

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-54-07

WHEREAS, MIAMI-DADE AVIATION DEPARTMENT applied to Community

Zoning Appeals Board 8 for the following:

- (1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION to a Development of Regional Impact pursuant to §380.06(19)(c) of the Florida Statutes with respect to the following amendments and requests:
- (2) MODIFICATION of Conditions #44, #52, and #53 of Resolution #Z-22-00 as last modified by Resolution #Z-1-01, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "44. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 30, 2005) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to his development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order."

TO:"44. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (~~December 30, 2005~~ December 29, 2010) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order."

FROM: "52. December 30, 2005 is hereby established as the build-out date for this project and is the date until which the local governments of jurisdiction agree that the Miami International Airport DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the

county can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare."

TO: "52. ~~December 30, 2005~~ December 29, 2010 is hereby established as the build-out date for this project and is the date until which the local governments of jurisdiction agree that the Miami International Airport Development of Regional Impact (DRI) shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the county can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare."

FROM: "53. Development has commenced at the project site as defined in §380.04 F.S. The termination date for completing physical development shall be December 30, 2005. This termination date may be modified in accordance with §380.06(19)(c), F.S."

TO: "53. Development has commenced at the project site as defined in §380.04 F.S. The termination date for completing physical development shall be ~~December 30, 2005~~ December 29 2010. This termination date may be modified in accordance with §380.06(19)(c), F.S."

The purpose of this request is to modify the previous resolution to extend the build-out date and the termination date of the Development of Regional Impact for Miami International Airport.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

SUBJECT PROPERTY: Portions of Sections 29, 30, 31, and 32, Township 53 South, Range 41 East and portions of Sections 25, 26, 35 and 36, Township 53 South, Range 40 East, and being more particularly described as follows: Commencing at the northeast corner of the NW ¼ of said Section 29; Thence N88°56'15" W, along the north line of said NW ¼ of Section 29, a distance of 50'; Thence S01°12' 20"W, along a line 50' west of and parallel with the east line of said NW ¼ of Section 29, a distance of 119.18' to a point located on the west Right-of-way line N.W. 42nd Avenue (Le Jeune Road) said point being the Point of beginning; thence along said west Right-of-Way line, the following 8 courses and distances: 1. S01°12'20"W, along said parallel line, 1,339.82'; 2. S04°23' 42"W, 269.62'; 3. S01°13'5 4"W, 550.35' to point 65' west of and parallel with the east line of the SW ¼ of said Section 29; 4. S01°12'20" W, along a line west of and parallel with the said east line of the NW ¼ of Section 29, a distance of 1,420.8' to a Point of curvature of a curve concave to the west; 5. SW/ly along the arc of said curve, having a radius of

5719.08', a central angle of 05°30'00" and an arc distance of 548.99'; 6. S06°43'04"W 141.02'; 7. S88°46'04"E, 54.66'; 8. S01°13'11"W, along a line 50' west of and parallel with the east line of the SW ¼ of said Section 29, a distance of 1,000', to the Tamiami Canal ±; said point being on the south line of the SW ¼ of said Section 29; thence SW/ly, meandering along the Tamiami Canal, and along a reference line bearing S44°58'38"W, for 4,548.75' to the north Right-of-Way line of State Road 836 (S.R. #836) as shown on Florida Department of Transportation, Right-of-Way Maps, for S.R. #836 §87200-2503; thence S76°13'23"W, along a line 50' west along the north bank ± of the entry channel Plat Book 50, Page 77 for 187.8'; thence N04°47'18" E, along said north Right-of-Way line, a distance of 264.37' to a point on the arc of a non-radial curve concave to the northwest (a radial line through said point bears S07°02'25"E) said point also being located on the south Right-of-Way line of the Seaboard Airline Railroad; thence along said north Right-of-Way line of S. R. #836 and said south Right-of-Way line of Seaboard Airline Railroad the following five (5) courses and distance: 1. NW/ly, along the arc said curve concave to the northwest, having a radius of 787.78', a central angle of 21°17'29" an arc distance of 292.74 feet, and a chord bearing and distance of N86°23'40"W, 291.06' to a Point of Tangency; 2. N75°44'56"W, a distance of 431.26'; 3. S14°15'04"W, a distance of 50'; 4. N75°44'56"W, a distance of 796.6' to a Point of curvature of a curve concave to the south; 5. NW/ly, along the arc of said curve, having a radius of 1839.2' a central angle of 03°52'22" an arc distance of 124.32', and a chord bearing and distance of N77°41'07"W, 124.29'; thence N57°57'50"W, along said north Right-of-Way line of S. R. #836 and its NW/ly projection, a distance of 144.1' to north line of SE ¼ of Section 31, Township 53 South, Range 41 East; thence N89°44'40"W, along said north line, a distance of 272.98' to the northwest corner of said SE ¼ and the southwest corner of the NE ¼ of said Section 31; thence N01°20'20"E, along the west line of said NE ¼ of Section 31, a distance of 53.32' to a point on the north Right-of-Way line of the Seaboard Airline Railroad; thence along said north Right-of-Way line the Seaboard Airline Railroad the following 8 courses and distance: 1. N89°43'18"W, 2,710.18' to a point on the west line of the NW ¼ of said Section 31; 2. N89°40'08"W, 27.5' to a Point of curvature of a curve concave to the south; 3. W/ly along the arc of said curve, having a radius of 1,935.08', a central angle of 03°46'22" and an arc distance of 127.42' to a Point of Tangency; 4. S86°33'30"W, 1,333.62' to a Point of curvature of a curve concave to the north; 5. W/ly along the arc of said curve, having a radius of 1,885', a central angle of 03°25'53" and an arc distance of 112.89' to a Point of tangency; 6. S89°59'23"W, 3,680.64'; 7. S89°58'39"W, 228.98' to a Point of curvature of a curve concave to the northeast; 8. W/ly along the arc of said curve, having a radius of 739.49', a central angle of 15°18'39" an arc distance of 197.61' and a chord bearing and distance of N82°22'02"W, 197.02' to a Point of non-tangency; thence S89°57'53"W, 643.82'; thence S01°26'45"W, 218.79'; thence S70°55'00"W 293.65'; thence S01°26'45"W, 175.67' to a point on the north Right-of-Way Line of the Florida East Coast Railroad, said point being on the arc of a curve concave to the southwest (a radial line through said point bears N67°15'09"E); thence NW/ly, along said north Right-of-Way line and the arc of said curve, having a radius of 900', a central angle of 67°59'32", an arc distance of 1,068.02' to a Point of Tangency; thence S89°15'37"W, along said north Right-of-Way line, 230.05'; thence N89°26'38"W, along said north Right-of-Way line, 212.84' to a point on the East line of the SW ¼ of said Section 35, Township 53 South, Range 40 East; thence S01°17'27"W, along said east line, 41.97' to a point on the north Right-of-Way line of the Seaboard Airline Railroad; thence along said north Right-of-Way line the following 5 courses and

