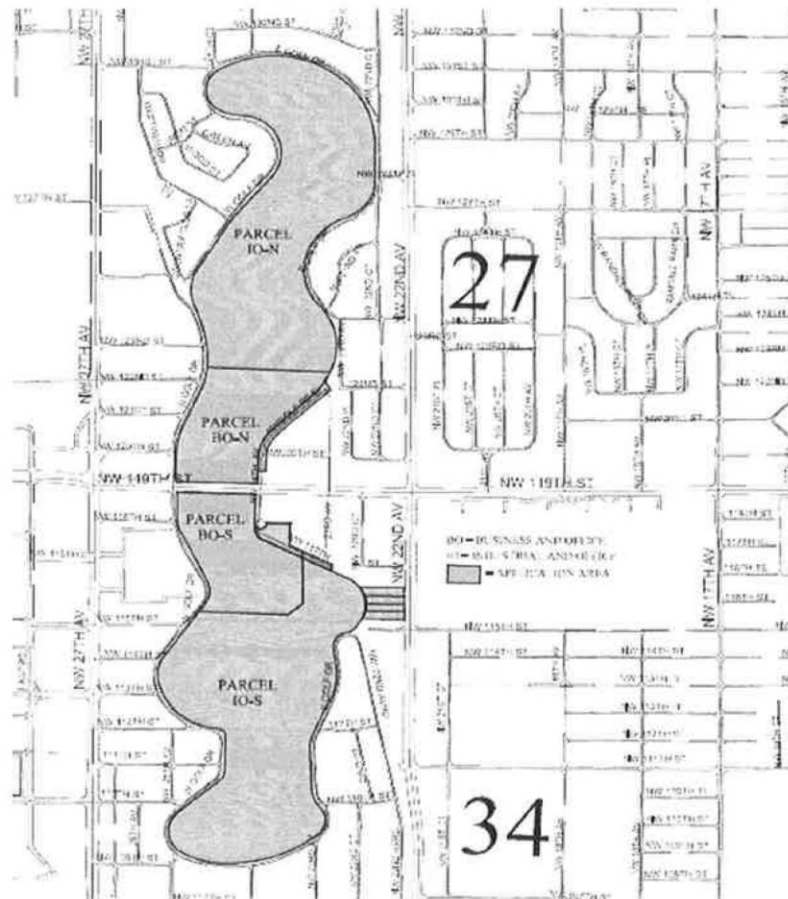
#### APPLICANT/REPRESENTATIVE

Rosal Westview, LLC/

Jeffrey Bercow, Esq. and Melissa Tapanes Llahues, Esq.

#### DESCRIPTION OF SUBJECT AREA

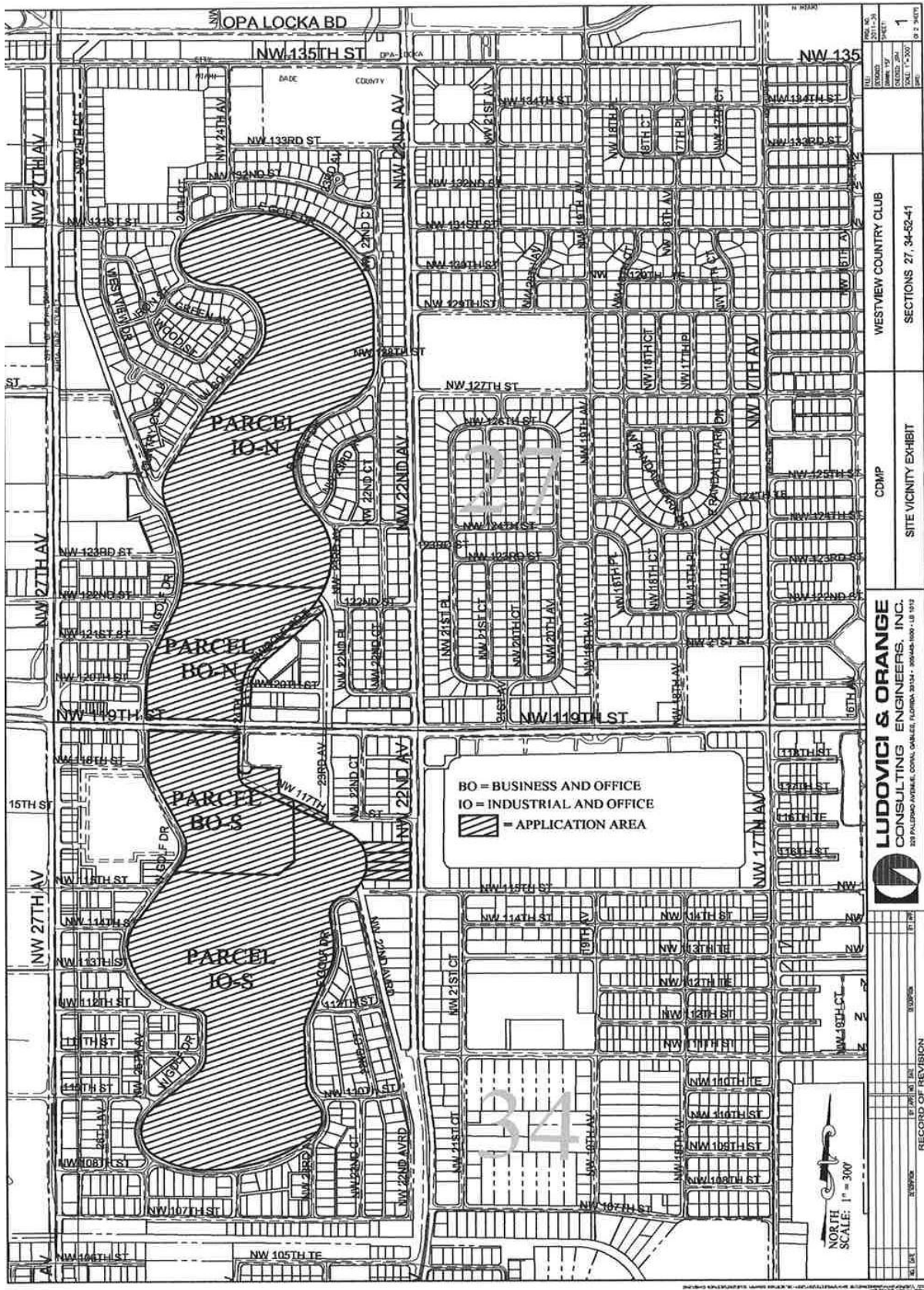
The Application Area consists of approximately 194 acres located in Sections 27 and 34, Township 52 South, Range 41 East.



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











## CDMP LEGAL AND SKETCH

### SURVEYOR'S NOTES:

1. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. This sketch does not represent a land survey.
3. Based on Boundary Survey of Westview Country Club Golf Course by Robayna & Associates dated 4/28/11.
4. Not valid without accompanying sketch.
5. All angles are turned from the backsight.
6. Gross acres are to the centerline of abutting rights-of-way.

### LEGEND:

POC	Point of Commencement	R	Radius	SEC.	Section
POB	Point of Beginning	D	Central Angle Of Curve	SF	Square Feet
		L	Length		

### SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17.051, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.

Ludovici and Orange Consulting Engineers Inc. L.B. #1012

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

Arturo A. Sosa  
Surveyor and Mapper 2629  
State of Florida

PROJ. NO: 2011 39 | DATE: 10-26-11 | DRAWN: BBL | CHECKED: AS | SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

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**PARCEL**  
**BO-S**

SHEET 1 OF 3 SHEETS

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## CDMP LEGAL AND SKETCH

### LEGAL DESCRIPTION:

A PORTION OF SECTION 34, TOWNSHIP 52 SOUTH, RANGE 41 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 34 FOR A DISTANCE OF 699.10 FEET; THENCE SOUTHERLY ON AN ANGLE OF  $91^{\circ}42'$  TO THE LEFT FOR A DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE EASTERLY ON AN ANGLE OF  $91^{\circ}42'$  TO THE RIGHT ALONG A LINE 50.00 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF SAID SECTION 34 FOR A DISTANCE OF 683.82 FEET; THENCE SOUTHERLY ON AN ANGLE OF  $91^{\circ}42'$  TO THE LEFT FOR A DISTANCE OF 299.83 FEET TO A POINT OF CURVATURE; THENCE 165.81 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF  $63^{\circ}20'$  TO A POINT OF TANGENCY; THENCE 358.15 FEET ALONG SAID TANGENT; THENCE SOUTHERLY ON AN ANGLE OF  $117^{\circ}30'$  TO THE LEFT FOR A DISTANCE OF 435.87 FEET; THENCE SOUTHWESTERLY ON AN ANGLE OF  $129^{\circ}38'$  TO THE LEFT FOR A DISTANCE OF 166.80 FEET; THENCE WESTERLY ON AN ANGLE OF  $137^{\circ}16'$  TO THE LEFT FOR A DISTANCE OF 762.58 FEET; THENCE NORTHEASTERLY ON AN ANGLE OF  $56^{\circ}06'$  TO THE LEFT FOR A DISTANCE OF 86.26 FEET TO A POINT OF CURVATURE; THENCE 223.98 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF  $64^{\circ}10'$  TO A POINT OF TANGENCY THENCE 362.69 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 415.39 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 850.00 FEET AND A CENTRAL ANGLE OF  $28^{\circ}00'$  TO A POINT OF TANGENCY; THENCE 128.05 FEET ALONG SAID TANGENT TO THE POINT OF BEGINNING.

AND

A PORTION OF TRACT B (TRACT B WEST) OF REDI DATA SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 127 AT PAGE 84 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SAID TRACT B LESS THE FOLLOWING DESCRIBED PARCEL:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT B; THENCE  $N64^{\circ}01'16''W$  ALONG THE SOUTH LINE OF SAID TRACT B FOR A DISTANCE OF 302.41 FEET; THENCE  $N01^{\circ}32'09''W$  FOR A DISTANCE OF 67.66 FEET; THENCE  $S64^{\circ}01'16''E$  ALONG THE NORTH LINE OF SAID TRACT B FOR A DISTANCE OF 304.06 FEET TO A POINT ON THE EAST LINE OF SAID TRACT B; THENCE  $S00^{\circ}17'07''E$  FOR A DISTANCE OF 66.91 FEET TO THE POINT OF BEGINNING.

AND

ALL ABUTTING ROAD AND CANAL RIGHTS-OF-WAY TO THE CENTERLINE.

PROJ. NO: 2011 39	DATE: 10-26-11	DRAWN: BBL	CHECKED: AS	SCALE: AS NOTED
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**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

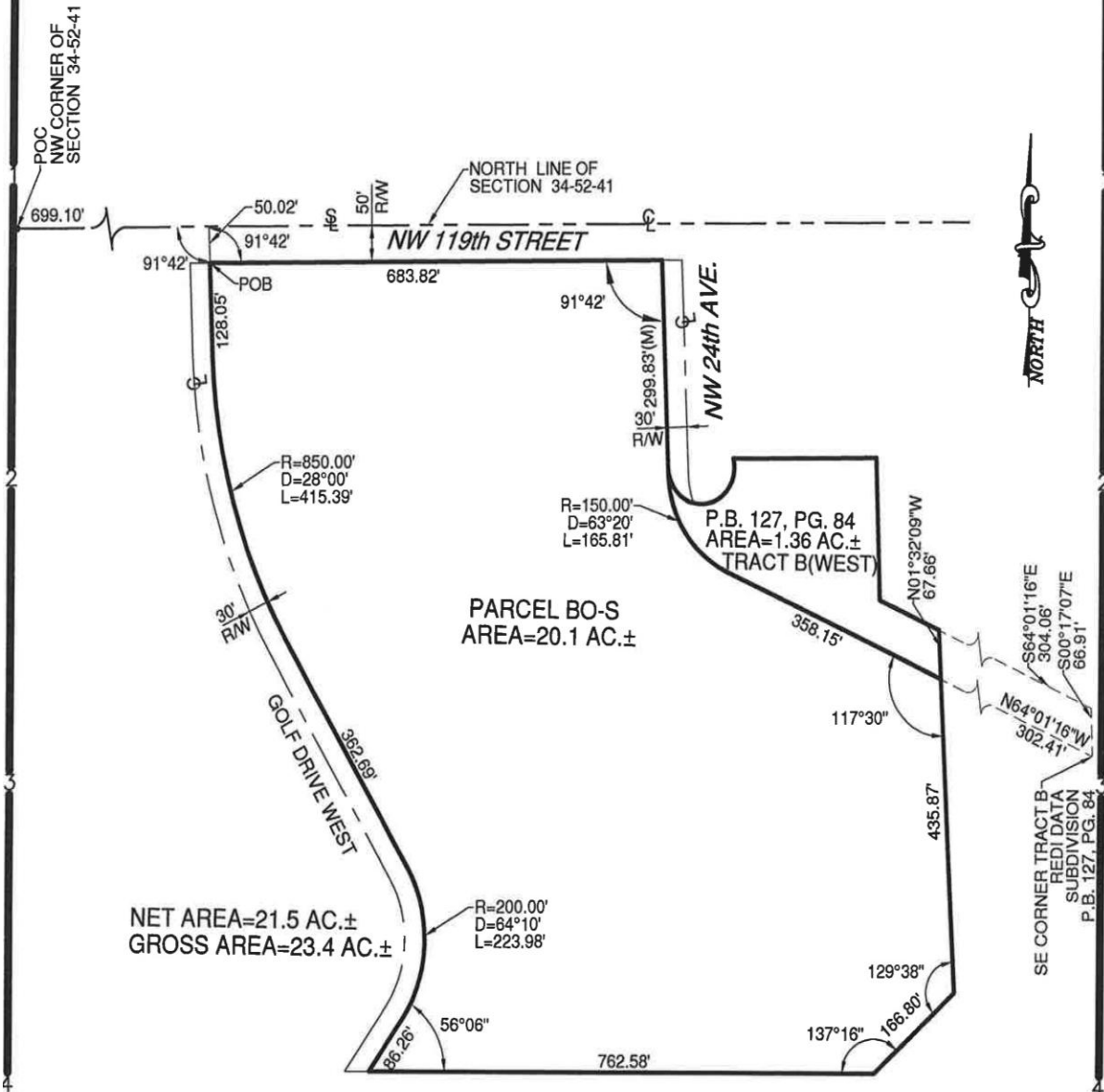
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**PARCEL**  
**BO-S**

SHEET 2 OF 3 SHEETS

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# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



PROJ. NO: 2011 39

DATE: 10-26-11

DRAWN: BBL

CHECKED: AS

SCALE: NTS



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**PARCEL  
BO-S**

SHEET 3 OF 3 SHEETS

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## CDMP LEGAL AND SKETCH

### SURVEYOR'S NOTES:

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3. Based on Boundary Survey of Westview Country Club Golf Course by Robayna & Associates dated 4/28/11.
4. Not valid without accompanying sketch.
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### LEGEND:

POC	Point of Commencement	R	Radius	SEC.	Section
POB	Point of Beginning	D	Central Angle Of Curve	SF	Square Feet
		L	Length		

### SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17.051, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.

Ludovici and Orange Consulting Engineers Inc. L.B. #1012

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

Arturo A. Sosa  
Surveyor and Mapper 2629  
State of Florida

PROJ. NO: 2011 39    DATE: 10-20-11    DRAWN: BBL    CHECKED: AS    SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

**PARCEL**  
**10-S**

SHEET 1 OF 4 SHEETS

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## CDMP LEGAL AND SKETCH

### LEGAL DESCRIPTION:

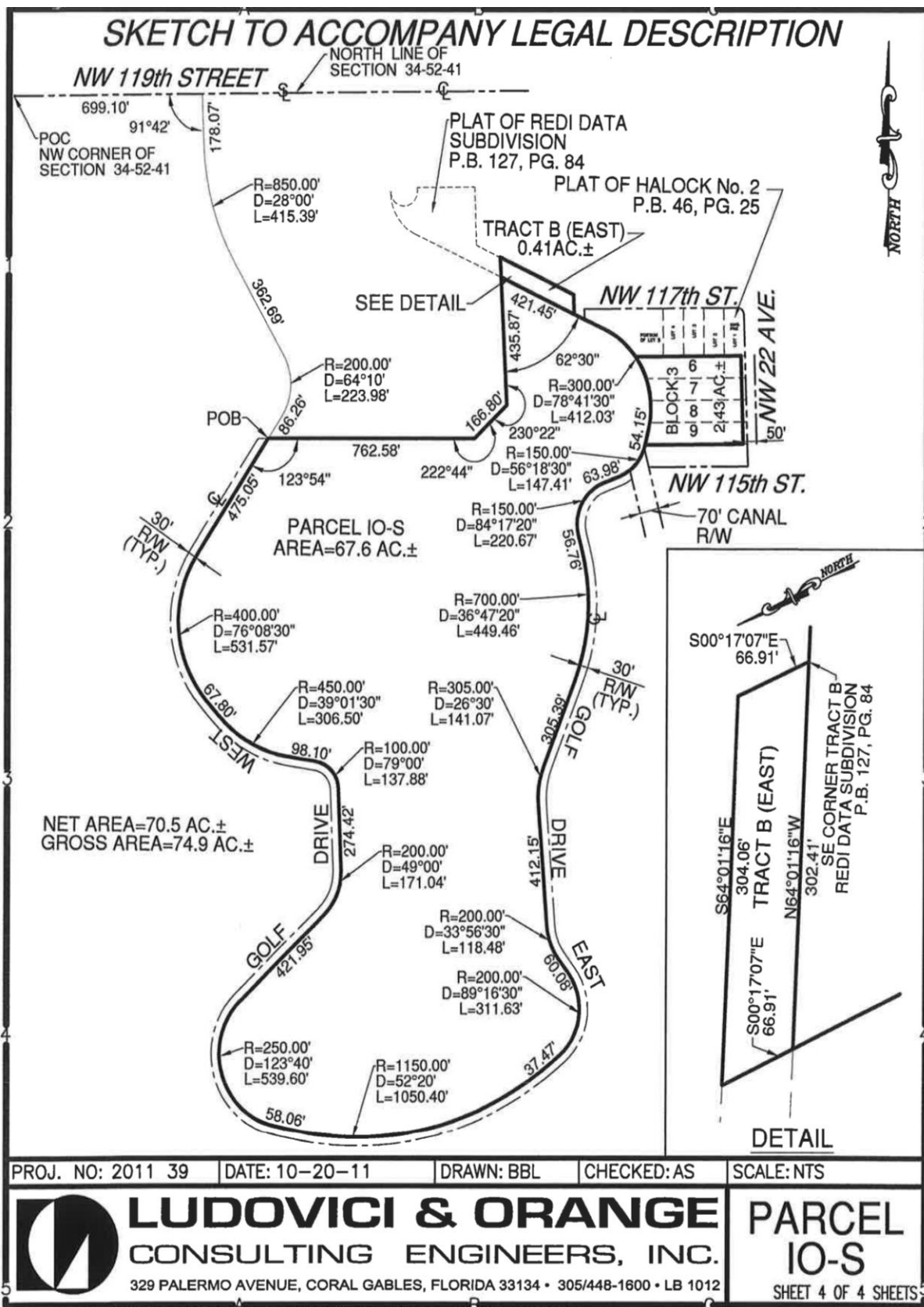
A PORTION OF SECTION 34, TOWNSHIP 52 SOUTH, RANGE 41 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 34 FOR A DISTANCE OF 699.10 FEET; THENCE SOUTHERLY ON AN ANGLE OF  $91^{\circ}42'$  TO THE LEFT FOR A DISTANCE OF 178.07 FEET TO A POINT OF CURVATURE; THENCE 415.39 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 850.00 FEET AND A CENTRAL ANGLE OF  $28^{\circ}00'$  TO A POINT OF TANGENCY; THENCE 362.69 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 223.98 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF  $64^{\circ}10'$  TO A POINT OF TANGENCY; THENCE 86.26 FEET ALONG SAID TANGENT TO THE POINT OF BEGINNING; THENCE EASTERLY ON AN ANGLE OF  $56^{\circ}06'$  TO THE RIGHT FOR A DISTANCE OF 762.58 FEET; THENCE NORTHEASTERLY ON AN ANGLE OF  $222^{\circ}44'$  TO THE LEFT FOR A DISTANCE OF 166.80 FEET; THENCE NORTHERLY ON AN ANGLE OF  $230^{\circ}22'$  TO THE LEFT FOR A DISTANCE OF 435.87 FEET; THENCE SOUTHEASTERLY ON AN ANGLE OF  $62^{\circ}30'$  TO THE LEFT FOR A DISTANCE OF 421.45 FEET TO A POINT OF CURVATURE; THENCE 412.03 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF  $78^{\circ}41'30''$  TO A POINT OF TANGENCY; THENCE 54.15 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 147.41 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF  $56^{\circ}18'30''$  TO A POINT OF TANGENCY; THENCE 63.98 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 220.67 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF  $84^{\circ}17'20''$  TO A POINT OF TANGENCY; THENCE 56.76 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 449.46 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 700.00 FEET AND A CENTRAL ANGLE OF  $36^{\circ}47'20''$  TO A POINT OF TANGENCY; THENCE 305.39 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 141.07 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 305.00 FEET AND A CENTRAL ANGLE OF  $26^{\circ}30'$  TO A POINT OF TANGENCY; THENCE 412.15 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 118.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF  $33^{\circ}56'30''$  TO A POINT OF TANGENCY; THENCE 60.08 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 311.63 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF  $89^{\circ}16'30''$  TO A POINT OF TANGENCY; THENCE 37.47 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 1050.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1150.00 FEET AND A CENTRAL ANGLE OF  $52^{\circ}20'$  TO A POINT OF TANGENCY; THENCE 58.06 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 539.60 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF  $123^{\circ}40'$  TO A POINT OF TANGENCY; THENCE 421.95 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 171.04 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF  $49^{\circ}00'$  TO A POINT OF TANGENCY; THENCE 274.42 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 137.88 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF  $79^{\circ}00'$  TO A POINT OF TANGENCY; THENCE 98.10 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 306.50 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 450.00 FEET AND A CENTRAL ANGLE OF  $39^{\circ}01'30''$  TO A POINT OF TANGENCY; THENCE 67.80 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 531.57 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF  $76^{\circ}08'30''$  TO A POINT OF TANGENCY; THENCE 475.05 FEET ALONG SAID TANGENT TO THE POINT OF BEGINNING.

AND

PROJ. NO: 2011 39	DATE: 10-20-11	DRAWN: BBL	CHECKED: AS	SCALE: AS NOTED
 <b>LUDOVICI &amp; ORANGE</b> CONSULTING ENGINEERS, INC. 329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012				<b>PARCEL</b> <b>10-S</b> SHEET 2 OF 4 SHEETS

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## CDMP LEGAL AND SKETCH

### SURVEYOR'S NOTES:

1. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. This sketch does not represent a land survey.
3. Based on Boundary Survey of Westview Country Club Golf Course by Robayna & Associates dated 4/28/11.
4. Not valid without accompanying sketch.
5. All angles are turned from the backsight.
6. Gross acres are to the centerline of abutting rights-of-way.

