

**APPLICATION NO. 3
STANDARD AMENDMENT APPLICATION**

Applicant	Applicant's Representative
Southeast Investments, Inc. 151 Sawgrass Corner Drive, Suite 202 Ponte Vedra Beach, Florida 32082	Juan J. Mayol, Jr., Esq., Hugo P. Arza, Esq., Richard A Perez, Esq., Alejandro J. Arias, Esq. Pedro Gassant, Esq. Holland & Knight, LLP 701 Brickell Avenue Suite 3000 Miami, Florida 33131 (305) 374-8500 (305) 789-7799 (fax)

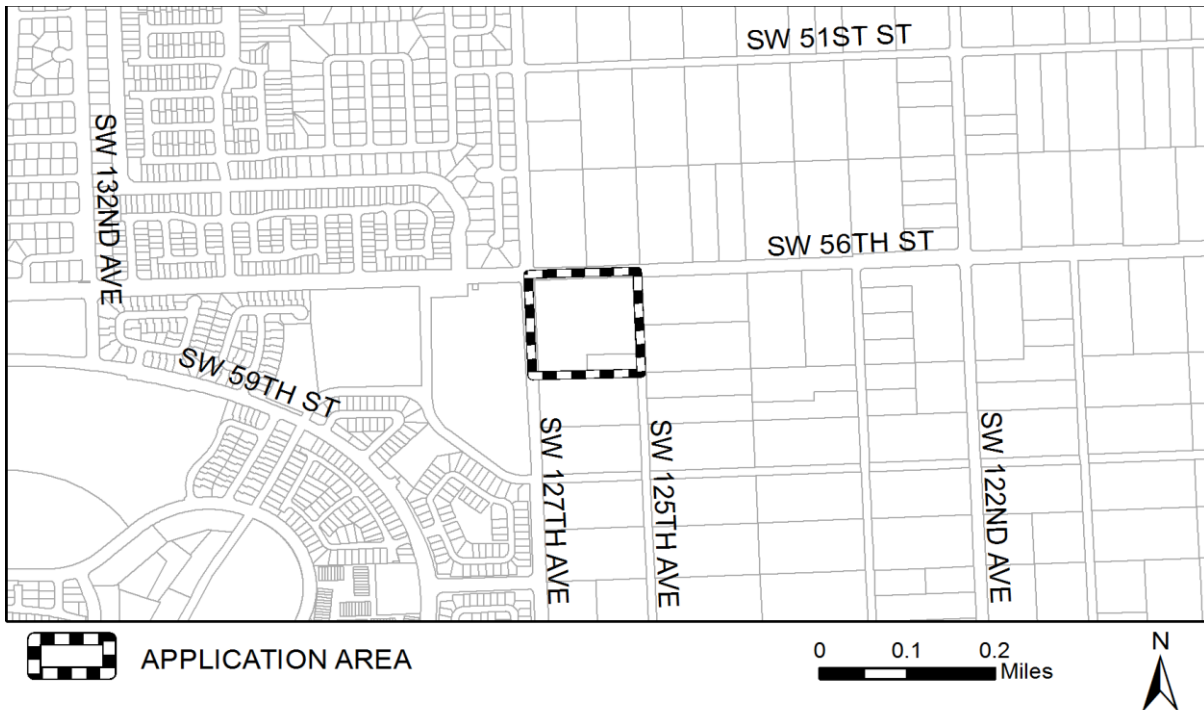
Requested Amendment to the CDMP

1. Redesignate the application site on the Land Use Plan map
From: "Agriculture"
To: "Business and Office"
2. Revise the Restrictions Table in the Land Use Element on page I- 74.1 of the CDMP Land Use Element to include the proffered Declaration of Restrictions, if accepted by the Board of County Commissioners.

