

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

2014 NOV 26 P 2:35

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

1. APPLICANT

Rosal Westview, LLC  
3050 Biscayne Boulevard  
Suite 300  
Miami, Florida 33137

2. APPLICANT'S REPRESENTATIVE

Jeffrey Bercow, Esq.  
Gianeli Mestre, Esq.  
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Suite 850  
Miami, Florida 33131  
(305) 374-5300

By:   
\_\_\_\_\_  
Jeffrey Bercow, Esq.  
Applicant's Representative

Date: November 26, 2014

By:   
\_\_\_\_\_  
Gianeli Mestre, Esq.  
Applicant's Representative

Date: November 26, 2014

3. DESCRIPTION OF REQUESTED CHANGE

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

A. Amendments to the Declaration of Restrictions recorded in Official Records Book 28896 at Pages 1971 through 2007 in the Public Records of Miami-Dade County, contained in the CDMP Land Use Element Table entitled "Restrictions accepted by the Board of County Commissioners in Association with Land Use Plan Amendments," are requested. See Exhibit A, recorded Declaration of Restrictions.

B. Description of the 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 B ("CDMP Legal and Sketch").

The Application Area is designated for Industrial and Office use and Business and Office use on the CDMP Land Use Plan Map. The Application Area consists of four parcels (the "parcels"), specifically designated as follows:

Industrial and Office North ("I&O-N")  
67.8 net acres

76.2 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 C ("CDMP Aerial Exhibit").

C. Gross and Net Acreage

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

Acreage Owned by Applicant: ±193.8 gross acres (±180.4 net acres)

D. Requested Change

The Applicant requests approval of the following amendments to the Declaration of Restrictions recorded in Official Records Book 28896 at Pages 1971 through 2007, of the Public Records of Miami-Dade County (the "Declaration"):

- clarifying that the Application Area consists of four distinct parcels;
- clarifying that the perimeter buffer is required for the I&O-N and I&O-S parcels;
- providing additional means of vehicular access into the Application Area;
- allowing the owner an option to provide a commitment to an alternative program, acceptable to the Golf Park Homeowner's Association, Inc., to FDOT's "Adopt a Highway" program;
- providing that the Declaration may be modified, amended, or released as to the Application Area, or any parcel or portion thereof, by a written instrument executed by the then owner(s) of the Application Area, or any parcel or portion thereof; and
- providing that if the Declaration is violated, Miami-Dade County has authority to withhold permits and inspections on the parcel where the violation has occurred.

**4. REASON 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<sup>th</sup> 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 was the subject of Miami-Dade County's CDMP Amendment Application No. 1 in the October 2011 Cycle which resulted in a redesignation of the Application Area from "Park and Recreation" and "Low-Medium Density Residential," to two parcels abutting NW 119<sup>th</sup> Street with the "Business and Office" designation, and the remaining two parcels with the "Industrial and Office" Designation. As a result the Application Area now consists of four separate parcels: two designated for "Business and Office," two designated for "Industrial and Office" on the Land Use Plan map of Miami-Dade County's CDMP. In connection with the redesignation, the Applicant proffered the Declaration now recorded in Official Records Book 28896 at Pages 1971 through 2007, to restrict the use of the Application Area.

When the Applicant proffered the Declaration, it contemplated that a single developer would develop the entirety of the Application Area. It has since become apparent that individual developers will develop each of the four parcels. Therefore, the Applicant is proposing amendments to the Declaration to ensure that obligations assigned by the Declaration to specific parcels will apply only to that specific parcel, so that the failure of one parcel owner to comply with the Declaration will not impact the other parcels. Of course, Declaration restrictions that apply to the entirety of the Application Area – such as the use and intensity limitations in Paragraph 2 – will continue to apply to the Application Area and each of the four individual parcels.

This application consists of six (6) proposed amendments to the Declaration. The text below restates the existing language for each Declaration section proposed for amendment, followed by the proposed revisions in strike through/underline form, and thereafter the reason(s) for the proposed amendment.

A. Paragraph 1 currently reads as follows:

FROM:

**1. Property.** The Property shall consist of the following four land use designations: (1) approximately 73.2 gross acres hereinafter called "Industrial and Office North", described in Exhibit "B", attached hereto; (2) approximately 23.5 gross acres hereinafter called "Business and Office North", described in Exhibit "C", attached hereto; (3) approximately 74.9 gross acres hereinafter called "Industrial and Office South", described as Exhibit "D", attached hereto; and (4) approximately 22.9 gross acres hereinafter called "Business and Office South", described as Exhibit "E", attached hereto.

The Applicant is proposing to amend the language of Paragraph 1 to the following:

TO:

**1. Property.** The Property shall consist of the following four parcels (each individually referenced as "parcel" and collectively referenced as the "parcels") and their respective land use designations: (1) approximately 73.2 gross acres hereinafter called

'Industrial and Office North", described in Exhibit "B", attached hereto; (2) approximately 23.5 gross acres hereinafter called "Business and Office North", described in Exhibit "C", attached hereto; (3) approximately 74.9 gross acres hereinafter called "Industrial and Office South", described as Exhibit "D", attached hereto; and (4) approximately 22.9 gross acres hereinafter called "Business and Office South", described as Exhibit "E", attached hereto.

Approval of this application will provide for language clarifying that the Application Area consists of four distinct parcels. This amendment is requested to clarify that the Application Area is comprised of four distinct parcels, and their respective land use designations.

B. Paragraph 6(a) currently reads as follows:

FROM:

**6. Compatibility with Adjacent Uses.** (a) The Owner shall provide and maintain an adequate perimeter buffer (the "Landscape Buffer") along the Property boundary, and within the Industrial and Office North and Industrial and Office South parcels. At a minimum, the Landscape Buffer shall be at least 60 (sixty) feet in width and shall include a decorative masonry wall, opaque fence, or a landscaped berm at least seven (7) feet in height, as well as landscaping to include a row of trees, of such species as may be approved by County staff, 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. In lieu of erecting a decorative masonry wall or opaque fence, the Owner shall seek approval to permit a berm at least seven (7) feet in height to satisfy Section 18A-6(H) of the Code of Miami-Dade County. The Landscaped Buffer may include pedestrian walkways, water features and water bodies, but may not include any habitable buildings. Furthermore, no parking, loading, or vehicular access areas may be included within the Landscape Buffer, except for emergency access required by Miami-Dade County Fire Rescue, Police and/or Public Works. Notwithstanding the foregoing, these restrictions shall not apply to the public recreational facility, as provided in Paragraph 9 herein. Where any such public recreational facility is located within the Landscape Buffer, the measurement of the 60 (sixty) foot width for the Landscape Buffer shall include land used for the public recreational facility, regardless of how the public recreational facility is improved.

The Applicant is proposing to amend the language of Paragraph 6(a) to the following:

TO:

**6. Compatibility with Adjacent Uses.** (a) The Owner shall provide and maintain an adequate perimeter buffer (the "Landscape Buffer") along the Property boundary, and within the Industrial and Office North and Industrial and Office South parcels. At a minimum, the Landscape Buffer shall be at least 60 (sixty) feet in width and shall include a decorative masonry wall, opaque fence, or a landscaped berm at least seven (7) feet in height, as well as landscaping to include a row of trees, of such species as may be approved by County staff, 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. In lieu of erecting a decorative masonry wall or opaque fence, the Owner shall seek approval to permit a berm at least seven (7) feet in height to satisfy Section 18A-6(H) of the Code of Miami-Dade County. The Landscaped Buffer may include pedestrian walkways, water features and water bodies, but may not include any habitable buildings. Furthermore, no parking, loading, or vehicular access areas may be included within the Landscape Buffer, except for

emergency access required by Miami-Dade County Fire Rescue, Police and/or Public Works. Notwithstanding the foregoing, these restrictions shall not apply to the public recreational facility, as provided in Paragraph 9 herein. Where any such public recreational facility is located within the Landscape Buffer, the measurement of the 60 (sixty) foot width for the Landscape Buffer shall include land used for the public recreational facility, regardless of how the public recreational facility is improved.

This amendment will provide a clarification to the Declaration requirement for perimeter buffering to be provided and maintained. The amendment clarifies that the Applicant will provide and maintain an adequate perimeter buffer along the boundaries of the I&O-N and I&O-S parcels.

C. Paragraph 6(d) currently reads as follows:

FROM:

(d) Other than as set forth in this Paragraph 6, there shall be no direct vehicular access between the Property and the surrounding residential neighborhood. Vehicular access to and from the Property will be provided exclusively to and from NW 119 Street, except that the Industrial and Office South parcel may have access directly to and from NW 22 Avenue at theoretical NW 116<sup>th</sup> Street. Notwithstanding the foregoing, additional emergency access points may be permitted if required by Miami-Dade County Fire Rescue, Police and/or Public Works.

The Applicant is proposing to amend the language of Paragraph 6(d) to the following:

TO:

(d) Other than as set forth in this Paragraph 6, there shall be no direct vehicular access between the Property and the surrounding residential neighborhood. Vehicular access to and from the Property will be provided exclusively: (i) to and from NW 119 Street, (ii) to and from the roadway segment of NW 24<sup>th</sup> Avenue abutting NW 119<sup>th</sup> Street and the Business and Office South parcel, (iii) to and from the roadway segment of NW 24<sup>th</sup> Avenue abutting NW 119<sup>th</sup> Street and the Business and Office North parcel, except that and (iv) the Industrial and Office South parcel may have access directly to and from NW 22 Avenue at theoretical NW 116<sup>th</sup> Street. The Business and Office South parcel is permitted to have a driveway on Golf Drive West at NW 118<sup>th</sup> Street to serve as an additional means of vehicular access. Notwithstanding the foregoing, additional emergency access points may be permitted if required by Miami-Dade County Fire Rescue, Police and/or Public Works.