### LEGEND:

POC	Point of Commencement	R	Radius	SEC.	Section
POB	Point of Beginning	D	Central Angle Of Curve	SF	Square Feet
		L	Length		

### SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17.051, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey. Ludovici and Orange Consulting Engineers Inc. L.B. #1012

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

Arturo A. Sosa  
Surveyor and Mapper 2629  
State of Florida

PROJ. NO: 2011 39

DATE: 10-20-11

DRAWN: BBL

CHECKED: AS

SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

**PARCEL**  
**10-N**

SHEET 1 OF 3 SHEETS

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## CDMP LEGAL AND SKETCH

### LEGAL DESCRIPTION:

A PORTION OF SECTION 27, TOWNSHIP 52 SOUTH, RANGE 41 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 699.10 FEET; THENCE NORTHERLY ON AN ANGLE OF 88°18' TO THE RIGHT FOR A DISTANCE OF 282.10 FEET TO A POINT OF CURVATURE; THENCE 349.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 25°00' TO A POINT OF TANGENCY; THENCE 259.02 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 289.93 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 900 FEET AND A CENTRAL ANGLE OF 18°27'27" TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE 401.22 FEET ALONG SAID CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 900.00 FEET AND A CENTRAL ANGLE OF 25°32'33" TO A POINT OF TANGENCY; THENCE 212.53 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 344.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 395.00 FEET AND A CENTRAL ANGLE OF 49°55' TO A POINT OF TANGENCY; THENCE 506.18 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 59.17 FEET (RECORDED, 59.92 FEET CALCULATED) ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 8°35' TO A POINT OF TANGENCY; THENCE 523.01 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 803.29 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 131°30' TO A POINT OF TANGENCY; THENCE 11.60 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 678.55 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF 155°30' TO A POINT OF TANGENCY; THENCE 3.06 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 589.05 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 900.00 FEET, AND A CENTRAL ANGLE OF 37°30' TO A POINT OF TANGENCY; THENCE 52.28 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 1162.10 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 850.00 FEET AND A CENTRAL ANGLE OF 78°19' TO A POINT OF TANGENCY; THENCE 276.44 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 547.54 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 460.00 FEET AND A CENTRAL ANGLE OF 68°11'; THENCE 25.68 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 995.97 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 505.00 FEET AND A CENTRAL ANGLE OF 113°00' TO A POINT OF TANGENCY; THENCE 10.2 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 313.007 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 44°49' TO A POINT OF TANGENCY; THENCE 39.01 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 286.95 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 595.00 FEET AND A CENTRAL ANGLE OF 27°37'56" TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE WESTERLY ON AN ANGLE OF 100°52' TO THE LEFT FROM THE CHORD OF SAID CURVE FOR A DISTANCE OF 1049.00 FEET TO THE POINT OF BEGINNING.

AND

ALL ABUTTING ROAD AND CANAL RIGHTS-OF-WAY TO THE CENTERLINE.

PROJ. NO: 2011 39

DATE: 10-20-11

DRAWN: BBL

CHECKED: AS

SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

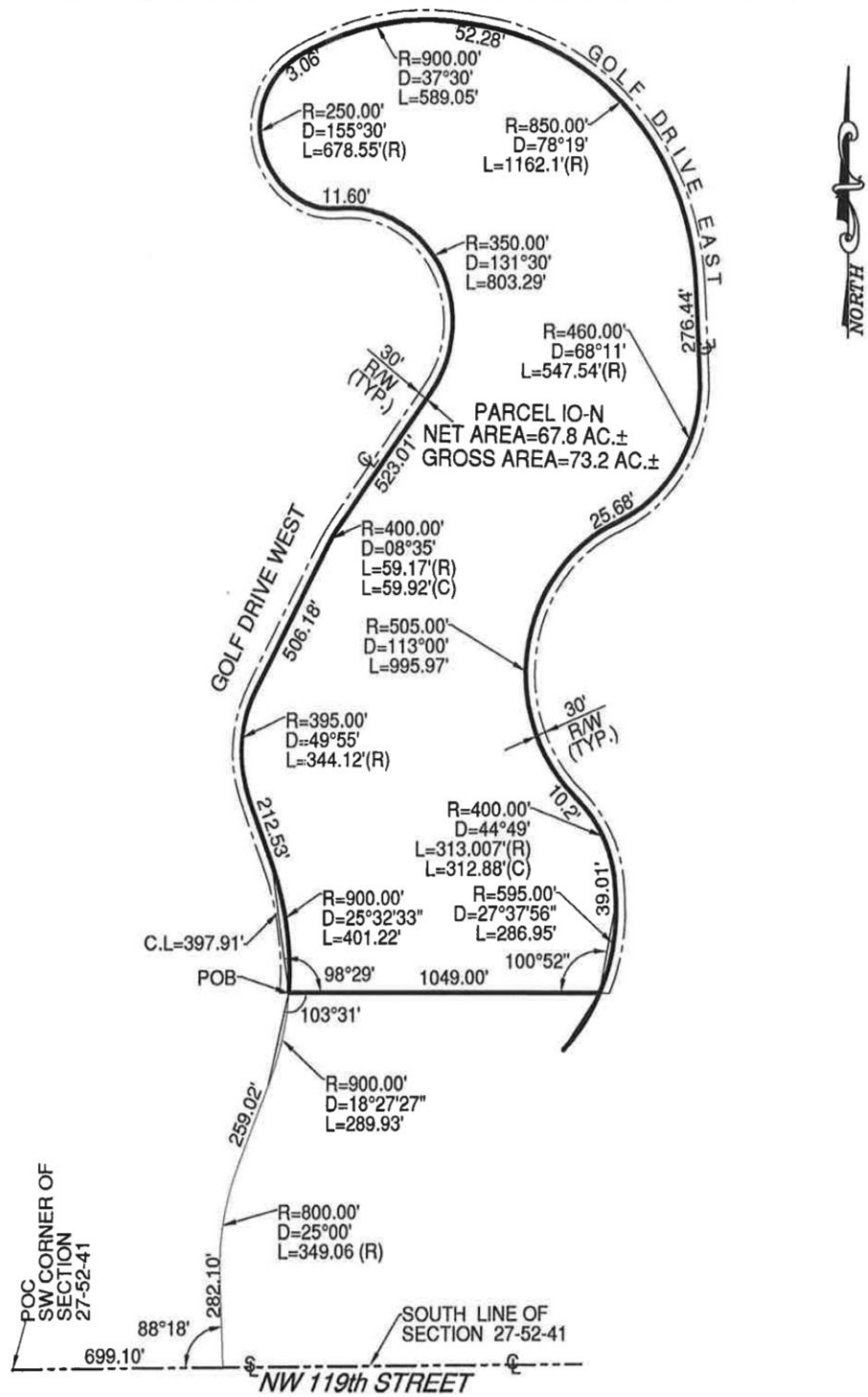
**PARCEL**  
**10-N**

SHEET 2 OF 3 SHEETS

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# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



PROJ. NO: 2011 39	DATE: 10-20-11	DRAWN: BBL	CHECKED: AS	SCALE: NTS
 <b>LUDOVICI &amp; ORANGE</b> CONSULTING ENGINEERS, INC. 329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012				<b>PARCEL 10-N</b> SHEET 3 OF 3 SHEETS

## CDMP LEGAL AND SKETCH

### SURVEYOR'S NOTES:

1. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. This sketch does not represent a land survey.
3. Based on Boundary Survey of Westview Country Club Golf Course by Robayna & Associates dated 4/28/11.
4. Not valid without accompanying sketch.
5. All angles are turned from the backsight.
6. Gross acres are to the centerline of abutting rights-of-way.

### LEGEND:

POC	Point of Commencement	R	Radius	SEC.	Section
POB	Point of Beginning	D	Central Angle Of Curve	SF	Square Feet
		L	Length		

### SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17.051, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.

Ludovici and Orange Consulting Engineers Inc. L.B. #1012

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

Arturo A. Sosa  
Surveyor and Mapper 2629  
State of Florida

PROJ. NO: 2011 39 | DATE: 10-20-11 | DRAWN: BBL | CHECKED: AS | SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

**PARCEL**  
**BO-N**

SHEET 1 OF 3 SHEETS

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## CDMP LEGAL AND SKETCH

### LEGAL DESCRIPTION:

A PORTION OF SECTION 27, TOWNSHIP 52 SOUTH, RANGE 41 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 699.10 FEET; THENCE NORTHERLY ON AN ANGLE OF 88°18' TO THE RIGHT FOR A DISTANCE OF 74.29 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE ALONG SAID LINE FOR A DISTANCE OF 207.81 FEET TO A POINT OF CURVATURE; THENCE 349.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 25°00' TO A POINT OF TANGENCY; THENCE 259.02 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 289.93 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 900 FEET, A CENTRAL ANGLE OF 18°27'27" AND A CHORD LENGTH OF 288.68' TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE EASTERLY ON AN ANGLE OF 103°31' TO THE LEFT FROM THE CHORD OF SAID CURVE FOR A DISTANCE OF 1049.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE; THENCE SOUTHWESTERLY ON AN ANGLE OF 55°02' TO THE LEFT TO THE CHORD OF SAID CURVE; THENCE 213.42 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 20°33'04" AND A CHORD LENGTH OF 212.27 FEET TO A POINT OF TANGENCY; THENCE 522.94 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 290.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 47°30' TO A POINT OF TANGENCY; THENCE 281.35 FEET ALONG SAID TANGENT; THENCE WESTERLY ON AN ANGLE OF 88°18' TO THE LEFT FOR A DISTANCE OF 659.59 FEET TO A POINT OF CURVATURE; THENCE 38.53 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 88°18' TO THE POINT OF BEGINNING.

AND

TRACT B OF WESTVIEW GARDENS APARTMENTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 155 AT PAGE 84 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

ALL ABUTTING ROAD AND CANAL RIGHTS-OF-WAY TO THE CENTERLINE.

PROJ. NO: 2011 39 | DATE: 10-20-11 | DRAWN: BBL | CHECKED: AS | SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

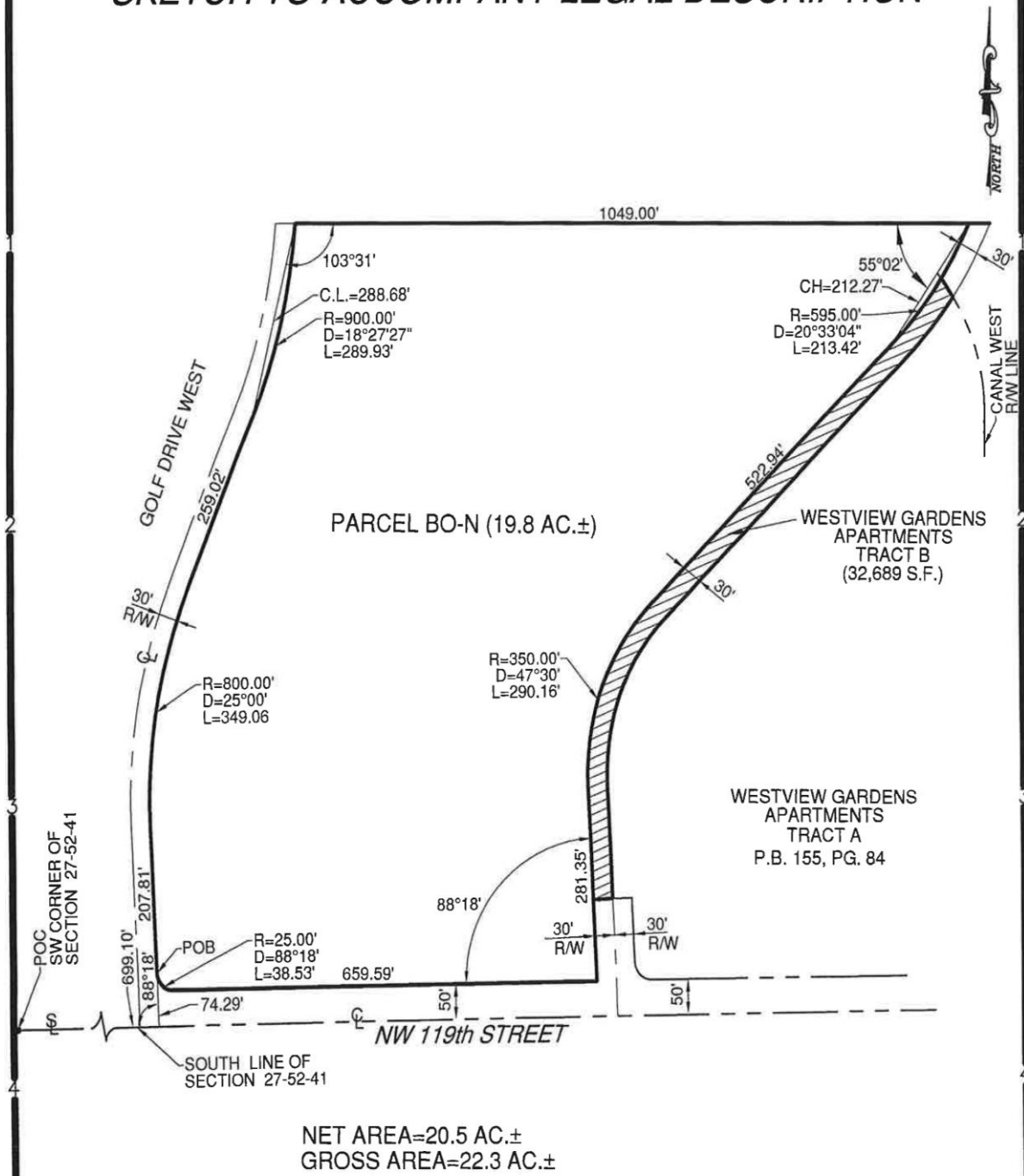
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**PARCEL**  
**BO-N**

SHEET 2 OF 3 SHEETS

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# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



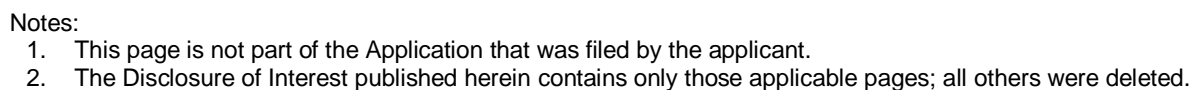
PROJ. NO: 2011 39	DATE: 10-20-11	DRAWN: BBL	CHECKED: AS	SCALE: NTS
<b>LUDOVICI &amp; ORANGE</b> CONSULTING ENGINEERS, INC. 329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012				<b>PARCEL BO-N</b> SHEET 3 OF 3 SHEETS

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<b><u>Applicant</u></b>	<b><u>Applicant's Representative</u></b>
Kendall Investors 172, LLC. 8530 SW 124 <sup>th</sup> Avenue Suite 206 Miami, Florida 33183	Juan J. Mayol, Esq. Holland & Knight LLP 701 Brickell Avenue, Suite 3000 Miami, Florida 33131 (305) 374-8500 (305) 789-7799 (fax)

1. Release and delete current Declaration of Restrictions that prohibits residential development on the 42-acre application area from the Restrictions Table in the Land Use Element on Page I-74.6 (April 2007 Cycle Application No. 8)

Acreage Owned by Applicant: ±38.5 Net Acres



**APPLICATION FOR AN AMENDMENT TO THE  
LAND USE ELEMENT OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

Kendall Investors 172, LLC  
8530 SW 124<sup>th</sup> Avenue, Suite 206  
Miami, Florida 33183

2. APPLICANT'S REPRESENTATIVES

Juan J. Mayol, Jr.  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131  
(305) 374-8500  
(305) 789-7799 (fax)

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

Juan J. Mayol, Jr.  
October 31, 2011

2011 OCT 31 A 10:55  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

3. DESCRIPTION OF REQUESTED CHANGE

A. The following changes to the Land Use Element Land Use Plan Map and Text are being requested:

1. Release of Declaration of Restrictions Recorded in Official Records Book 26405 at Page 3406 in the Public Records of Miami-Dade County, Florida. The Applicant requests a release of that certain Declaration of Restrictions Recorded in Official Records Book 26405 at Page 3406 in the Public Records of Miami-Dade County, Florida.
3. Delete Declaration of Restrictions contained in the Land Use Element Table Titled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments."

B. Description of the Subject Area.

The subject property, which is legally described in Exhibit A (the "Property") consists of approximately 42.0± gross acres of land located in Section 31, Township 54, Range 39, in unincorporated Miami-Dade County. More

specifically, the subject property is located on the south side of North Kendall Drive, on both sides of theoretical SW 172<sup>nd</sup> Avenue.

C. Acreage.

Subject Application Area: 42.0± gross acres (38.5± net acres)

Acreage Owned by Applicant: 42.0± gross acres (38.5± net acres)

D. Requested Change.

It is requested that a release of the Declaration of Restrictions recorded in Official Records Book 26405 at Page 3406 of the Public Records of Miami-Dade County, Florida, as it applies to the entirety of the subject Property be accepted. Concurrently it is requested that the Declaration of Restrictions be deleted from the Land Use Element Table Titled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments."

4. REASONS FOR AMENDMENT

The Property is designated for Business and Office development on the Land Use Plan map of the County's Comprehensive Development Master Plan (the "CDMP"). While residential development is permitted in land designated for Business and Office development, the Property may not currently be developed with residential uses under the terms of that certain Declaration of Restrictions recorded in Official Records Book 26405 at Page 3406 of the Public Records of Miami-Dade County, Florida (the "Previous Covenant"), a copy of which is attached hereto as Exhibit B.

Policy LU-8F of the Land Use Element of the CDMP states that the UDB "should contain developable land having capacity to sustain projected countywide residential demand for a period of ten years after the adoption of the most recent Evaluation and Appraisal Report plus a five year surplus (a total 15 year Countywide supply beyond the date of the EAR adoption)". The 2010 Evaluation and Appraisal Report (the "2010 EAR"), adopted by the Board of County Commissioners on March 24, 2011, concluded that the County has enough residential land capacity within the Urban Development Boundary (the "UDB") to accommodate projected growth and development through 2021. As such, Policy LU-8F requires that the County maintain enough capacity inside the UDB to sustain residential demand until 2026. Therefore, currently the County has a deficiency in the supply of residential land of six (6) years. The release of the Previous Covenant would allow the inclusion of residential development into the future development of the Property to help mitigate the residential deficiency in an area of the County that is entirely suitable for residential uses.

Moreover, because of the Property's Business and Office designation, the Property is ideally suited for the development of a mixed-use project with residential and non-residential uses, in furtherance of several of the important CDMP goals and objectives.



## Background

The Property was the subject of CDMP Amendment Application No. 8 in the April 2007 Amendment Cycle which resulted in a redesignation of the Property for "Business & Office" development on the Land Use Plan map. In connection with the redesignation, and in addition to the Previous Covenant, the Property owner proffered a Declaration of Restrictions recorded in Official Records Book 26405 at Page 3397 of the Public Records of Miami-Dade County (the "SW 172<sup>nd</sup> Avenue Covenant"), a copy of which is attached hereto as Exhibit C, that requires the owner of the Property to dedicate and construct, at its sole cost and expense, an extension of SW 172<sup>nd</sup> Avenue from the southern boundary of the Property to the northern boundary of the Property and to install, at its sole cost and expense, a traffic signal at SW 172<sup>nd</sup> Avenue and North Kendall Drive (SW 88<sup>th</sup> Street).

On July 14, 2010, pursuant to Resolution No. CZAB 11-11-10 (the "Resolution"), a copy of which is attached hereto as Exhibit C-1, the Property was rezoned to BU-1A. In addition to restating the limitations imposed by the Previous Covenant and the affirmative obligation to dedicate and construct SW 172<sup>nd</sup> Avenue, the Resolution also imposed a requirement to construct a landscaping buffer on the southern boundary of the Property adjacent to the approved traditional neighborhood development of Kendall Commons (the "TND"). Additionally, the Resolution requires three (3) pedestrian/bicycle access points along the border with the TND to allow for greater connectivity.

## Location, Accessibility and Surrounding Area

The Property fronts on North Kendall Drive, a major four- and six-lane arterial east-west roadway. In accordance with the SW 172<sup>nd</sup> Avenue Covenant, the Property owner will not only enjoy direct access to North Kendall Drive, but will also be bisected by SW 172<sup>nd</sup> Avenue.

The Property abuts the TND to the south and east. North Kendall Drive to the east of the Property is substantially developed.

The addition of residential would allow a better transition to the TND. The Business and Office designation is practically the only land use designation that allows for a flexible mixing of residential and non-residential uses. The presence of the TND to the south, along with the conditions in the Resolution that require pedestrian and bicycle connectivity, would allow for a more harmonious and compatible development of the Property. A mixed-use project would promote the goals, objectives and policies of Land Use Objectives LU-7, LU-9 and LU-10, and Land Use Policies LU-7I, LU-8A, LU-8E and LU-9D.

All public services and facilities, including transit services, required to serve the Property are available or can be made available to the Property. The Property is three blocks from a stop for the Route 204 Killian KAT (which stops at the corner of North Kendall Drive and SW 167<sup>th</sup> Avenue), and which connects to the Metrorail at the Dadeland North Station. Connection to water and sewer is available or may be readily available at the owner's expense.



The Property is located in an area generally known as West Kendall, a highly desirable neighborhood that has led the way in population growth over the last 20 years. In fact, Minor Statistical Area (MSA) 6.2, where the Property is located, was the 15<sup>th</sup> largest MSA in the County in 1990 with a population of 67,648. By 2010 MSA 6.2 was the 5<sup>th</sup> largest MSA (in terms of population) in the County with a population of 144,679 (EAR Report, Table 1.1-3). Moreover, the Property abuts MSA 6.1, which is the second-largest MSA in the County.

#### Statistical Support Data

On a more localized level, the EAR estimates that MSAs 6.1 and 6.2, which taken jointly are referred to as the South Central Tier, only have sufficient capacity to accommodate projected residential demand through the year 2017. Even more specifically, the capacity for residential demand in the western half of the South Central Tier (west of the Florida Turnpike), where the Property is located, is projected to be depleted by 2014 (EAR Report, 1.1-36). Given the desirability of this suburban area and the projected population increases, increased residential supply is needed to meet the anticipated demand.

#### Consistency and Compatibility with CDMP Goals, Objectives and Policies

Given its location, removal of the Previous Covenant would help to mitigate the existing deficiency of residential land within the UDB, be compatible with existing land uses in the area and an appropriate amendment in furtherance of the goals and objectives of the CDMP.

Accordingly, approval of the requested Amendment would further implementation of the following CDMP policies:

LAND USE OBJECTIVE LU-7: Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

LAND USE POLICY LU-7I: Miami -Dade County will review development incentives to encourage higher density, mixed-use and transit-oriented development at or near existing and future transit stations and corridors.

LAND USE OBJECTIVE LU-8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan Map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY LU-8A: Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of

affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities Density patterns should reflect the Guidelines for Urban Form contained in this Element.