distance; 1. S88°07' 49"W, along said north Right-of-Way line, 234.27'; 2. N86°49' 28"W, along said north Right-of-Way line, 1,328.72'; 3. N89°07'03"W, along said north Right-of-Way line, 415.57'; 4. N00°58'53 "E, 25.3'; 5. N87°29' 27"W, 356.69'; thence N01°13'14"E, 660.74' to the center line of N.W. 14th Street; thence N87°11' 15"W, along said center line 303' to a point on the west line of said SW ¼ of Section 35; thence N01°12'20" E, along said west line and the east Right-of-Way line of S.R. #826 as shown on the Florida Department of Transportation Right-of-Way Haps for Section 8726-101, a distance of 1323.03 feet to the Northwest corner of said SW ¼ of Section 35, and the southwest corner of PALMETTO CORPORATE CENTER, Plat book 113, Page 78; thence S87°10'36"E, along the north line of said SW ¼ AND the south line of said PALMETTO CORPORATE CENTER, 1,980.99'; thence N01°13'4 7"E, along said south line, 351.59'; thence S87°09' 22"E along said south line and its E/ly projection, 660.18 feet to a point on the East line of the NW ¼ of said Section 35; thence S01°17'07" W, along said east line, 352' to the southwest corner of NE ¼ and the northwest corner of the SE ¼ of said Section 35; thence S01°18'18 "W, along the west line of said SE ¼, 264.35'; thence N89°55' 36"E, 1,580.51'; thence N01°27'16" E, 2,827.06' to a point on the north line of the said NE ¼ of Section 35; thence S87°12'32" E, along said north line, 1,046.73' to the northeast corner of said NE ¼ of Section 35 and the southeast corner of the SE ¼ of said Section 26, Township 53 South, Range 40 East; thence N01°06' 17"E, a distance of 300.48'; thence N87°22'3 3"W, a distance of 164.52'; thence N87°11'16" W, a distance of 355.32'; thence N01°09' 52"E, a distance of 1,578.71'; thence S88°48'39" E for 408' ± to the W/ly bank of the Florida East Coast Railway Borrow Ditch; thence N/ly, meandering said W/ly bank, along a reference line bearing N01°12' 00"E for a distance of 1,825.74'; thence N70°07' 57"W, a distance of 107'; thence N88°48' 29"W, 306.82'; thence N00°49' 14"E, 114.06' to a point on the S/ly Right-of-Way line of N.W. 36th Street; as shown on Florida Department of Transportation Right-of-Way for State Road 948 §87673-2601; thence N02°25' 35"E, 23.59'; thence S69°36'12 "E, along said S/ly Right-of-Way line, 528.6'; thence S01°12'12 "W, along a line west of and parallel with the said east line of Section 26, a distance of 68.47'; thence S87°20' 44"E, 55.9'; thence S01°12'36"W, 267.07' to a point on the arc of a curve concave to the southeast (a radial line through said point bears N64°03'0 0"W) Thence NE/ly, along the arc of said curve, having a radius of 550', a central angle of 38°27'21" an arc distance of 369.15' and a chord bearing and distance of N45°10'41 "E, 362.26', to a Point of non-tangency; thence S87°38'11" E, 403.74'; thence N01°17' 40"E 69.91'; thence S87°35'2 1"E, 630.53'; thence S87°44'44 "E 3.22' to a point on the arc of a non-tangent curve concave to the north (a radial line through said point bears S02°26'31"W); thence E/ly, along the arc of said curve, having a radius of 1,860', a central angle of 10°10'0 8" an arc distance of 330.11' and a chord bearing and distance of North 87°21'27 "E, 329.68' to a Point of non-tangency; thence N82°17'4 9"E, 338.88' to a point on the arc of a non-tangent curve concave to the south (a radial line through said point bears N07° 43'49"W); thence E/ly, along the arc of said curve, having a radius of 1,960.08', a central angle of 10°11' 39" arc distance of 348.74' and a chord bearing and distance of N87°22'01" E, 348.28' to a Point of non-tangency; thence S87°30' 59"E, 306.14' to a point on the west line of the NE ¼ of said Section 25, Township 53 South, Range 40 East; thence S87°31'35" E, 921.07'; thence S87°30'43"E, 399.91'; thence S87°33'22 "E, 916.9'; thence S87° 31'17" E, 200'; thence S87°32' 33"E, 204.34' to a point on the east line of said NE ¼ of Section 25, Township 53 South, Range 40 East, and the west line of the SW ¼ of Section 19, Township 53 South, Range 41 East; thence S01°17'1 7"W, along the east line and said

west line, 28.57' to the southwest corner of said SW ¼ of Section 19 and the northwest corner of the NW ¼ of Section 30, Township 53 South, Range 41 East; thence S01°16'54"W, along the west line of said NW ¼ of Section 30, a distance of 50.01' to a point on a line 50' south of and parallel with the north line of the NW ¼ of Section 30; thence S89°33'19" E, along said parallel line, 2710.49' to a point on the west line of NE ¼ of said Section 30; thence S89°34'38" E, along line 50' south of and parallel with the north line of said NE ¼ of Section 30, a distance of 2708.11' to a point on the west line of the NW ¼ of Section 29, Township 53 South, Range 41 East; thence S88°56'15"E, along a line 50' south of and parallel with the north line of said NW ¼ of Section 29, a distance of 2,547.53' to a Point of curvature of a curve concave to the southwest; thence SE/ly, along the arc of said curve, having a radius of 69', a central angle of 90°08'35" an arc distance of 108.56' to a Point of tangency and the Point of beginning; LESS THEREFROM: RIGHT-OF-WAY OF SEABOARD AIRLINE RAILROAD: A portion of Sections 29, 31, and 32, Township 53 South, Range 41 East, more particularly described as follows:

Commencing at the northeast corner of the NW ¼ of said Section 29; thence N88°56' 15"W, along the north line of said NW ¼ of Section 29, a distance of 50'; thence S01°12'20"W, along a line 50' west of and parallel with the east of said NW ¼ of Section 29, a distance of 119.18' to a point located west Right-of-Way line of N.W/ 42 Avenue (Le Jeune Road); thence along said west Right-of-Way line the following 3 courses and distances; 1. S01°12'20"W, along said parallel line, 1339.82'; 2. S04°23'42" W 269.62'; 3. S01°13'54"W, 550.35' to the Point of beginning; thence S01°12' 17"W, along said west Right-of-Way line, a distance of 87.51' to a point on the arc of a curve concave to the southeast and through which a radial line bears N56°41'24" W, said point also being located on the south Right-of-Way line of the Seaboard Airline Railroad; thence along said south Right-of-Way line of the Seaboard Airline Railroad, the following 15 courses and distances: 1. SW/ly along the arc of said curve concave to the southeast, having a radius of 739.5', a central angle of 32°07'20" an arc distance of 414.59' to a Point of tangency; 2. S01°11'16" W, 1041.33' to a Point of curvature of a curve concave to the west; 3. SW/ly along the arc of said curve, having a radius of 1,674.23 feet, a central angle of 17°46' 24" an arc distance of 519.35' to a Point of Tangency; 4. S18°57'40" W 501.5' to a Point of curvature of a curve concave to the northwest; 5. SW/ly, along the arc of said curve, having a radius of 2,086.72', a central angle of 15°56' 50" an arc distance of 580.80 feet to a Point of Tangency; 6. S34°54' 30"W, a distance of 107.98' to a point on the north line of the NW ¼ of said Section 32, Township 53 South, Range 41 East; 7. S89°39'35" E, along said north line 60.5'; 8. S34°45'30"W, 701.4'; 9. North 55°18' 17"W, 45'; 10. S34°41'43"W, 593.82' to a Point of tangency of a curve concave to the northwest; 11. SW/ly along the arc of said curve, having a radius of 2889.9', a central angle of 07°22'19" an arc distance of 371.83' and a chord bearing and distance of S38°22' 52"W, 371.57' to a Point of non-tangency; 12. S41°48' 14"W, 1744.73' to a point on the north line of the SE ¼ of said Section 31, Township 53 South, Range 41 East; 13. N89°44'40" W, along said North line, 6.68'; 14. S41°48' 14"W, 148.01' to the Point of curvature of a curve concave to the northwest; 15. SW/ly, along the arc of said curve, having a radius of 787.78', a central angle of 41°08'42" an arc distance of 565.72', and chord bearing and distance of S62°22'35"W, 553.64' to a point where the arc of said curve intersects the north Right-of-Way line of S.R. 836 as shown on Florida Department of Transportation Right-of-Way Maps for S. R. 836, §87200-2503; thence along said north Right-of-Way line of S. R. 836 and said south Right-of-Way line of the Seaboard Airline Railroad the following 5 courses and distance: 1. Continuing SW/ly along the arc of