Approval of this modification will allow for additional means of vehicular access into the Application Area on NW 24<sup>th</sup> Avenue, as well as a driveway on Golf Drive West at NW 118<sup>th</sup> Street to be used in order to access the B&O-S parcel. Providing for these additional means of vehicular access will facilitate traffic movements, by providing for alternative entrances into the future shopping center sites in addition to the NW 119<sup>th</sup> Street entrances currently permitted by the Declaration.

Both segments of NW 24<sup>th</sup> Avenue serve only a B&O parcel and one other adjacent property, and essentially dead-end a short distance from NW 119<sup>th</sup> Street. Neither segment connects into the area roadway network, including in particular Golf Drive. The Applicant has met with representatives of the Golf Park Homeowner's Association to discuss the proposed additional entrances via NW 24<sup>th</sup> Avenue as well as the proposed driveway on Golf Drive West at NW 118<sup>th</sup>

Street. These additional project entrances will improve future traffic circulation by reducing traffic impacts and trip lengths.

D. Paragraph 13 currently reads as follows:

FROM:

**13. Maintenance.** Within 60 days of the approval of the CDMP Amendment Application becoming final and non-appealable, the Owner shall (a) secure the Property with appropriate fencing and thereafter, regularly maintain the swale adjacent to the Property in good condition by cleaning the swale adjacent to the Property, trimming trees on the swale, and cutting the lawn on the swale in 30-day cycles, and (b) apply to FDOT's "Adopt A Highway" program for the segment of NW 27 Avenue between NW 103 Street and NW 135 Street and maintain its commitment to such roadway segment and be in good standing for 20 (twenty) years.

The Applicant is proposing to amend the language of Paragraph 13 to the following:

TO:

**13. Maintenance.** Within 60 days of the approval of the CDMP Amendment Application becoming final and non-appealable, the Owner shall (a) secure the Property with appropriate fencing and thereafter, regularly maintain the swale adjacent to the Property in good condition by cleaning the swale adjacent to the Property, trimming trees on the swale, and cutting the lawn on the swale in 30-day cycles, and (b) apply to FDOT's "Adopt A Highway" program for the segment of NW 27 Avenue between NW 103 Street and NW 135 Street and maintain its commitment to such roadway segment and be in good standing for 20 (twenty) years; provided, however, at the Owner's option, it may replace the FDOT "Adopt a Highway" program commitment with an alternative program acceptable to the Golf Park Homeowner's Association, Inc.

Approval of this amendment will allow, at the Owner's option, an alternative program to the FDOT's "Adopt a Highway" program commitment that is acceptable to the Golf Park Homeowner's Association, Inc. This amendment is requested in order to provide the Owner with an alternative to the "Adopt a Highway" program that will provide more of a benefit to residents in the vicinity of the Application Area.

E. The "Modification, Amendment, Release" Paragraph currently reads as follows:

FROM:

**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.

The Applicant is proposing to amend the language to the following:

TO:

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to ~~the land herein described, or any parcel or portion thereof,~~ by a written instrument executed by the then owner(s) of all of ~~the property such parcel affected by such modification, amendment or release, including joinders of all mortgagees, if any,~~ provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing and provided that such modification, amendment or release applies solely to the parcel and the proposed development thereon. This Declaration of Restrictions may be modified, amended or released as to more than one parcel, or any portion thereof, by a written instrument executed by the then owner(s) of all of the parcels affected by such modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing and provided that such modification, amendment or release applies solely to the parcels which are the subject of the written instrument, and the proposed development thereon. It is expressly understood that the consent of owner(s) of a parcel or a portion of a parcel shall not be required in instances where a certain modification, amendment or release applies to, or affects, a different parcel. By way of example, in the event a modification of this Declaration of Restrictions only applies to the Business and Office North parcel, the owners of (i) Industrial and Office North parcel, (ii) the Business and Office South parcel and (iii) Industrial and Office South parcel shall not be required to consent to said modification.

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.

Approval of this revision will clarify that the Declaration of Restrictions may be modified, amended or released as to the Application Area, or any parcel or portion thereof, by a written instrument executed by the then owner(s) of the Application Area, or any parcel or portion thereof. The amendment is requested to clarify that, in the future an owner of a parcel may file an application to modify or release the Declaration, as it applies to that parcel, without obtaining the signature or consent of the owners of the remainder of the Application Area. Of course, any such application would still require public hearings and approvals as presently required by the Declaration.

F. The "Authorization for Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections" Paragraph currently reads as follows:

FROM:

**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.

The Applicant is proposing to amend the language to the following:

TO:

**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, as to the parcel or portion of the parcel in which the violative activity or conduct has occurred, upon a finding by the Director of the Regulatory and Economic Resources Department finding that such violation has occurred. If such a finding is made, then the County may withhold further permits and/or inspections for the parcel or portion of the parcel in which the violative activity or conduct has occurred, until such time as this Declaration is complied with.

Approval of this final Declaration provision will prevent a potential future property owner or developer from being adversely affected by Miami-Dade County withholding permits and/or inspections due to another property owner or developer violating the Declaration. Approval of this modification will provide that Miami-Dade County is authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, as to the parcel or portion thereof in which the violative activity or conduct has occurred, upon a finding by the Director of the Regulatory and Economic Resources Department finding that such a violation has occurred. In the event such a finding is made, Miami-Dade County may withhold further permits and/or inspections for the parcel or portion thereof in which the violative activity or conduct occurred, until such time as there is full compliance with the Declaration.

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

- **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. Approval of this application will serve to give priority to infill development on vacant sites in currently urbanized areas as the application provides for infill development and the Application Area is comprised of vacant parcels in a currently urbanized area.

- **LU-1D.** In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.

CDMP Land Use Element Policy LU-1D requires the County to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic. Approval of this application will enhance neighborhood traffic circulation in the vicinity of the Application Area by providing supplementary means of vehicular access into the Application Area on NW 24<sup>th</sup> Avenue, as well as a driveway on Golf Drive West at NW 118<sup>th</sup> Street to be used in order to access the B&O-S parcel.

- **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 requires the County to locate business developments 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. CDMP Land Use Element Policy LU-1G further requires the County to design business developments to relate to adjacent development. Approval of this application will implement the location and development of the B&O-S parcel in the vicinity of major roadway intersections, since it is located on NW 119<sup>th</sup> Street, a major roadway, and is 0.1 mile from the intersection of NW 119<sup>th</sup> Street and NW 27<sup>th</sup> Avenue, another major roadway. Approval of this application will also serve to improve the design of the B&O-S parcel as it relates to adjacent residential development, as well as major industrial and institutional uses that are located just west of the Application Area, across N.W. 27<sup>th</sup> Avenue, in an area known as the "N.W. 27<sup>th</sup> – 37<sup>th</sup> Avenue Industrial Corridor."

- **LU-1S.** The Miami-Dade County Strategic Plan shall be consistent with the Comprehensive Development Master Plan (CDMP). The Miami-Dade County Strategic Plan includes Countywide community goals, strategies and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and urban center development, protection of viable agriculture and environmentally-sensitive land, reduced flooding, improved infrastructure and redevelopment to attract businesses, availability of high quality green space throughout the County, and development of mixed-use, multi-modal, well designed, and sustainable communities.

CDMP Land Use Element Policy LU-1S requires the County to ensure the Miami-Dade County Strategic Plan is consistent with the CDMP. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and urban center development, and improved infrastructure and redevelopment to attract businesses. Approval of this application will provide for increased urban infill development, and will serve to improve infrastructure and provide redevelopment that will attract businesses to locations in the vicinity of the Application Area.

- **LU-4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

CDMP Land Use Element Policy LU-4C requires the County to protect residential neighborhoods from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as noise, light, odor, vibration, dust or traffic. Approval of this application will serve to protect the neighborhood from noise, light, odor, vibration and dust through the implementation of the landscape buffer for the Industrial and Office parcels. Approval of this application will also serve to protect the neighborhood from traffic intrusions by implementing additional means of access.

- **LU-4D.** Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.

CDMP Land Use Element Policy LU-4D requires the County to permit uses which are supportive but potentially incompatible on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements. Approval of this application will serve to advance proper design solutions, and to integrate the compatible and complementary elements of the proposed development with the surrounding development while buffering any potentially incompatible element through the implementation of the landscape buffer for the Industrial and Office parcels.

- **LU-9B.** Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:
  - i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;

- ii) **Subdivision of land;**
- iii) **Protection of potable water wellfields;**
- iv) **Areas subject to seasonal or periodic flooding;**
- v) **Stormwater management;**
- vi) **Protection of environmentally sensitive lands;**
- vii) **Signage; and**
- viii) **On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by development. The provisions of Policy TC-3A of the Traffic Circulation Subelement, which address access management, shall apply.**

CDMP Land Use Element Policy LU-9B requires the County to continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate the subdivision of land and on-site traffic flow to ensure safety and convenience. Approval of this application will improve on-site traffic and avoid off-site traffic flow impediments by providing additional non-intrusive means of access into the Application Area.

- **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.**

CDMP Land Use Element Policy LU-9D requires the County to continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities. Approval of this application will facilitate the application and enforcement of the Declaration, which allows for the sound, compatible mixing of uses in the Application Area with the surrounding residential community. In particular, approval of this will facilitate installation and maintenance of the perimeter buffer surrounding the Industrial and Office parcels, and will allow for additional, non-intrusive project entrances, thereby reducing traffic impacts and trip lengths.

- **LU-9E. Miami-Dade County shall enhance and formalize its standards for defining and ensuring compatibility among proximate uses, and requirements for buffering.**

CDMP Land Use Element Policy LU-9E requires the County to enhance and formalize its standards for defining and ensuring compatibility among proximate uses, and requirements for buffering. Approval of this application will serve to ensure compatibility among the proximate uses in the neighborhood and requirements for buffering through the implementation of the perimeter buffer along the boundaries of the Industrial and Office parcels.

## **5. ADDITIONAL MATERIAL SUBMITTED**

- 1) Proposed amended Declaration, with changes noted in strike through/underline format.

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.