**LAND USE POLICY LU-8E:** Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

- (i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
- (ii) Enhance or impede provision of services at or above adopted LOS standards;
- (iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- (iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
- (iv) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

**LAND USE POLICY LU-8F:** The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of ten years after the adoption of the most recent Evaluation and Appraisal Report plus a five year surplus (a total 15 year Countywide supply beyond the date of the EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in Policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities

**LAND USE OBJECTIVE LU-9:** Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to

## EXHIBIT "G"

### LOCATION MAP FOR APPLICATION TO AMEND THE LAND USE ELEMENT OF THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

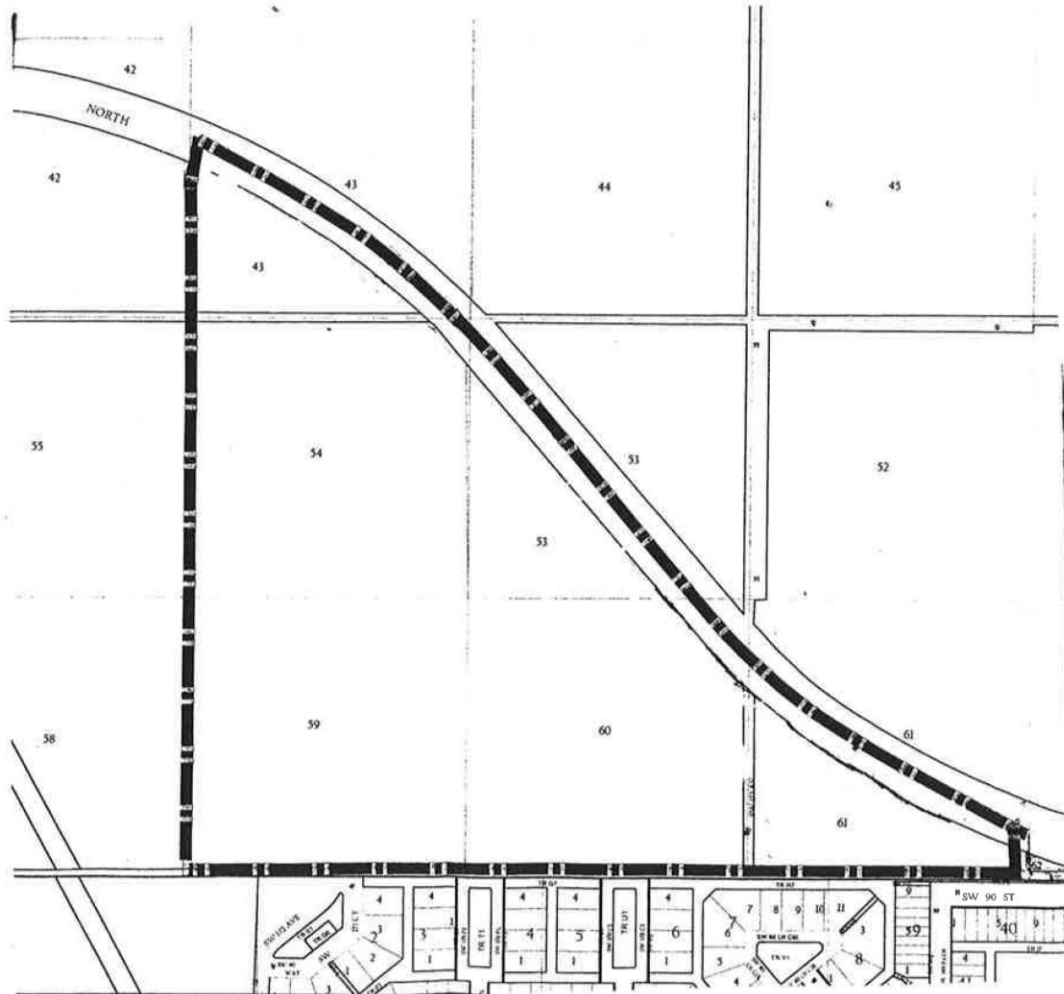
#### APPLICANT / REPRESENTATIVE

Kendall Investors 172, LLC / Juan J. Mayol, Esq.

#### DESCRIPTION OF SUBJECT AREA

The subject property, which is legally described in Exhibit A (the "Property") consists of approximately 42.0± gross acres of land located in Section 31, Township 54, Range 39, in unincorporated Miami-Dade County. More specifically, the subject property is located on the south side of North Kendall Drive, on both sides of theoretical SW 172<sup>nd</sup> Avenue.

#### LOCATION MAP



**EXHIBIT "D"**  
**DISCLOSURE OF INTEREST**

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

**1. APPLICANT(S) NAME AND ADDRESS:**

APPLICANT: Kendall Investors 172, LLC, a Florida limited liability company  
8530 SW 124 Avenue Suite 206  
Miami, , Florida 33183

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

**2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.**

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
X	Kendall Investors 172, LLC	30-4931-001-0601	+/- 3.47
		30-4931-001-0590	+/- 9.53
		30-4931-001-0521	+/- 2.95
		30-4931-001-0421	+/- 2.37
		30-4931-001-0530	+/- 9.87
		30-4931-001-0580	+/- 10.00

**3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2., above.**

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
X	X			

**4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.**

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
	%

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: Kendall Investors 172, LLC, a Florida limited liability company

NAME, ADDRESS, AND OFFICE ( if applicable)      PERCENTAGE OF STOCK

See attached Exhibit "D-1" for ownership information

- c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: \_\_\_\_\_

BENEFICIARY'S NAME AND ADDRESS      PERCENTAGE OF INTEREST

- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS OF PARTNERS      PERCENTAGE OF INTEREST

- e. If the applicant is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF INTEREST

Date of Contract \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

5. **DISCLOSURE OF OWNER'S INTEREST:** Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

- a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

- b. If the owner is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME** \_\_\_\_\_

NAME, ADDRESS, AND OFFICE ( if applicable)      PERCENTAGE OF STOCK

---

If the owner is a **TRUSTEE**, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEE'S NAME:** \_\_\_\_\_

BENEFICIARY'S NAME AND ADDRESS      PERCENTAGE OF INTEREST

---

- c. If the owner is a **PARTNERSHIP** or **LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**PARTNERSHIP NAME:** \_\_\_\_\_

NAME AND ADDRESS OF PARTNERS      PERCENTAGE OF OWNERSHIP

---

- d. If the owner is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].



NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

Date of Contract \_\_\_\_\_

**If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust**

**For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.**

**The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.**

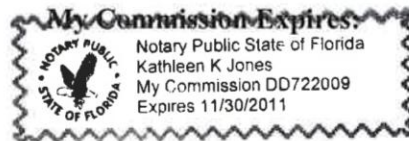
Kendall Investors 172, LLC, a Florida limited liability company

By: \_\_\_\_\_  
Name: VICTOR BROWN  
Title: MGR

**Sworn to and subscribed before me**

this 27 day of OCT, 2011

Kathleen K Jones  
Notary Public, State of Florida at Large (SEAL)



Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more FMGM than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



## **EXHIBIT "D-1" TO DISCLOSURE OF INTEREST**

GAM Property Investments, LLC		12.88%
Members		
Gamal Marwan	100.00%	
Kendall Five Investors, LLC		7.82%
Members		
Richard Richter	26.09%	
Vinson Richter	26.09%	
Bradley Richter	8.70%	
Kevin Richter	13.04%	
James Siegel	26.09%	
Fredrick W. McCarthy		3.40%
Fredrick W. McCarthy III		3.40%
Ana V. Godoy		1.70%
David Chin & Gladys Chin		1.36%
Levy A. Wong Revocable Trust		1.00%
Beneficiaries		
Gary A. Wong	25.00%	
Maria A. Chow	25.00%	
Karen A. Chan	25.00%	
David A. Wong	25.00%	
Mavis M. Wong Revocable Trust		1.00%
Beneficiaries		
Gary A. Wong	25.00%	
Maria A. Chow	25.00%	
Karen A. Chan	25.00%	
David A. Wong	25.00%	
Maria A. Chow		0.50%
Karen Wong-Chan		0.50%
Gary Wong & Cindy Wong		0.50%
David Wong		0.50%
David Brown		21.84%
Victor Brown		21.84%
Peter Brown		4.08%
Dale Moses		4.08%
James and Barbara Eroncig		6.80%
Peninsula Corp.		6.80%
		<hr/> 100.00%

This instrument was prepared by:  
Name: Chad Williard, Esq.  
Address: 999 Ponce de Leon Blvd.  
Suite 1000  
Coral Gables, Florida 33134  
305.444.1500



CFN 2008R0445423  
DR Bk 26405 Pgs 3406 - 3412 (7pgs)  
RECORDED 05/30/2008 14:31:08  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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### DECLARATION OF RESTRICTIONS

*WHEREAS*, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

*WHEREAS*, the Property is the subject of Comprehensive Development Master Plan Amendment Application No. 8 of the April 2007 Amendment Cycle, seeking a change from "Agriculture" to "Business & Office" (the "CDMP Application");

*WHEREAS*, the intent of the Applicant is to seek approval of the "Business & Office" designation for the Property and intends, subject to the terms and conditions set forth below, to develop the Property with non-residential uses (e.g., commercial/retail).

*IN ORDER TO ASSURE* the County that the representations made by the owner during consideration of the Application will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

**Prohibition on Residential Uses.** The Owner agrees, subject to the approval of the CDMP Application, to develop the Property with non-residential uses.

**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their

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Section-Township-Range:  
Folio number:

(Public Hearing)

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Page 1 of 7

**Declaration of Restrictions**  
**Page 2**

lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the land covered by the proposed amendment, modification or release, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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(Public Hearing)

**Section-Township-Range:**  
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**Authorization for Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or any successor municipal corporation) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

**Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns, including the Applicant, unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.

**Severability.** Invalidity of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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(Public Hearing)

Section-Township-Range:  
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**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

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(Public Hearing)

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Page 4

Signed, witnessed, executed and acknowledged this 26 day of FEB . 2008

Witnesses:

Helene M. Asch

Print Name: Helene M. Asch

Print Name: Virginia Donahue

BLOOM FAMILY INVESTMENTS, LTD.,  
a Florida limited partnership

By: LCRS BLOOM INVESTMENTS, INC.,  
a Florida corporation as sole managing  
general partner

By: Lauri Bloom  
Lauri Bloom, President

STATE OF FLORIDA

COUNTY OF ~~MIAMI-DADE~~

Palm Beach

The foregoing instrument was acknowledged before me this 26 day of FEB 2008 by Lauri Bloom, President, LCRS Bloom Investments, Inc., a Florida corporation as sole managing general partner of Bloom Family Investments, Ltd., a Florida limited partnership who is personally known to me or produced FCDC as identification.

Helene M. Asch

Notary Public, State of Florida  
at large  
My Commission Expires



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Section-Township-Range:  
Folio number:

(Public Hearing)

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CFN#20080445423

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Declaration of Restrictions  
Page 6

Witnesses:

[Signature]

Print Name: Cynthia Bolanos

[Signature]

Print Name: Luis Fernandez

NEWEST KENDALL, LLC  
By: Lufer Investments, Inc., a  
British Virgin Island Corp., its  
Managing Member

By: [Signature]  
Print Name: Luis Fernandez  
Title: President

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of February 2008 by Luis Fernandez, as President of Newest Kendall, LLC, who is personally known to me or produced as identification.



EILEEN LOSADA  
MY COMMISSION # DD 730941  
EXPIRES: November 18, 2011  
Bonded Third Budget Notary Services

[Signature]

Notary Public, State of Florida  
at large  
My Commission Expires

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Section-Township-Range:  
Folio number:

(Public Hearing)

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

All that part of Tracts 53, 60, 61 and 62 lying South and West of North Kendall Drive right-of-way in Section 31, Township 54 South, Range 39 East, according to the plat thereof of "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", recorded in Plat Book 2, at Page 3, of the Public Records of Miami-Dade County, Florida.

Tract 59 of Section 31, Township 54 South, Range 39 East, "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", according to the plat thereof, recorded in Plat Book 2, Page 3, of the Public Records of Miami-Dade County, Florida.

All of Tract 43 lying South of North Kendall Drive, and all of Tract 54, less right-of-way for North Kendall Drive, in Section 31, Township 54 South, Range 39 East, according to the plat thereof of "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", recorded in Plat Book 2, Page 3 of the Public Records of Miami-Dade County, Florida. Containing 1,677,127 square feet or 38.50 acres, more or less. And the street dedications shown on the above described property.

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Section-Township-Range:  
Folio number:

(Public Hearing)



This instrument was prepared by:  
Name: Chad Willard, Esq.  
Address: 999 Ponce de Leon Blvd.  
Suite 1000  
Coral Gables, Florida 33134  
305.444.1500



CFN 20080445422  
DR Bk 26405 Pgs 3397 - 3405 (9pgs)  
RECORDED 05/30/2008 14:31:08  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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(Space reserved for Clerk)

### DECLARATION OF RESTRICTIONS

*WHEREAS*, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

*WHEREAS*, the Property is the subject of Comprehensive Development Master Plan Amendment Application No. 8 of the April 2007 Amendment Cycle, seeking a change from "Agriculture" to "Business & Office" and inclusion of the Property within the Miami-Dade County Urban Development Boundary (the "CDMP Application");

*WHEREAS*, the intent of the Applicant is to seek approval of the "CDMP Application" and intends, subject to the terms and conditions set forth below, to develop the Property with non-residential uses only (e.g., commercial/retail).

*IN ORDER TO ASSURE* the County that the representations made by the owner during consideration of the Application will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

**SW 172 Avenue Right of Way.** The Owner agrees, subject to the approval of the CDMP Application and subject to the approval of the Florida Department of Transportation ("FDOT") and the Miami-Dade County Public Works Department ("M-D PWD"), to dedicate to Miami-Dade County and construct, a seventy foot (70') wide right-of-way containing four (4), travel lanes - identified as SW 172 Avenue (the "Roadway Improvement"). The Owner further agrees that the Roadway Improvement shall be open to traffic prior to the issuance of any Certificates of Occupancy for permanent structures on the Property. The Roadway Improvement shall: extend SW 172 Avenue from the southern boundary of the Property to the northern boundary of the Property and be at the Owner's sole cost and expense.

**SW 172 Avenue Traffic Signal.** Prior to the approval of a final plat for the Property, the Owner shall submit a traffic signal warrant study for a traffic signal at SW 172 Avenue and SW 88 Street (the "SW 172 Avenue Traffic Signal"). If FDOT and M-D PWD concur that a traffic signal is warranted, the Owner shall be responsible to install

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(Public Hearing)

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A handwritten signature in black ink, enclosed within a hand-drawn circle.

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the traffic signal at the Owner's expense. A bond for the estimated cost of signal installation must be posted prior to final plat approval.

If FDOT or M-D PWD conclude that a signal is not warranted as a result of the proposed development on the Property at the time of final plat, the Owner shall pay its proportionate share of the cost of the SW 172 Avenue Traffic Signal. The Owner's level of contribution to the cost of the SW 172 Avenue Traffic Signal shall be determined by the M-D PWD Director prior to final plat approval; provided, however, this cost determination shall be based on the procedures memorialized in the M-D PWD Policy entitled "Participation Of Developers For Traffic Signals Installation" (dated/revised January 2, 2008), attached hereto as "Exhibit B".

**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the land covered by the proposed amendment, modification or release, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the

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(Public Hearing)

Section-Township-Range:  
Folio number:

Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**Authorization for Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or any successor municipal corporation) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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(Public Hearing)

Section-Township-Range:  
Folio number:

**Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns, including the Applicant, unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.

**Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Page Follows]

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(Public Hearing)

Section-Township-Range:  
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Page 4

Declaration of Restrictions  
Page 5

Signed, witnessed, executed and acknowledged this 26 day of FEB 2008

Witnesses:

Helene M Asch  
Print Name: Helene M Asch

Virginia Donahue  
Print Name: Virginia Donahue

BLOOM FAMILY INVESTMENTS, LTD.,  
a Florida limited partnership

By: LCRS BLOOM INVESTMENTS, INC.,  
a Florida corporation as sole managing  
general partner

By: Lauri Bloom  
Lauri Bloom, President

STATE OF FLORIDA  
COUNTY OF ~~MIAMI-DADE~~

Palm Beach

The foregoing instrument was acknowledged before me this 26 day of FEB 2008 by Lauri Bloom, President, LCRS Bloom Investments, Inc., a Florida corporation as sole managing general partner of Bloom Family Investments, Ltd., a Florida limited partnership who is personally known to me or produced FCDL as identification.

Helene M Asch

Notary Public, State of Florida  
at large  
My Commission Expires



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Section-Township-Range:  
Folio number:

(Public Hearing)

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

All that part of Tracts 53, 60 and 61 lying South and West of North Kendall Drive right-of-way in Section 31, Township 54 South, Range 39 East, according to the plat thereof of "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", recorded in Plat Book 2, at Page 3, of the Public Records of Miami-Dade County, Florida.

Tract 59 of Section 31, Township 54 South, Range 39 East, "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", according to the plat thereof, recorded in Plat Book 2, Page, 3, of the Public Records of Miami-Dade County, Florida.

All of tract 43 lying South of North Kendall Drive, and all of Tract 54, less right-of-way for North Kendall Drive, in Section 31, Township 54 South, Range 39 East, according to the plat thereof of "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", recorded in Plat Book 2, page 3 of the Public Records of Miami-Dade County, Florida. Containing 1,671,598 square feet or 38.37 acres, more or less. And the street dedications shown on the above described property.

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(Public Hearing)

Section-Township-Range:  
Folio number:

Book26405/Page3402      CFN#20080445422

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Approved

**EXHIBIT "B"**

Effective: January 2, 2008

  
\_\_\_\_\_  
Esther L. Calas, P.E., Director  
Public Works Department**PARTICIPATION OF DEVELOPERS  
FOR TRAFFIC SIGNALS INSTALLATION****PURPOSE:**

The purpose of this procedure is to provide guidance to the developers in order to identify conditions that require installation of a new traffic signal, modification of an existing signal, or a contribution towards the future installation of a new traffic signal based on the development impact on the existing signals or major intersections, within or surrounding the developments.

**ROAD IMPACT FEE CREDIT:**

The costs associated with this policy shall be deemed as an "on-site" improvement; therefore, it will not be eligible for consideration as "a contribution in lieu of payment of Road Impact Fee."

The exception to this policy applies to only those cases, where previous contributions have been made to finance said improvement. As such, the developer will be entitled to the Road Impact Fee credit to the extent of the contribution amount received by the Public Works Department (PWD) for that installation.

**THE AMOUNT OF CONTRIBUTION FOR FUTURE INSTALLATIONS:**

The amount of the contribution required is based on a complete signal installation as of the effective date of this policy is ~~\$200,000.00~~. This amount is based on the current average cost for the installation of signals by contracts. This amount may be adjusted from time to time, based on the current average cost of signal installation by the contractors.

**PAYMENT OF CONTRIBUTIONS:**

Developers are required to submit payments to the Chief of Land Development Division, in the amount of the contribution payable to the Miami-Dade County Board of County Commissioners prior to final plat approval.

**SIGNAL JUSTIFICATION AND INSTALLATION:**

Developers are required to submit a traffic study report, which must be signed and sealed by a State of Florida Registered Professional Engineer, justifying the need for such an installation either at partial completion or at build-out year.

Should the study identify the need for such a signal installation, the developers, upon obtaining the necessary approvals and permits from PWD, shall proceed with the traffic signal construction at the appropriate time. Once the signal installation is completed and approved by PWD, the traffic signal will be accepted, maintained, and owned by PWD.

Revised 01-02-2008



**DESIGN CRITERIA AND RIGHT-OF-WAY REQUIREMENTS:**

The design and installation or modification of all traffic signals and other roadway improvements shall be based on all applicable County, State, and Federal standards.

The roadway geometrics and the signalization shall be designed as directed by the PWD in such a manner as to eliminate, or minimize, at the Department's discretion, the detrimental effect of the signal and of the development in general, on the public. Such requirements may include dedicating additional rights-of-way to the adjacent roadways, adding multiple lanes approaching and departing from the signalized intersection, or adding free-flow RT movements, etc.

**DEDICATION OF INTERSECTION**

Developers are required to dedicate to the County the signalized intersection and one road that connects the intersection to the County's roadway network to eliminate jurisdictional confusion regarding maintenance of the signal by PWD on private property.

**CONDITION NO. 1: SIGNAL WARRANTED AS A RESULT OF THE DEVELOPMENT**

When the property boundaries for a new development abut any corner of an intersection, a section or a half-section-line road or a major arterial highway, and the traffic study identifies the need for the signal, the affected developer shall be required to install the traffic signal, even if the project is limited to a single quadrant. The implementation of the signal may be required at considerable completion or a complete build-out of the development. The developer shall submit the signal plan to the Traffic Engineering Division for review and approval, and proceed with the signal installation through a Miami-Dade County licensed contractor upon obtaining the required permits from appropriate agencies.

Since the developer is required to install the signal due to a direct impact from the development, contributions will not be accepted by PWD for this condition.

**CONDITION NO. 2: SIGNAL WARRANTED INDEPENDENTLY OF THE DEVELOPMENT**

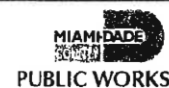
When the property boundaries for a new development abut any corner of an intersection, a section or a half-section-line road or a major arterial highway, and the traffic study identifies the need for the signal, independently of the upcoming development, the cost of the installation shall be financed entirely by the County.

Should the developer desire an expeditious installation, the Director may authorize the developer to proceed with the installation of the signal and authorize Road Impact Fee credits to cover the cost.

**CONDITION NO. 3: SIGNAL NOT WARRANTED AT THE TIME OF THE DEVELOPMENT**

When the property boundaries for a new development abut any corner of an intersection, a section or a half-section-line road or a major arterial highway, and the traffic study identifies that a traffic signal is not warranted at the time the land is being developed or at complete build-out,

Revised 01-02-2008





the developer's required traffic study report, signed and sealed by a State of Florida Registered Professional Engineer, should state that the intersection does not meet the signal warrants as stipulated in the *Manual on Uniform Traffic Control Devices*, by the Federal Highway Administration, U.S. Department of Transportation.

Nonetheless, when the property boundaries for a new development abut any corner of an intersection, of a section or a half-section-line road or a major arterial highway, and such intersection does not warrant a traffic signal based on either the future conditions at partial completion or complete build-out of the development, the developer is required to contribute ~~\$50,000.00~~, (25% of the \$200,000.00 cost) for each quadrant being developed. This contribution will be utilized by PWD for the future installation of the signal.

#### **CONDITION NO. 4: SIGNAL WITHIN THE DEVELOPMENT**

In those cases where a new signal is required as per MUTCD by PWD staff within the development boundaries, the developers of the project prompting said modifications or installation must assume the full cost of the improvements. This case applies uniformly even if the roadway is not a full or a half-section-line road.

The installation of the traffic signal will be the developer's sole responsibility and the developer will not be entitled to any Road Impact Fee credit. Upon obtaining the necessary approvals and permits from PWD, the developer shall proceed with the traffic signal construction. Once the signal installation is completed and approved by the PWD, the traffic signal will be accepted, maintained, and owned by the PWD.

#### **CONDITION NO. 5: SIGNAL MODIFICATION**

When the property boundaries for a new development abut any corner of an intersection, of a section or a half-section-line road or a major arterial highway, and such intersection is signalized but modifications are required as a result of the development's impact, the developers of the project prompting said modifications must assume the full cost of the improvements. This case applies uniformly, even if the roadway is not a full or a half-section-line road.

The traffic signal modification will be the developer's sole responsibility and the developer will not be entitled to any Road Impact Fee credit. Upon obtaining the necessary approvals and permits from PWD, the developer shall proceed with the traffic signal modification. Once the signal modification is completed and approved by the PWD, the traffic signal will be accepted, maintained, and owned by the PWD.

#### **ENFORCEMENT OF THE POLICY:**

This policy applies to all zoning and platting actions and building permit applications. Staff is required to enforce the conditions of this policy by adding the requirements on all pertinent applications.

Revised 01-02-2008





**RESOLUTION NO. CZAB11-11-10**

*WHEREAS*, KENDALL INVESTORS 172 L. L. C. applied for the following:

GU to BU-1A

**SUBJECT PROPERTY:** All of Tract 59, and all of Tract 43, lying south of North Kendall Drive and all of Tract 54, less the right-of-way for North Kendall Drive, and all that part of Tracts 53, 60 and 61, lying south and west of North Kendall Drive right-of-way all in Section 31, Township 54 South, Range 39 East, MIAMI EVERGLADES LAND COMPANY SUBDIVISION, Plat book 2, Page 3.