said curve concave to the northwest, having a radius of 787.78', a central angle of 21°18' 08", an arc distance of 292.89', and a chord bearing and distance of N86°24' 00"W, 291.21' to a Point of tangency; 2. N75°44'56"W, a distance of 431.26'; 3. S14°15' 04"W, a distance of 50'; 4. N75°44'56"W, a distance of 796.6' to a Point of curvature of a curve concave to the south; 5. NW/ly, along the arc of said curve, having a radius of 1839.2', a central angle of 03°52'22" an arc distance of 124.32', and a chord bearing and distance of N77°41'07 "W 124.29';thence e N57°57' 50"W, along said north Right-of-Way line of S.R. 836 and its NW/ly projection, a distance of 144.1' to the north line of the said SE ¼ of Section 31, Township 53 South, Range 41 East; thence N89°44'4 0"W, along said north line, a distance of 272.98' to the northwest corner of said SE ¼ and the southwest corner of the NE ¼ of said Section 31; thence N01°20' 20"E, along the west line of said NE ¼ of Section 31, a distance of 52.63' to a point on north Right-of-Way line of the Seaboard Airline Railroad; thence along said north Right-of-Way line of the Seaboard Airline Railroad the following 22 courses and distance: 1. S89°43'18" E, 72.93' to a point on the arc of a curve concave to the south; 2. SE/ly along the arc of said curve, having a radius of 1,939.2', a central angle of 07° 51'45" an arc distance of 266.11', and a chord bearing and distance of S85°47'25" E, 265.9'; 3. N08°10'1 2"E, 50' to a point on the arc of a curve concave to the southwest; 4. SW/ly along the arc of said curve, having a radius of 1,989.2', a central angle of 06°06' 34" a distance of 212.11' and a chord bearing and distance of S78°48'13" E, 212.01' to a Point to tangency; 5. S75°44' 56"E, 795.66'; 6. S14°15' 04"W, 50'; 7. S75°44'56" E, 431.26' to a Point of curvature of a curve concave to the northwest; 8. NE/ly along the arc of said curve, having a radius of 737.7', a central angle of 62°26' 50", an arc distance of 804.03' to a Point of tangency; 9. N41°48'14" E, 102.89' to the north line of the SE ¼ of Section 31, Township 53 South, Range 41 East; 10. N89°44' 40"W, along said north line, 6.58'; 11. N41°48'1 4"E, 1,798.78' to a point on the arc of curve concave to the northwest; 12. NW/ly, along the arc of said curve, having a radius of 2,829.9', a central angle of 07°22' 29", an arc distance of 364.25', a chord bearing and distance of N38°22'57 "E, 363.99' to a Point of tangency; 13. N34°41'4 3"E, 593.82'; 14. N55°18'17 "W, 45' ; 15. N34°45'30" E, 598.81' to a point on the north line of the NW ¼ of Section 32, Township 53 South, Range 41 East; 16. S89°39' 25"E, along said north line 60.61'; 17. N34°54'3 0"E, 142.41' to a Point of curvature of a curve concave to the northwest; 18. NE/ly, along the arc of said curve, having a radius of 2,036.72', a central angle of 15°56'50" an arc distance of 566.88' to a Point of tangency; 19. N18°57' 40"E, 501.5' to a Point of curvature of a curve concave to the northwest; 20. NE/ly along the arc of said curve, having a radius of 1,624.23', a central angle of 17°46' 24", an arc distance of 503.84' to a Point of tangency; 21. N01°11'1 6"E, 1,041.33' to a Point of curvature of a curve concave to the southeast; 22. NE/ly along the arc of said curve, having a radius of 789.5', a central angle of 37°30'36", an arc distance of 516.86' and a chord bearing and distance of N19°56' 34"E, 507.68' to the Point of beginning; LESS THEREFROM: FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY: A portion of the SE ¼ and the SW ¼ of Section 35, Township 53 South, Range 40 East, more particularly described as follows:

Commencing at the southeast corner of said SW ¼ also being the southwest corner of said SE ¼ of Section 35; thence N01°17'27 "E, along the east line of said SW ¼ and the west line of said SE ¼ a distance of 660.5' to a point on the south Right-of-Way line of the Florida East Coast Railroad and the north Right-of-Way line of the Seaboard Airline Railroad, and to the Point of beginning. Thence along said south Right-of-Way line and said

north Right-of-Way line the following 2 courses and distance: 1. S88°07'49" W, a distance of 234.27'; 2. N86°49' 28"W, a distance of 1,326.72' to a point on the arc of a non-tangent curve concave to the northeast; thence along the south, west, northwest, and north Right-of-Way line of the Florida East Coast Railroad the following 5 courses and distances:

1. NW/ly along the arc of said curve concave to the northeast, having a radius of 593.69', a central angle of 92°57'10", an arc distance of 963.16' and a chord bearing and distance of N40°21'47" W, 860.96' to a point of the arc of a curve concave to southeast; 2. NE/ly along the arc of said curve, having a radius of 1,075.92', a central angle of 85°05' 46" an arc distance of 1,597.96' and a chord bearing and distance of N49°09' 31"E, 1,455.09' to a Point of non-tangency; 3. S01°56' 54"W, 6'; 4. S88°04'54" E, 1,989.84' to a Point of curvature of a curve concave to the northwest; 5. NE/ly, along the arc of said curve, having a radius of 559.69 feet, a central angle of 39°45' 18" an arc distance of 388.34', and a chord bearing and distance to North 728 02' 26" East, 380.60 feet to a Point of Non-tangency; thence N89°55'36" E, a distance of 62.04' to a point on the arc of a non-tangent curve to the northwest, said point also being on the south Right-of-Way line of the Florida East Coast Railroad; thence along the south, southeast, east and north Right-of-Way line of the Florida East Coast Railroad the following 6 courses and distances: 1. SW/ly along the arc of said curve concave to the northwest having a radius of 599.69', a central angle of 44°30'03", an arc distance of 465.77' to a Point of tangency;

2. N88°04'5 4"W, 1,989.12'; 3. N01°56'4 1"E, 6' to a point on the arc of a curve concave to the southeast; 4. SW/ly, along the arc of said curve, having a radius of 1,035.92', a central angle of 83°52'54 " an arc distance of 1,516.6', and a chord bearing and distance of S49°45' 57"W, 1,384.74' to a point on the arc of a curve concave to the northeast; 5. SE/ly along the arc of said curve, having a radius of 553.69', a central angle of 94°54' 13" an arc distance of 917.12' feet to a Point of non-tangency; 6. S87°39'0 7"E 1,561.64' to a point on said east line of the SW ¼ of Section 35; thence S01°17'2 7"W, along said east line, a distance of 41.98' to the Point of beginning. LESS THEREFROM: RIGHT-OF-WAY OF MILAM DAIRY ROAD RELOCATION: Portions of the SW ¼ and the NW ¼ all in Section 35, Township 53 South, Range 40 East, more particularly described as follows:

Commencing at the southwest corner of the said SW ¼ of Section 35; thence S87°12'44" E, along the South line of said SW ¼ a distance of 897.92' to a point on the baseline of realigned Milam Dairy Road (NW 72nd Avenue); thence N26°13'25"W, along said baseline, a distance of 745.77' to a Point of curvature of a curve concave to the southeast; thence NW/ly, along said baseline and along the arc of said curve, having a radius of 1,145.92', a central angle of 00°30'4 5" an arc distance of 10.25' to a point from which a radial line bears S64°17'20"W, said point also being located on the north Right-of-Way line of the Seaboard Airline Railroad, and being the Point of beginning; thence N87°29'27"W, along said north Right-of-Way line a distance of 56.41' to a point on the arc of a curve concave to the southeast, a radial line through said point bears S65°34'01"W; thence NW/ly, N/ly and NE/ly, along the arc of said curve having a radius of 1,195.92', a central angle of 99°39'3 8", an arc distance of 2,080.19' to a Point of tangency; thence N75°13'39"E, a distance of 577.62' to a Point of curvature of a curve concave to the northwest; thence NE/ly, along the arc of said curve, having a radius of 1,095.92', a central angle of 40°50'3 7", an arc distance of 781.23' to a point from

which a radial line bears S55°36'58" E; thence S87°10'20"E, a distance of 115.56' to a point on the arc of a curve concave to the northwest and from which a radial line bears S58°30'53" E; thence SW/ly, along the arc of said curve, having a radius of 1,195.92', a central angle of 43°44'32", an arc distance of 913.02' to a Point of tangency; thence S75°13'39"W, a distance of 577.62' to a Point of curvature of curve concave to the southeast; thence SW/ly, S/ly and SE/ly along the arc of said curve, having a radius of 1,095.92', a central angle of 101°27'04", an arc distance of 1,940.5' feet, to a Point of tangency; thence S26°13'25"E, 17.13' to a point on said north Right-of-Way line of Seaboard Airline Railroad; thence N87°29'27"W, along said north Right-of-Way line, a distance of 56.97' to the Point of beginning; LESS THEREFROM: Right-of-Way of NW 75TH Avenue: All that portion of the Right-of-Way of the N.W. 75 Avenue, lying in the SW ¼ of Section 35, Township 53 South, Range 40 East. TOGETHER WITH TRACT E: A portion of the SW ¼ of Section 31, Township 53 South, Range 41 East, more particularly described as follows:

Commencing at the northwest corner of said SW ¼ of Section 31: thence S89°42'19" E, along the north line of said SW ¼ of Section 31, a distance of 49.99' to a point on the east Right-of-Way line of N.W. 57th Avenue and the Point of beginning; thence S89°42'19" E, along said north line, a distance of 1,335.15'; thence S79°32'21"W, a distance of 1,363.23' to a point on said east Right-of-Way line of N.W. 57th Avenue; thence N01°13'32"E, along said east Right-of-Way line, a distance of 254.44' to the Point of beginning; TOGETHER WITH TRACT F: A portion of the SE ¼ of Section 35, Township 53 South, Range 40 East, more particularly described as follows:

Commencing at the southwest corner of said SE ¼ of Section 35; thence N01°17'27"E, along the west line of said SE ¼, a distance of 46.11'; thence S88°42'33"E, a distance of 50' to a point on the east Right-of-Way line of N.W.72 Avenue (Milam Dairy Road) and to the Point of beginning; thence N01°17'27" E, along said east Right-of-Way line, a distance of 507.15' to a point located on the south Right-of-Way line of the Seaboard Airline Railroad; thence along said South Right-of-Way line the following 3 courses and distance: 1. S87°18'58" E, a distance of 376.37'; 2. S84°51'31"E, a distance of 193.3' to a Point of Curvature of a curve concave to the Southwest; 3. SE/ly along the arc of said curve, having a radius of 714.49', a central angle of 42°08'00", an arc distance of 525.41' to a point on the north Right-of-Way of the Airport Perimeter Road (NW 12th Street); thence S70°56'37"W, along said north Right-of-Way line, a distance of 489.25' to a Point of curvature of a curve concave to the northwest; thence SW/ly, continuing along said north Right-of-Way line, and along the arc of said curve, having a radius of 1582.02', a central angle of 21°17'41" an arc distance 587.98', and a chord bearing and distance of S81°35'27"W, 584.6' to the Point of beginning; TOGETHER WITH TRACT H: All of that portion of SEM-AIR LAKE SUBDIVISION, Plat book 53, page 100, lying north of the North Right-of-Way line of S.R. #.836 as shown on Florida Department of Transportation Right-of-Way Maps, Section 87200-2503 Sheets 8 and 9; TOGETHER WITH TRACT J: A portion of the SW ¼ of Section 35, Township 53 South, Range 40 East, being that portion of a parcel of land, as described in Official Records Book 9195, Page 1701 lying north and east of the NE/ly Right-of-Way line of realigned N.W. 72 Avenue (Milam Dairy Road), as shown on Dairy Road Realignment, Project No. 629742, Sheet 2 of 3 sheets, and being more particularly described as follows:

Commencing at the southwest corner of said SW $\frac{1}{4}$; thence S87°12'44" E, along south line of said SW $\frac{1}{4}$, a distance of 943.71'; thence N01°16'51" E a distance of 59.4' to a point on said NE/ly Right-of-Way line of N.W. 72nd Avenue (Milam Dairy Road), said point also being located on the arc of a curve concave to the northwest, through which a radial line bears S28°27'56"W, said point also being the Point of beginning; thence NW/ly, along said NE/ly Right-of-Way line and the arc of said curve, having a radius of 95', a central angle of 35°18'39", an arc distance of 58.55'; thence N26°13'25"W, along said NE/ly Right-of-Way line, a distance of 539.55'; N00°52'57"E, along said south Right-of-Way line, a distance of 25.5' to a point on the said NE/ly Right-of-Way line of N.W. 72nd Avenue (Milam Dairy Road); thence S89°07'03"E, along said South Right-of-Way Line, a distance of 265.77 feet; thence S01°16'51"E, a distance of 547.09' to the Point of beginning. TOGETHER WITH CLEAR ZONE 27L: All of Tract A, AMENDED PLAT OF CLEAR ZONE 27;- M.I.A., Plat book 104, Page 12; TOGETHER WITH LE JEUNE ROAD/NW 21 STREET INTERCHANGE: A portion of the SE $\frac{1}{4}$ of Section 29, Township 53 South, Range 41 East, Miami-Dade County, Florida, more particularly described as follows:

Commencing at the northwest corner of said SE $\frac{1}{4}$ of Section 29; thence S01°13'11"W, along the west line of said SE $\frac{1}{4}$, a distance of 1,529.19'; thence S88°46'49"E, a distance of 50' to a point on the east Right-of-Way line of N.W. 42nd Avenue (Le Jeune Road) and the Point of beginning; thence South 43°46'50" E, a distance of 797.36'; thence N89°07'03 "E, a distance of 1,310.42'; thence S01°19'14 "W, a distance of 198'; thence S89°04'47"W, a distance of 856.84' thence S49°13'11"W, a distance of 450'±.; thence S82°43'05"W, a distance of 689.93'±, to said east Right-of-Way line of NW 42nd Avenue, (Le Jeune Road); thence N01°13'11" E, along said east Right-of-Way line, a distance of 1,148.85' to the Point of beginning.

LOCATION: Between N.W. 12 Street & N.W. 36 Street and between N.W. 42 Avenue & N.W. 72 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it was the recommendation of Community Zoning Appeals Board 8 to the Board of County Commissioners that the amendment to the existing Development Orders (i.e. Resolutions Z-22-00 and Z-1-01) noted herein as requested Item #1, does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review, and that the requested modification of Conditions #44, #52, and #53 of Resolution

#Z-22-00 as last modified by Resolution #Z-1-01, passed and adopted by the Board of County Commissioners (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and **MIAMI-DADE AVIATION DEPARTMENT** applied to the Board of County Commissioners for the following:

- (1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION to a Development of Regional Impact pursuant to §380.06(19)(c) of the Florida Statutes with respect to the following amendments and requests:
- (2) MODIFICATION of Conditions #44, #52 and #53 of Resolution #Z-22-00 as last modified by Resolution #Z-1-01, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "44. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 30, 2005) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to his development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4.85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order."

TO:"44. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (~~December 30, 2005~~ December 29, 2010) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4.85 (concurrency regulations) as amended from time to time and to be consistent with local development

regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order.”