Location: Southeast corner of the intersection of SW 56 Street and SW 127 Avenue

Acreage of Application area: ±10.0 gross acres; ±8.45 net acres

Acreage Owned by Applicant: 0 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 ELEMENT OF THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

Southeast Investments, Inc.
151 Sawgrass Corner Dr., Suite 202
Ponte Vedra Beach, FL 32082

2. APPLICANT'S REPRESENTATIVES

Juan J. Mayol, Jr., Esq.
Hugo P. Arza, Esq.
Richard A. Perez, Esq.
Alejandro J. Arias, Esq.
Pedro Gassant, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131-2847
(305) 374-8500
(305) 789-7799 (fax)

By: 

Juan J. Mayol, Jr., Esq.
Hugo P. Arza, Esq.
Richard A. Perez, Esq.
Alejandro J. Arias, Esq.
Pedro Gassant, Esq.

06-01-15
Date

2015 JUN -1 P 3:22
PLANNING & ZONING
METROPOLITAN PLANNING SECT

3. DESCRIPTION OF REQUESTED CHANGE

A. The following change to the Land Use Element Land Use Plan Map(item A.1 (d) in the fee schedule) is being requested:

1. A Change to the Land Use Element, Land Use Plan Map. The Applicant requests a change to the Land Use Element's Land Use Plan (LUP) map to redesignate the subject property from "Agriculture" to "Business and Office."

(This is a repeat of APRIL 2012 Application No. 3)

B. Description of the Subject Area.

1. The subject property, which is legally described in Exhibit A (the "Property") consists of approximately 10 gross acres of land located in Section 25, Township 54, Range 39, in unincorporated Miami-Dade County. More specifically, the subject property is located on the southeast corner of the intersection of SW 127th Avenue and Miller Road (SW 56th Street).

2. Acreage.

Net 8.45 +/-

Application Area: \pm 10 gross acres (\pm 8.45 net acres)

Acreage Owned by Applicant: None

3. Requested Change.

- a. It is requested that the subject property be redesignated on the LUP Map from "Agricultural" to "Business and Office."
- b. It is requested that this application be processed as a Small-Scale amendment under the expedited procedures.

4. REASONS FOR AMENDMENT

The Property is located on the southeast corner of a prominent intersection of two four-lane, section line roadways—Miller Road (SW 56th Street) and SW 127 Avenue in Southwest Miami-Dade County. The Property is designated Agriculture on the Comprehensive Development Master Plan (the "CDMP") LUP Map. The Property is at the western edge of "Horse Country," the only Agriculture designated land inside the Urban Development Boundary, but is located in the midst of a highly urbanized area. On the west side of SW 127th Avenue, south of Miller Road, the land is designated Low-Medium Density, while north of Miller Road and west of SW 127th Avenue, the land is designated Low-Medium Density and Low Density.

In fact, to the west of the Property, substantially all of the area has been developed under the Low Density, Low-Medium and Medium Density designations until SW 167th Avenue. This covers an area from SW 42nd Street (Bird Road) all the way south to SW 88th Street (North Kendall Drive), an area of approximately 16 square miles.

As mentioned, while the Property is located in "Horse Country," a community that has historically contained horse farms and certain agricultural businesses, Horse Country has very little classic agriculture—whether it be row crops or groves—and instead has mostly become an area of plant nurseries, large religious and educational uses and private homes. Particularly along Miller Road, which bisects Horse Country (which runs from SW 42nd Street and SW 72nd Street), the vast

majority of uses are related to plant nurseries and outdoor garden stores. Indeed, Miller Road from SW 127th Avenue east to the Florida Turnpike (the eastern boundary of Horse Country) is mostly a destination retail corridor of plant nurseries selling a wide array of ornaments for the garden.

