

MEMORANDUM

Agenda Item No. 8(K)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring a portion of County-owned properties located on the Southwest of lots 11 through lot 15 by NW North River Drive as surplus; authorizing the conveyance of such properties to the City of Miami, pursuant to section 125.38, Florida Statutes, for \$10.00 for the purpose of a right-of-way dedication; authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed for such purpose; and authorizing the County Mayor to take all necessary steps to effectuate the conveyance and to enforce the provisions set forth in the County Deed, including, but not limited the County's reversionary interest

Resolution No. R-295-21

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: April 20, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Declaring a Portion of County-Owned Properties Located on the Southwest of Lots 11 Through Lot 15 by NW North River Drive as Surplus and Authorizing the Conveyance of Such Properties to the City of Miami for a Right of Way Dedication

Recommendation

It is recommended that the Board of County Commissioners (Board):

1. Declare a portion of County-owned properties comprised of the southwesterly five feet of Lots 11 through 15 by NW North River Drive, in Block 72N (properties) as surplus;
2. Authorize the conveyance of the properties to the City of Miami (City) in the amount of \$10.00 for the purpose of a right-of-way dedication in accordance with section 125.38, Florida Statutes, subject to the City Commission adopting a resolution accepting the properties from the County;
3. Authorize the Chairperson or the Vice Chairperson of the Board to execute the County Deed; and
4. Authorize the County Mayor or County Mayor’s designee to take all actions necessary to effectuate the conveyance of the properties to the City and to enforce the provisions set forth in the County Deed including, but not limited to, the County’s reversionary interest.

Scope

The properties are located in County Commission District 5, represented by Commissioner Eileen Higgins.

Fiscal Impact/Funding Source

There is no fiscal impact associated with the conveyance of the properties.

Track Record/Monitor

Michael Liu, Director, Public Housing and Community Development Department (Department) will monitor this project.

Delegation of Authority

The authority delegated by the resolution includes authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed and the County Mayor or the County Mayor’s designee to take all actions necessary to effectuate the conveyance of the properties to the City and to enforce the provisions set forth in the County Deed including, but not limited to, the County’s reversionary interest.

Background

Pursuant to Resolution No. R-1020-12 adopted on December 2, 2012, the Board granted development rights for the Jack Orr Plaza public housing development to the Related Urban Development Group, LLC or its affiliates (developer). The first phase of the redevelopment of Jack Orr Plaza consisted of the rehabilitation of 200 existing public housing units. The Gallery on the River is the second phase of the redevelopment of Jack Orr Plaza. As part of the process for the new phase, the City of Miami submitted a request to the developer for the dedication of the portion of the parcel of land lying within the city's officially established right-of-way to the public for street purposes. The dedication is required to meet the standard for all public streets in the city, established at a minimum width of 50 feet, with the base building line located 25 feet from the official centerline.

Section 125.38, Florida Statutes, authorizes the Board to convey property to the City when it has been determined by the County that the property is not needed for County purposes and will be utilized for the benefit of the public or community interest and welfare. The properties (1,076 square feet) are not included in Jack Orr Plaza or The Gallery on the River leasehold interest held by the developer and will be utilized by the City of Miami as a right-of-way.

The County Deed contains a restriction that states that the properties are to be used as a right-of-way by the City and if the public use shall be discontinued, then the properties shall revert to the County at its sole option.

The Department has complied with Resolutions Nos. R-376-11 and R-333-15 as indicated below by providing detailed information on the properties, which includes information concerning the County's investment, future control, and disclosure of market values of the properties. According to the Declaration of Trust with the United States Department of Housing and Urban Development, the County obtained ownership of this property on November 1, 1973. There were no mortgages, fines, liens or other costs paid by the county in acquiring the property. Additional property details are below, and are shown in the property sketch attached to the resolution:

Folio:	01-0107-010-1110
Address:	455 NW 6 Avenue
Commission District:	5
Zoning:	T6-8-L
Southwesterly 5 feet of Lots 11 through 15 by NW North River Drive	
Property Size:	1,076 Square Feet
Market Land Value:	\$1,076.00



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(K)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(K)(1)
4-20-21

RESOLUTION NO. R-295-21

RESOLUTION DECLARING A PORTION OF COUNTY-OWNED PROPERTIES LOCATED ON THE SOUTHWEST OF LOTS 11 THROUGH LOT 15 BY NW NORTH RIVER DRIVE AS SURPLUS; AUTHORIZING THE CONVEYANCE OF SUCH PROPERTIES TO THE CITY OF MIAMI, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, FOR \$10.00 FOR THE PURPOSE OF A RIGHT-OF-WAY DEDICATION; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO TAKE ALL NECESSARY STEPS TO EFFECTUATE THE CONVEYANCE AND TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEED, INCLUDING, BUT NOT LIMITED THE COUNTY’S REVERSIONARY INTEREST

WHEREAS, the Related Urban Development Group, LLC, is undertaking development activities for Jack Orr Plaza public housing site which includes The Gallery on the River new building (“Gallery on the River”) located in the City of Miami at 455 NW 6 Avenue, Miami, Florida; and