FROM: “52. December 30, 2005 is hereby established as the build-out date for this project and is the date until which the local governments of jurisdiction agree that the Miami International Airport DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the county can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.”

TO: “52. ~~December 30, 2005~~ December 29, 2010 is hereby established as the build-out date for this project and is the date until which the local governments of jurisdiction agree that the Miami International Airport Development of Regional Impact (DRI) shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the county can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.”

FROM: “53. Development has commenced at the project site as defined in §380.04 F.S. The termination date for completing physical development shall be December 30, 2005. This termination date may be modified in accordance with §380.06(19)(c), F.S.”

TO: “53. Development has commenced at the project site as defined in §380.04 F.S. The termination date for completing physical development shall be ~~December 30, 2005~~ December 29 2010. This termination date may be modified in accordance with §380.06(19)(c), F.S.”

The purpose of this request is to modify the previous resolution to extend the build-out date and the termination date of the Development of Regional Impact for Miami International Airport.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

SUBJECT PROPERTY: Portions of Sections 29, 30, 31, and 32, Township 53 South, Range 41 East and portions of Sections 25, 26, 35 and 36, Township 53 South, Range 40 East, and being more particularly described as follows: Commencing at the northeast corner of the NW ¼ of said Section 29; Thence N88°56'15" W, along the north line of said NW ¼ of Section 29, a distance of 50'; Thence S01°12' 20"W, along a line 50' west of and parallel with the east line of said NW ¼ of Section 29, a distance of 119.18' to a point

located on the west Right-of-way line N.W. 42nd Avenue (Le Jeune Road) said point being the Point of beginning; thence along said west Right- of-Way line, the following 8 courses and distances: 1. S01°12'20"W, along said parallel line, 1,339.82'; 2. S04°23' 42"W, 269.62'; 3. S01°13'5 4"W, 550.35' to point 65' west of and parallel with the east line of the SW ¼ of said Section 29; 4. S01°12'20" W, along a line west of and parallel with the said east line of the NW ¼ of Section 29, a distance of 1,420.8' to a Point of curvature of a curve concave to the west; 5. SW/ly along the arc of said curve, having a radius of 5719.08', a central angle of 05°30'00 " and an arc distance of 548.99'; 6. S06°43'04"W 141.02'; 7. S88°46' 04"E, 54.66'; 8. S01°13'11 "W, along a line 50' west of and parallel with the east line of the SW ¼ of said Section 29, a distance of 1,000', to the Tamiami Canal ±; said point being on the south line of the SW ¼ of said Section 29; thence SW/ly, meandering along the Tamiami Canal, and along a reference line bearing S44°58'38 "W, for 4,548.75' to the north Right-of-Way line of State Road 836 (S.R. #836) as shown on Florida Department of Transportation, Right-of-Way Maps, for S.R. #836 §87200-2503; thence S76°13'23 "W, along a line 50' west along the north bank ± of the entry channel Plat Book 50, Page 77 for 187.8'; thence N04°47'1 8"E, along said north Right-of-Way line, a distance of 264.37' to a point on the arc of a non-radial curve concave to the northwest (a radial line through said point bears S07°02'2 5"E) said point also being located on the south Right-of-Way line of the Seaboard Airline Railroad; thence along said north Right-of-Way line of S. R. #836 and said south Right-of-Way line of Seaboard Airline Railroad the following five (5) courses and distance: 1. NW/ly, along the arc said curve concave to the northwest, having a radius of 787.78', a central angle of 21°17' 29" an arc distance of 292.74 feet, and a chord bearing and distance of N86°23' 40"W, 291.06' to a Point of Tangency; 2. N75°44'56"W, a distance of 431.26'; 3. S14°15'04 "W, a distance of 50'; 4. N75°44'56 "W, a distance of 796.6' to a Point of curvature of a curve concave to the south; 5. NW/ly, along the arc of said curve, having a radius of 1839.2' a central angle of 03°52'2 2" an arc distance of 124.32', and a chord bearing and distance of N77°41'07 "W, 124.29'; thence N57°57' 50"W, along said north Right-of-Way line of S. R. #836 and its NW/ly projection, a distance of 144.1' to north line of SE ¼ of Section 31, Township 53 South, Range 41 East; thence N89°44' 40"W, along said north line, a distance of 272.98' to the northwest corner of said SE ¼ and the southwest corner of the NE ¼ of said Section 31; thence N01°20' 20"E, along the west line of said NE ¼ of Section 31, a distance of 53.32' to a point on the north Right-of-Way line of the Seaboard Airline Railroad; thence along said north Right-of-Way line the Seaboard Airline Railroad the following 8 courses a distance: 1. N89°43' 18"W, 2,710.18' to a point on the west line of the NW ¼ of said Section 31; 2. N89°40' 08"W, 27.5' to a Point of curvature of a curve concave to the south; 3. W/ly along the arc of said curve, having a radius of 1,935.08', a central angle of 03°46'2 2" and an arc distance of 127.42' to a Point of Tangency; 4. S86°33'30"W, 1,333.62' to a Point of curvature of a curve concave to the north; 5. W/ly along the arc of said curve, having a radius of 1,885', a central angle of 03°25'53" and an arc distance of 112.89' to a Point of tangency; 6. S89°59'23 "W, 3,680.64'; 7. S89°58'39"W ' 228.98' to a Point of curvature of a curve concave to the northeast; 8. W/ly along the arc of said curve, having a radius of 739.49', a central angle of 15°18'39" an arc distance of 197.61' and a chord bearing and distance of N82°22'0 2"W, 197.02' to a Point of non-tangency; thence S89°57'53 "W', 643.82'; thence S01°26'45"W, 218.79'; thence S70°55'00"W 293.65' ; thence S01°26'45"W, 175.67' to a point on the north Right-of-Way Line of the Florida East Coast Railroad, said point being on the arc of a curve concave to the southwest (a radial line through said point bears N67°15'09"E); thence