While the CDMP strives to protect Agriculture designated lands and recognizes the economic impact of the agricultural industry in Miami-Dade County, it also encourages that development occur within the Urban Development Boundary. To that end, the 2010 Evaluation and Appraisal Report, adopted March 23, 2011, (the “2010 EAR”) states at Page 1.1-51, “[A]lthough agricultural land conversions have also occurred inside the urban development boundary, these conversions were anticipated and are consistent with the overall intent of the CDMP *which calls for the intensification of development inside the UDB.*”(emphasis added)

The Property is located in Minor Statistical Area (MSA) 6.1, which runs from SW 8th Street to SW 88th Street and west of the Florida Turnpike. MSA 6.1 is the County’s second most populous MSA, with a population of 184, 938 in 2010 and a projected population of 230,187 residents by 2030. Despite the population growth in MSA 6.1, the area remains underserved by commercial or business uses. In fact, according to the 2010 EAR, commercial land in MSA 6.1 is scheduled to be depleted by 2015(2010 EAR at Page 1.1-38). Beyond the depletion figures, a simple look at the LUP Map helps to highlight the deficiency in commercial land for retail and other neighborhood uses. Along SW 127th Avenue, a major north-south thoroughfare, there is no commercially designated land from SW 42nd Street to SW 88th Street. Similarly, along Miller Road there is no commercially designated land, despite being a four lane divided roadway, from SW 107th Avenue (east of the Florida Turnpike) to SW 137th Avenue. Thus Horse Country residents are forced to travel out of their neighborhood to acquire any type of retail, office or personal service.

The CDMP strongly encourages the concentration of commercial facilities along major roadways and in those locations where countrywide access is convenient. Miller Road is a four lane roadway that serves as a key entry point to the West Kendall neighborhoods. Similarly, SW 127th Avenue is a four lane roadway from SW 42nd Street (Bird Road) all the way south to SW 124th Street. In addition, Bird Road provides a direct link to the Homestead Extension of the Florida Turnpike and the regional transportation network. Miller Road and SW 127th Avenue are both section line roads, and as such their intersection creates an “activity node” in accordance with the CDMP’s guidelines for urban form. These guidelines strongly encourage the placement of higher intense and nonresidential uses in activity nodes.

Redesignation of the Property would also help to alleviate a key deficiency—commercial land—by looking to selectively infill in a location that is accessible from all sides, and in a location that already serves as a retail corridor for plant nurseries and other landscaping needs. Further, the subject property is well served by water, sewer and other utilities, or may be readily connected to County services at no cost to the County. Finally, public transportation serves this location via Metrobus 56, which runs along Miller Road.

In sum, the redesignation of the Property from Agriculture to Business and Office on the LUP Map would help to satisfy an imminent deficiency in commercial land in MSA 6.1 at a location that is strategically located at the intersection of two section line roads in accordance with

the County's guidelines for urban form. The Applicant will submit a Declaration of Restrictions to provide additional guidance for the future development of the Property.

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

LAND USE OBJECTIVE LU-1: The location and configuration of Miami-Dade County's urban growth through the year 2030 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 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.

LAND USE POLICY 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.

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-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 neighborhood and communities and well designed buildings.

LAND USE POLICY LU-9H: Miami-Dade County shall continue its special area planning program to emphasize preparation of physical land use and urban design plans for strategic and

high-growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

LAND USE POLICY LU-9J: Miami-Dade County shall continue to use the design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County, and shall consider the inclusion of such guidelines into its land development regulations.

LAND USE OBJECTIVE LU-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 contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.

5. LOCATION MAP for APPLICATION

Attached.

6. COMPLETED DISCLOSURE FORMS

Attached.

7. ADDITIONAL MATERIAL SUBMITTED

Legal Description (See Exhibit A)

Section Sheet (See Exhibit B)

Aerial (See Exhibit C)

Draft Declaration of Restrictions (Exhibit D)

Additional items in support of this Application may be submitted at a later date.