**ROSAL WESTVIEW, LLC**

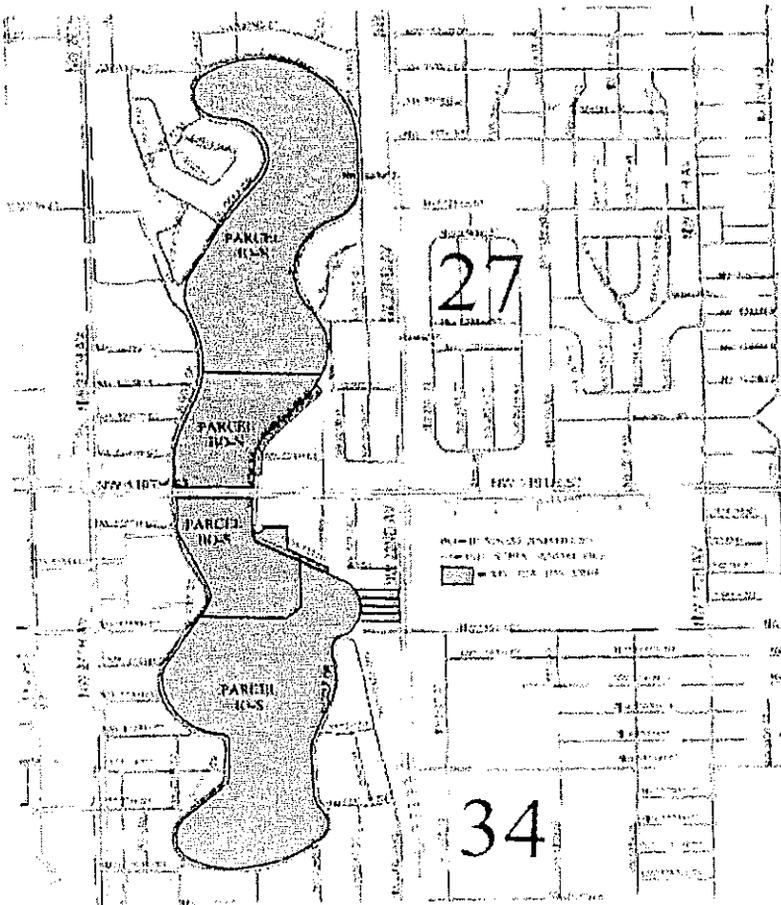
**LOCATION MAP FOR APPLICATION  
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN.**

APPLICANT/REPRESENTATIVE

Rosal Westview, LLC/  
Jeffrey Bercow, 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.





**This instrument was prepared by:**

**Name:** Jeffrey Bercow, Esq.  
**Address:** Bercow Radell & Fernandez, PA  
200 South Biscayne Boulevard, Suite 850  
Miami, Florida 33131

(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**, approximately 95.5 gross acres of the Property is located to the north of State Road 924, also known as NW 119 Street or Gratigny Drive, and approximately 98.3 gross acres are located to the south of State Road 924;

**WHEREAS**, the Property is the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 1 of the October 2011-2012 CDMP Cycle ("CDMP Amendment Application");

**WHEREAS**, the CDMP Amendment Application seeks to change the Property's land use designation from "Park and Recreation" use to "Business and Office" and "Industrial and Office" use;

**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:

**1. Property.** The Property shall consist of the following four parcels (each individually referenced as a "parcel" and collectively referenced as the "parcels") and their respective land use designations: (1) approximately 73.2 gross acres hereinafter called "Industrial and Office North", described in Exhibit "B", attached hereto; (2) approximately 23.5 gross acres hereinafter called "Business and Office North", described in Exhibit "C", attached hereto; (3) approximately 74.9 gross acres hereinafter called "Industrial and Office South", described as Exhibit "D", attached hereto; and (4) approximately 22.9 gross acres hereinafter called "Business and Office South", described as Exhibit "E", attached hereto.

**2. Permitted Uses.** (a) Development of the Business and Office North and Business and Office South parcels shall not exceed a total of 400,000 square feet of total development, which may include retail, service and office uses. The Industrial and Office North and Industrial and Office South parcels shall not exceed a total of 1,600,000 square feet of total development, which may include office, light industrial, warehouse and flex space uses. Warehouse/distribution space shall be limited to 700,000 square feet of the total 1,600,000 square feet of total development within the Industrial and Office North and Industrial and Office South parcels. (Warehouse/distribution space is primarily devoted to the storage of materials, goods and merchandise prior to their distribution to retail outlets, distribution centers or other warehouses.) Notwithstanding the foregoing, residential uses on the Property shall be

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permitted on the Business and Office North and Business and Office South parcels subject to the limitations set forth in subparagraph 2 (b) below, but in no instance shall the residential density exceed a maximum of 2,000 dwelling units.

(b) Notwithstanding the foregoing limitations, the Owner may simultaneously increase and decrease the intensity of uses of the aforementioned parcels provided that the total vehicle trip generation of the Property shall not exceed a total of 3,297 net external PM peak hour trips. If the Owner submits a development order application that would exceed or modify the intensity limitations set forth in subparagraph 2(a), then Owner shall provide a trip generation analysis with such application demonstrating that approval of the application will not result in a trip generation for the Property that exceeds 3,297 net external PM peak hour trips, subject to the approval of the reviewing agency.

(c) The Owner shall not commence construction of more than 800,000 s.f. of floor area within the Industrial and Office parcels (of which no more than 400,000 s.f. of floor area may be warehouse/distribution space), prior to the issuance of the first Certificate of Occupancy within one of the Business and Office parcels. Prior to, concurrently with, or subsequent to an application for rezoning and site plan approval of one of the Industrial and Office parcels, the Owner shall make and diligently pursue an application for rezoning and site plan approval of one of the Business and Office parcels; in no event shall Owner pursue an application for rezoning and site plan approval for the other Industrial and Office parcel unless Owner has applied for rezoning and site plan approval for one of the Business and Office parcels. In the event that such an application is not approved, and provided the Owner has exhausted all administrative remedies, the requirements of this Subparagraph 2(c) shall be deemed satisfied and the Director of the Regulatory and Economic Resources Department shall provide a written confirmation to that effect upon the request of the Owner, which confirmation may be recorded as evidence that this condition has been satisfied. The limitations of this Subparagraph 2(c) shall not apply if the Owner submits an application for, and obtains approval of rezoning and site plan approval for development of one or both of the Industrial and Office parcels as a motion picture or television production facility with more than 400,000 square feet of space. In the event that such an application is approved, the requirements of this Subparagraph 2(c) shall be deemed satisfied and the Director of the Regulatory and Economic Resources Department shall provide a written confirmation to that effect upon the request of the Owner, which confirmation may be recorded as evidence that this condition has been satisfied.

**3. Drainage/Stormwater.** Prior to the issuance of any building permit on the Property, or any portion thereof, the Owner shall obtain (a) conceptual surface water management permit(s) (Environmental Resource Permit/ "ERP") from Regulatory and Economic Resources or its successor agency for construction and operation of a required surface water management system, and (b) approval of a master paving and drainage plan(s).

**4. NW 119 Street Roadway Improvement(s).** (a) The Owner shall work with Miami-Dade County, the Miami-Dade Expressway Authority and the Florida Department of

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Section-Township-Range: 27-52-41 and 34-52-41

Folio number: 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, 30-2134003-0280

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Transportation to incorporate eastbound right turn lane(s) into the site plan for the portion of the property located south of N.W. 119 Street between West Golf Drive and East Golf Drive.

(b) Prior to issuance of the first Certificate of Occupancy, the Owner shall construct or cause to be constructed the eastbound right turn lane(s) described in subparagraph 4(a), along with an extension to the existing fourth westbound travel lane on NW 119 Street extending from East Golf Drive to West Golf Drive for a distance of approximately 775 feet. This fourth westbound travel lane shall connect to the fourth westbound travel lane which currently exists on NW 119 Street from West Golf Drive to NW 27 Avenue.

(c) Should any of the improvements described in subparagraph 4(b) not be approved or permitted by Miami-Dade County, Miami-Dade Expressway Authority or the Florida Department of Transportation, the Owner's obligation under this paragraph shall terminate.

**5. TDM Strategy.** The Owner shall promote a reduction in peak hour traffic and a reduction in the single occupant vehicle by advocating and implementing Transportation Demand Management (TDM) strategies which increase auto occupancy, transit ridership and pedestrian access and mobility through the implementation of one or more of the following measures:

- Employer based parking management and ridesharing programs to promote carpooling, vanpooling, car sharing and the use of hybrid vehicles;
- The installation of electric vehicle charging stations into project parking facilities;
- Employer sponsored programs such as transit discounts, fare subsidies and transit fare tax incentives;
- Employer sponsored programs such as staggered work schedules, flexible work hours, compressed work weeks and telecommuting programs;

In addition, the Owner shall implement the following two measures:

- Incorporate pedestrian access and connectivity into the design of Business and Office North and Business and Office South to provide pedestrian access to neighboring properties, pedestrian access to adjacent transit stops, the construction of transit shelters, transit drop-off locations or pull-out bays and the construction of on-site bicycle storage facilities. The design shall also include pedestrian access (such as pedestrian crosswalks or pedestrian signal phases) across NW 119 Street between the Business and Office parcels; and
- Construct bus pull-out bays and/or bus shelters on both the westbound (Business and Office North) and eastbound (Business and Office South) portions of NW 119<sup>th</sup> Street, if

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approved as appropriate by Miami-Dade County, Florida Department of Transportation and Miami-Dade Expressway Authority.