**LOCATION:** Lying south of S.W. 88 Street and lying on both sides of theoretical S.W. 172 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 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 had requested a waiver of the re-filing period, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. **Administrative Site Plan Review.** That subject to the limitations set forth below, prior to the issuance of a building permit for any building within the Property, the Owner shall obtain approval of a site plan (the "Site Plan") from the Department of Planning and Zoning (the "Department") in accordance with Section 33-251.5 of the Code of Miami-Dade County, whether or not such approval would otherwise be required by Section 33-251.5 or any other provision of the Code.
  - A. That the Site Plan shall depict the proposed improvements on the Property, but may show out parcels for future development in accordance with the Code. Future development of such out parcels will not be subject to any additional site plan review that may be required pursuant to Paragraph 1 of this Declaration, but will be subject to all applicable Code provisions in effect at the time of the development of the out parcels.
  - B. That no building over two (2) stories in height may be located any closer than fifty feet (50') from the Property's southern boundary.
  - C. That no building over two (2) stories in height may be located any closer than twenty feet (20') from the Property's western boundary, unless the adjacent property is re-designated to a non-residential category on the Land Use Plan map of the County's Comprehensive Development Master Plan and rezoned to a non-residential zoning classification, unless, in compliance with the Code of Miami-Dade County, the Director approves a lesser setback during the site plan review.

- D. That the Owner shall set aside and maintain as a landscaped area the southern fifteen (15') feet of the Property, where the Property abuts the TND zoned area to the south, lying east of SW 172<sup>nd</sup> Avenue, except where adjacent to a stormwater retention area (the "Landscaped Buffer"). That the Owner shall build or install, as applicable, the following within the Landscaped (except that pedestrian access to and from the property to the south through the Landscaped Buffer may also be permitted in accordance with the provisions of the County Code): (a) a six foot high wall, which wall shall be installed along the outside line (i.e., adjacent to the TND zoned area) of the Buffer; and (b) a row of trees, of such species as may be approved by the Department, which shall be planted at a minimum height of twelve (12) to fourteen (14) feet, and not farther than twenty-five (25) feet on center. The wall and the required landscaping shall be installed by the Owner prior to the issuance of a certificate of occupancy for any retail or office building located east of SW 172<sup>nd</sup> Avenue. The Landscaped Buffer may also be occupied by pedestrian walkways.
- E. That the Owner shall incorporate within the right-of-way for SW 172<sup>nd</sup> Avenue a pedestrian path or sidewalk to physically connect the Property with the adjacent TND to the south. In addition, as may be permitted under the provisions of the Code without the need to secure a variance from the requirements of the Code, the Owner shall provide a minimum of three (3) pedestrian/bicycle access points along the southern boundary of the Property, where the Property abuts the TND zoned property to the south. Moreover, in an effort to enhance vehicular connectivity to the south, but subject to the approval of the Public Works Department, the consent of the adjacent property owner, and the provisions of this Declaration, the Owner agrees to provide an additional vehicular driveway east of SW 172<sup>nd</sup> Avenue.
- F. That nothing in this paragraph shall require the Owner to obtain site plan approval for the development of the Property prior to the approval of a boundary tentative plat and final plat may include any required lake/retention area tracts or utility tracts.
2. **Use Restrictions.** That the Owner agrees to develop the Property with non-residential uses. Nothing in this paragraph shall be interpreted to prohibit the development of a hotel, hospital, adult congregate living facility or clinic.
3. **Dedication and Construction of SW 172 Avenue.** That subject to the approval of the Florida Department of Transportation ("FDOT") and the County's Public Works Department ("PWD"), the Owner agrees to dedicate to the County and construct, a seventy foot (70') wide right-of-way, containing four (4) travel lanes – to be identified as SW 172<sup>nd</sup> Avenue (the "Roadway Improvement"). That the Owner further agrees that the Roadway Improvement shall be open to traffic prior to the issuance of any Certificates of Occupancy for permanent structures on the Property. The Roadway Improvement shall extend SW 172<sup>nd</sup> Avenue from the southern

boundary of the Property to the northern boundary of the Property and be at the Owner's sole cost and expense.

4. **SW 172 Avenue Traffic Signal.** That prior to the approval of a final plat for the Property, the Owner shall submit to FDOT and PWD a traffic signal warrant study to evaluate the feasibility of a traffic signal at SW 172<sup>nd</sup> Avenue and SW 88<sup>th</sup> Street (the "SW 172 Avenue Traffic Signal"). If FDOT and the PWD concur that a traffic signal is warranted, the Owner shall be responsible to install the traffic signal at the Owner's expense. A bond for the estimated cost of signal installation must be posted prior to final plat approval.

That if FDOT or the PWD conclude that a signal is not warranted at the time of final plat as a result of the proposed development of the Property at the time of final plat, the Owner shall nonetheless pay its proportionate share of the cost of any future SW 172 Avenue Traffic Signal. The Owner agrees to contribute toward payment of the cost of such a SW 172 Avenue Traffic signal at a level that shall be determined by the PWD Director prior to final plat approval; provided, however, that this cost determination shall be based on the procedures memorialized in the PWD's Policy Statement entitled "Participation of Developers for Traffic Signals Installation," dated/revised January 2, 2008, a copy of which is attached to this Declaration as "Exhibit B."

5. That the Owner shall comply with all of the applicable conditions, requirements, recommendations and requests of the various departments as contained in the Departmental Memoranda, which are part of the May 26, 2010 DIC record of the application, except as may be amended by the DIC Executive Council at its meeting on May 26, 2010, and attached hereto as Composite Exhibit "C", which conditions, requirements, recommendations and requests may be later adjusted, waived or modified by the applicable department.

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 and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to BU-1A would be compatible with the Comprehensive Development Master Plan and would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be

approved, and that the proffered Declaration of Restrictions should be accepted, and that the request to waive the re-filing period should be granted, and

*WHEREAS*, a motion to accept the proffered Declaration of Restrictions, to approve the application, and to grant the waiver of the re-filing period was offered by Lleana R. Vazquez, seconded by Joseph E. Delaney, and upon a poll of the members present the vote was as follows:

Joseph E. Delaney	aye	Lleana R. Vazquez	aye
Beatrice Suarez	aye	Jeffery Wander	aye
		Patricia G. Davis	aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary change to BU-1A be and the same is hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that the request to waive the re-filing period be and the same is hereby granted, and that the re-filing is hereby waived.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*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 changes and 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 14<sup>th</sup> day of July, 2010.


Hearing No. 10-7-CZ11-1  
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, 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 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-11-10 adopted by said Community Zoning Appeals Board at its meeting held on the 14<sup>th</sup> day of July, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

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# **APPLICATION NO. 3** **STANDARD AMENDMENT APPLICATION**

<u><b>Applicant</b></u>	<u><b>Applicant's Representative</b></u>
RAM Development Company 4801 PGA Blvd Palm Beach Gardens, Florida 33418	Juan J. Mayol, Esq., Joseph G. Goldstein, Esq., Tracy R. Slavens, Esq., Holland & Knight LLP 701 Brickell Avenue, Suite 3000 Miami, Florida 33131 (305) 374-8500 (305) 789-7799 (fax)

## Requested Amendment to the CDMP

1. Redesignate Parcel A ( $\pm 67.89$  gross acres) of the overall application site  
From: Low-Medium Density Residential (6-13 dwelling units per gross acres)  
To: Business and Office

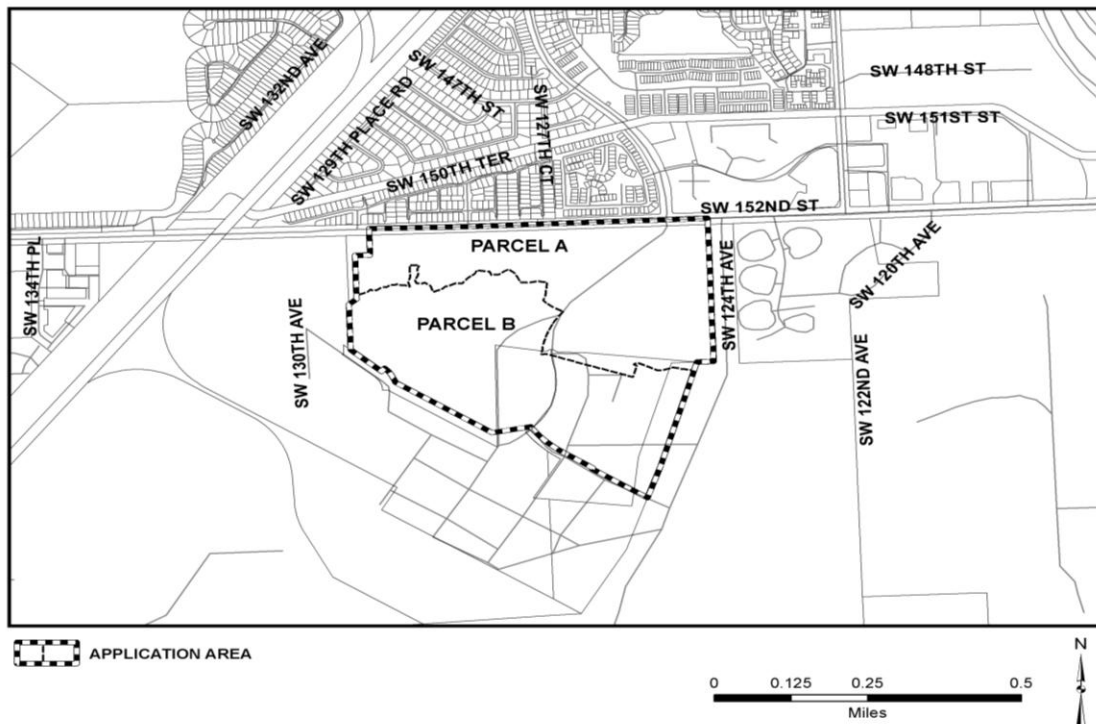
Release current Declaration of Restrictions governing the overall application site ( $\pm 141.57$  gross acres); and

2. Revise the Restrictions Table in the Land Use Element on page I-74.1 of the CDMP, as necessary, to include the new proffered Declaration of Restrictions, if accepted and adopted by the Board.

Location: Southwest corner of SW 124 Avenue and SW 152 Street

Acreage: Application area:  $\pm 141.57$  Gross Acres

Acreage Owned by Applicant: 0 Net Acres



## Notes:

1. This page is not part of the Application that was filed by the applicant
2. The Disclosure of Interest published herein contains only those applicable pages; all others were deleted.

**APPLICATION FOR AN AMENDMENT TO THE  
LAND USE PLAN MAP OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

RAM Development Company  
4801 PGA Blvd.  
Palm Beach Gardens, Florida 33418

2. APPLICANT'S REPRESENTATIVES

Juan J. Mayol  
Joseph G. Goldstein  
Tracy R. Slavens  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131  
(305) 374-8500  
(305) 789-7799 (fax)

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PLANNING  
NETWORKING SECT

By: 	<u>10-28-11</u>
Juan J. Mayol	Date
By: 	<u>10-28-11</u>
Joseph G. Goldstein	Date
By: 	<u>10-28-11</u>
Tracy R. Slavens	Date

3. DESCRIPTION OF REQUESTED CHANGE

A. The following changes to the Land Use Element Land Use Plan Map and Text are being requested:

1. A Change to the Land Use Element, Land Use Plan Map. The Applicant requests a change to the Land Use Element, Land Use Plan Map to re-designate a portion of the subject property from "Low-Medium Density Residential" to "Business and Office."

2. Release of Declaration of Restrictions Recorded in Official Records Book 23413 at Page 1477 in the Public Records of Miami-Dade County, Florida. The Applicant requests a release of that certain Declaration of Restrictions Recorded in Official Records Book 23413 at Page 1477 in the Public Records of Miami-Dade County, Florida.
3. Add Proffered Declaration of Restrictions, if accepted by the Commission, to the Land Use Element Table Titled "Restrictions Accepted by the BCC in Associate with a Land Use Plan Map Amendment."

B. Description of the Subject Area.

The subject property, which is legally described in Exhibit "A" (the "Property") consists of approximately 141.57± gross acres of land located in Sections 25 and 26, Township 55, Range 39, in unincorporated Miami-Dade County. More specifically, the subject property is located at the southwest corner of SW 152 Street and SW 124 Avenue, in unincorporated Miami-Dade County, Florida. The portion of the subject property that the Applicant seeks to re-designate from "Low-Medium Density Residential" to "Business and Office" (the "Business Parcel") is legally described in Exhibit "B."

C. Acreage.

Subject Application Area: 141.57± gross acres (137.89± net acres)  
Business Parcel Area: 67.89± gross acres (64.21± net acres)  
Acreage Owned by Applicant: 0± net acres

D. Requested Change.

It is requested that a portion of the subject property be re-designated on the Land Use Plan map from "Low-Medium Density Residential" to "Business and Office." In addition, the Applicant requests the release of the Declaration of Restrictions recorded in Official Records Book 23413 at Page 1477 of the Public Records of Miami-Dade County, Florida, as it applies to the entirety of the subject Property, and the acceptance of a new Declaration of Restrictions on the Property.

4. REASONS FOR AMENDMENT

The Property is ideally situated for the development and operation of a well-planned, mixed-use, commercial and residential community, which is the intent of this application. It is located at the southwest corner of the intersection formed by SW 152 Street and SW 124 Avenue, west of the main entrance to the ZooMiami complex. The Property is adjacent to (on the south side of) Coral Reef Drive (SW 152 Street), between and with easy access to two of the County's principal north-south thoroughfares: SW 137 Avenue and the Homestead Extension of Florida's Turnpike (the "HEFT"). The ZooMiami Entertainment Area, which is planned to significantly expand its

entertainment options with a family entertainment center, water park, arcade and hotels, over the next decade, is located to the south of the Property.

Despite its great location, the Property has been significantly underutilized and the area underserved by commercial opportunities. The owner of the Property, the University of Miami ("UM"), has operated the Property as a small, largely underdeveloped, research facility for decades (since the 1980s). Meanwhile, the area surrounding the Property has grown exponentially. According to the United States Census, Metropolitan Statistical Area ("MSA") 6.2, which contains the Property, had a population of 67,648 in 1990, 125,812 in 2000, and 141,341 in 2010. The Department of Planning and Zoning estimates that the population in MSA 6.2 will increase to 156,195 by 2015 and 169,957 by 2025. At the same time, MSA 6.2 is anticipated to have only 3.8 acres of commercial land per 1,000 of its estimated 2020 population. This is significantly lower than the availability of commercially-designated land countywide in 2020, which is estimated to be 5.8 acres of commercially-designated acres per 1,000 of estimated population. Moreover, the majority of the commercially designated acreage within MSA 6.2 is not near the application area, but rather is clustered along North Kendall Drive. Therefore, this area is clearly underserved from a commercial standpoint. Needless to say, as a further justification, this project will also provide much needed temporary and permanent employment opportunities in a county that currently suffers from an unemployment rate of 12.5% (August 2011).

### Background

The University of Miami acquired the Property over many decades, starting in the 1940s, and has operated it as a research facility associated with its Medical School until very recently. About ten years ago, UM concluded that its student body would benefit from centralizing operations and educational opportunities at its Coral Gables and Medical School (City of Miami) campuses, thus rendering this South Campus, as the Property is called, available for other uses and opportunities. During the early part of this decade, UM determined that it would attempt to develop and sell the Property and explored opportunities to encourage it to become a traditional neighborhood development. To accomplish that goal, UM applied for and obtained an amendment to the CDMP to designate the Property "Low-Medium Density Residential" (the "2004 Amendment"). As part of that process, UM also proffered a Declaration of Restrictions (recorded in Official Records Book 23413 at Page 1477 of the Public Records of Miami-Dade County, Florida; the "2004 Declaration") which provided, among other things, that the Property would be developed as a traditional neighborhood development ("TND"), consisting of up to 1,200 residential units, a civic/town center, retail space, and offices. The 2004 Declaration also committed to providing a site for a public library and a 4 acre public school site.

Unfortunately, market conditions and the zoning limitations associated with the TND have made it clear to UM that a TND was not a viable development alternative. These zoning restrictions governing housing types, access and the size and scale of the retail and business uses were found to be too restrictive to satisfy the demand to serve the market needs. As a result, the Property has remained underdeveloped and underutilized. This application seeks to expand the land use flexibility of the Property in order to develop it with an appropriate mix of uses. A "Business and Office" designation on the Business Parcel would grant the Applicant the ability to develop

the Property with an appropriate mix of neighborhood and community serving retail and office uses at an appropriate intensity to satisfy the needs of the surrounding neighborhoods. The remainder of the Property would still be developed with appropriate residential uses consistent with the "Low-Medium Density" category, as well as the library and school. After considerable research, UM has concluded that a well-planned and designed, mixed-use project on the Property would better serve the needs of the community and selected the Applicant to proceed with that opportunity. Therefore, UM and the Applicant entered into an agreement for the Applicant to purchase the Property and authorized the Applicant to proceed with this request to redesignate a portion of the Property, release the 2004 Declaration and provide a new Declaration of Restrictions.

#### Location, Accessibility and Surrounding Area

The Property is located in an area that can accommodate the proposed changes. It is easily accessed from SW 152 Street, a major south Miami-Dade County east-west corridor that connects two of the most significant north-south arterials in west Miami-Dade County. SW 152 Street is a six-lane roadway with a full interchange at the HEFT, just to the east of the Property. SW 137 Avenue is configured as a six-lane divided roadway to the west of the Property and runs as a continuous arterial serving west Miami-Dade from the terminus of SR 836 (at approximately NW 12 Street) south to SW 200 Street. Based on its location and level of accessibility and infrastructure, the Property is well-suited for "Business and Office" uses.

The Property is surrounded by a variety of diverse uses. ZooMiami and the Gold Coast Railroad Museum, both operated by the Miami-Dade County Parks and Recreation Department, are located to the east and south of the Property. The United States Government owns land used for various purposes to the east, south, and southwest of the Property. The land immediately west of the Property is owned by Miami-Dade County. Further to the west, there are a number of businesses located at the intersection of SW 152 Street and NW 137 Avenue. There is more "Low-Medium Density" residential development to the north of the Property, across the six-lane SW 152 Street. A shopping center known as the Deerwood Town Center is located just to the east of those residential uses, at the northeast corner of SW 152 Street and SW 122 Avenue. Clearly, the proposed "Business and Office" designation on the Business Parcel is consistent with and complementary to the surrounding land uses. The Property is also in close proximity to the Community Urban Center node located at the intersection of SW 152 Street and SW 137 Avenue, which promotes a wide variety and integration of uses both horizontally and vertically, as well as to the commercial uses at SW 152 Street and SW 122 Avenue.

The development of "Business and Office" use on the Business Parcel would help accommodate the County's projected economic and population growth and would create a commercial corridor in southwest Miami-Dade County with excellent access and connections to the surrounding communities. All public services and facilities required to serve the Property are available or can be made available, including transit services. Metrobus Route 252 Coral Reef MAX, which services stops at the Property every 30 minutes, and the Property is within a half mile of the Route 137 West Dade Connection, which stops at the intersection of SW 152 Street and SW 137 Avenue every 15 minutes.



### Statistical and Demographic Support Data

The Property is located within the heart of Minor Statistical Area 6.2. MSA 6.2 is bounded by N. Kendall Drive on the north, SW 117 Avenue to the east, SW 184 Street to the south, and SW 187 Avenue to the west. Approximately one third of the land within MSA 6.2 is outside of the Urban Development Boundary and the Kendall-Tamiami Executive Airport also lies within this MSA, thereby further reducing the amount of developable land within the area. As noted, the Department of Planning and Zoning estimates that MSA 6.2 had a population of 141,341 in 2010 and will increase to 156,195 by 2015, and 169,957 by 2025.

This area of southwest Miami-Dade County has generally been underserved by true commercial/retail use, in comparison to the rest of Miami-Dade County. The SW 137 Avenue corridor has evolved into a principal arterial supporting the West Kendall neighborhood, but a localized need for neighborhood/community-serving commercial use persists, particularly in the Richmond Heights neighborhood. As noted above, MSA 6.2 is anticipated to have only 3.8 acres per 1,000 of its estimated 2020 population. This is significantly lower than the availability of commercially-designated land countywide in 2020, which is estimated to be 5.8 acres of commercially-designated acres per 1,000 of estimated population. The subject Property is one of only three vacant properties within the area that is greater than 10 acres in size and appropriately located on a major roadway that is not already designated for commercial use.

In addition, new development would create much needed construction and permanent jobs at a time when the County's unemployment rate is at approximately 12.5% (August 2011). The \$48.6 million spent on labor during the development period for the mixed-use project would be sufficient to pay the average annual wages and salaries of approximately 780 Miami-Dade County construction workers. Once completed, the proposed retail center is expected to provide jobs for approximately 700 workers on a full-time equivalent basis. These workers, many of whom may live within the market area or the Perrine and Richmond Heights areas to the east, will earn approximately \$17.5 million annually (2011 Constant Dollars).

The redesignation of the Property to "Business and Office" would serve to meet the existing shortfall and the anticipated increased demands of the area residents, satisfying the CDMP directive that all communities be self-sufficient to the maximum possible extent.

### Natural Resources Preservation

The Department of Environmental Resources Management ("DERM") has identified approximately 46± acres of high quality pineland and hammock on the Property. In connection with the 2004 Amendment, the boundaries of these areas were established and agreed to by DERM and UM pursuant to a delineation agreement. UM and the Applicant intend to preserve the NFC areas generally in compliance with those agreed-upon boundaries. However, it has been recognized that the passage of time may justify some minor revisions to these delineated boundaries. In that regard, UM and the Applicant have been meeting with DERM staff to finalize the boundaries that would benefit from preservation. UM and the Applicant further acknowledge that a management plan, which may include the need for controlled burnings, may

be required in association with any future development and will incorporate these considerations into its future site planning.

#### Impacts on School Facilities

In connection with the 2004 Amendment and in order to ensure Miami-Dade County Public Schools educational facilities concurrency, a Declaration of Restrictions in Favor of the School Board of Miami-Dade County, Florida was recorded at Official Records Book 26135 at Page 3385 in the Public Records of Miami-Dade County, Florida (the "School Board Declaration"). The covenants made by the Applicant pursuant to the School Board Declaration included a) the donation of four (4) acres of land for a public school site and b) a limitation of the maximum residential density for the Property of 1,200 dwelling units.

#### Consistency and Compatibility with CDMP Goals, Objectives and Policies

Given its location, the redesignation of the Property to "Business and Office" would be compatible with existing land uses in the area and an appropriate amendment in furtherance of the goals and objectives of the CDMP. By contrast, the current Future Land Use Plan map limitations would yield an underdevelopment of the land that is contrary to Policy LU-1C and Policy LU-10A of the Goals and Objectives of the CDMP Land Use Element. Policy LU-1C states, in relevant part, that "the County shall give priority to infill development on vacant sites in currently urbanized areas" and Policy LU-10A states that "Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas... to promote energy conservation."

Accordingly, approval of the requested Amendment would further implementation of the following CDMP policies:

LAND USE OBJECTIVE 1: The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

LAND USE POLICY 1B: Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers, and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.

LAND USE POLICY 1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

LAND USE POLICY 1G: Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

LAND USE OBJECTIVE LU-7: Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

LAND USE POLICY LU-7I: Miami -Dade County will review development incentives to encourage higher density, mixed-use and transit-oriented development at or near existing and future transit stations and corridors.

LAND USE OBJECTIVE 8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan Map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY 8B: Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

LAND USE OBJECTIVE LU-9: Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well designed buildings.

LAND USE POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

LAND USE OBJECTIVE 10: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems.



LAND USE POLICY 10A: Miami-Dade County shall facilitate continuous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed use projects to support energy conservation.