Exhibit "A"

Legal Description for Property:

PARCEL 1:

THE SOUTH 125 FEET OF THE EAST 1/2, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF SECTION 25, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LESS THE EAST 25 FEET FOR ROAD RIGHT OF WAY, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

NW 1/4 OF THE NW 1/4 OF THE NW 1/4 LESS THE SOUTH 125 FEET OF THE EAST 1/2 AND LESS THE NORTH 50 FEET, THE WEST 35 FEET AND THE EAST 25 FEET IN SECTION 25, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

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

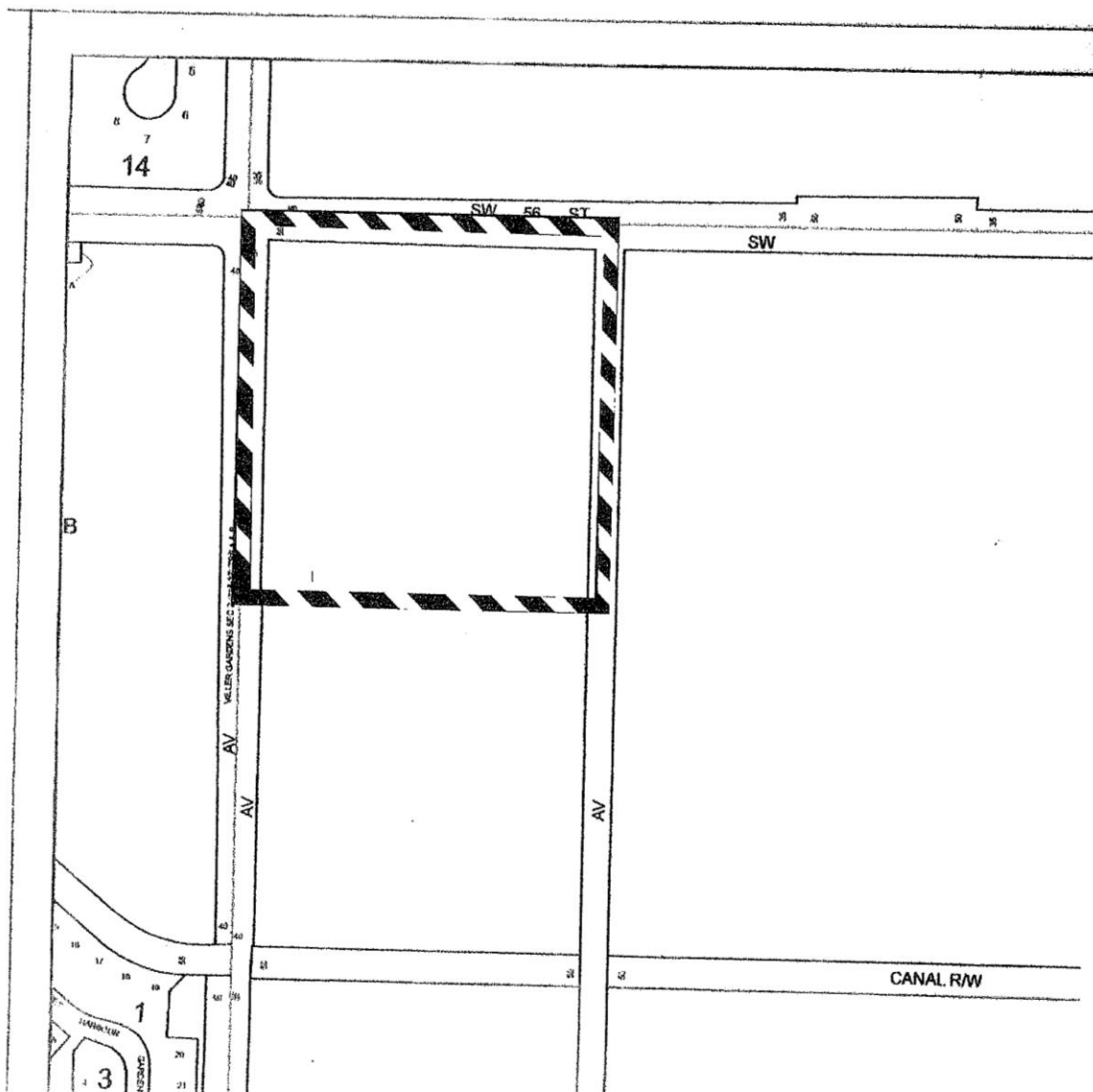
APPLICANTS/REPRESENTATIVE

Southeast Investments, Inc. / Juan J. Mayol, Jr., Esq., Richard A. Perez, Esq., and Pedro Gassant, Esq.