**6. Compatibility with Adjacent Uses.** (a) The Owner shall provide and maintain an adequate perimeter buffer (the "Landscape Buffer") along the Property boundary, and within the Industrial and Office North and Industrial and Office South parcels. At a minimum, the Landscape Buffer shall be at least 60 (sixty) feet in width and shall include a decorative masonry wall, opaque fence, or a landscaped berm at least seven (7) feet in height, as well as landscaping to include a row of trees, of such species as may be approved by County staff, 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. In lieu of erecting a decorative masonry wall or opaque fence, the Owner shall seek approval to permit a berm at least seven (7) feet in height to satisfy Section 18A-6(H) of the Code of Miami-Dade County. The Landscaped Buffer may include pedestrian walkways, water features and water bodies, but may not include any habitable buildings. Furthermore, no parking, loading, or vehicular access areas may be included within the Landscape Buffer, except for emergency access required by Miami-Dade County Fire Rescue, Police and/or Public Works. Notwithstanding the foregoing, these restrictions shall not apply to the public recreational facility, as provided in Paragraph 9 herein. Where any such public recreational facility is located within the Landscape Buffer, the measurement of the 60 (sixty) foot width for the Landscape Buffer shall include land used for the public recreational facility, regardless of how the public recreational facility is improved.

(b) A landscape plan, accompanied by a line of sight exhibit, depicting the exact height, size and type of landscaping materials within the Landscape Buffer shall be submitted to the Golf Park Homeowner's Association for review and comment not less than 30 days prior to public hearing on any application for zoning relief on the Industrial and Office North and Industrial and Office South parcels. The final proposed landscape plan shall be submitted to RER- DERM for approval not less than 10 days prior to any public hearing for zoning. The berm, wall or fence, and the required landscaping, within the respective parcel's Landscape Buffer shall be installed prior to the issuance of a certificate of occupancy for any building within such parcel.

(c) All lighting shall be directed away from the adjacent single family residences. Sound deadeners shall be used for any metal work and/or welding-related uses. All air compressors shall be of radial (silenced) design. All outdoor or speaker systems shall be prohibited within the Industrial and Office North and Industrial and Office South parcels.

(d) Other than as set forth in this Paragraph 6, there shall be no direct vehicular access between the Property and the surrounding residential neighborhood. Vehicular access to and from the Property will be provided exclusively: (i) to and from NW 119 Street, (ii) to and from the roadway segment of NW 24<sup>th</sup> Avenue abutting NW 119<sup>th</sup> Street and the Business and Office South parcel, (iii) to and from the roadway segment of NW 24<sup>th</sup> Avenue abutting NW 119<sup>th</sup> Street and the Business and Office North parcel, except that and (iv) the Industrial and Office South parcel may have access directly to and from NW 22 Avenue at theoretical NW 116<sup>th</sup> Street. ~~The~~

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Business and Office South parcel is permitted to have a driveway on Golf Drive West at NW 118<sup>th</sup> Street to serve as an additional means of vehicular access. Notwithstanding the foregoing, additional emergency access points may be permitted if required by Miami-Dade County Fire Rescue, Police and/or Public Works.

(e) The maximum building height of any hotel or motel use situated in the Industrial and Office North and Industrial and Office South parcels shall be limited to fifty (50) feet.

(f) The Owner shall provide street trees of an overall height of twelve (12) feet and a minimum caliper of two (2) inches at time of planting along all roadways abutting the Property at a spacing of twenty-five (25) feet on center.

(g) At the time of rezoning the Industrial and Office North and Industrial and Office South parcels the Owner shall prepare and submit site and elevation plans that endeavor to utilize site planning techniques to minimize noise impacts on the surrounding residential areas. Such site planning techniques may include but not be limited to traffic calming devices for internal access drives, parking areas, and service drives; attention to orientation of buildings; design devices such as wing walls surrounding loading courts of distribution buildings; and water features within the landscape buffer.

**7. Prohibited Uses.** (a) Neither the Industrial and Office North parcel nor the Industrial and Office South parcel shall be rezoned to the IU-3 zoning district, nor shall the Industrial and Office North and Industrial and Office South parcels be used for any of the specified, listed uses in Section 33-264 (3) of the Miami-Dade County Code, as amended, listing permitted uses in the IU-3 district.

(b) Neither the Industrial and Office North nor the Industrial and Office South parcel shall be used for any of the following uses listed in Section 33-262 of the Miami-Dade County Code, as amended, listing permitted uses in the IU-2 district:

- (1) Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers.
- (2) Rock and sand yards.
- (3) Soap manufacturing, vegetable byproducts, only.
- (4) Railroad shops.
- (5) Sawmills.
- (6) Petroleum products storage tank not exceeding 30,000-gallon capacity or a group of such tanks with an aggregate capacity not in excess of thirty thousand (30,000) gallons.

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(7) Petroleum products storage tank with a capacity of over thirty thousand (30,000) gallons or a group of such tanks with an aggregate capacity in excess of thirty thousand (30,000) gallons if approved after public hearing or if placed below the surface of the ground or in a rockpit.

(8) Dynamite storage.

(9) Construction debris materials recovery transfer facility, provided such use shall be conducted entirely within an enclosed building consisting of a minimum of 15,000 square feet. Counted toward this minimum floor area shall be areas set aside for office shop space and equipment storage associated with the construction debris materials recovery transfer facility.

(10) Manufacturing of cement and clay products, such as concrete blocks, pipe, etc., except that storage and distribution of cement and clay products will be permitted.

(c) Exhibit "F" attached hereto identifies certain uses that are permitted uses in the IU-1 zoning district in accordance with Section 33-259 of the Miami-Dade County Code. Neither the Industrial and Office North nor the Industrial and Office South parcel shall be used for any of the uses listed on Exhibit "F".

**8. Golf Drive Multi-Purpose Track Improvements.** Subject to the review and approval of the County Public Works Department, the Owner shall design, permit and construct a multi-purpose jogging, bicycle, and pedestrian track (the "Track") within the County rights of way of West Golf Drive and East Golf Drive adjacent to the Property. The Track shall be permitted in the same manner as a sidewalk. The Owner shall create a special taxing district, community development district or other entity (the "Funding Mechanism") that will be responsible for maintenance of the Track, the public recreational facility described in Paragraph 9, and (at Owner's option) other areas within the Property such as the landscape buffer, water features, and other similar facilities. The portion of the Track north of NW 119 Street shall be designed and installed prior to the issuance of the first certificate of occupancy for any use in the Industrial and Office North parcel described in Exhibit "B," and the Funding Mechanism for such portion of the Track shall be established. The portion of the Track south of NW 119 Street shall be designed and installed prior to the issuance of the first certificate of occupancy for any use in the "Industrial and Office South" parcel described in Exhibit "D," and the Funding Mechanism for such portion of the Track shall be established.

**9. Public Recreational Facility.** The Owner shall offer to improve and dedicate five (5) acres of vacant, undeveloped land within the Property to Miami-Dade County for a public recreational facility. This land for a public recreational facility shall be offered for dedication prior to the issuance of the first certificate of occupancy for any use on the Property. The Owner shall be responsible for improvements associated with developing the vacant, undeveloped land

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into a 5-acre neighborhood park with the following recreation facilities: playground with shade structure; non-illuminated 8' wide concrete walkway (+/-3,500'); fitness zone (outdoor gym); site furniture; shelter 30' x 30', unlighted; multipurpose court, unlighted; access control fence, 2-rails wood fence; access road; signage and wayfinding, neighborhood-parks. The restrictions contained in Paragraph 6(a) shall not apply to the public recreational facility. Furthermore, where any such public recreational facility is located within the Landscape Buffer, as provided in Paragraph 6(a), the measurement of the 60 (sixty) foot width for the Landscape Buffer shall include land used for the public recreational facility, regardless of how the public recreational facility is improved.

**10. Police Facility Site.** The Owner shall offer to dedicate vacant land within a portion of the Property designated for Business and Office use to Miami-Dade County for a police substation or similar police use, subject to the approval and acceptance of the Miami-Dade County Police Department. In the alternative, at the Owner's option, the Owner may offer a long-term 99 year lease for \$1 per year to Miami-Dade County for a police substation or similar use within the proposed commercial development. The vacant land or leased space for a police facility shall be offered for dedication prior to the issuance of the first certificate of occupancy for any use within the "Business and Office North" parcel described in Exhibit "C" or "Business and Office South" parcel described in Exhibit "E."

**11. Neighborhood Identification and Traffic Calming Measures.** Prior to approval of the first final plat for the Property, the Owner shall work with County Public Works and the Golf Park Homeowner's Association, Inc. in good faith to identify traffic calming infrastructure and/or neighborhood identification signage for the residential neighborhood that immediately abuts the Property. The traffic calming infrastructure and/or neighborhood identification signage will be located within the existing public right of way, and Owner agrees to work with County on the funding and construction of such improvements. This paragraph shall not require any modifications to a recorded final plat for the Property. If no agreement is reached with the Golf Park Homeowner's Association, Inc. and the County prior to the Miami-Dade County Plat Committee scheduling the final plat approval before the Board of County Commissioners, then the Owner shall be relieved of all obligations under this Paragraph 11. Nothing in this Paragraph 11 shall require Owner to fund construction of any of the aforementioned requirements.

**12. First Source and Local Workforce Hiring.** (a) Prior to the issuance of the first building permit for the development of the Property, the Owner shall notify the South Florida Workforce Investment Board, or successor agency recognized as the "Referral Agency" under the County's First Source Hiring Referral Program established under Section 2-2092 et seq. of the Miami-Dade County Code, of all vacancies and make a good faith effort to employ candidates from the Referral Agency with priority to applicants who are residents of the zip code in which the Property is located (33167).

(b) The Owner shall use all commercially reasonable efforts to (i) utilize the local business community as well as the local workforce in the construction of the Project, (ii) recruit

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and retain qualified community based small businesses, including Community Small Business Enterprises ("CSBEs"), Community Based Enterprises ("CBEs") and Small Business Enterprises ("SBEs") certified under the applicable provisions of the Code of Miami-Dade County; (iii) hire and ensure the retention of qualified employees regardless of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status or sexual orientation, and (iv) achieve an aspirational goal of awarding at least 10% of the construction contracts (based on the total construction costs of the project) to minority businesses to the extent permitted by law. The Owner agrees to hire a consulting firm with expertise in this area to manage and assist with the development and administration of the ongoing programming, as a good a faith effort to guarantee its overall success.