LAND USE CONCEPT 5: Minimize consumption of energy for transportation purposes and the amount of air pollution from transportation sources by encouraging a more compact urban form.

LAND USE CONCEPT 9: Promote development of concentrated activity centers of different sizes and character to provide economies of scale and efficiencies of transportation and other services for both the public and private sectors.

LAND USE CONCEPT 10: Redirect higher density development towards activity centers or areas of high countywide accessibility.

LAND USE CONCEPT 11: Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

LAND USE CONCEPT 13: Avoid excessive scattering of industrial or commercial employment locations.

EDUCATIONAL ELEMENT OBJECTIVE 2: The County shall coordinate new residential development with the future availability of public school facilities consistent with the adopted level of service standards for public school concurrency, to ensure the inclusion of those projects necessary to address existing deficiencies in the 5-year schedule of capital improvements, and meet future needs based upon achieving and maintaining the adopted level of service standards throughout the planning period.

Based on the foregoing, the Applicants believe that the approval of this application would be an appropriate change improvement to the future land use and will help to satisfy the deficiency of commercial land within the Southwest Miami-Dade County Area.

5. ADDITIONAL MATERIAL SUBMITTED

Additional information, which includes a Traffic Analysis for the Property, will be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attachments: Legal Description of Subject Property – Exhibit "A"  
Legal Description of "Business and Office" Property – Exhibit "B"  
Location Map for Application – Exhibit "C"  
Disclosure of Interest Form – Exhibit "D"

Aerial Photograph – Exhibit "E"  
Section Sheet – Exhibit "F"  
Commercial Needs Analysis - Exhibit "G"  
2004 Declaration - Exhibit "H"  
Draft Declaration of Restrictions - Exhibit "I"

## **EXHIBIT "A"**

### **Legal Description of Subject Property:**

A portion of Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1190.00 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue S87°29'21"W for 144.39 feet; thence S16°48'45"W for 1097.40 feet; thence run S19°30'47"W for 326.90 feet (said last mentioned 3 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida); thence run N58°51'13"W for 554.90 feet; thence run N31°08'47"E for 12.58 feet; thence N58°51'13"W for 284.32 feet to a Point of Tangency of a circular curve concave to the Northeast; thence run Northwesterly along the arc of a circular curve to the right, having a radius of 1025.32 feet and a central angle of 22°13'44", for an arc distance of 397.80 feet; thence S80°00'00"W for 337.22 feet; thence N58°51'16"W for 973.96 feet to a point on the next described curve concave to the southwest (said point being on the arc of a circular curve and lying S73°51'04"W from the radius point of the next described curve); thence run Northwesterly along the arc of a circular curve concave to the Southwest, having a radius of 283.84 feet and a central angle of 35°02'38", for an arc distance of 173.61 feet; thence S38°48'26"W for 40.00 feet; thence N51°11'33"W for 341.34 feet; thence N01°55'14"W for 456.21 feet; thence N51°36'37"E for 87.05 feet; thence N01°55'14"W for 436.30 feet; thence N88°04'30"E, along a line 255.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 26, for 130.00 feet; thence N01°55'14"W for 200.00 feet; thence N88°04'30"E, along a line 55.00 feet South of and parallel with, as measured at right angles to, the said North line of Section 26, for 1454.94 feet; thence N87°29'25"E, along a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 25, for 1461.49 feet; thence S02°06'48"E for 1380.03 feet to the POINT OF BEGINNING, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

Said Lands Containing 137.89 Net Acres, more or less.

Said Lands Containing 141.57 Gross Acres, more or less.

## EXHIBIT "B"

### Legal Description of "Business and Office" Property:

A portion of Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1190.00 feet to the POINT OF BEGINNING of the following described "Commercial Parcel;" thence continue S87°29'21"W for 144.39 feet; thence S16°48'45"W for 87.30 feet; thence N81°03'29"W for 200.01 feet; thence S45°58'26"W for 13.77 feet; thence S71°47'35"W for 60.35 feet; thence S88°00'17"W for 46.59 feet; thence N65°57'54"W for 185.28 feet; thence S66°51'18"W for 43.00 feet; thence S81°35'41"W for 32.89 feet; thence S17°13'33"W for 114.33 feet; thence N72°42'25"W 781.22 feet; thence S80°16'28"W, along a line radial to the next described curve, for 40.00 feet to a point on the next described circular curve concave to the East; thence run Northerly along the arc of a circular curve to the right, having a radius of 710.73 and a central angle of 37°40'54", for an arc distance of 467.42 feet; thence N59°17'44"W for 40.04 feet to a Point of Tangency with a circular curve concave to the Northeast; thence run Northwesterly along the arc of a circular curve to the right, having a radius of 412.56 feet and a central angle of 23°10'47", for an arc distance of 166.91 feet; thence N24°39'07"E for 45.13 feet; thence N05°50'16"E for 137.67 feet; thence N81°03'08"W for 68.76 feet; thence S85°24'04"W for 32.88 feet; thence S80°52'51"W for 67.91 feet; thence N86°23'57"W for 57.35 feet; thence N27°44'00"W for 50.78 feet; thence N32°39'07"W for 63.63 feet; thence N55°26'40"W for 58.65 feet; thence S59°45'56"W for 43.43 feet; thence S55°22'41"W for 52.50 feet; thence S84°11'38"W for 66.39 feet; thence N23°07'12"W for 37.61 feet; thence N84°19'51"W for 58.83 feet; thence N81°01'39"W for 48.70 feet; thence S29°47'40"W for 37.43 feet; thence S49°33'37"W for 41.43 feet; thence S60°13'23"W for 36.87 feet; thence S39°29'11"W for 73.66 feet; thence N89°19'00"W for 64.06 feet; thence S66°43'40"W for 39.29 feet; thence S69°53'27"W for 49.28 feet; thence S52°07'12"W for 48.90 feet; thence S72°59'51"W for 69.90 feet; thence N20°49'07"W for 62.11 feet; thence N56°11'51"W for 60.41 feet; thence S68°29'39"W for 33.11 feet; thence N80°09'44"W for 41.92 feet; thence N22°49'01"W for 31.14 feet; thence; thence N28°14'53"E for 51.82 feet; thence N11°34'00"E for 16.40 feet; thence N07°15'29"W for 50.75 feet; thence N24°01'23"E for 39.70 feet; thence S85°32'51"W for 83.28 feet; thence S08°31'24"E for 27.58 feet; thence S01°38'06"W for 32.56 feet; thence S01°43'26"E for 44.78 feet; thence S10°56'17"W for 70.56 feet; thence S18°46'11"E for 39.40 feet; thence S89°47'41"W for 13.22 feet; thence N62°10'16"W for 25.63 feet; thence N89°53'21"W for 35.89 feet; thence N68°57'37"W for 27.39 feet; thence S88°05'14"W for 24.79 feet; thence S64°52'56"W for 2.59 feet; thence S84°42'21"W for 42.74 feet; thence S60°54'26"W for 42.77 feet; thence S86°03'08"W for 44.52 feet; thence S53°58'07"W for 46.26 feet; thence S85°18'33"W for 39.98 feet; thence N57°12'22"W for 16.93 feet; thence S48°41'09"W for 37.63 feet; thence S69°29'33"W for 78.63 feet; thence S31°52'32"W for 24.16 feet; thence N01°55'14"W for 436.30 feet; thence N88°04'30"E, along a line 255.00 feet south of and parallel with, as measured at right angles to, the North line of said Section 26, for 130.00 feet; thence N01°55'14"W for 200.00 feet to a point on the Southerly Right-of-Way line of S.W. 152nd

Street (Coral Reef Drive); thence N88°04'30"E, along the said Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive) for 1454.94 feet; thence N87°29'25"E, along the said Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive) for 1461.49 feet; thence S02°06'48"E for 1380.03 feet to the POINT OF BEGINNING, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

Said Lands Containing 64.21 Net Acres, more or less.

Said Lands Containing 67.89 Gross Acres, more or less.

## EXHIBIT "C"

### **LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

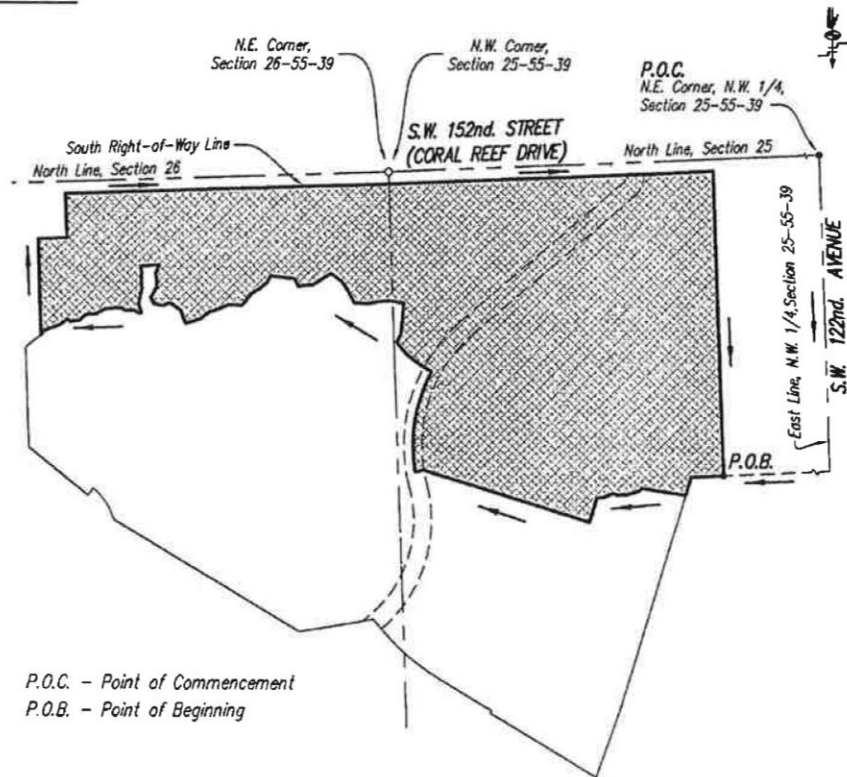
#### APPLICANT / REPRESENTATIVE

RAM Development Company / Juan J. Mayol, Joseph G. Goldstein & Tracy R. Slavens

#### DESCRIPTION OF SUBJECT AREA

The Property consists of approximately  $\pm 141.57$  gross acres ( $\pm 137.89$  net acres) of land located in Sections 25 and 26, Township 55, Range 39, in unincorporated Miami-Dade County, Florida. The Applicant owns the entirety of the subject property. The Property, located on the southwest corner of SW 152 Street and SW 124 Avenue, is more specifically described in Exhibit "A" to this application and the portion of the Property that the Applicant seeks to redesignate to "Business and Office" is more specifically described in Exhibit "B" to this application.

#### LOCATION MAP



#10637122\_v7

LEGAL DESCRIPTION:

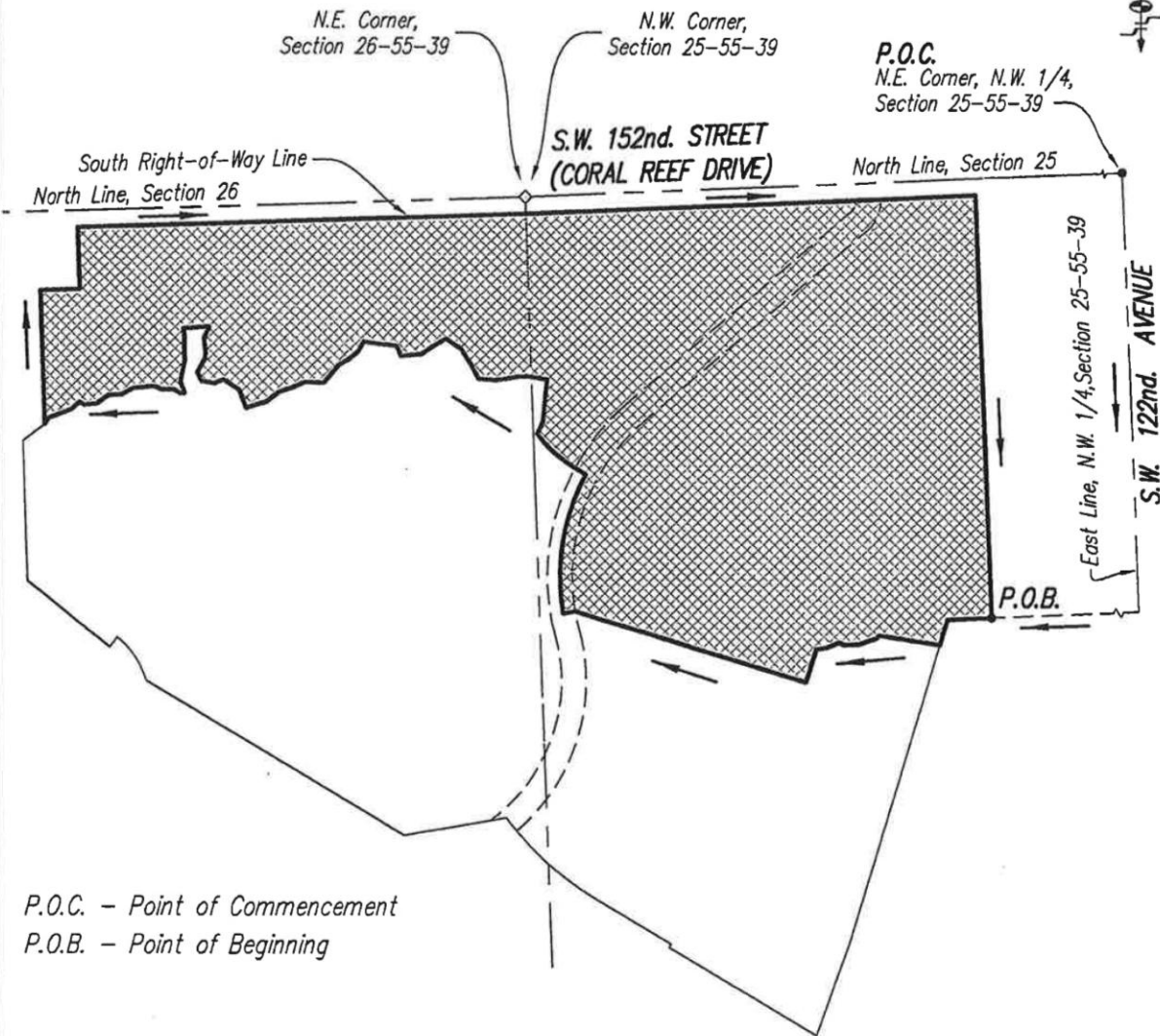
OVERALL PARCEL

A portion of Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1190.00 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue S87°29'21"W for 144.39 feet; thence S16°48'45"W for 1097.40 feet; thence run S19°30'47"W for 326.90 feet (said last mentioned 3 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida); thence run N58°51'13"W for 554.90 feet; thence run N31°08'47"E for 12.58 feet; thence N58°51'13"W for 284.32 feet to a Point of Tangency of a circular curve concave to the Northeast; thence run Northwesterly along the arc of a circular curve to the right, having a radius of 1025.32 feet and a central angle of 22°13'44", for an arc distance of 397.80 feet; thence S80°00'00"W for 337.22 feet; thence N58°51'16"W for 973.96 feet to a point on the next described curve concave to the southwest (said point being on the arc of a circular curve and lying S73°51'04"W from the radius point of the next described curve); thence run Northwesterly along the arc of a circular curve concave to the Southwest, having a radius of 283.84 feet and a central angle of 35°02'38", for an arc distance of 173.61 feet; thence S38°48'26"W for 40.00 feet; thence N51°11'33"W for 341.34 feet; thence N01°55'14"W for 456.21 feet; thence N51°36'37"E for 87.05 feet; thence N01°55'14"W for 436.30 feet; thence N88°04'30"E, along a line 255.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 26, for 130.00 feet; thence N01°55'14"W for 200.00 feet; thence N88°04'30"E, along a line 55.00 feet South of and parallel with, as measured at right angles to, the said North line of Section 26, for 1454.94 feet; thence N87°29'25"E, along a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 25, for 1461.49 feet; thence S02°06'48"E for 1380.03 feet to the POINT OF BEGINNING, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
COMMERCIAL PARCEL**

Scale: 1"=500'



P.O.C. - Point of Commencement  
P.O.B. - Point of Beginning

NOTE: Prepared For: RAM REALTY SERVICES

**Schwebke-Shiskin & Associates, Inc.**  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025

TEL: BROWARD: (954) 435-7010 FAX: (954) 438-3288

(LB-87)

THIS IS NOT A "LAND SURVEY."

ORDER NO.: 199230

DATE: October 27, 2011

SHEET 1 OF 2 SHEET(S)

F.B.: N.A.

PREPARED UNDER MY SUPERVISION:

MARK STEVEN JOHNSON SEC'Y-TREAS.  
FLORIDA PROF. LAND SURVEYOR NO. 4775





**SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
COMMERCIAL PARCEL**

**LEGAL DESCRIPTION:**

**Commercial Parcel**

A portion of Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1190.00 feet to the POINT OF BEGINNING of the following described "Commercial Parcel;" thence continue S87°29'21"W for 144.39 feet; thence S16°48'45"W for 87.30 feet; thence N81°03'29"W for 200.01 feet; thence S45°58'26"W for 13.77 feet; thence S71°47'35"W for 60.35 feet; thence S88°00'17"W for 46.59 feet; thence N65°57'54"W for 185.28 feet; thence S66°51'18"W for 43.00 feet; thence S81°35'41"W for 32.89 feet; thence S17°13'33"W for 114.33 feet; thence N72°42'25"W 781.22 feet; thence S80°16'28"W, along a line radial to the next described curve, for 40.00 feet to a point on the next described circular curve concave to the East; thence run Northerly along the arc of a circular curve to the right, having a radius of 710.73 and a central angle of 37°40'54", for an arc distance of 467.42 feet; thence N59°17'44"W for 40.04 feet to a Point of Tangency with a circular curve concave to the Northeast; thence run Northwesterly along the arc of a circular curve to the right, having a radius of 412.56 feet and a central angle of 23°10'47", for an arc distance of 166.91 feet; thence N24°39'07"E for 45.13 feet; thence N05°50'16"E for 137.67 feet; thence N81°03'08"W for 68.76 feet; thence S85°24'04"W for 32.88 feet; thence S80°52'51"W for 67.91 feet; thence N86°23'57"W for 57.35 feet; thence N27°44'00"W for 50.78 feet; thence N32°39'07"W for 63.63 feet; thence N55°26'40"W for 58.65 feet; thence S59°45'56"W for 43.43 feet; thence S55°22'41"W for 52.50 feet; thence S84°11'38"W for 66.39 feet; thence N23°07'12"W for 37.61 feet; thence N84°19'51"W for 58.83 feet; thence N81°01'39"W for 48.70 feet; thence S29°47'40"W for 37.43 feet; thence S49°33'37"W for 41.43 feet; thence S60°13'23"W for 36.87 feet; thence S39°29'11"W for 73.66 feet; thence N89°19'00"W for 64.06 feet; thence S66°43'40"W for 39.29 feet; thence S69°53'27"W for 49.28 feet; thence S52°07'12"W for 48.90 feet; thence S72°59'51"W for 69.90 feet; thence N20°49'07"W for 62.11 feet; thence N56°11'51"W for 60.41 feet; thence S68°29'39"W for 33.11 feet; thence N80°09'44"W for 41.92 feet; thence N22°49'01"W for 31.14 feet; thence; thence N28°14'53"E for 51.82 feet; thence N11°34'00"E for 16.40 feet; thence N07°15'29"W for 50.75 feet; thence N24°01'23"E for 39.70 feet; thence S85°32'51"W for 83.28 feet; thence S08°31'24"E for 27.58 feet; thence S01°38'06"W for 32.56 feet; thence S01°43'26"E for 44.78 feet; thence S10°56'17"W for 70.56 feet; thence S18°46'11"E for 39.40 feet; thence S89°47'41"W for 13.22 feet; thence N62°10'16"W for 25.63 feet; thence N89°53'21"W for 35.89 feet; thence N68°57'37"W for 27.39 feet; thence S88°05'14"W for 24.79 feet; thence S64°52'56"W for 2.59 feet; thence S84°42'21"W for 42.74 feet; thence S60°54'26"W for 42.77 feet; thence S86°03'08"W for 44.52 feet; thence S53°58'07"W for 46.26 feet; thence S85°18'33"W for 39.98 feet; thence N57°12'22"W for 16.93 feet; thence S48°41'09"W for 37.63 feet; thence S69°29'33"W for 78.63 feet; thence S31°52'32"W for 24.16 feet; thence N01°55'14"W for 436.30 feet; thence N88°04'30"E, along a line 255.00 feet south of and parallel with, as measured at right angles to, the North line of said Section 26, for 130.00 feet; thence N01°55'14"W for 200.00 feet to a point on the Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive); thence N88°04'30"E, along the said Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive) for 1454.94 feet; thence N87°29'25"E, along the said Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive) for 1461.49 feet; thence S02°06'48"E for 1380.03 feet to the POINT OF BEGINNING, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

Said Lands Containing 64.21 Net Acres, more or less.

Said Lands Containing 67.89 Gross Acres, more or less.

NOTE: Prepared For: RAM REALTY SERVICES

*Schwebke-Shiskin & Associates, Inc.*

LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025

TEL: BROWARD: (954) 435-7010 FAX: (954) 438-3288

(LB-87)

THIS IS NOT A "LAND SURVEY."

ORDER NO.: 199230

PREPARED UNDER MY SUPERVISION:

DATE: October 27, 2011

SHEET 2 OF 2 SHEET(S)

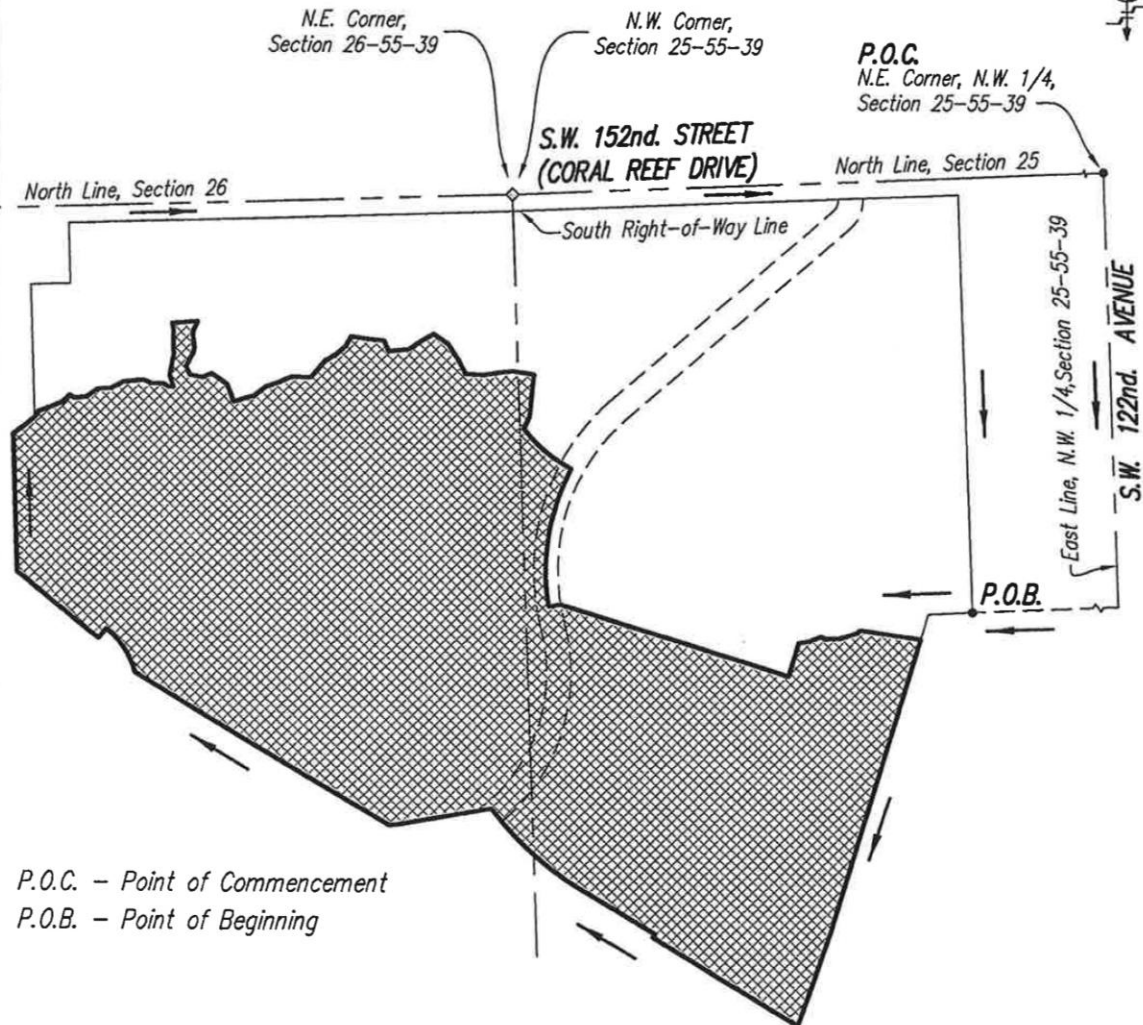
F.B.: N.A.