NW/ly, along said north Right-of-Way line and the arc of said curve, having a radius of 900', a central angle of 67°59' 32", an arc distance of 1,068.02' to a Point of Tangency; thence S89°15'37"W, along said north Right-of-Way line, 230.05'; thence N89°26' 38"W, along said north Right-of-Way line, 212.84' to a point on the East line of the SW ¼ of said Section 35, Township 53 South, Range 40 East; thence S01°17' 27"W, along said east line, 41.97' to a point on the north Right-of-Way line of the Seaboard Airline Railroad; thence along said north Right-of-Way line the following 5 courses and distance; 1. S88°07'49"W, along said north Right-of-Way line, 234.27'; 2. N86°49' 28"W, along said north Right-of-Way line, 1,328.72'; 3. N89°07'03"W, along said north Right-of-Way line, 415.57'; 4. N00°58'53 "E, 25.3'; 5. N87°29' 27"W, 356.69'; thence N01°13'14"E, 660.74' to the center line of N.W. 14th Street; thence N87°11' 15"W, along said center line 303' to a point on the west line of said SW ¼ of Section 35; thence N01°12'20" E, along said west line and the east Right-of-Way line of S.R. #826 as shown on the Florida Department of Transportation Right-of-Way Maps for Section 8726-101, a distance of 1323.03 feet to the Northwest corner of said SW ¼ of Section 35, and the southwest corner of PALMETTO CORPORATE CENTER, Plat book 113, Page 78; thence S87°10'36"E, along the north line of said SW ¼ AND the south line of said PALMETTO CORPORATE CENTER, 1,980.99'; thence N01°13'4 7"E, along said south line, 351.59'; thence S87°09' 22"E along said south line and its E/ly projection, 660.18 feet to a point on the East line of the NW ¼ of said Section 35; thence S01°17'07" W, along said east line, 352' to the southwest corner of NE ¼ and the northwest corner of the SE ¼ of said Section 35; thence S01°18'18 "W, along the west line of said SE ¼, 264.35' ; thence N89°55'3 6"E, 1,580.51'; thence N01°27' 16"E, 2,827.06' to a point on the north line of the said NE ¼ of Section 35; thence S87°12'32" E, along said north line, 1,046.73' to the northeast corner of said NE ¼ of Section 35 and the southeast corner of the SE ¼ of said Section 26, Township 53 South, Range 40 East; thence N01°06' 17"E, a distance of 300.48'; thence N87°22'3 3"W, a distance of 164.52'; thence N87°11'16" W, a distance of 355.32'; thence N01°09' 52"E, a distance of 1,578.71'; thence S88°48'39" E for 408' ± to the W/ly bank of the Florida East Coast Railway Borrow Ditch; thence N/ly, meandering said W/ly bank, along a reference line bearing N01°12' 00"E for a distance of 1,825.74'; thence N70°07' 57"W, a distance of 107'; thence N88°48' 29"W, 306.82'; thence N00°49' 14"E, 114.06' to a point on the S/ly Right-of-Way line of N.W. 36th Street; as shown on Florida Department of Transportation Right-of-Way for State Road 948 §87673-2601; thence N02°25' 35"E, 23.59'; thence S69°36'12 "E, along said S/ly Right-of-Way line, 528.6'; thence S01°12'12 "W, along a line west of and parallel with the said east line of Section 26, a distance of 68.47'; thence S87°20' 44"E, 55.9'; thence S01°12'36"W, 267.07' to a point on the arc of a curve concave to the southeast (a radial line through said point bears N64°03'0 0"W) Thence NE/ly, along the arc of said curve, having a radius of 550', a central angle of 38°27'21" an arc distance of 369.15' and a chord bearing and distance of N45°10'41 "E, 362.26', to a Point of non-tangency; thence S87°38'11" E, 403.74'; thence N01°17' 40"E 69.91'; thence S87°35'2 1"E, 630.53'; thence S87°44'44 "E 3.22' to a point on the arc of a non-tangent curve concave to the north (a radial line through said point bears S02°26'31"W); thence E/ly, along the arc of said curve, having a radius of 1,860', a central angle of 10°10'0 8" an arc distance of 330.11' and a chord bearing and distance of North 87°21'27 "E, 329.68' to a Point of non-tangency; thence N82°17'4 9"E, 338.88' to a point on the arc of a non-tangent curve concave to the south (a radial line through said point bears N07° 43'49"W); thence E/ly, along the arc of said curve, having a radius of 1,960.08', a central angle of 10°11' 39" arc

distance of 348.74' and a chord bearing and distance of N87°22'01" E, 348.28' to a Point of non-tangency; thence S87°30' 59"E, 306.14' to a point on the west line of the NE ¼ of said Section 25, Township 53 South, Range 40 East; thence S87°31'35" E, 921.07'; thence S87°30'43"E, 399.91'; thence S87°33'22 "E, 916.9'; thence S87°31'17" E, 200'; thence S87°32' 33"E, 204.34' to a point on the east line of said NE ¼ of Section 25, Township 53 South, Range 40 East, and the west line of the SW ¼ of Section 19, Township 53 South, Range 41 East; thence S01°17'1 7"W, along the east line and said west line, 28.57' to the southwest corner of said SW ¼ of Section 19 and the northwest corner of the NW ¼ of Section 30, Township 53 South, Range 41 East; thence S01°16'54"W, along the west line of said NW ¼ of Section 30, a distance of 50.01' to a point on a line 50' south of and parallel with the north line of the NW ¼ of Section 30; thence S89°33'19 "E, along said parallel line, 2710.49' to a point on the west line of NE ¼ of said Section 30; thence S89°34'38 "E, along line 50' south of and parallel with the north line of said NE ¼ of Section 30, a distance of 2708.11' to a point on the west line of the NW ¼ of Section 29, Township 53 South, Range 41 East; thence S88°56'15"E, along a line 50' south of and parallel with the north line of said NE ¼ of Section 29, a distance of 2,547.53' to a Point of curvature of a curve concave to the southwest; thence SE/ly, along the arc of said curve, having a radius of 69', a central angle of 90°08'35" an arc distance of 108.56' to a Point of tangency and the Point of beginning; LESS THEREFROM: RIGHT-OF-WAY OF SEABOARD AIRLINE RAILROAD: A portion of Sections 29, 31, and 32, Township 53 South, Range 41 East, more particularly described as follows:

Commencing at the northeast corner of the NW ¼ of said Section 29; thence N88°56' 15"W, along the north line of said NW ¼ of Section 29, a distance of 50'; thence S01°12'20 "W, along a line 50' west of and parallel with the east line of said NW ¼ of Section 29, a distance of 119.18' to a point located west Right-of-Way line of N.W. 42 Avenue (Le Jeune Road); thence along said west Right-of-Way line the following 3 courses and distances; 1. S01°12'2 0"W, along said parallel line, 1339.82'; 2. S04°23'42"W 269.62' ; 3. S01°13'5 4"W, 550.35' to the Point of beginning; thence S01°12'17"W, along said west Right-of-Way line, a distance of 87.51' to a point on the arc of a curve concave to the southeast and through which a radial line bears N56°41' 24"W, said point also being located on the south Right-of-Way line of the Seaboard Airline Railroad; thence along said south Right-of-Way line of the Seaboard Airline Railroad, the following 15 courses and distances: 1. SW/ly along the arc of said curve concave to the southeast, having a radius of 739.5', a central angle of 32°07'20 " an arc distance of 414.59' to a Point of tangency; 2. S01°11'1 6"W, 1041.33' to a Point of curvature of a curve concave to the west; 3. SW/ly along the arc of said curve, having a radius of 1,674.23 feet, a central angle of 17° 46' 24" an arc distance of 519.35' to a Point of Tangency; 4. S18°57'40 "W 501.5' to a Point of curvature of a curve concave to the northwest; 5. SW/ly, along the arc of said curve, having a radius of 2,086.72', a central angle of 15°56' 50" an arc distance of 580.80 feet to a Point of Tangency; 6. S34°54'30"W, a distance of 107.98' to a point on the north line of the NW ¼ of said Section 32, Township 53 South, Range 41 East; 7. S89°39' 35"E, along said north line 60.5'; 8. S34°45' 30"W, 701.4'; 9. North 55°18'1 7"W, 45'; 10. S34°41'43"W, 593.82' to a Point of tangency of a curve concave to the northwest; 11. SW/ly along the arc of said curve, having a radius of 2889.9', a central angle of 07°22'19" an arc distance of 371.83' and a chord bearing and distance of S38°22' 52"W, 371.57' to a Point of non-tangency; 12. S41°48'14"W, 1744.73' to a point on the north line of the SE ¼ of said Section 31, Township 53 South, Range 41 East; 13. N89°44'40 "W, along said North