**13. Maintenance.** Within 60 days of the approval of the CDMP Amendment Application becoming final and non-appealable, the Owner shall (a) secure the Property with appropriate fencing and thereafter, regularly maintain the swale adjacent to the Property in good condition by cleaning the swale adjacent to the Property, trimming trees on the swale, and cutting the lawn on the swale in 30-day cycles, and (b) apply to FDOT's "Adopt A Highway" program for the segment of NW 27 Avenue between NW 103 Street and NW 135 Street and maintain its commitment to such roadway segment and be in good standing for 20 (twenty) years; provided, however, at the Owner's option, it may replace the FDOT "Adopt a Highway" program commitment with an alternative program acceptable to the Golf Park Homeowner's Association, Inc.

**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.

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**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any parcel or portion thereof, by a written instrument executed by the then owner(s) of all of the property such parcel affected by such modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing and provided that such modification, amendment or release applies solely to the parcel and the proposed development thereon. This Declaration of Restrictions may be modified, amended or released as to more than one parcel, or any portion thereof, by a written instrument executed by the then owner(s) of all of the parcels affected by such modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing and provided that such modification, amendment or release applies solely to the parcels which are the subject of the written instrument, and the proposed development thereon. It is expressly understood that the consent of owner(s) of a parcel or a portion of a parcel shall not be required in instances where a certain modification, amendment or release applies to, or affects, a different parcel. By way of example, in the event a modification of this Declaration of Restrictions only applies to the Business and Office North parcel, the owners of (i) Industrial and Office North parcel, (ii) the Business and Office South parcel and (iii) Industrial and Office South parcel shall not be required to consent to said modification.

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.

**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

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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, as to the parcel or portion of the parcel in which the violative activity or conduct has occurred, upon a finding by the Director of the Regulatory and Economic Resources Department finding that such violation has occurred. If such a finding is made, then the County may withhold further permits and/or inspections for the parcel or portion of the parcel in which the violative activity or conduct has occurred, 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.

**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

**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.

(Public Hearing)

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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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**ROSAL WESTVIEW, LLC**

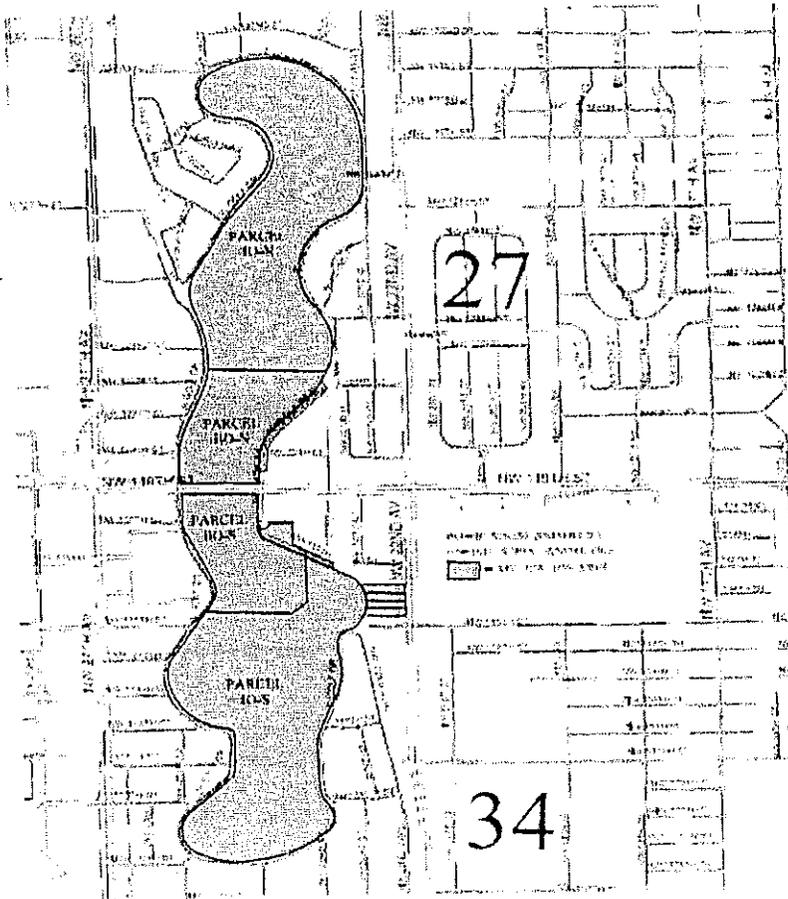
**LOCATION MAP FOR APPLICATION  
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

APPLICANT/REPRESENTATIVE

Rosal Westview, LLC/  
Jeffrey Bercow, 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.



## 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 NAME AND ADDRESS:**

APPLICANT: Rosal Westview, LLC  
 3050 Biscayne Boulevard  
 Suite 300  
 Miami, Florida 33137

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	Rosal Westview, LLC	30-2131-001-0621	
		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.**

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

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

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: N/A

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

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'S 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>
-------------------------	-------------------------------

N/A

Date of Contract: N/A

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

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
-------------------------------------------------	----------------------------

Francisco Rojo, 1666 Kennedy Causeway, Suite 505, NBV, FL 33141	50%
-----------------------------------------------------------------	-----

- 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].

TRUSTEES NAME:           N/A          

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

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

Date of Contract:           N/A

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

N/A

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

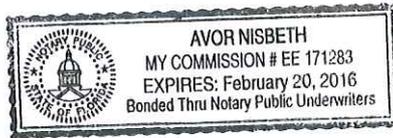
*[Handwritten Signature]*

Rosal Westview, LLC  
Robert Saland

Sworn to and subscribed before me  
this 25<sup>th</sup> day of November, 2014

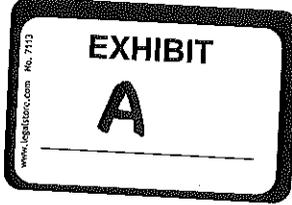
*[Handwritten Signature]*

Notary Public, State of Florida at Large (SEAL)



**My Commission Expires:**

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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RECORDED 11/04/2013 11:12:39  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**This instrument was prepared by:**  
**Nam :** Jeffrey Bercow, Esq.  
**Address:** B rcow Radell & Fernandez, PA  
200 South Biscayne Boulevard, Suite 850  
Miami, Florida 33131

A/20

(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**, approximately 95.5 gross acres of the Property is located to the north of State Road 924, also known as NW 119 Street or Gratigny Drive, and approximately 98.3 gross acres are located to the south of State Road 924;

**WHEREAS**, the Property is the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 1 of the October 2011-2012 CDMP Cycle ("CDMP Amendment Application");

**WHEREAS**, the CDMP Amendment Application seeks to change the Property's land use designation from "Park and Recreation" use to "Business and Office" and "Industrial and Office" use;

**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:

**1. Property.** The Property shall consist of the following four land use designations: (1) approximately 73.2 gross acres hereinafter called "Industrial and Office North", described in Exhibit "B", attached hereto; (2) approximately 23.5 gross acres hereinafter called "Business and Office North", described in Exhibit "C", attached hereto; (3) approximately 74.9 gross acres hereinafter called "Industrial and Office South", described as Exhibit "D", attached hereto; and (4) approximately 22.9 gross acres hereinafter called "Business and Office South", described as Exhibit "E", attached hereto.

**2. Permitted Uses.** (a) Development of the Business and Office North and Business and Office South parcels shall not exceed a total of 400,000 square feet of total development, which may include retail, service and office uses. The Industrial and Office North and Industrial and Office South parcels shall not exceed a total of 1,600,000 square feet of total development, which may include office, light industrial, warehouse and flex space uses. Warehouse/distribution space shall be limited to 700,000 square feet of the total 1,600,000 square feet of total development within the Industrial and Office North and Industrial and Office South parcels. (Warehouse/distribution space is primarily devoted to the storage of materials, goods and merchandise prior to their distribution to retail outlets, distribution centers or other warehouses.) Notwithstanding the foregoing, residential uses on the Property shall be permitted on the Business and Office North and Business and Office South parcels subject to

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the limitations set forth in subparagraph 2 (b) below, but in no instance shall the residential density exceed a maximum of 2,000 dwelling units.

(b) Notwithstanding the foregoing limitations, the Owner may simultaneously increase and decrease the intensity of uses of the aforementioned parcels provided that the total vehicle trip generation of the Property shall not exceed a total of 3,297 net external PM peak hour trips. If the Owner submits a development order application that would exceed or modify the intensity limitations set forth in subparagraph 2(a), then Owner shall provide a trip generation analysis with such application demonstrating that approval of the application will not result in a trip generation for the Property that exceeds 3,297 net external PM peak hour trips, subject to the approval of the reviewing agency.

(c) The Owner shall not commence construction of more than 800,000 s.f. of floor area within the Industrial and Office parcels (of which no more than 400,000 s.f. of floor area may be warehouse/distribution space), prior to the issuance of the first Certificate of Occupancy within one of the Business and Office parcels. Prior to, concurrently with, or subsequent to an application for rezoning and site plan approval of one of the Industrial and Office parcels, the Owner shall make and diligently pursue an application for rezoning and site plan approval of one of the Business and Office parcels; in no event shall Owner pursue an application for rezoning and site plan approval for the other Industrial and Office parcel unless Owner has applied for rezoning and site plan approval for one of the Business and Office parcels. In the event that such an application is not approved, and provided the Owner has exhausted all administrative remedies, the requirements of this Subparagraph 2(c) shall be deemed satisfied and the Director of the Regulatory and Economic Resources Department shall provide a written confirmation to that effect upon the request of the Owner, which confirmation may be recorded as evidence that this condition has been satisfied. The limitations of this Subparagraph 2(c) shall not apply if the Owner submits an application for, and obtains approval of rezoning and site plan approval for development of one or both of the Industrial and Office parcels as a motion picture or television production facility with more than 400,000 square feet of space. In the event that such an application is approved, the requirements of this Subparagraph 2(c) shall be deemed satisfied and the Director of the Regulatory and Economic Resources Department shall provide a written confirmation to that effect upon the request of the Owner, which confirmation may be recorded as evidence that this condition has been satisfied.