MARK STEVEN JOHNSON SEC'Y-TREAS.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

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**SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
NON-COMMERCIAL PARCEL**

Scale: 1"=500'



P.O.C. - Point of Commencement  
P.O.B. - Point of Beginning

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SHEET 1 OF 3 SHEET(S)

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## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

### LEGAL DESCRIPTION:

### NON-COMMERCIAL PARCEL

#### Non-Commercial Parcel

A portion of Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1190.00 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue S87°29'21"W for 144.39 feet; thence S16°48'45"W for 1097.40 feet; thence run S19°30'47"W for 326.90 feet (said last mentioned 3 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida); thence run N58°51'13"W for 554.90 feet; thence run N31°08'47"E for 12.58 feet; thence N58°51'13"W for 284.32 feet to a Point of Tangency of a circular curve concave to the Northeast; thence run Northwest along the arc of a circular curve to the right, having a radius of 1025.32 feet and a central angle of 22°13'44", for an arc distance of 397.80 feet; thence S80°00'00"W for 337.22 feet; thence N58°51'16"W for 973.96 feet to a point on the next described curve concave to the southwest (said point being on the arc of a circular curve and lying S73°51'04"W from the radius point of the next described curve); thence run Northwest along the arc of a circular curve concave to the Southwest, having a radius of 283.84 feet and a central angle of 35°02'38", for an arc distance of 173.61 feet; thence S38°48'26"W for 40.00 feet; thence N51°11'33"W for 341.34 feet; thence N01°55'14"W for 456.21 feet; thence N51°36'37"E for 87.05 feet; thence N01°55'14"W for 436.30 feet; thence N88°04'30"E, along a line 255.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 26, for 130.00 feet; thence N01°55'14"W for 200.00 feet; thence N88°04'30"E, along a line 55.00 feet South of and parallel with, as measured at right angles to, the said North line of Section 26, for 1454.94 feet; thence N87°29'25"E, along a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 25, for 1461.49 feet; thence S02°06'48"E for 1380.03 feet to the POINT OF BEGINNING, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, Less And Except Therefrom the "Commercial Parcel" described as follows:

A portion of Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows: Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1190.00 feet to the POINT OF BEGINNING of the following described "Commercial Parcel"; thence continue S87°29'21"W for 144.39 feet; thence S16°48'45"W for 87.30 feet; thence N81°03'29"W for 200.01 feet; thence S45°58'26"W for 13.77 feet; thence S71°47'35"W for 60.35 feet; thence S88°00'17"W for 46.59 feet; thence N65°57'54"W for 185.28 feet; thence S66°51'18"W for 43.00 feet; thence S81°35'41"W for 32.89 feet; thence S17°13'33"W for 114.33 feet; thence N72°42'25"W for 781.22 feet; thence S80°16'28"W, along a line radial to the next described curve, for 40.00 feet to a point on the next described circular curve concave to the East; thence run Northerly along the arc of a circular curve to the right, having a radius of 710.73 and a central angle of 37°40'54", for an arc distance of 467.42 feet; thence N59°17'44"W for 40.04 feet to a Point of Tangency with a circular curve concave to the Northeast; thence run Northwest along the arc of a circular curve to the right, having a radius of 412.56 feet and a central angle of 23°10'47", for an arc distance of 166.91 feet; thence N24°39'07"E for 45.13 feet; thence N05°50'16"E for 137.67 feet; thence N81°03'08"W for 68.76 feet; thence S85°24'04"W for 32.88 feet; thence S80°52'51"W for 67.91 feet; thence N86°23'57"W for 57.35 feet; thence N27°44'00"W for 50.78 feet; thence N32°39'07"W for 63.63 feet; thence N55°26'40"W for 58.65 feet; thence S59°45'56"W for 43.43 feet; thence S55°22'41"W for 52.50 feet; thence S84°11'38"W for 66.39 feet; thence N23°07'12"W for 37.61 feet; thence N84°19'51"W for 58.83 feet; thence N81°01'39"W for 48.70 feet; thence S29°47'40"W for 37.43 feet; thence S49°33'37"W for 41.43 feet; thence S60°13'23"W for 36.87 feet; thence S39°29'11"W for 73.66 feet; thence N89°19'00"W for 64.06 feet; thence S66°43'40"W for 39.29 feet; thence S69°53'27"W for 49.28 feet;

Continued...

NOTE: Prepared For: RAM REALTY SERVICES

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ORDER NO.: 199230

DATE: October 27, 2011

SHEET 2 OF 3 SHEET(S)

F.B.: N.A.

PREPARED UNDER MY SUPERVISION:

MARK STEVEN JOHNSON SEC'Y-TREAS.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

FILE: L55539\FAM REALTY 2011\Sketch Legals\FAM REALTY SKETCH LEGALS-OCT 2011.dwg

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
NON-COMMERCIAL PARCEL**

thence S52°07'12"W for 48.90 feet; thence S72°59'51"W for 69.90 feet; thence N20°49'07"W for 62.11 feet; thence N56°11'51"W for 60.41 feet; thence S68°29'39"W for 33.11 feet; thence N80°09'44"W for 41.92 feet; thence N22°49'01"W for 31.14 feet; thence; thence N28°14'53"E for 51.82 feet; thence N11°34'00"E for 16.40 feet; thence N07°15'29"W for 50.75 feet; thence N24°01'23"E for 39.70 feet; thence S85°32'51"W for 83.28 feet; thence S08°31'24"E for 27.58 feet; thence S01°38'06"W for 32.56 feet; thence S01°43'26"E for 44.78 feet; thence S10°56'17"W for 70.56 feet; thence S18°46'11"E for 39.40 feet; thence S89°47'41"W for 13.22 feet; thence N62°10'16"W for 25.63 feet; thence N89°53'21"W for 35.89 feet; thence N68°57'37"W for 27.39 feet; thence S88°05'14"W for 24.79 feet; thence S64°52'56"W for 2.59 feet; thence S84°42'21"W for 42.74 feet; thence S60°54'26"W for 42.77 feet; thence S86°03'08"W for 44.52 feet; thence S53°58'07"W for 46.26 feet; thence S85°18'33"W for 39.98 feet; thence N57°12'22"W for 16.93 feet; thence S48°41'09"W for 37.63 feet; thence S69°29'33"W for 78.63 feet; thence S31°52'32"W for 24.16 feet; thence N01°55'14"W for 436.30 feet; thence N88°04'30"E, along a line 255.00 feet south of and parallel with, as measured at right angles to, the North line of said Section 26, for 130.00 feet; thence N01°55'14"W for 200.00 feet to a point on the Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive); thence N88°04'30"E, along the said Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive) for 1454.94 feet; thence N87°29'25"E, along the said Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive) for 1461.49 feet; thence S02°06'48"E for 1380.03 feet to the POINT OF BEGINNING, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

Said Lands Containing 73.68 Acres Net, more or less.

NOTE: Prepared For: RAM REALTY SERVICES

*Schwabke-Shiskin & Associates, Inc.*  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

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(LB-87)

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ORDER NO.: 199230

PREPARED UNDER MY SUPERVISION:

DATE: October 27, 2011

SHEET 3 OF 3 SHEET(S)

F.B.: N.A.

Mark Steven Johnson  
MARK STEVEN JOHNSON SEC'Y-TREAS.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

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**EXHIBIT "D"**  
**DISCLOSURE OF INTEREST**

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

**1. APPLICANT(S) NAME AND ADDRESS:**

APPLICANT: Ram Development Company

4801 PGA Blvd.

Palm Beach Gardens, Florida 33418

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

**2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.**

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
		30-5926-000-0060	+/- 100.67
X	University of Miami	30-5926-000-0035	+/- 8.75
		30-5925-000-0015	+/- 23.67
		30-5925-000-0025	+/- 6.23

**3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2., above.**

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
X			X	

**4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.**

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.**

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

%

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: RAM DEVELOPMENT COMPANY

NAME, ADDRESS, AND OFFICE ( if applicable)      PERCENTAGE OF STOCK

Peter D. Cummings      100%

4801 PGA Blvd., Palm Beach Gardens, FL 33418

- c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: \_\_\_\_\_

BENEFICIARY'S NAME AND ADDRESS      PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_

- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS OF PARTNERS      PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_



persons) having the ultimate ownership interest in the aforementioned entity].

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
<u>Ram Development Company</u>	<u>See attached</u>

Date of Contract 8/1/2011

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

**RAM DEVELOPMENT COMPANY**  
a Florida corporation

By: Karen D. Geller  
Name: Karen D. Geller  
Title: Vice President

Sworn to and subscribed before me

this 25th day of October, 2011

Hercida Perez-Alvarez  
Notary Public, State of Florida at Large (SEAL)

My Commission Expires:

2-26-2013



Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more FMGM than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

## EXHIBIT D-1

### Disclosure of Interest information for Ram Development Company:

Peter D. Cummings	Sole shareholder
Keith L. Cummings	President
David A. Dean	Vice President/Treasurer
Karen D. Geller	Vice President
Ivy Z. Greaner	Vice President
Michael R. Hammon	Vice President
Hugo Pacanins	Vice President
Robert M. Skinner	Vice President
James W. Stine	Vice President
Betty English	Secretary

#10637142\_v1





CFN 20050539897  
OR Bk 23413 Pgs 1477 - 1503 (27pgs)  
RECORDED 05/26/2005 10:08:32  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:  
Name: Clifford A. Schulman, Esq.  
Address: Greenberg Traurig, P.A.  
1221 Brickell Avenue  
Miami, FL 33131

X/1

(Space reserved for  
Clerk)

### DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibits "A-1" to "A-3," inclusive, attached hereto, and hereinafter called the "Property"; and

WHEREAS, the United States Government ("U.S.") is the owner of the property described in Exhibits "B-1" and "B-2", attached hereto and hereinafter called the "U.S. Property"; and

WHEREAS, the Property and the U.S. Property are the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 10 of the April 2004-2005 Amendment Cycle ("CDMP Application"); and

WHEREAS, the Owner has sought a Land Use Plan Map amendment to change the designation of a portion of the Property from "Institutional and Public Facility" to "Office/Residential" ("Amendment Area A-1") and from "Institutional and Public Facility" to "Low-Medium Density Residential" on a portion of the Property and all of the U.S. Property ("Amendment Area A-2"); and

WHEREAS, a sketch reflecting the configurations of Amendment Area A-1 and Amendment Area A-2 is attached hereto as Exhibit "C"; and

25-55-39



(Public Hearing)

27

(Space reserved for Clerk)

WHEREAS, Owner intends to develop the Property as a mixed-use development including diverse residential densities, limited commercial and office uses, a public school and other amenities,

NOW, THEREFORE in order to assure Miami-Dade County ("the County") that the representations made by the Owner during consideration of the CDMP Application will be abided by the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions ("Declaration") covering and running with the Property:

1. Acquisition of U.S. Property and Conveyance of a Portion of the Property to the United States. (a) In the event Owner acquires the U.S. Property, Owner shall develop the Property and the U.S. Property under a common site plan or under multiple site plans with an integrated road network (the Property and the U.S. Property shall jointly hereinafter be referred to as the "Combined Properties"); (b) In the event a portion or portions of the Property are conveyed to the U.S. government (the "Conveyed Parcel(s)") on or before December 31, 2006, such Conveyed Parcel(s) shall not be encumbered by this Declaration. (For purposes of this Declaration, if the Conveyed Parcel(s) is conveyed to the United States, the term "Property", upon conveyance, shall mean the Property described in Exhibit "A" attached hereto, less the Conveyed Parcel(s) ). The Conveyed Parcel(s) shall be of the approximate size, configuration(s) and location(s) as the property reflected in Exhibits "D-1" to "D-4", inclusive, attached hereto. The approximate size and configuration(s) of the Conveyed

(Public Hearing)

(Space reserved for Clerk)

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Parcel(s) may be adjusted if requested by the U.S. government, but the total acreage conveyed shall not exceed 13 acres and the Conveyed Parcel(s) shall be confined to the approximate location reflected in Exhibit "D".

**2. Traditional Neighborhood Development.**

a) Subject to obtaining development approval of one of the zoning applications described in this Paragraph, the Property shall be developed in accordance with the requirements of Paragraph 1 and with a mix of residential, commercial and office uses, as well as other amenities. Such development shall occur either pursuant to the Traditional Neighborhood Development ("TND") zoning district regulations under Article XXXIIIH, Section 33-284.46 through 33-284.54 of the Zoning Code of Miami-Dade County ("Code"), as that article may be amended from time to time or pursuant to any other zoning district permitted by subparagraph (b) below. Any TND site plan approved shall incorporate a "town center" component. The "town center" shall contain a public school site, a public library site, and retail and office uses as permitted under the TND zoning district regulations.

b) Owner shall submit and diligently pursue a bona fide application for a district boundary change of the Property to TND. Any site plan submitted as part of such application shall meet the requirements of Paragraph 1, above. In the event the application for a zoning district boundary change to TND ("First TND Request") is not approved, Owner shall submit and pursue a second bona fide application for a zoning district boundary change to TND ("Second TND Request"). The Second TND request

(Public Hearing)

(Space reserved for Clerk)

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shall be materially different in design from the First TND Request and shall, to the extent practicable, address the County's concerns, if any, regarding the First TND Request. In the event that both the First TND Request and the Second TND Request are denied, Owner shall have the right apply for any zoning district boundary change or any combination of zoning district boundary changes permitted under the approved CDMP Land Use Designation(s) and the Code.

c) Any application for a TND zoning district boundary change shall include a request for a health and fitness center similar in concept to the existing UM Wellness Center and a request for a branch of UM's Institute for Retired Professionals (IRP). The size and location of the proposed health and fitness center and the IRP shall be subject to final site plan approval.

Nothing herein contained shall prevent Owner from seeking and obtaining any other approval available under the CDMP and the Code, either as a part of the First TND Request, the Second TND Request or any subsequent zoning application.

**2. Limitation of Residential Units and Commercial Uses.**

a) No more the 1,161 residential units shall be constructed on the Property and Owner shall not submit any site plan or seek any approval allowing more than 1,200 residential units on the Combined Properties. Further, Owner shall not submit any site plan or seek any approval allowing a density in excess of 9 residential units per gross acre on either the Property or Combined Properties. Density averaging shall be permitted for any development within the Property or Combined Properties. The

(Public Hearing)

(Space reserved for Clerk)

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residential units may be a combination of single-family, townhouse, multi-family units or any other residential unit type permitted under the CDMP and applicable zoning and other land use regulations.

b) Owner shall not submit any site plan or seek any approval for either the Property or Combined Properties reflecting more than fifteen per cent (15%) of the total commercial square footage fronting on S.W. 152<sup>nd</sup> Street (Coral Reef Drive).

3. **Donation of Public School and Public Library Sites.** In the event the Application is approved designating the Property or Combined Properties to Low-Medium Density Residential and a zoning application is subsequently approved permitting a residential development consistent with the approved designation, Owner shall offer to convey:

a) to the Miami-Dade County School Board ("School Board"), for use as a public school site, a parcel of land with the Property containing not less than four (4) gross acres ("Donated School Parcel"). Prior to the issuance of the first construction permit for any residential structure on any portion of the Property or Combined Property, Owner shall offer to convey the Donated School Parcel to the School Board, at no cost to the School Board and with no encumbrances preventing its use as a public school facility. In the event not less than 1,161 residential units are approved on the Property or not less than 1200 residential units are approved on the Combined Properties, the conveyance of the Donated Parcel shall not entitle the Owner or its successors and assigns to a credit against the amount of the educational facilities

(Public Hearing)

(Space reserved for Clerk)

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impact fee that may be assessed against the future development of the Property under Chapter 33K of the Miami-Dade County Code. In the event that less than 1,161 residential units are approved on the Property and less than 1200 residential units are approved on the Combined Properties, the Owner shall be entitled to credits against the amount of the educational facilities impact fees assessed against the future development of the Property or Combined Properties in accordance with the terms of a separate Declaration of Restrictions in favor of the School Board entered into between the Owner and the School Board, and

b) to the County, for use as a public library site, a parcel of land within the Property containing not less than 18,000 gross square feet of land ("Donated Library Parcel"). The Donated Library Parcel shall be offered to be conveyed to the County at no cost to the County and with no encumbrances preventing its use as a public library facility prior to the issuance of the first construction permit for any residential structure on any portion of the Property or Combined Properties.

5. **Natural Forest Community (NFC) Preservation.** In the event any portion of the Property or Combined Properties is designated a Natural Forest Community (NFC), Owner shall be responsible for and shall enter into an agreement with the Miami-Dade County Department of Environmental Resources Management ("DERM") for the perpetual maintenance, management and control of the NFC. In the event ownership of all or a portion of the NFC is transferred to the County, DERM, or any other local, state or public or governmental agency, Owner's obligation to maintain

(Public Hearing)

(Space reserved for Clerk)

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the NFC may be revised in accordance with the terms of said transfer, with the prior approval of DERM.

6. **Design Guidelines.** Owner shall cause the Property or Combined Properties to be developed in a manner that assures a high quality, unified development design in accordance with coordinated and cohesive design principles that incorporate the general guidelines contained in Exhibit "E" ("Design Guidelines"), whether the Property is developed as a single parcel or multiple parcels. At the time of the initial rezoning of all or part of the Property or Combined Properties from Interim ("GU") to any other zoning district, the Owner shall proffer a site plan for that portion of the Property or Combined Properties under said application which complies with the Design Guidelines, together with a recordable declaration of restrictive covenants in legally sufficient form acceptable to the Department and the County Attorney's Office requiring that development of the Property shall be substantially in accordance with the submitted site plan. In the alternative to proffering said site plan, the Owner, at its option, at the time of the initial rezoning may instead submit to the reviewing zoning board an architectural code or equivalent design standards governing the development of the Property, in accordance with the Design Guidelines provided in Exhibit "E," together with a recordable declaration of restrictive covenants in legally sufficient form acceptable to the Department and the County Attorney's Office requiring that development of the Property shall be substantially in accordance with the proffered standards, and shall record said declaration of restrictive covenants in the public

(Public Hearing)

(Space reserved for Clerk)

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records. Owner acknowledges that the County's acceptance of this Declaration shall in no way be deemed a waiver on the part of the County, its boards, or departments, to require future site plan or zoning approval for the development of the Property or Combined Properties or any portion thereof.

7. **Notice to Future Owners or Lessees.** Owner, its successors and assigns shall provide all initial future grantees or lessees of a residential unit, shopfront or workshop unit within any future TND or other development within the Property or Combined Properties a written notice, acknowledgement and waiver acknowledging that the Property or Combined Properties are located in the vicinity of Miami-Dade County MetroZoo and other future uses as reflected in the "Miami MetroZoo Master Plan and Further Development" ("MetroZoo Plan") prepared by the Portico Group for the Miami-Dade County Parks and Recreation Department, dated September 2002, as may be revised or substituted, and in the vicinity of a designated Natural Forest Community (NFC) which is subject to periodic controlled burnings to maintain the health and quality of protected pinelands. All initial contracts for sale and leases of any portion of the Property or Combined Properties shall contain the following statement:

"Grantee(s) (or Lessee (s)) hereby acknowledges and understands that the property which is the subject of this conveyance is located in the vicinity of the Miami-Dade County MetroZoo and other possible future public and recreational uses ("Public Uses"), as reflected in the "Miami MetroZoo Master Plan and Further Development"

(Public Hearing)



(Space reserved for Clerk)

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("MetroZoo Plan") prepared by the Portico Group for the Miami-Dade County Parks and Recreation Department, dated September 2002. Additionally, the property which is subject to this conveyance is located in the vicinity of a designated Natural Forest Community (NFC) which is subject to periodic controlled burnings to maintain the health and quality of protected pinelands. As a result, Grantee may be affected by noise and traffic generated by said Public Uses and smoke generated by the controlled burnings. By acknowledging this notice Grantee (or Lessee), its successors and assigns, hereby acknowledges and agrees that such existing or future Public Uses or controlled burnings do not constitute and shall not be deemed a nuisance by said Grantee (or Lessee).

8. **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

(Public Hearing)

(Space reserved for Clerk)

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9. **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, Owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

10. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality that amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications or releases of this Declaration shall be subject to

(Public Hearing)

(Space reserved for Clerk)

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Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

11. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

12. **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

(Public Hearing)

(Space reserved for Clerk)

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13. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

14. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

15. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

16. **Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and

(Public Hearing)

(Space reserved for Clerk)

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upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

17. **Acceptance of Declaration.** The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.

18. **Owner.** The term Owner shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]

(Public Hearing)

(Space reserved for Clerk)

**ACKNOWLEDGMENT CORPORATION**

Signed, witnessed, executed and acknowledged on this 6<sup>th</sup> day of May, 2005.  
IN WITNESS WHEREOF, Donna E. Shalala, has caused these presents to be signed  
in its name by its proper officials.

**Witnesses:**



Signature

Lucila F. MASCARO

Print Name

Signature

AILEEN M. UGAIDE

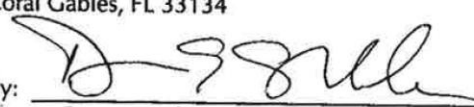
Print Name

\*

Address:

**UNIVERSITY OF MIAMI,**  
**a Florida non-profit corporation**  
1507 Levante Avenue, Suite 327  
Coral Gables, FL 33134

By:

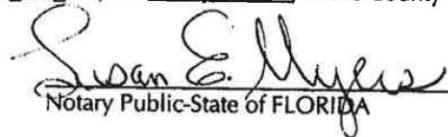
  
**Donna E. Shalala**  
**President**

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

**STATE OF FLORIDA**  
**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Donna E. Shalala, the **President** of the  
**UNIVERSITY OF MIAMI, a Florida non-profit corporation**, on behalf of the corporation. She is  
personally known to me.

Witness my signature and official seal this 6<sup>th</sup> day of May, 2005, in the County and State  
aforesaid.