DESCRIPTION OF SUBJECT AREA

The Property contains approximately 10 gross acres (\pm 8.45 net acres) of land located in Section 25, Township 54, Range 39, and located on the southeast corner of the intersection of SW 127 Street and Miller Road (SW 56 Street) in unincorporated Miami-Dade County. The Property is more specifically described in Exhibit "A" to this application.

LOCATION MAP



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: Southeast Investments, Inc., a Florida Corporation, 151 Sawgrass Corner Drive, Suite 202, Ponte Vedra Beach, FL 32082

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	SIZE IN FOLIO NUMBER ACRES
A. Southeast Investments, Inc. (Contract Purchaser & Applicant)	30-4925-000-0320 (net acres: 7.57)	
	30-4925-000-0310 (net acres: .88)	

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 Explanation)	(Attach
A. Southeast Investments, Inc. (Contract Purchaser & Applicant)					
Miller Country Plaza, Inc. (Owner)					

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: Southeast Investments, Inc., a Florida Corporation

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
Paul S. Ferber, 151 Sawgrass Corners Dr., #202, Ponte Vedra Beach, FL 32082	50%
P. Shields Ferber, Jr, 14255 US Hwy One, Juno Beach, FL 33408	50%

- 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

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].

<u>NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
Southeast Investments, Inc., a Florida Corporation	
<hr/>	
<u>Paul S. Ferber (Director), 151 Sawgrass Corner Dr, Suite 202, Ponte Vedra Beach, FL 32082</u>	
<u>Jeffrey D. Combs (Officer), 151 Sawgrass Corner Dr, Suite 202, Ponte Vedra Beach, FL 32082</u>	
<u>Shields PJR Ferber (Officer), 14255 US Highway 1, Suite 2155, Juno Beach, FL 33408</u>	
<u>Marlon R. Champion (Officer), 100 Second Ave South, Suite 304-N, St. Petersburg, FL 33701</u>	
<u>Jason Crews (Officer), 151 Sawgrass Corner Dr., Suite 202, Ponte Vedra, FL 32082</u>	
<u>Michael Chadwick (Officer), 100 Second Ave South, Suite 304-N, St. Petersburg, FL 33701</u>	
<u>Edward P. Dolezal (Officer), 14255 US Highway 1, Suite 2165, Juno Beach, FL 33408</u>	

Date of Contract: 3/13/2015

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.

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

-
-
- 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: Miller Country Plaza, Inc.

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
<u>Jose Carro and Raquel Carro, as tenants by the Entireties, C/O Alberto L. Parlade, Esq., 7050 SW 86th Avenue,</u> Miami, FL 33143 50%	
<u>Juan F. Martinez, as Trustee of the Capital Investments Trust dated May 30, 2008</u>	<u>50%</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:

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
<u>Yovahnn Viñas, 10171 SW 62 St, Miami, FL</u>	<u>20%</u>
<u>Yarlennie Viñas, 10171 SW 62 St, Miami, FL</u>	<u>20%</u>
<u>Yarlene Viñas , 10171 SW 62 St, Miami, FL</u>	<u>20%</u>
<u>Robert Viñas, 9963 SW 27th Ter, Miami, FL</u>	<u>20%</u>
<u>Anthony Garcia, 9963 SW 27 Ter, Miami, FL</u>	<u>20%</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:

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

- 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>
Jose Carro and Raquel Carro, as tenants by the Entireties, C/O Alberto J. Parlade, Esq., 7050 SW 86 th Avenue, Miami, FL 33143	50%
Juan F. Martinez, as Trustee of the Capital Investments Trust dated May 30, 2008	50%