**3. Drainage/Stormwater.** Prior to the issuance of any building permit on the Property, or any portion thereof, the Owner shall obtain (a) conceptual surface water management permit(s) (Environmental Resource Permit/ "ERP") from Regulatory and Economic Resources or its successor agency for construction and operation of a required surface water management system, and (b) approval of a master paving and drainage plan(s).

**4. NW 119 Street Roadway Improvement(s).** (a) The Owner shall work with Miami-Dade County, the Miami-Dade Expressway Authority and the Florida Department of Transportation to incorporate eastbound right turn lane(s) into the site plan for the portion of the property located south of N.W. 119 Street between West Golf Drive and East Golf Drive.

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(b) Prior to issuance of the first Certificate of Occupancy, the Owner shall construct or cause to be constructed the eastbound right turn lane(s) described in subparagraph 4(a), along with an extension to the existing fourth westbound travel lane on NW 119 Street extending from East Golf Drive to West Golf Drive for a distance of approximately 775 feet. This fourth westbound travel lane shall connect to the fourth westbound travel lane which currently exists on NW 119 Street from West Golf Drive to NW 27 Avenue.

(c) Should any of the improvements described in subparagraph 4(b) not be approved or permitted by Miami-Dade County, Miami-Dade Expressway Authority or the Florida Department of Transportation, the Owner's obligation under this paragraph shall terminate.

**5. TDM Strategy.** The Owner shall promote a reduction in peak hour traffic and a reduction in the single occupant vehicle by advocating and implementing Transportation Demand Management (TDM) strategies which increase auto occupancy, transit ridership and pedestrian access and mobility through the implementation of one or more of the following measures:

- Employer based parking management and ridesharing programs to promote carpooling, vanpooling, car sharing and the use of hybrid vehicles;
- The installation of electric vehicle charging stations into project parking facilities;
- Employer sponsored programs such as transit discounts, fare subsidies and transit fare tax incentives;
- Employer sponsored programs such as staggered work schedules, flexible work hours, compressed work weeks and telecommuting programs;

In addition, the Owner shall implement the following two measures:

- Incorporate pedestrian access and connectivity into the design of Business and Office North and Business and Office South to provide pedestrian access to neighboring properties, pedestrian access to adjacent transit stops, the construction of transit shelters, transit drop-off locations or pull-out bays and the construction of on-site bicycle storage facilities. The design shall also include pedestrian access (such as pedestrian crosswalks or pedestrian signal phases) across NW 119 Street between the Business and Office parcels; and
- Construct bus pull-out bays and/or bus shelters on both the westbound (Business and Office North) and eastbound (Business and Office South) portions of NW 119<sup>th</sup> Street, if approved as appropriate by Miami-Dade County, Florida Department of Transportation and Miami-Dade Expressway Authority.

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**6. Compatibility with Adjacent Uses.** (a) The Owner shall provide and maintain an adequate perimeter buffer (the "Landscape Buffer") along the Property boundary, and within the Industrial and Office North and Industrial and Office South parcels. At a minimum, the Landscape Buffer shall be at least 60 (sixty) feet in width and shall include a decorative masonry wall, opaque fence, or a landscaped berm at least seven (7) feet in height, as well as landscaping to include a row of trees, of such species as may be approved by County staff, 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. In lieu of erecting a decorative masonry wall or opaque fence, the Owner shall seek approval to permit a berm at least seven (7) feet in height to satisfy Section 18A-6(H) of the Code of Miami-Dade County. The Landscaped Buffer may include pedestrian walkways, water features and water bodies, but may not include any habitable buildings. Furthermore, no parking, loading, or vehicular access areas may be included within the Landscape Buffer, except for emergency access required by Miami-Dade County Fire Rescue, Police and/or Public Works. Notwithstanding the foregoing, these restrictions shall not apply to the public recreational facility, as provided in Paragraph 9 herein. Where any such public recreational facility is located within the Landscape Buffer, the measurement of the 60 (sixty) foot width for the Landscape Buffer shall include land used for the public recreational facility, regardless of how the public recreational facility is improved.

(b) A landscape plan, accompanied by a line of sight exhibit, depicting the exact height, size and type of landscaping materials within the Landscape Buffer shall be submitted to the Golf Park Homeowner's Association for review and comment not less than 30 days prior to public hearing on any application for zoning relief on the Industrial and Office North and Industrial and Office South parcels. The final proposed landscape plan shall be submitted to RER- DERM for approval not less than 10 days prior to any public hearing for zoning. The berm, wall or fence, and the required landscaping, within the respective parcel's Landscape Buffer shall be installed prior to the issuance of a certificate of occupancy for any building within such parcel.

(c) All lighting shall be directed away from the adjacent single family residences. Sound deadeners shall be used for any metal work and/or welding-related uses. All air compressors shall be of radial (silenced) design. All outdoor or speaker systems shall be prohibited within the Industrial and Office North and Industrial and Office South parcels.

(d) Other than as set forth in this Paragraph 6, there shall be no direct vehicular access between the Property and the surrounding residential neighborhood. Vehicular access to and from the Property will be provided exclusively to and from NW 119 Street, except that the Industrial and Office South parcel may have access directly to and from NW 22 Avenue at theoretical NW 116<sup>th</sup> Street. Notwithstanding the foregoing, additional emergency access points may be permitted if required by Miami-Dade County Fire Rescue, Police and/or Public Works.

(e) The maximum building height of any hotel or motel use situated in the Industrial and Office North and Industrial and Office South parcels shall be limited to fifty (50) feet.

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(f) The Owner shall provide street trees of an overall height of twelve (12) feet and a minimum caliper of two (2) inches at time of planting along all roadways abutting the Property at a spacing of twenty-five (25) feet on center.

(g) At the time of rezoning the Industrial and Office North and Industrial and Office South parcels the Owner shall prepare and submit site and elevation plans that endeavor to utilize site planning techniques to minimize noise impacts on the surrounding residential areas. Such site planning techniques may include but not be limited to traffic calming devices for internal access drives, parking areas, and service drives; attention to orientation of buildings; design devices such as wing walls surrounding loading courts of distribution buildings; and water features within the landscape buffer.

**7. Prohibited Uses.** (a) Neither the Industrial and Office North parcel nor the Industrial and Office South parcel shall be rezoned to the IU-3 zoning district, nor shall the Industrial and Office North and Industrial and Office South parcels be used for any of the specified, listed uses in Section 33-264 (3) of the Miami-Dade County Code, as amended, listing permitted uses in the IU-3 district.

(b) Neither the Industrial and Office North nor the Industrial and Office South parcel shall be used for any of the following uses listed in Section 33-262 of the Miami-Dade County Code, as amended, listing permitted uses in the IU-2 district:

- (1) Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers.
- (2) Rock and sand yards.
- (3) Soap manufacturing, vegetable byproducts, only.
- (4) Railroad shops.
- (5) Sawmills.
- (6) Petroleum products storage tank not exceeding 30,000-gallon capacity or a group of such tanks with an aggregate capacity not in excess of thirty thousand (30,000) gallons.
- (7) Petroleum products storage tank with a capacity of over thirty thousand (30,000) gallons or a group of such tanks with an aggregate capacity in excess of thirty thousand (30,000) gallons if approved after public hearing or if placed below the surface of the ground or in a rockpit.
- (8) Dynamite storage.

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(9) Construction debris materials recovery transfer facility, provided such use shall be conducted entirely within an enclosed building consisting of a minimum of 15,000 square feet. Counted toward this minimum floor area shall be areas set aside for office shop space and equipment storage associated with the construction debris materials recovery transfer facility.

(10) Manufacturing of cement and clay products, such as concrete blocks, pipe, etc., except that storage and distribution of cement and clay products will be permitted.

(c) Exhibit "F" attached hereto identifies certain uses that are permitted uses in the IU-1 zoning district in accordance with Section 33-259 of the Miami-Dade County Code. Neither the Industrial and Office North nor the Industrial and Office South parcel shall be used for any of the uses listed on Exhibit "F".

**B. Golf Drive Multi-Purpose Track Improvements.** Subject to the review and approval of the County Public Works Department, the Owner shall design, permit and construct a multi-purpose jogging, bicycle, and pedestrian track (the "Track") within the County rights of way of West Golf Drive and East Golf Drive adjacent to the Property. The Track shall be permitted in the same manner as a sidewalk. The Owner shall create a special taxing district, community development district or other entity (the "Funding Mechanism") that will be responsible for maintenance of the Track, the public recreational facility described in Paragraph 9, and (at Owner's option) other areas within the Property such as the landscape buffer, water features, and other similar facilities. The portion of the Track north of NW 119 Street shall be designed and installed prior to the issuance of the first certificate of occupancy for any use in the Industrial and Office North parcel described in Exhibit "B," and the Funding Mechanism for such portion of the Track shall be established. The portion of the Track south of NW 119 Street shall be designed and installed prior to the issuance of the first certificate of occupancy for any use in the "Industrial and Office South" parcel described in Exhibit "D," and the Funding Mechanism for such portion of the Track shall be established.

**9. Public Recreational Facility.** The Owner shall offer to improve and dedicate five (5) acres of vacant, undeveloped land within the Property to Miami-Dade County for a public recreational facility. This land for a public recreational facility shall be offered for dedication prior to the issuance of the first certificate of occupancy for any use on the Property. The Owner shall be responsible for improvements associated with developing the vacant, undeveloped land into a 5-acre neighborhood park with the following recreation facilities: playground with shade structure; non-illuminated 8' wide concrete walkway (+/-3,500'); fitness zone (outdoor gym); site furniture; shelter 30' x 30', unlighted; multipurpose court, unlighted; access control fence, 2-rails wood fence; access road; signage and wayfinding, neighborhood-parks. The restrictions contained in Paragraph 6(a) shall not apply to the public recreational facility. Furthermore, where any such public recreational facility is located within the Landscape Buffer, as provided in Paragraph 6(a), the measurement of the 60 (sixty) foot width for the Landscape Buffer shall

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include land used for the public recreational facility, regardless of how the public recreational facility is improved.