  
Notary Public-State of FLORIDA

SUSAN MEYERS

Print Name

My Commission Expires:



Susan E. Myers  
MY COMMISSION # DD163318 EXPIRES  
February 23, 2007  
BONDED THRU TROY FARM INSURANCE, INC.

[F:\forms\1K16201\_DOC (5/6/05)]

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION Application Lands

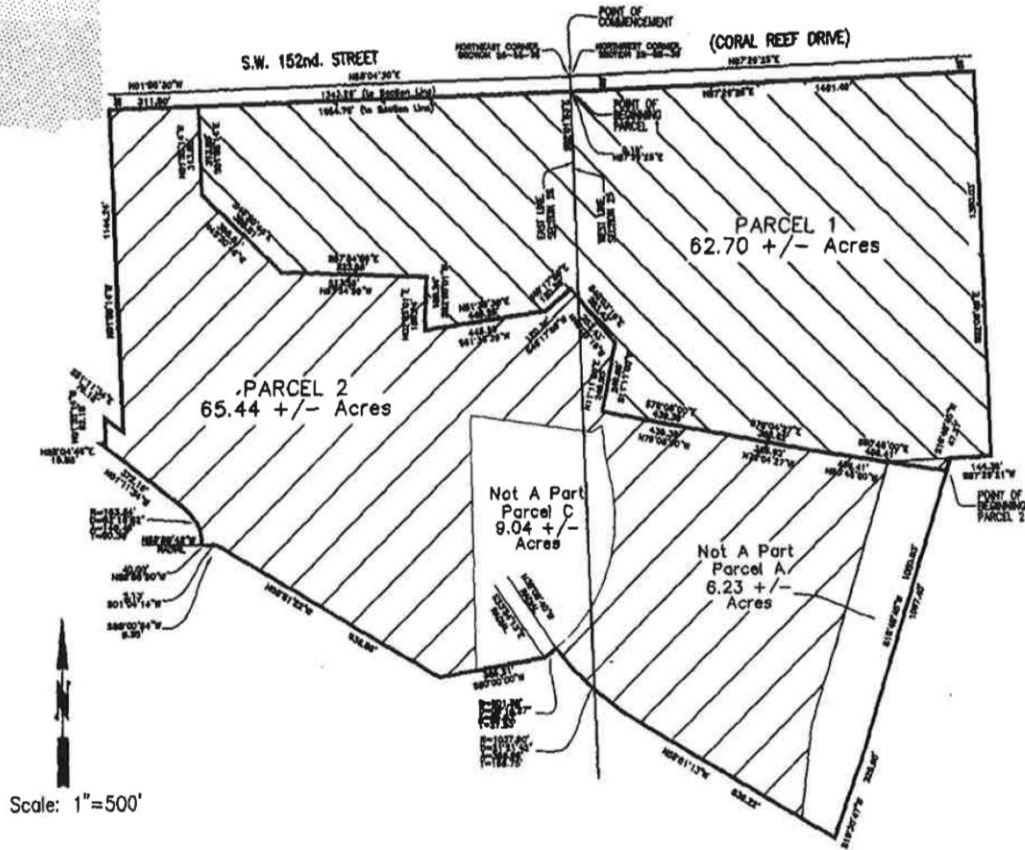


EXHIBIT A - 1

**NOTE:**

Bearings shown hereon relate to an assumed bearing (N87°29'25"E) along the North Line of Section 25, Township 55 South, Range 39 East, Miami-Dade County, Florida.

See Sheets 4 and 5 for Legal Description.

Prepared For: MAMCO

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)

LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 • DADE:(305)652-7010 BROWARD:(954)435-7010 FAX:(305)652-8284  
11941 S.W. 144th. STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

DATE: April 21, 2005

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

SHEET 1 OF 7 SHEET(S)

F.B.: N.A.

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION Application Lands

### Application Lands

#### Parcel 1

#### Legal Description:

A portion of the West Half (1/2) of Section 25, Township 55 South, Range 39 East, and a portion of the East Half (1/2) of Section 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 25; thence run South 02 degrees 01 minutes 53 seconds East, along the West line of said Section 25, for 55.00 feet to a point on a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 26 (said line also being the Southerly right-of-way line of S.W. 152nd Street), and the Point of Beginning of the following described PARCEL 1; thence run North 88 degrees 04 minutes 30 seconds East, along a line 55.00 feet South of and parallel with, as measured at right angles to, the said North line of Section 26, for 0.18 feet; thence North 87 degrees 29 minutes 25 seconds East, along a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 25, for 1,461.49 feet; thence South 02 degrees 06 minutes 48 seconds East for 1380.03 feet; thence South 87 degrees 29 minutes 21 seconds West, for 144.39 feet; thence South 16 degrees 48 minutes 45 seconds West for 47.37 feet (said last mentioned two courses being coincident with the boundary of a portion of the lands described in that certain "Dade County Zoo Parcel," as described in the Corrective Quit Claim Deed, dated September 30, 1975, recorded in Official Records Book 9159, Pages 926 to 937 and filed November 20, 1975, in the Public Records of Miami-Dade County, Florida); thence North 80 degrees 45 minutes 00 seconds East for 456.41 feet; thence North 79 degrees 04 minutes 27 seconds West for 365.62 feet; thence North 79 degrees 08 minutes 00 seconds West for 439.39 feet; thence North 11 degrees 11 minutes 00 seconds East for 249.95 feet; thence North 40 degrees 03 minutes 16 seconds West for 253.43 feet; thence South 49 degrees 17 minutes 59 seconds West for 120.36 feet; thence South 81 degrees 38 minutes 39 seconds West for 445.25 feet; thence North 02 degrees 05 minutes 01 seconds East for 189.24 feet; thence North 87 degrees 54 minutes 59 seconds West for 523.55 feet; thence North 45 degrees 20 minutes 46 seconds West for 395.81 feet; thence North 01 degrees 55 minutes 14 seconds West for 313.80 feet to a point on a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 26 (said line also being the Southerly right-of-way line of S.W. 152nd Street); thence North 88 degrees 04 minutes 30 seconds East, along the last described course, for 1343.26 feet to a point on the East line of said Section 26 and the Point of Beginning, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, containing 62.81 Acres, more or less.

#### NOTE:

See Sheet 1 for Sketch to Accompany Legal Description.

Prepared For: MAMCO

#### EXHIBIT A - 2

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 • DADE:(305)652-7010 BROWARD:(954)435-7010 FAX:(305)652-8284  
11941 S.W. 144th. STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

DATE: April 21, 2005

SHEET 4 OF 7 SHEET(S)

F.B.: N.A.

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775



## SKETCH TO ACCOMPANY LEGAL DESCRIPTION Application Lands

### Application Lands

#### Parcel 2

#### Legal Description:

A portion of the West Half (1/2) of Section 25, Township 55 South, Range 39 East, and a portion of the East Half (1/2) of Section 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 25; thence run South 02 degrees 01 minutes 53 seconds East, along the West line of said Section 25, for 55.00 feet to a point on a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 26 (said line also being the Southerly right-of-way line of S.W. 152nd Street); thence run North 88 degrees 04 minutes 30 East, along a line 55.00 feet South of and parallel with, as measured at right angles to, the said North line of Section 26, for 0.18 feet; thence North 87 degrees 29 minutes 25 seconds East, along a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 25, for 1,461.49 feet; thence South 02 degrees 06 minutes 48 seconds East for 1,380.03 feet; thence South 87 degrees 29 minutes 21 seconds West, for 144.39 feet; thence South 16 degrees 48 minutes 45 seconds West for 47.37 feet to the Point of Beginning of the following described PARCEL 2; thence continue South 16 degrees 48 minutes 45 seconds West for 1050.03 feet; thence South 19 degrees 30 minutes 47 seconds West for 326.90 feet (said last mentioned four courses being coincident with the boundary of a portion of the lands described in that certain "Dade County Zoo Parcel," as described in the Corrective Quit Claim Deed, dated September 30, 1975, recorded in Official Records Book 9159, Pages 926 to 937 and filed November 20, 1975, in the Public Records of Miami-Dade County, Florida); thence North 58 degrees 51 minutes 13 seconds West for 839.22 feet to a Point of Tangency of a circular curve concave to the Northeast; thence run Northwesterly along the arc of a circular curve to the right, having a radius of 1,037.90 feet and a central angle of 21 degrees 21 minutes 42 seconds, for an arc distance of 386.96 feet to a point on the next described curve being concave to the Northwest, said point lying South 39 degrees 08 minutes 40 West from the radius point of the next described curve (said last mentioned two courses being coincident with a line 20.00 feet North of and parallel with, as measured at right angles to, the centerline of "H" Street); thence run Southwesterly along the arc of a circular curve to the right, having a radius of 601.58 feet and 05 degrees 14 minutes 27 seconds, for an arc distance of 55.03 feet (said last mentioned course being coincident with the centerline of "B" Street); thence South 80 degrees 00 minutes 00 seconds West for 385.31 feet; thence North 58 degrees 51 minutes 22 seconds West for 1,095.51 feet; thence South 88 degrees 00 minutes 54 seconds West for 8.35 feet; thence South 01 degrees 04 minutes 14 seconds West for 2.13 feet; thence North 88 degrees 55 minutes 50 seconds West for 40.00 feet to a point on the next described circular curve being concave to the Southwest (from said point a line bears North 88 degrees 55 minutes 42 seconds West to the radius point of the next described curve); thence run Northerly and Northwesterly along the arc of a circular curve to the left, having a radius of 163.84 feet and a central angle of 52 degrees 15 minutes 52 seconds, for an arc distance of 149.45 feet to a Point of Tangency; thence North 51 degrees 11 minutes 34 seconds West for 372.16 feet; thence North 88 degrees 04 minutes 46 seconds East for 15.55 feet; thence North 01 degrees 55 minutes 14 seconds West for 92.18 feet; thence South 51 degrees 11 minutes 34 seconds East for 79.18 feet; thence North 01 degrees 55 minutes 14 seconds West for 1,144.24 feet; thence North 88 degrees 04 minutes 30 seconds East, along a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 26, for 311.50 feet; thence South 01 degrees 55 minutes 14 seconds East for 313.80 feet; thence South 45 degrees 20 minutes 46 seconds East for 395.81 feet; thence South 87 degrees 54 minutes 59 seconds East for 523.55 feet; thence South 02 degrees 05 minutes 01 seconds West for 189.24 feet; thence North 81 degrees 38 minutes 39 seconds East for 445.25 feet; thence North 49 degrees 17 minutes 59 seconds East for 120.36 feet; thence South 40 degrees 03 minutes 16 seconds East for 253.43 feet; thence South 11 degrees 11 minutes 00 seconds West for 249.95 feet; thence South 79 degrees 08 minutes 00 seconds East for 439.39 feet; thence South 79 degrees 04 minutes 27 seconds East for 365.62 feet; thence South 80 degrees 45 minutes 00 seconds East for 456.41 feet to the Point of Beginning, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, containing 80.71 Acres, more or less.

Less the following described parcels of land (See Sheets 6 & 7 for Legal Descriptions).

#### NOTE:

See Sheet 1 for Sketch to Accompany Legal Description.

Prepared For: MAMCO

#### EXHIBIT A - 3

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

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11941 S.W. 144th. STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

DATE: April 21, 2005

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

SHEET 5 OF 7 SHEET(S)

F.B.: N.A.

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION Parcel A

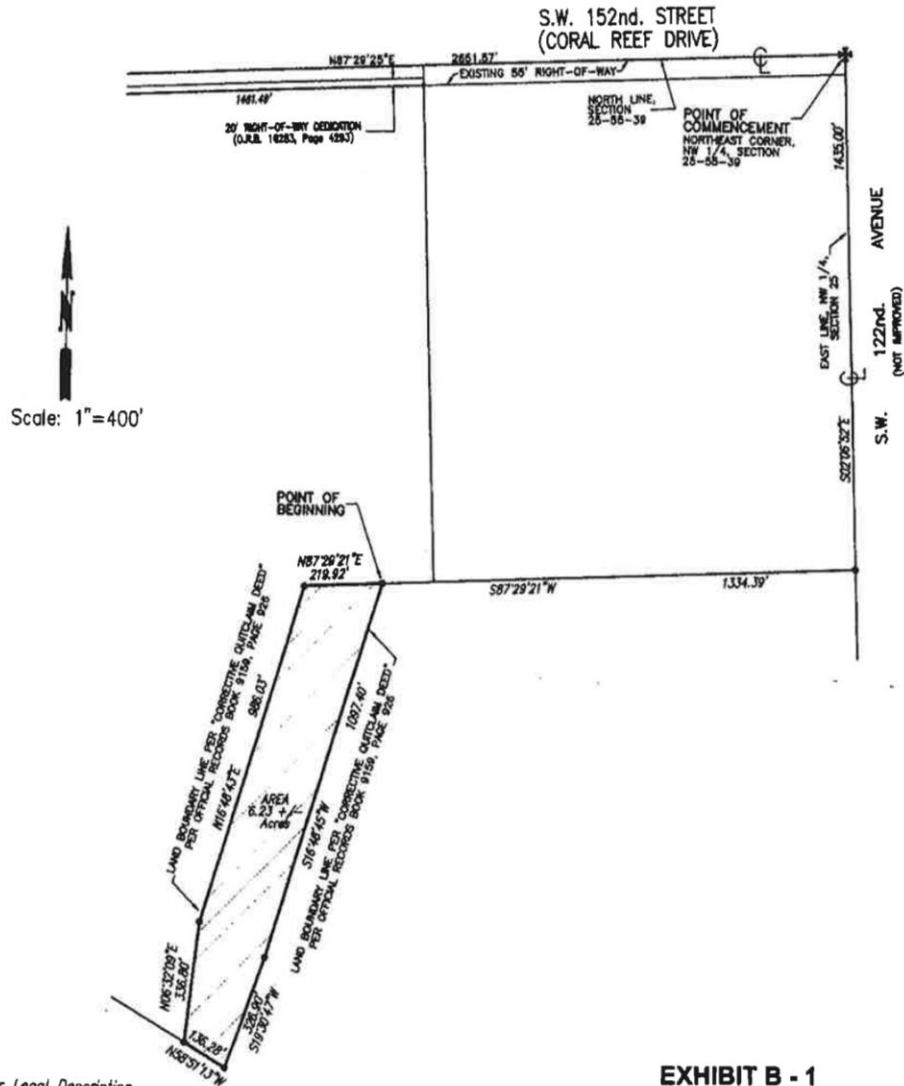


EXHIBIT B - 1

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05

**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS  
3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 • DADE:(305)652-7010 BROWARD:(954)435-7010 FAX:(305)652-8284  
11941 S.W. 144th. STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".  
ORDER NO.: 443712  
DATE: April 21, 2005  
SHEET 4 OF 13 SHEET(S)  
F.B.: N.A.

PREPARED UNDER MY SUPERVISION:  
  
MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION Parcel A

*Future Developable Lands To Be Transferred*

*Parcel A  
Legal Description:*

*A portion of the West 1/2 of Section 25, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:*

*Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1334.39 feet to the Point of Beginning of the following described parcel of land; thence run S16°48'45"W for 1097.40 feet; thence run S19°30'47"W for 326.90 feet (said last mentioned 2 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida); thence run N58°51'13"W for 136.28 feet; thence run N06°32'09"E for 336.80 feet; thence N16°48'43"E for 986.03 feet; thence N87°29'21"E for 219.92 feet to the Point of Beginning (said last mentioned 3 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida).*

NOTE:

See Sheet 4 for Sketch To Accompany Legal Description.

**EXHIBIT B - 2**

Prepared For: MAMCO

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 • DADE:(305)652-7010 BROWARD:(954)435-7010 FAX:(305)652-8284  
11941 S.W. 144th. STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

DATE: April 21, 2005

SHEET 5 OF 13 SHEET(S)

F.B.: N.A.

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION Parcel C

Future Developable Lands To Be Transferred

Parcel C  
Legal Description:

A portion of Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1334.39 feet to the Point of Beginning of the following described parcel of land; thence run S16°48'45"W for 1097.40 feet; thence run S19°30'47"W for 326.90 feet (said last mentioned 2 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida); thence run N58°51'13"W for 554.90 feet; thence run N31°08'47"E for 12.58 feet; thence N58°51'13"W for 284.32 feet to a Point of Tangency of a circular curve concave to the Northeast; thence run Northwest along the arc of a circular curve to the right, having a radius of 1025.32 feet and a central angle of 21°23'21", for an arc distance of 382.77 feet to the Point of Beginning of the following described parcel of land; thence continue Northwest along the last described curve to the right, having a radius of 1025.32 feet and a central angle of 00°50'23", for an arc distance of 15.03 feet; thence S80°00'00"W for 295.73 feet; thence N01°02'36"W for 870.10 feet; thence S81°49'02"E for 446.62 feet; thence N58°31'22"E for 36.57 feet; thence S88°53'50"E for 10.80 feet; thence S02°23'14"E for 36.62 feet to a point on the next described circular curve concave to the East (from said point a line bears N86°09'11"E to the radius point of the next described curve); thence run Southerly along the arc of a circular curve to the left, having a radius of 716.73 feet and a central angle of 11°02'55", for an arc distance of 69.32 feet to a Point of Reverse Curvature of a circular curve concave to the West; thence run Southerly and Southwesterly along the arc of a circular curve to the right, having a radius of 601.58 feet and a central angle of 64°33'12", for an arc distance of 677.78 feet to the Point of Beginning, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

NOTE:

See Sheet 6 for Sketch To Accompany Legal Description.

EXHIBIT B - 4

Prepared For: MAMCO

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 • DADE:(305)652-7010 BROWARD:(954)435-7010 FAX:(305)652-8284  
11941 S.W. 144th. STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

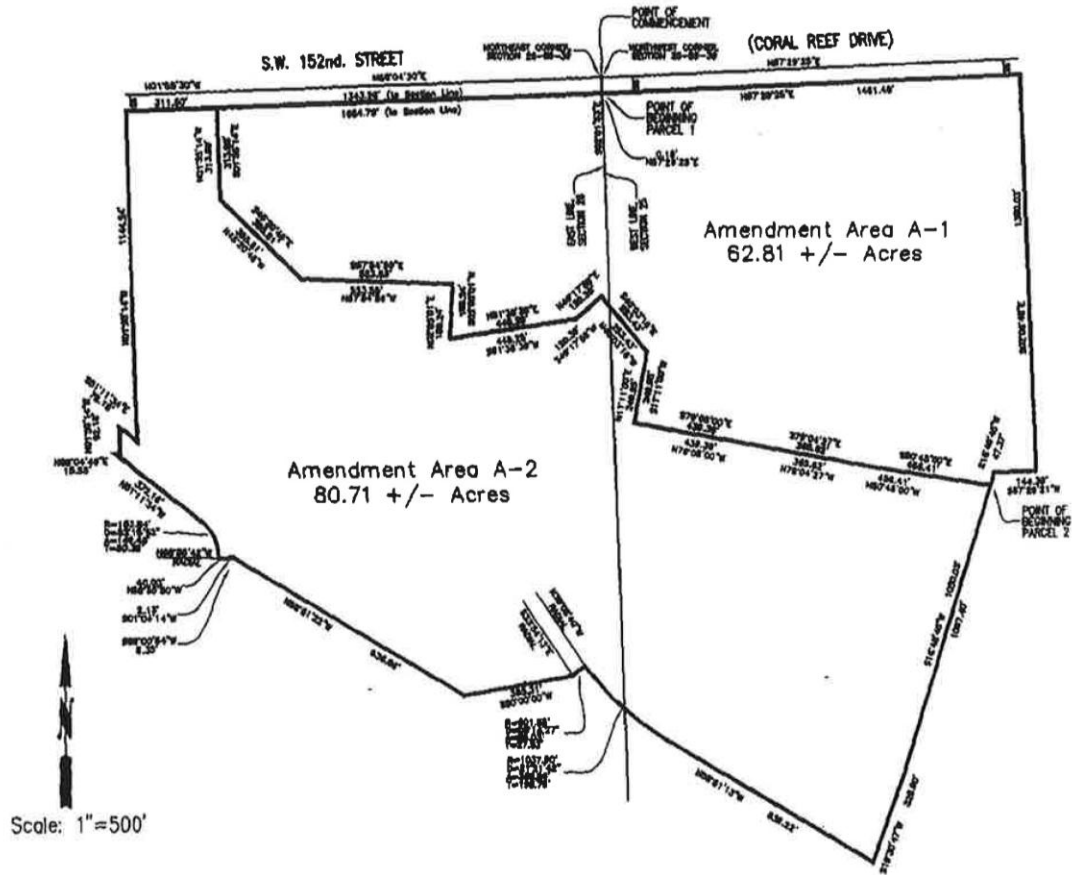
DATE: April 21, 2005

SHEET 7 OF 13 SHEET(S)

F.B.: N.A.

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



## EXHIBIT C

### NOTE:

Bearings shown hereon relate to an assumed bearing (N87°29'25"E) along the North Line of Section 25, Township 55 South, Range 39 East, Miami-Dade County, Florida.

See Sheets 2 and 3 for Legal Description.

Prepared For: MAMCO

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)

LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

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11941 S.W. 144th STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

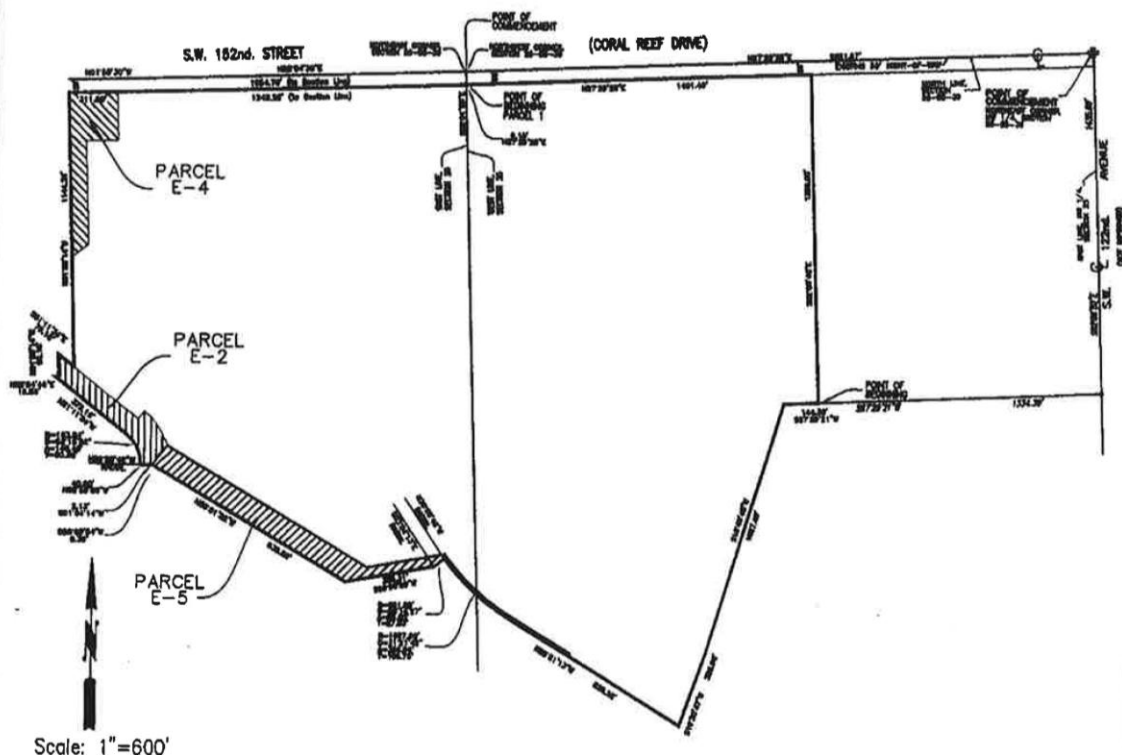
DATE: April 21, 2005

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

SHEET 1 OF 1 SHEET(S)

F.B.: N.A.