Date of Contract: 3/13/2015

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

Yovahnn Viñas, 10171 SW 62 St, Miami, FL	20%
Yarlennie Viñas, 10171 SW 62 St, Miami, FL	20%
Yarlene Viñas , 10171 SW 62 St, Miami, FL	20%
Robert Viñas, 9963 SW 27 th Ter, Miami, FL	20%
Anthony Garcia, 9963 SW 27 Ter, Miami, FL	20%

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

Paul S. Ferber

Sworn to and subscribed before me

this 18th day of May, 2015

Janet R. Coulther
Notary Public, State of Florida at Large(SEAL)

JANET R. COULTHER
Notary Public, State of Florida
My Comm. Expires May 28, 2018
Commission No. FF 103191

My Commission Expires: May 26, 2018

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.

This instrument was prepared by:

Name: Juan J. Mayol, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, Miller Country Plaza, Inc., a Florida Corporation (the "Owner") holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, which is more particularly described in Exhibit "A" to this Declaration;

WHEREAS, Southeast Investments, Inc., a Florida Corporation (the "Applicant"), is the contract purchaser of the Property and is applying for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") in the May 2015 Cycle (the "Application"); and

WHEREAS, the Application seeks to re-designate the Property from "Agriculture" to "Business and Office" on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP").

NOW, THEREFORE, in order to assure Miami-Dade County (the "County") that the representations made by the Applicant during the 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:

1. **Permitted Uses; Prohibition on Residential Development.** Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed 75,000 square feet of such uses as may be permitted

under the Business and Office land use designation; provided, however, that no residential development shall be allowed on the Property.

2. **Miscellaneous.**

A. **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 the Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners 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. The Owners, 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.

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

C. **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 Property, provided

that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. 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, Florida or successor regulation governing amendments to the CDMP. In the event that the Property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, Florida, 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. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners of Miami-Dade County, Florida in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor 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 execute a written instrument effectuating and acknowledging such modification, amendment, or release.

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

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

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

G. Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipality), and inspections made and approval of occupancy given by the County (or any successor municipality), then such construction, inspection, and approval

shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration of Restrictions.

H. County Inspection. As further part of this Declaration of Restrictions, it is hereby understood and agreed that any official inspector of Miami-Dade County, Florida, 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 the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

I. 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.

J. Recordation and Effective Date. This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner(s) following the approval of the Application by the Board of County Commissioners of Miami-Dade County, Florida. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions 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 Regulatory and Economic Resources 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 of Restrictions is null and void and of no further effect.

K. Acceptance of Declaration. Acceptance of this Declaration of Restrictions does not obligate the County in any manner, nor does it entitle the Owner(s) to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance.

L. Owners. The term "Owners" shall include the Owners and their successors and assigns.

[Signature Page Follow]

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this _____
day of _____, 2015.

WITNESSES:

Miller Country Plaza, Inc.
a Florida Corporation

Signature

Printed Name

Signature

Printed Name

By: _____

Name: _____

Title: _____

STATE OF _____)

) SS

COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, as
_____ of Miller Country Plaza, Inc., a Florida corporation, and for the
purposes stated herein on behalf of the company. He is personally known to me or has produced
_____ as identification.

Witness my signature and official seal this _____ day of _____, 2015, in
the County and State aforesaid.

My Commission Expires:

Notary Public

Printed Name

EXHIBIT "A"

LEGAL DESCRIPTION

Folio No. 30-4925-000-0320

NW 1/4 OF THE NW 1/4 OF THE NW 1/4 LESS THE SOUTH 125 FEET OF THE EAST 1/2 AND LESS THE NORTH 50 FEET, THE WEST 35 FEET AND THE EAST 25 FEET IN SECTION 25, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA

Folio No. 30-4925-000-0310

THE SOUTH 125 FEET OF THE EAST 1/2, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF SECTION 25, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LESS THE EAST 25 FEET FOR ROAD RIGHT OF WAY, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA

This Page Intentionally Left Blank