**10. Police Facility Site.** The Owner shall offer to dedicate vacant land within a portion of the Property designated for Business and Office use to Miami-Dade County for a police substation or similar police use, subject to the approval and acceptance of the Miami-Dade County Police Department. In the alternative, at the Owner's option, the Owner may offer a long-term 99 year lease for \$1 per year to Miami-Dade County for a police substation or similar use within the proposed commercial development. The vacant land or leased space for a police facility shall be offered for dedication prior to the issuance of the first certificate of occupancy for any use within the "Business and Office North" parcel described in Exhibit "C" or "Business and Office South" parcel described in Exhibit "E."

**11. Neighborhood Identification and Traffic Calming Measures.** Prior to approval of the first final plat for the Property, the Owner shall work with County Public Works and the Golf Park Homeowner's Association, Inc. in good faith to identify traffic calming infrastructure and/or neighborhood identification signage for the residential neighborhood that immediately abuts the Property. The traffic calming infrastructure and/or neighborhood identification signage will be located within the existing public right of way, and Owner agrees to work with County on the funding and construction of such improvements. This paragraph shall not require any modifications to a recorded final plat for the Property. If no agreement is reached with the Golf Park Homeowner's Association, Inc. and the County prior to the Miami-Dade County Plat Committee scheduling the final plat approval before the Board of County Commissioners, then the Owner shall be relieved of all obligations under this Paragraph 11. Nothing in this Paragraph 11 shall require Owner to fund construction of any of the aforementioned requirements.

**12. First Source and Local Workforce Hiring.** (a) Prior to the issuance of the first building permit for the development of the Property, the Owner shall notify the South Florida Workforce Investment Board, or successor agency recognized as the "Referral Agency" under the County's First Source Hiring Referral Program established under Section 2-2092 et seq. of the Miami-Dade County Code, of all vacancies and make a good faith effort to employ candidates from the Referral Agency with priority to applicants who are residents of the zip code in which the Property is located (33167).

(b) The Owner shall use all commercially reasonable efforts to (i) utilize the local business community as well as the local workforce in the construction of the Project, (ii) recruit and retain qualified community based small businesses, including Community Small Business Enterprises ("CSBEs"), Community Based Enterprises ("CBEs") and Small Business Enterprises ("SBEs") certified under the applicable provisions of the Code of Miami-Dade County; (iii) hire and ensure the retention of qualified employees regardless of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status or sexual orientation, and (iv) achieve an aspirational goal of awarding at least 10% of the construction contracts (based on the total construction costs of the project) to minority businesses to the

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extent permitted by law. The Owner agrees to hire a consulting firm with expertise in this area to manage and assist with the development and administration of the ongoing programming, as a good a faith effort to guarantee its overall success.

**13. Maintenance.** Within 60 days of the approval of the CDMP Amendment Application becoming final and non-appealable, the Owner shall (a) secure the Property with appropriate fencing and thereafter, regularly maintain the swale adjacent to the Property in good condition by cleaning the swale adjacent to the Property, trimming trees on the swale, and cutting the lawn on the swale in 30-day cycles, and (b) apply to FDOT's "Adopt A Highway" program for the segment of NW 27 Avenue between NW 103 Street and NW 135 Street and maintain its commitment to such roadway segment and be in good standing for 20 (twenty) years.

**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 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

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(Space reserved for Clerk)

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.

**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.

**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

**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.

(Public Hearing)

Sectl n-T wnshlp-Range: 27-52-41 and 34-52-41

F II number: 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, 30-2134003-0280

RS

(Space reserved for Clerk)

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.

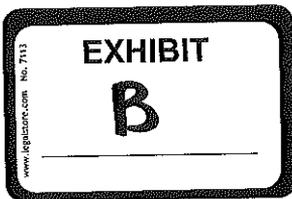
**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Public Hearing)

Section-T wnship-Range: 27-52-41 and 34-52-41  
Foil number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0280, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280





# CDMP LEGAL AND SKETCH

### SURVEYOR'S NOTES:

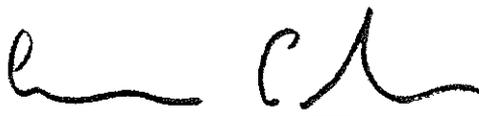
1. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. This sketch does not represent a land survey.
3. Based on Boundary Survey of Westview Country Club Golf Course by Robayna & Associates dated 4/28/11.
4. Not valid without accompanying sketch.
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
 <b>LUDOVICI &amp; ORANGE</b> <b>CONSULTING ENGINEERS, INC.</b> 329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012				<b>PARCEL</b> <b>BO-S</b> SHEET 1 OF 3 SHEETS

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

SHEET 2 OF 3 SHEETS

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

POC  
NW CORNER OF  
SECTION 34-52-41

699.10'

50.02'

91°42'

128.05'

R=850.00'  
D=28°00'  
L=415.39'

30'  
R/W

GOLF DRIVE WEST

NET AREA=21.5 AC.±  
GROSS AREA=23.4 AC.±

NORTH LINE OF  
SECTION 34-52-41

NW 119th STREET

683.82'

91°42'

30'  
R/W

R=150.00'  
D=63°20'  
L=165.81'

NW 24th AVE.

P.B. 127, PG. 84  
AREA=1.36 AC.±  
TRACT B(WEST)

PARCEL BO-S  
AREA=20.1 AC.±

358.15'

117°30"

N01°32'09"W  
67.66'



S64°01'16"E  
304.06'  
S00°17'07"E  
66.91'

N64°01'16"W  
302.41'

SE CORNER TRACT B  
REDI DATA  
SUBDIVISION  
P.B. 127, PG. 84

435.87'

129°38"

137°16"

166.80'

762.58'

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

# 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



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

SHEET 1 OF 4 SHEETS

# 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°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°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°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°06' TO THE RIGHT FOR A DISTANCE OF 762.58 FEET; THENCE NORTHEASTERLY ON AN ANGLE OF 222°44' TO THE LEFT FOR A DISTANCE OF 166.80 FEET; THENCE NORTHERLY ON AN ANGLE OF 230°22' TO THE LEFT FOR A DISTANCE OF 435.87 FEET; THENCE SOUTHEASTERLY ON AN ANGLE OF 62°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°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°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°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°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°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°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°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°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°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°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°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°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°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



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

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

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

SHEET 2 OF 4 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

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SCALE: AS NOTED



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

SHEET 1 OF 3 SHEETS

# 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
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**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



# 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.
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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

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

SHEET 1 OF 3 SHEETS

# 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



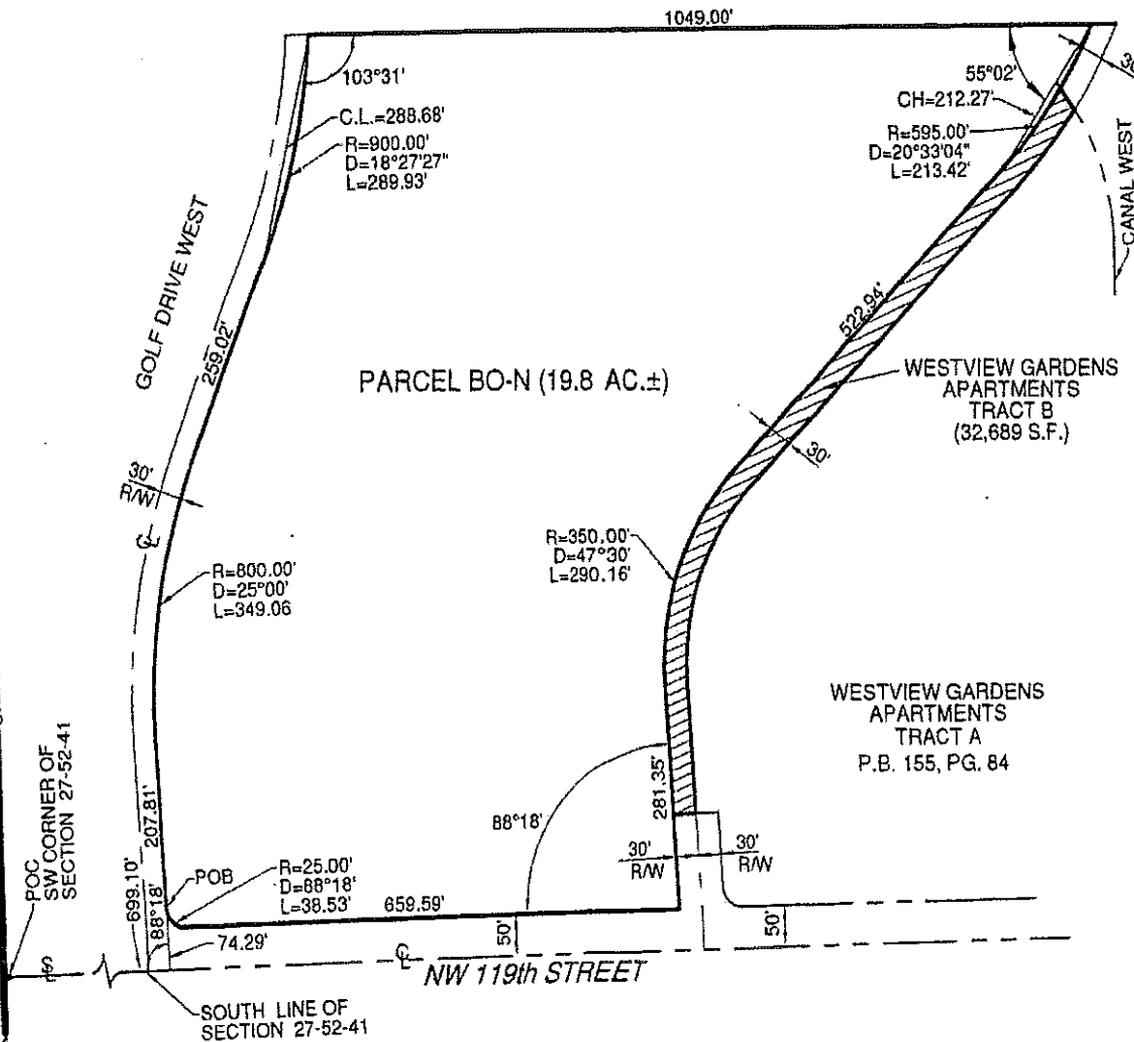
**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

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

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

SHEET 2 OF 3 SHEETS

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



PARCEL BO-N (19.8 AC.±)

WESTVIEW GARDENS APARTMENTS TRACT B (32,689 S.F.)