line, 6.68'; 14. S41°48'14"W, 148.01' to the Point of curvature of a curve concave to the northwest; 15. SW/ly, along the arc of said curve, having a radius of 787.78', a central angle of 41°08'42" an arc distance of 565.72', and chord bearing and distance of S62°22'35"W, 553.64' to a point where the arc of said curve intersects the north Right-of-Way line of S.R. 836 as shown on Florida Department of Transportation Right-of-Way Maps for S. R. 836, §87200-2503; thence along said north Right-of-Way line of S. R. 836 and said south Right-of-Way line of the Seaboard Airline Railroad the following 5 courses and distance: 1. Continuing SW/ly along the arc of said curve concave to the northwest, having a radius of 787.78', a central angle of 21°18'08", an arc distance of 292.89', and a chord bearing and distance of N86°24'00"W, 291.21' to a Point of tangency; 2. N75°44'56"W, a distance of 431.26'; 3. S14°15'04"W, a distance of 50'; 4. N75°44'56"W, a distance of 796.6' to a Point of curvature of a curve concave to the south; 5. NW/ly, along the arc of said curve, having a radius of 1839.2', a central angle of 03°52'22" an arc distance of 124.32', and a chord bearing and distance of N77°41'07"W 124.29'; thence N57°57'50"W, along said north Right-of-Way line, of S.R. 836 and its NW/ly projection, a distance of 144.1' to the north line of the said SE ¼ of Section 31, Township 53 South, Range 41 East; thence N89°44'40"W, along said north line, a distance of 272.98' to the northwest corner of said SE ¼ and the southwest corner of the NE ¼ of said Section 31; thence N01°20'20"E, along the west line of said NW ¼ of Section 31, a distance of 52.63' to a point on north Right-of-Way line of the Seaboard Airline Railroad; thence along said north Right-of-Way line of the Seaboard Airline Railroad the following 22 courses and distance: 1. S89°43'18"E, 72.93' to a point on the arc of a curve concave to the south; 2. SE/ly along the arc of said curve, having a radius of 1,939.2', a central angle of 07°51'45" an arc distance of 266.11', and a chord bearing and distance of S85°47'25"E, 265.9'; 3. N08°10'12"E, 50' to a point on the arc of a curve concave to the southwest; 4. SW/ly along the arc of said curve, having a radius of 1989.2', a central angle of 06°06'34" a distance of 212.11' and a chord bearing and distance of S78°48'13"E, 212.01' to a Point of tangency; 5. S75°44'56"E, 795.66'; 6. S14°15'04"W, 50'; 7. S75°44'56"E, 431.26' to a Point of curvature of a curve concave to the northwest; 8. NE/ly along the arc of said curve, having a radius of 737.7', a central angle of 62°26'50", an arc distance of 804.03' to a Point of tangency; 9. N41°48'14"E, 102.89' to the north line of the SE ¼ of Section 31, Township 53 South, Range 41 East; 10. N89°44'40"W, along said north line, 6.58'; 11. N41°48'14"E, 1,798.78' to a point on the arc of curve concave to the northwest; 12. NW/ly, along the arc of said curve, having a radius of 2,829.9', a central angle of 07°22'29", an arc distance of 364.25', a chord bearing and distance of N38°22'57"E, 363.99' to a Point of tangency; 13. N34°41'43"E, 593.82'; 14. N55°18'17"W, 45'; 15. N34°45'30"E, 598.81' to a point on the north line of the NW ¼ of Section 32, Township 53 South, Range 41 East; 16. S89°39'25"E, along said north line 60.61'; 17. N34°54'30"E, 142.41' to a Point of curvature of a curve concave to the northwest; 18. NE/ly, along the arc of said curve, having a radius of 2,036.72', a central angle of 15°56'50" an arc distance of 566.88' to a Point of tangency; 19. N18°57'40"E, 501.5' to a Point of curvature of a curve concave to the northwest; 20. NE/ly along the arc of said curve, having a radius of 1,624.23', a central angle of 17°46'24", an arc distance of 503.84' to a Point of tangency; 21. N01°11'16"E, 1,041.33' to a Point of curvature of a curve concave to the southeast; 22. NE/ly along the arc of said curve, having a radius of 789.5', a central angle of 37°30'36", an arc distance of 516.86' and a chord bearing and distance of N19°56'34"E, 507.68' to the Point of beginning; LESS THEREFROM: FLORIDA EAST

COAST RAILROAD RIGHT-OF-WAY: A portion of the SE ¼ and the SW ¼ of Section 35, Township 53 South, Range 40 East, more particularly described as follows:

Commencing at the southeast corner of said SW ¼ also being the southwest corner of said SE ¼ of Section 35; thence N01°17'27"E, along the east line of said SW ¼ and the west line of said SE ¼ a distance of 660.5' to a point on the south Right-of-Way line of the Florida East Coast Railroad and the north Right-of-Way line of the Seaboard Airline Railroad, and to the Point of beginning. Thence along said south Right-of-Way line and said north Right-of-Way line the following 2 courses and distance: 1. S88°07'49"W, a distance of 234.27'; 2. N86°49'28"W, a distance of 1,326.72' to a point on the arc of a non-tangent curve concave to the northeast; thence along the south, west, northwest, and north Right-of-Way line of the Florida East Coast Railroad the following 5 courses and distances:

1. NW/ly along the arc of said curve concave to the northeast, having a radius of 593.69', a central angle of 92°57'10", an arc distance of 963.16' and a chord bearing and distance of N40°21'47"W, 860.96' to a point of the arc of a curve concave to southeast; 2. NE/ly along the arc of said curve, having a radius of 1,075.92', a central angle of 85°05'46" an arc distance of 1,597.96' and a chord bearing and distance of N49°09'31"E, 1,455.09' to a Point of non-tangency; 3. S01°56'54"W, 6'; 4. S88°04'54"E, 1,989.84' to a Point of curvature of a curve concave to the northwest; 5. NE/ly, along the arc of said curve, having a radius of 559.69 feet, a central angle of 39°45'18" an arc distance of 388.34 feet, and a chord bearing and distance to North 72°02'26" East, 380.60 feet to a Point of Non-tangency; thence N89°55'36"E, a distance of 62.04' to a point on the arc of a non-tangent curve to the northwest, said point also being on the south Right-of-Way line of the Florida East Coast Railroad; thence along the south, southeast, east and north Right-of-Way line of the Florida East Coast Railroad the following 6 courses and distances: 1. SW/ly along the arc of said curve concave to the northwest having a radius of 599.69', a central angle of 44°30'03", an arc distance of 465.77' to a Point of tangency; 2. N88°04'54"West, 1,989.12'; 3. N01°56'41"E, 6' to a point on the arc of a curve concave to the southeast; 4. SW/ly, along the arc of said curve, having a radius of 1,035.92', a central angle of 83°52'54" an arc distance of 1,516.6', and a chord bearing and distance of S49°45'57"W, 1,384.74' to a point on the arc of a curve concave to the northeast; 5. SE/ly along the arc of said curve, having a radius of 553.69', a central angle of 94°54'13" an arc distance of 917.12' feet to a Point of non-tangency; 6. S87°39'07"E 1,561.64' to a point on said east line of the SW ¼ of Section 35; thence S01°17'27"W, along said east line, a distance of 41.98' to the Point of beginning. LESS THEREFROM: RIGHT-OF-WAY OF MILAM DAIRY ROAD RELOCATION: Portions of the SW ¼ and the NW ¼ all in Section 35, Township 53 South, Range 40 East, more particularly described as follows:

Commencing at the southwest corner of the said SW ¼ of Section 35; thence S87°12'44"E, along the South line of said SW ¼, a distance of 897.92' to a point on the baseline of realigned Milam Dairy Road (NW 72nd Avenue); thence N26°13'25"W, along said baseline, a distance of 745.77' to a Point of curvature of a curve concave to the southeast; thence NW/ly, along said baseline and along the arc of said curve, having a radius of 1,145.92', a central angle of 00°30'45" an arc distance of 10.25' to a point from which a radial line bears S64°17'20"W, said point also being located on the north Right-of-Way line of the Seaboard Airline Railroad, and being the Point of beginning; thence N87°29'27"W, along said north Right-of-Way line a distance of 56.41' to a point

on the arc of a curve concave to the southeast, a radial line through said point bears S65°34'01"W; NW/ly, N/ly and NE/ly, along the arc of said curve having a radius of 1,195.92', a central angle of 99°39'38", an arc distance of 2,080.19' to a Point of tangency; thence N75°13'39"E, a distance of 577.62' to a Point of curvature of a curve concave to the northwest; thence NE/ly, along the arc of said curve, having a radius of 1,095.92', a central angle of 40°50'37", an arc distance of 781.23' to a point from which a radial line bears S55°36'58" E; thence S87°10'20"E, a distance of 115.56' to a point on the arc of a curve concave to the northwest and from which a radial line bears S58°30'53" E; thence SW/ly, along the arc of said curve, having a radius of 1,195.92', a central angle of 43°44'32", an arc distance of 913.02' to a Point of tangency; thence S75°13'39"W, a distance of 577.62' to a Point of curvature of curve concave to the southeast; thence SW/ly, S/ly and SE/ly along the arc of said curve, having a radius of 1,095.92', a central angle of 101°27'04", an arc distance of 1,940.5' feet, to a Point of tangency; thence S26°13'25"E, 17.13' to a point on said north Right-of-Way line of Seaboard Airline Railroad; thence N87°29'27"W, along said north Right-of-Way line, a distance of 56.97' to the Point of beginning; LESS THEREFROM: Right-of-Way of NW 75TH Avenue: All that portion of the Right-of-Way of the N.W. 75 Avenue, lying in the SW ¼ of Section 35, Township 53 South, Range 40 East. TOGETHER WITH TRACT E: A portion of the SW ¼ of Section 31, Township 53 South, Range 41 East, more particularly described as follows:

Commencing at the northwest corner of said SW ¼ of Section 31: thence S89°42'19" E, along the north line of said SW ¼ of Section 31, a distance of 49.99' to a point on the east Right-of-Way line of N.W. 57th Avenue and the Point of beginning; thence S89°42'19" E, along said north line, a distance of 1,335.15'; thence S79°32'21"W, a distance of 1,363.23' to a point on said east Right-of-Way line of N.W. 57th Avenue; thence N01°13'32"E, along said east Right-of-Way line, a distance of 254.44' to the Point of beginning; TOGETHER WITH TRACT F: A portion of the SE ¼ of Section 35, Township 53 South, Range 40 East, more particularly described as follows:

Commencing at the southwest corner of said SE ¼ of Section 35; thence N01°17'27"E, along the west line of said SE ¼, a distance of 46.11'; thence S88°42'33"E, a distance of 50' to a point on the east Right-of-Way line of N.W. 72 Avenue (Milam Dairy Road) and to the Point of beginning; thence N01°17'27" E, along said east Right-of-Way line, a distance of 507.15' to a point located on the south Right-of-Way line of the Seaboard Airline Railroad; thence along said South Right-of-Way line the following 3 courses and distance: 1. S87°18'58" E, a distance of 376.37'; 2. S84°51'31"E, a distance of 193.3' to a Point of Curvature of a curve concave to the Southwest; 3. SE/ly along the arc of said curve, having a radius of 714.49', a central angle of 42°08'00", an arc distance of 525.41' to a point on the north Right-of-Way of the Airport Perimeter Road (NW 12th Street); thence S70°56'37"W, along said north Right-of-Way line, a distance of 489.25' to a Point of curvature of a curve concave to the northwest; thence SW/ly, continuing along said north Right-of-Way line, and along the arc of said curve, having a radius of 1582.02', a central angle of 21°17'41" an arc distance 587.98', and a chord bearing and distance of S81°35'27"W, 584.6' to the Point of beginning; TOGETHER WITH TRACT H: All of that portion of SEM-AIR LAKE SUBDIVISION, Plat book 53, page 100, lying north of the North Right-of-Way line of S.R. #.836 as shown on Florida Department of Transportation Right-of-Way Maps, Section 87200-2503 Sheets 8 and 9; TOGETHER WITH TRACT J: A portion of the SW ¼ of Section 35, Township 53 South, Range 40 East, being that portion of

a parcel of land, as described in Official Records Book 9195, Page 1701 lying north and east of the NE/ly Right-of-Way line of realigned N.W. 72 Avenue (Milam Dairy Road), as shown on Dairy Road Realignment, Project No. 629742, Sheet 2 of 3 sheets, and being more particularly described as follows:

Commencing at the southwest corner of said SW ¼; thence S87°12'44" E, along south line of said SW ¼ a distance of 943.71'; thence N01°16'51" E a distance of 59.4' to a point on said NE/ly Right-of-Way line of N.W. 72nd Avenue (Milam Dairy Road), said point also being located on the arc of a curve concave to the northwest, through which a radial line bears S28°27' 56"W, said point also being the Point of beginning; thence NW/ly, along said NE/ly Right-of-Way line and the arc of said curve, having a radius of 95', a central angle of 35°18'3 9", an arc distance of 58.55'; thence N26°13'2 5"W, along said NE/ly Right-of-Way line, a distance of 539.55'; N00°52'57"E, along said south Right-of-Way line, a distance of 25.5' to a point on the said NE/ly Right-of-Way line of N.W. 72nd Avenue (Milam Dairy Road); thence S89°07'0 3"E, along said South Right-of-Way Line, a distance of 265.77 feet; thence S01°16'5 1"E, a distance of 547.09' to the Point of beginning. TOGETHER WITH CLEAR ZONE 27L: All of Tract A, AMENDED PLAT OF CLEAR ZONE 27;- M.I.A., Plat book 104, Page 12; TOGETHER WITH LE JEUNE ROAD/NW 21 STREET INTERCHANGE: A portion of the SE ¼ of Section 29, Township 53 South, Range 41 East, Dade County, Florida, more particularly described as follows:

Commencing at the northwest corner of said SE ¼ of Section 29; thence S01°13' 11"W, along the west line of said SE ¼, a distance of 1,529.19'; thence S88°46' 49"E, a distance of 50' to a point on the east Right-of-Way line of N.W. 42nd Avenue (Le Jeune Road) and the Point of beginning; thence South 43°46' 50"E, a distance of 797.36'; thence N89°07' 03"E, a distance of 1,310.42'; thence S01°19'1 4"W, a distance of 198'; thence S89°04'47 "W, a distance of 856.84' thence S49°13'1 1"W, a distance of 450'±.; thence S82°43 '05"W, a distance of 689.93'±, to said east Right-of-Way line of NW 42nd Avenue, (Le Jeune Road); thence N01°13'11" E, along said east Right-of-Way line, a distance of 1,148.85' to the Point of beginning.

LOCATION: Between N.W. 36 Street and Perimeter Road and between N.W. 42 Avenue & N.W. 72 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendations of the Developmental Impact Committee and Community Zoning Appeals Board 8, it is the opinion of this Board that the amendment to the existing Development Orders (i.e. Resolutions Z-22-00 and Z-1-01) noted herein as requested Item #1, does not, when considered individually, or in any combination or cumulatively pursuant to

1. That all the conditions of Resolutions Z-22-07 and Z-1-01 remain in full force and effect except as herein modified.

BE IT FURTHER RESOLVED that the requested modification of Conditions #44, #52 and #53 of Resolution #Z-22-00 as last modified by Resolution #Z-1-01, passed and adopted by the Board of County Commissioners (Item #2), shall read as follows:

44. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2010) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4.85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order.
52. December 29, 2010 is hereby established as the build-out date for this project and is the date until which the local governments of jurisdiction agree that the Miami International Airport Development of Regional Impact (DRI) shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the county can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.
53. Development has commenced at the project site as defined in §380.04 F.S. The termination date for completing physical development shall be December 29 2010. This termination date may be modified in accordance with §380.06(19)(c), F.S.

BE IT FURTHER RESOLVED that Item #2 be and the same is hereby denied without prejudice under section 33-311 (A) (17).

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

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 8th day of November, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 07-10-CZ8-4

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HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By **KAY SULLIVAN**
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 14TH DAY OF November, 2007.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-54-07 adopted by said Board of County Commissioners at its meeting held on the 8th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 14th day of, 2007.



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

SEAL