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION Conveyed Parcels



## EXHIBIT D - 1

### NOTE:

Bearings shown hereon relate to an assumed bearing (N87°29'25"E) along the North Line of Section 25, Township 55 South, Range 39 East, Miami-Dade County, Florida.

See Sheets x and x for Legal Description.

Prepared For: MAMCO

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

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11941 S.W. 144th STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

DATE: April 21, 2005

SHEET 1 OF 1 SHEET(S)

F.B.: N.A.

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION Less-Out Parcel E-2

Lands To Be Transferred To Federal Government

Less-Out Parcel E-2  
Legal Description:

A portion of the West 1/2 of Section 25, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1334.39 feet; thence run S16°48'45"W for 1097.40 feet; thence run S19°30'47"W for 326.90 feet (said last mentioned 2 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida); thence run N58°51'13"W for 554.90 feet; thence run N31°08'47"E for 12.58 feet; thence N58°51'13"W for 284.32 feet to a Point of Tangency of a circular curve concave to the Northeast; thence run Northwesterly along the arc of a circular curve to the left, having a radius of 1025.32 feet and a central angle of 22°13'44", for an arc distance of 397.80 feet; thence S80°00'00"W for 337.22 feet; thence N58°51'16"W for 973.96 feet to the Point of Beginning of the following described parcel of land (said point being on the arc of a circular curve and lying S73°51'04" W from the radius point of the next described curve); thence run Northwesterly along the arc of a circular curve concave to the Southwest, having a radius of 283.84 feet and a central angle of 35°02'38", for an arc distance of 89.61 feet; thence S38°48'26"W for 40.00 feet; thence N51°11'33"W for 420.52 feet; thence S01°55'14"E for 92.18 feet; thence S88°04'46"W for 15.55 feet; thence S51°11'33" East for 372.16 feet to a Point of Curvature; thence run Southeasterly and Southerly along the arc of a circular curve concave to the Southwest, having a radius 163.84 feet and a central angle 52°15'52", for an arc distance of 149.45 feet; thence S88°55'42"E, radial to the last described curve, for 40.00 feet; thence N01°04'14"E for 2.13 feet; thence N88°00'54"E for 8.35 feet; thence N36°57'37"E for 100.54 feet to the Point of Beginning, lying and being in Section 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

NOTE:

See Sheet 10 for Sketch To Accompany Legal Description.

Prepared For: MAMCO

EXHIBIT D - 2

File: RICHMOND-MAMCO/APPLICATION LEGALS 4--21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

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11941 S.W. 144th. STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

DATE: April 21, 2005

SHEET 11 OF 13 SHEET(S)

F.B.: N.A.

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION Less-Out Parcel E-4

Lands To Be Transferred To The Government

Less-Out Parcel E-4

Legal Description:

A portion of the West 1/2 of Section 25, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1334.39 feet; thence run S16°48'45"W for 1097.40 feet; thence run S19°30'47"W for 326.90 feet (said last mentioned 2 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida); thence run N58°51'13"W for 554.90 feet; thence run N31°08'47"E for 12.58 feet; thence N58°51'13"W for 284.32 feet to a Point of Tangency of a circular curve concave to the Northeast; thence run Northwest along the arc of a circular curve to the left, having a radius of 1025.32 feet and a central angle of 22°13'44", for an arc distance of 397.80 feet; thence S80°00'00"W for 337.22 feet; thence N58°51'16"W for 973.96 feet to a point on the next described curve concave to the southwest (said point being on the arc of a circular curve and lying S73°51'04" W from the radius point of the next described curve); thence run Northwest along the arc of a circular curve concave to the Southwest, having a radius of 283.84 feet and a central angle of 35°02'38", for an arc distance of 89.61 feet; thence N38°48'26"E for 30.00 feet; thence N51°11'33"W for 309.24 feet; thence N01°55'14"W for 475.84 feet to the Point of Beginning of the following described parcel of land; thence continue N01°55'14"W for 436.30 feet; thence N88°04'30"E, along a line 255.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 26, for 130.00 feet; thence N01°55'14"W for 200.00 feet; thence S88°04'30"W, along a line 55.00 feet South of and parallel with, as measured at right angles to, the said North line of Section 26, for 200.00 feet; thence S01°55'14"E for 688.03 feet; thence N51°36'37"E for 87.05 feet to the Point of Beginning, lying and being in Section 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

NOTE:

See Sheet 12 for Sketch To Accompany Legal Description.

Prepared For: MAMCO

EXHIBIT D - 3

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

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11941 S.W. 144th. STREET MIAMI, FLORIDA 33186 • TEL:(305) 233-9210 FAX:(305)251-1183

THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

DATE: April 21, 2005

SHEET 13 OF 13 SHEET(S)

F.B.: N.A.

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION Less-Out Parcel E-5

Lands To Be Transferred To The Government

Less-Out Parcel E-5

Legal Description:

A portion of the West 1/2 of Section 25, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1334.39 feet; thence run S16°48'45"W for 1097.40 feet; thence run S19°30'47"W for 326.90 feet (said last mentioned 2 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida); thence run N58°51'13"W for 554.90 feet to the Point of Beginning of the following described parcel of land; thence run N31°08'47"E for 12.58 feet; thence N58°51'13"W for 284.32 feet to a Point of Tangency of a circular curve concave to the Northeast; thence run Northwest along the arc of a circular curve to the left, having a radius of 1025.32 feet and a central angle of 22°13'44", for an arc distance of 397.80 feet; thence S80°00'00"W for 337.22 feet; thence N58°51'16"W for 973.96 feet; thence S36°57'37"W for 100.54 feet; thence S58°51'22"E for 936.86 feet; thence N80°00'00"E for 385.31 feet to a point on the next described circular curve concave to the Northwest (from said point a line bears N33°54'13"W to the radius point of the next described curve); thence run Northeast along the arc of a circular curve to the left, having a radius 601.58 feet and a central angle of 05°14'27", for an arc distance of 55.03 feet to a point on the next described circular curve concave to the Northeast (from said point a line bears N52°30'29"E to the radius point of the next described curve); thence run Southeast along the arc of a circular curve to the left, having a radius of 1025.32 feet and a central angle of 22°13'44", for an arc distance of 397.80 feet to a Point of Tangency; thence S58°51'13"E for 284.32 feet to the Point of Beginning, lying and being in Section 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

NOTE:

See Sheet 8 for Sketch To Accompany Legal Description.

EXHIBIT D - 4

Prepared For: MAMCO

File: RICHMOND-MAMCO/APPLICATION LEGALS 4-21-05



**SCHWEBKE-SHISKIN & ASSOCIATES, INC.** (LB-87)  
LAND SURVEYORS • ENGINEERS • LAND PLANNERS • SOILS

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THIS IS NOT A "LAND SURVEY".

ORDER NO.: 443712

PREPARED UNDER MY SUPERVISION:

DATE: April 21, 2005

SHEET 9 OF 13 SHEET(S)

F.B.: N.A.

MARK STEVEN JOHNSON VICE PRES.  
FLORIDA PROF. LAND SURVEYOR NO. 4775

**Exhibit "E"**

**Design Guidelines**

1. The proposed buildings shall be designed using compatible and complementary architectural styles and designs.
2. Design features shall be included at appropriate locations of the buildings, in order to maintain architectural and design continuity.
3. Landscaping within the parking areas shall be of varying plant materials and heights at the time of planting.
4. Consistent sign criteria and standards shall be established at the time of initial rezoning to encourage aesthetic compatibility within the sign program.
5. Large expanses of opaque or blank building wall shall be minimized and shall have landscaped areas providing a visual barrier, to the maximum extent feasible.
6. Pedestrian crosswalks shall be clearly delineated on any proposed private roads within the Property and shall be designed with consideration to the special needs of the disabled.
7. The development pattern shall incorporate elements of the Miami-Dade County Urban Design Guidelines.

**EXHIBIT E**

This instrument was prepared under  
the supervision of:

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

(Space Reserved for Clerk of the Court)

---

### **DECLARATION OF RESTRICTIONS**

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

**WHEREAS**, the Comprehensive Development Master Plan ("CDMP") designation for the Property is currently "Low-Medium Density Residential" use and is subject to a Declaration of Restrictions, recorded in Official Records Book 23413 at Page 1477 of the Public Records of Miami-Dade County, Florida (the "Original Declaration");

**WHEREAS**, an application has been filed with the Department of Sustainability, Planning, and Economic Enhancement (the "Department") to amend the Comprehensive Development Master Plan ("CDMP") of Miami-Dade County, which application, officially designated CDMP Application No. 3 (October 2011 Cycle) (the "Application") seeks to redesignate the land use designation on the a portion of the Property, more specifically described in Exhibit "B" to this Declaration, from "Low-Medium Density Residential" to "Business and Office" (the "Commercial Parcel"), to release the Original Declaration, and for the County to accept this Declaration of Restrictions.

***NOW, THEREFORE,*** in order to assure the Miami-Dade County Board of County Commissioners (the "Board of County Commissioners") that the representations made by the Owner during consideration of the Application shall be binding commitments to be performed by the Owner, its successors and assigns, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

- 1) **Recitals.** The foregoing recitals are true and correct and made a part hereof.
- 2) **Release of Declaration.** The Original Declaration is hereby released, terminated and rendered of no further force and effect.
- 3) **Permitted Uses.** The Property is intended to be developed with a mix of land uses. The square footage of the retail, commercial, office, and service uses on the Property shall be limited to 370,000 square feet. The density of residential development shall be limited to 900 residential dwelling units. In addition to the forgoing, nothing herein shall limit the ability for the development and operation of schools, libraries or other governmental or institutional uses or the conduct of special events, including but not limited to farmers' markets and holiday events/celebrations.
- 4) **Donation of Public Library Site.** In the event the Application is approved and a zoning application is subsequently approved permitting a residential development consistent with the existing Low-Medium Density Residential designation on that portion of the Property, the Owner shall offer to convey a parcel of land within the Property, containing not less than 18,000 gross square feet, to the County for use as a public library site (the "Donated Library Parcel"). The Donated Library Parcel shall be offered to be conveyed to the County at no cost to the County and with no encumbrances preventing its use as a

public library facility prior to the issuance of the first building permit for the development of the Commercial Parcel.

- 5) **Natural Forest Community (NFC) Preservation.** Prior to approval of the final plat for any portion of the Property that abuts any area within the Property that is designated by the County as Natural Forest Community, the Owner shall enter into an agreement with the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs ("PERA"), or its successor department, for the perpetual maintenance, management, and control of the NFC. In the event ownership of all or a portion of the NFC is transferred to Miami-Dade County, PERA, or any other local, state, or governmental agency, or any entity acceptable to PERA, any obligation for the Owner to maintain the NFC may be revised in accordance with the terms of said transfer with the prior approval of DERM.
- 6) **Notice to Future Owners or Lessees.** The Owner, its successors, and assigns shall provide to all initial future grantees or lessees of any residential, retail, or office unit within the Property a written notice, acknowledgement, and waiver acknowledging that the Property is located within the vicinity of Miami-Dade County ZooMiami and other future uses as reflected within the "Miami MetroZoo Master Plan and Further Development" (the "Zoo Plan"), as prepared by Portico Group for the Miami-Dade County Parks and Recreation Department, dated September 2002, as may be revised or substituted, and in the vicinity of a designated NFC, which is subject to periodic controlled burnings to maintain the health and quality of protected pinelands. All initial contracts for sale or lease of any portion of the Property shall contain the following statement:

"Grantee(s) (or Lessee(s)) hereby acknowledges and understands that the property which is the subject of this conveyance is located within the vicinity of the Miami-Dade County Zoo Miami and other possible future public and recreational uses ("Public Uses"), as reflected in the "Miami MetroZoo Master Plan and Further Development" ("Zoo Plan"), as prepared by Portico Group for the Miami-Dade County Parks and Recreation Department, dated September 2002, as amended from time to time. Additionally, the property which is subject to this conveyance is located in the vicinity of a designated Natural Forest Community (NFC), which is subject to periodic controlled burnings to maintain the health and quality of protected pinelands. As a result, Grantee (or Lessee) may be affected by noise and traffic generated by said Public Uses and smoke generated by the controlled burnings. By acknowledging this notice, Grantee (or Lessee), its successors, and assigns hereby acknowledges and agrees that such existing or future Public Uses or controlled burnings do not constitute and shall not be deemed a nuisance by said Grantee (or Lessee)."

- 7) **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
- 8) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare.

Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

- 9) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
- 10) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the property, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration



shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes.

- 11) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- 12) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.
- 13) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

- 14) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- 15) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.
- 16) **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Sustainability, Planning, and Economic Enhancement or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

- 17) **Acceptance of Declaration of Restrictions.** Approval of the Application and acceptance of the Declaration of Restrictions does not entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part.
- 18) **Owner.** The term "Owner" shall include the undersigned, their heirs, successors and assigns.

**[Execution Pages Follow]**

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

**WITNESSES:**

**UNIVERSITY OF MIAMI, INC.,**  
a Florida not-for-profit corporation

\_\_\_\_\_  
Signature

BY: \_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Printed Name

ADDRESS: 1535 Levante Avenue, Suite 201  
Coral Gables, Florida 33146

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

STATE OF \_\_\_\_\_ )

) SS

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me by \_\_\_\_\_, as \_\_\_\_\_  
of University of Miami, Inc., a Florida not-for-profit corporation, for the purposes stated herein.  
He is personally known to me or has produced \_\_\_\_\_ as identification.  
Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2011, in the County  
and State aforesaid.

My Commission Expires:

\_\_\_\_\_  
Notary Public - State of \_\_\_\_\_

\_\_\_\_\_  
Printed Name

The release and termination of the Declaration of Restrictions recorded in Official Records Book 23413 at Page  
1477 of the Public Records of Miami-Dade County, Florida is hereby acknowledged by the Director of the  
Sustainability, Planning and Economic Enhancement Department.

\_\_\_\_\_  
Director

\_\_\_\_\_  
Date

EXHIBIT "A"

**Legal Description of the Property:**

A portion of Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1190.00 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue S87°29'21"W for 144.39 feet; thence S16°48'45"W for 1097.40 feet; thence run S19°30'47"W for 326.90 feet (said last mentioned 3 courses being coincident with the boundary of the lands described in that certain "Corrective Quitclaim Deed" recorded in Official Records Book 9159 at Page 926, of the Public Records of Miami-Dade County, Florida); thence run N58°51'13"W for 554.90 feet; thence run N31°08'47"E for 12.58 feet; thence N58°51'13"W for 284.32 feet to a Point of Tangency of a circular curve concave to the Northeast; thence run Northwesterly along the arc of a circular curve to the right, having a radius of 1025.32 feet and a central angle of 22°13'44", for an arc distance of 397.80 feet; thence S80°00'00"W for 337.22 feet; thence N58°51'16"W for 973.96 feet to a point on the next described curve concave to the southwest (said point being on the arc of a circular curve and lying S73°51'04"W from the radius point of the next described curve); thence run Northwesterly along the arc of a circular curve concave to the Southwest, having a radius of 283.84 feet and a central angle of 35°02'38", for an arc distance of 173.61 feet; thence S38°48'26"W for 40.00 feet; thence N51°11'33"W for 341.34 feet; thence N01°55'14"W for 456.21 feet; thence N51°36'37"E for 87.05 feet; thence N01°55'14"W for 436.30 feet; thence N88°04'30"E, along a line 255.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 26, for 130.00 feet; thence N01°55'14"W for 200.00 feet; thence N88°04'30"E, along a line 55.00 feet South of and parallel with, as measured at right angles to, the said North line of Section 26, for 1454.94 feet; thence N87°29'25"E, along a line 55.00 feet South of and parallel with, as measured at right angles to, the North line of said Section 25, for 1461.49 feet; thence S02°06'48"E for 1380.03 feet to the POINT OF BEGINNING, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

Said Lands Containing 137.89 Net Acres, more or less.

Said Lands Containing 141.57 Gross Acres, more or less.

## EXHIBIT "B"

### Legal Description of the portion of the Property to be redesignated "Business and Office":

A portion of Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the Northwest 1/4 of said Section 25; thence run S02°06'52"E, along the East line of the Northwest 1/4 of said Section 25, for 1435.00 feet; thence run S87°29'21"W for 1190.00 feet to the POINT OF BEGINNING of the following described "Commercial Parcel;" thence continue S87°29'21"W for 144.39 feet; thence S16°48'45"W for 87.30 feet; thence N81°03'29"W for 200.01 feet; thence S45°58'26"W for 13.77 feet; thence S71°47'35"W for 60.35 feet; thence S88°00'17"W for 46.59 feet; thence N65°57'54"W for 185.28 feet; thence S66°51'18"W for 43.00 feet; thence S81°35'41"W for 32.89 feet; thence S17°13'33"W for 114.33 feet; thence N72°42'25"W 781.22 feet; thence S80°16'28"W, along a line radial to the next described curve, for 40.00 feet to a point on the next described circular curve concave to the East; thence run Northerly along the arc of a circular curve to the right, having a radius of 710.73 and a central angle of 37°40'54", for an arc distance of 467.42 feet; thence N59°17'44"W for 40.04 feet to a Point of Tangency with a circular curve concave to the Northeast; thence run Northwesterly along the arc of a circular curve to the right, having a radius of 412.56 feet and a central angle of 23°10'47", for an arc distance of 166.91 feet; thence N24°39'07"E for 45.13 feet; thence N05°50'16"E for 137.67 feet; thence N81°03'08"W for 68.76 feet; thence S85°24'04"W for 32.88 feet; thence S80°52'51"W for 67.91 feet; thence N86°23'57"W for 57.35 feet; thence N27°44'00"W for 50.78 feet; thence N32°39'07"W for 63.63 feet; thence N55°26'40"W for 58.65 feet; thence S59°45'56"W for 43.43 feet; thence S55°22'41"W for 52.50 feet; thence S84°11'38"W for 66.39 feet; thence N23°07'12"W for 37.61 feet; thence N84°19'51"W for 58.83 feet; thence N81°01'39"W for 48.70 feet; thence S29°47'40"W for 37.43 feet; thence S49°33'37"W for 41.43 feet; thence S60°13'23"W for 36.87 feet; thence S39°29'11"W for 73.66 feet; thence N89°19'00"W for 64.06 feet; thence S66°43'40"W for 39.29 feet; thence S69°53'27"W for 49.28 feet; thence S52°07'12"W for 48.90 feet; thence S72°59'51"W for 69.90 feet; thence N20°49'07"W for 62.11 feet; thence N56°11'51"W for 60.41 feet; thence S68°29'39"W for 33.11 feet; thence N80°09'44"W for 41.92 feet; thence N22°49'01"W for 31.14 feet; thence; thence N28°14'53"E for 51.82 feet; thence N11°34'00"E for 16.40 feet; thence N07°15'29"W for 50.75 feet; thence N24°01'23"E for 39.70 feet; thence S85°32'51"W for 83.28 feet; thence S08°31'24"E for 27.58 feet; thence S01°38'06"W for 32.56 feet; thence S01°43'26"E for 44.78 feet; thence S10°56'17"W for 70.56 feet; thence S18°46'11"E for 39.40 feet; thence S89°47'41"W for 13.22 feet; thence N62°10'16"W for 25.63 feet; thence N89°53'21"W for 35.89 feet; thence N68°57'37"W for 27.39 feet; thence S88°05'14"W for 24.79 feet; thence S64°52'56"W for 2.59 feet; thence S84°42'21"W for 42.74 feet; thence S60°54'26"W for 42.77 feet; thence S86°03'08"W for 44.52 feet; thence S53°58'07"W for 46.26 feet; thence S85°18'33"W for 39.98 feet; thence N57°12'22"W for 16.93 feet; thence S48°41'09"W for 37.63 feet; thence S69°29'33"W for 78.63 feet; thence S31°52'32"W for 24.16 feet; thence N01°55'14"W for 436.30 feet; thence N88°04'30"E, along a line 255.00 feet south of and parallel with, as measured at right angles to, the North line of said Section 26, for 130.00 feet; thence N01°55'14"W for 200.00 feet to a point on the Southerly Right-of-Way line of S.W. 152nd

Street (Coral Reef Drive); thence N88°04'30"E, along the said Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive) for 1454.94 feet; thence N87°29'25"E, along the said Southerly Right-of-Way line of S.W. 152nd Street (Coral Reef Drive) for 1461.49 feet; thence S02°06'48"E for 1380.03 feet to the POINT OF BEGINNING, lying and being in Sections 25 and 26, Township 55 South, Range 39 East, Miami-Dade County, Florida.

Said Lands Containing 64.21 Net Acres, more or less.

Said Lands Containing 67.89 Gross Acres, more or less.

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**APPLICATION NO. 4**  
**APPLICATION TO AMEND THE COMPREHENSIVE**  
**DEVELOPMENT MASTER PLAN**

2011 OCT -3 P 2: 13

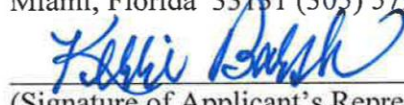
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

1. APPLICANT: Cemex Construction Materials Florida, LLC  
c/o Mr. Robert Martin, 12201 NW 25th Street, Miami, Florida 33182,  
(305) 817-4203

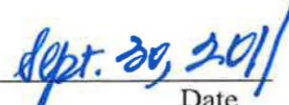
2. APPLICANT'S REPRESENTATIVE:

Kerri L. Barsh, Esq., Greenberg Traurig, 333 Avenue of the Americas,  
Miami, Florida 33131 (305) 579-0772

By:



(Signature of Applicant's Representative)



Date

3. DESCRIPTION OF REQUESTED CHANGE:

A. A change to Page I-59 of the text of the Land Use Element of the Adopted Components of the Comprehensive Development Master Plan for Miami-Dade County (October 2006 Edition, as amended through April 28, 2011 [April 2010 cycle]) is requested.

B. Description of the Subject Property  
N/A

C. Gross and Net Acreage  
N/A

D. Requested Change  
1. LANGUAGE: Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion, and, if determined to be consistent with the CDMP, are not subject to the requirements of Policy LU-3F. (Page I-59 of Land Use Element; proposed change is depicted with underlining).

4. REASONS FOR AMENDMENT: The amendment reflects the fact that the expansion of existing quarrying and ancillary uses on agricultural land may be consistent with the CDMP and clarifies that, in such circumstances, they are permitted uses and, because they do not encourage urban development, do not require a super-majority vote for approval.

5. ADDITIONAL MATERIAL SUBMITTED:  
2007 Strategic Aggregates Study by FDOT  
Section 337.0261 of Florida Statutes
6. COMPLETE DISCLOSURE FORMS:  
See attached

## DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

### 1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: CEMEX Construction Materials Florida LLC, 1501 Belvedere Rd., W.P.B., FL 33406

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. **PROPERTY DESCRIPTION:** Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A	N/A		

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2. above.

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
A				

4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME:** CEMEX Construction Materials Florida LLC

NAME, ADDRESS, AND OFFICE ( if applicable)	PERCENTAGE OF STOCK
<u>CEMEX S.A.B. de C.V., Traded on NYSE under the symbol CX</u>	<u>100%</u>

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

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For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

 Jorge Lozano  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn to and subscribed before me

this 29<sup>th</sup> day of September, 2011

  
Notary Public, State of Florida at Large (SEAL)



My Commission Expires: 9/4/2015

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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