WESTVIEW GARDENS APARTMENTS TRACT A P.B. 155, PG. 84

NET AREA=20.5 AC.±  
GROSS AREA=22.3 AC.±

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

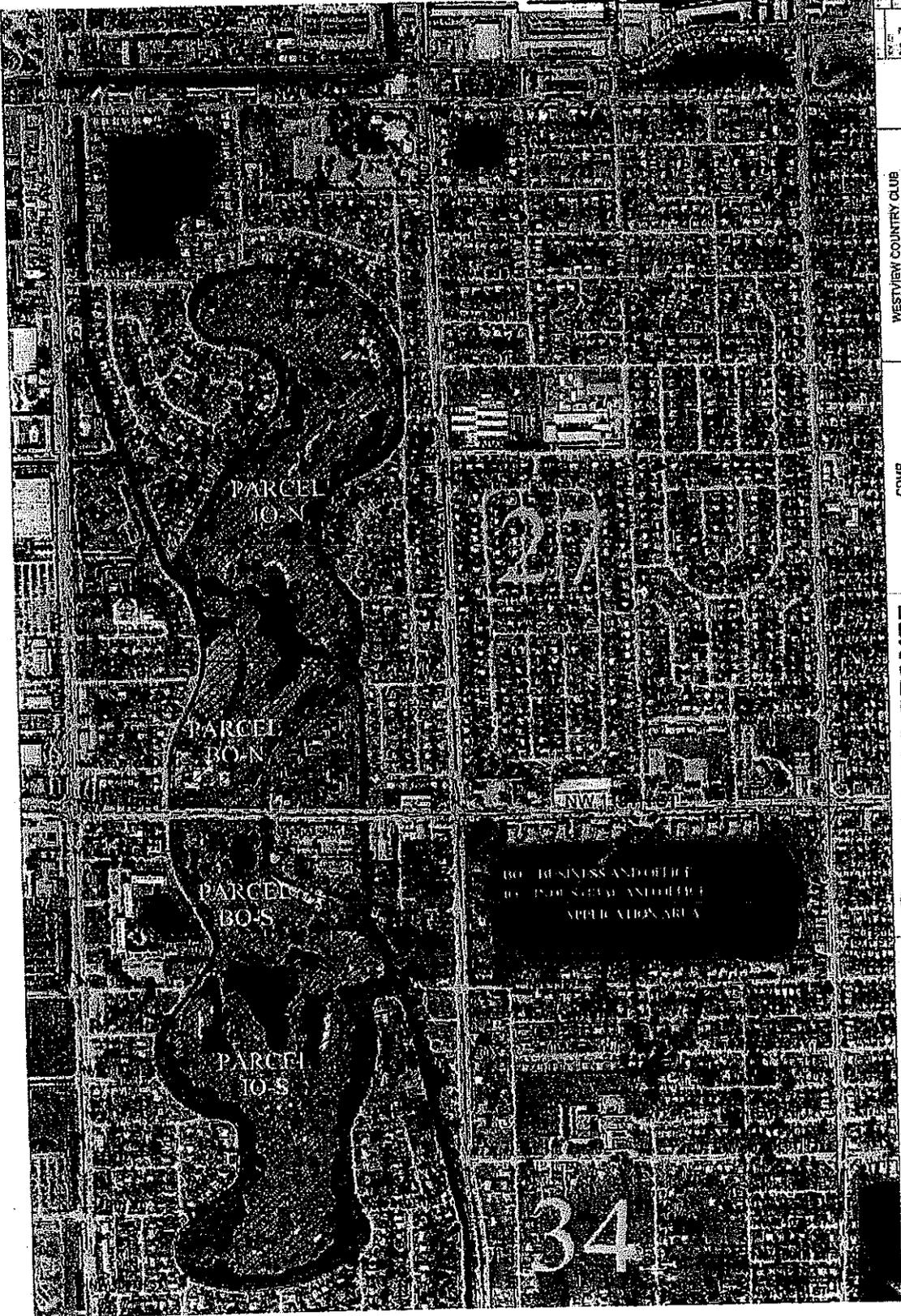


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**PARCEL BO-N**

SHEET 3 OF 3 SHEETS



2

WESTVIEW COUNTRY CLUB

CDMP

AERIAL EXHIBIT

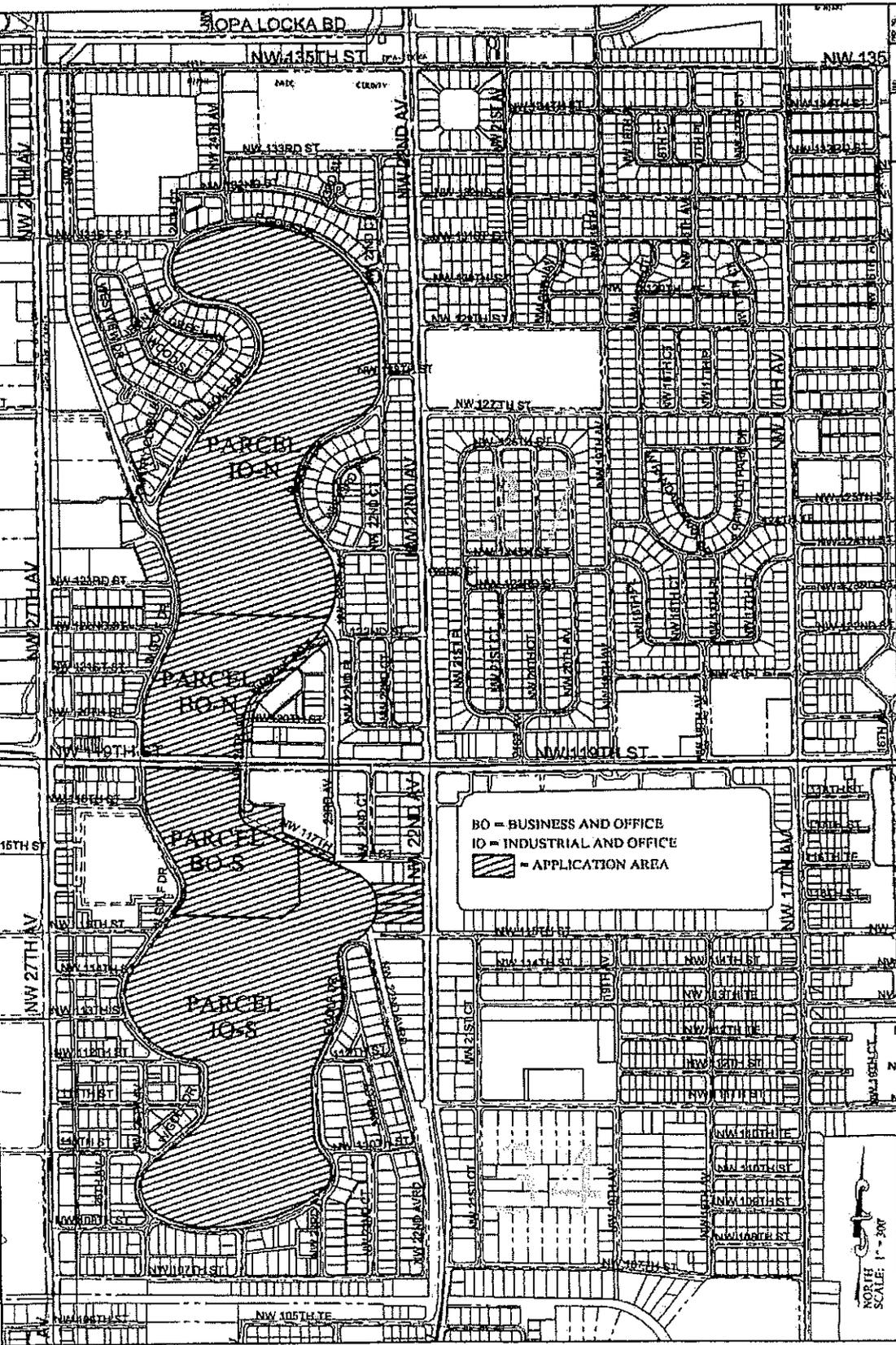
SECTIONS 27, 34-52-41

**LUDOVICI & ORANGE**  
 CONSULTING ENGINEERS, INC.  
207 PINEBROOK DRIVE, GAITHERSBURG, MARYLAND 20878-1174



BUSINESS AND OFFICE  
 BUILDING AND OFFICE  
 APPLICATION AREA

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<p>WESTVIEW COUNTRY CLUB SECTIONS 27, 34-52-41</p>	<p>COMP SITE VICINITY EXHIBIT</p>	<p><b>LUDOVICI &amp; ORANGE</b> CONSULTING ENGINEERS, INC. 129 PALMWOOD AVENUE, CORAL GABLES, FLORIDA 33134 • PHONE: 366-1815</p> 
<p>1</p>	<p>RECORDED OF REVISION</p>	<p>NORTH SCALE: 1" = 200'</p> 