WHEREAS, development activities include the attainment of building permits for the subject site; and

WHEREAS, the City of Miami (the “City”) requested right-of-way dedications pursuant to chapter 54, article II, section 54-58 of the Code of the City of Miami, Florida, as a condition to issuance of permit; and

WHEREAS, in order to obtain a building permit for Gallery on the River, it is necessary that certain County-owned lands located on the Southwest of Lots 11 Through Lot 15 by NW North River Drive (the “properties”) be conveyed as a right-of-way dedication to the City; and

WHEREAS, the properties are more fully described in Exhibit “A” to the County Deed attached hereto as Attachment A; and

WHEREAS, this Board finds that pursuant to section 125.38, Florida Statutes, that the properties are required for a right-of-way dedication by the City, are not needed for County purposes, and would promote community interest and welfare; and

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board declares the properties as surplus and authorizes the conveyance of such properties to the City of Miami (the “City”) for \$10.00 pursuant to section 125.38, Florida Statutes, subject to the restriction that the properties be used by the City as a right-of-way dedication.

Section 3. Pursuant to section 125.411, Florida Statutes, this Board authorizes the Chairperson or the Vice-Chairperson of the Board to execute the County Deed, in substantially the forms attached hereto and made a part hereof as Attachment “A,” conditioned upon and subsequent to the City Commission’s adoption of a resolution accepting conveyance of the properties from the County to the City.

Section 4. This Board authorizes the County Mayor or the County Mayor’s designee to take all actions necessary to effectuate the conveyance, and to exercise all rights set forth in the County Deed, other than those reserved to this Board therein, including, but not limited to, exercising the County’s option to enforce its reversionary interest after conducting all due

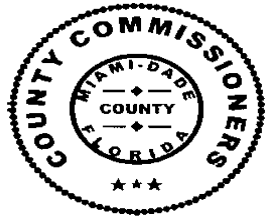
diligence, including title searches and environmental reviews. In the event, the County Mayor or the County Mayor's designee should exercise the County's reversionary interest, then the County Mayor or the County Mayor's designee shall execute and record an instrument approved by the County Attorney's Office in the public records of Miami-Dade County and provide a copy of such instrument to the County Property Appraiser. This Board further authorizes the County Mayor or the County Mayor's designee to receive on behalf of the County from the City, after conducting all due diligence, including, but not limited to, title searches, and environmental reviews, a deed which conveys the properties back to the County in the event the City is unable or fails to comply with the deed restrictions set forth in the County Deed. Upon the receipt of a deed from the City, the County Mayor or the County Mayor's designee shall record such deed in the public records of Miami-Dade County.

Section 5. This Board directs the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, to record in the public record the County Deed, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and shall provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. The Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of April, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "TAS", written over a horizontal line.

Terrence A. Smith

ATTACHMENT 1

Instrument prepared by and returned to:
Terrence Smith, Esq.
Assistant County Attorney
111 N.W. 1st Street
Suite 2810
Miami, Florida 33128

Folio # 01-0107-010-1110

COUNTY DEED

THIS DEED, made this ____ day of _____, 2021 A.D. by MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (the “County”), whose address is: Stephen P. Clark Center, 111 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and City of Miami, a body politic, (the “City”), whose address is 444 S.W. 2nd Ave, Miami, Florida 33130,

WITNESSETH that the County, for and in consideration of the sum of Ten Dollars and No/100 (\$10.00) to it in hand paid by the City, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the City, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

LEGAL DESCRIPTION SEE EXHIBIT “A”

(the “properties”), subject to the following restriction:

This conveyance is subject to the properties being used for a public purpose and other purposes incidental thereto in accordance with section 125.38, Florida Statutes. If in the sole discretion of the County, the City fails to use the properties as a right-of-way dedication, or any other term of this Deed or deed restriction is not complied with, the City shall correct or cure the default/violation within sixty (60) days of notification of the default by the County as determined in the sole discretion of the County. If the City fails to remedy such default within sixty (60) days, title to the subject properties shall revert to the County, at the option of the County upon written notice of such failure to remedy the default. In the event of such reverter, the City shall immediately deed the properties back to the County, and the County shall have the right to immediate possession of such properties, with any and all improvements thereon, at no cost to the County. The effectiveness of such reverter shall take place immediately upon notice being provided by the County, regardless of the deed back to the County by the City. The County retains such reversionary interest in the properties, which right may be exercised by the County, at the option of the County, in accordance with this Deed. Upon such reversion, the County may file a Notice of Reversion evidencing same

in the public records of Miami Dade County.

This grant conveys only the interest of the County and its Board of County Commissioners in the properties herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice Chairperson, and attested by the Clerk of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

by: _____
Jose "Pepe" Diaz, Chairman

Approved for legal sufficiency: _____ \

Terrence A. Smith
Assistant County Attorney

The foregoing was authorized by Resolution No. _____ approved by the Board of County Commissioners of Miami-Dade County, Florida on the ____ day of _____, 2021

EXHIBIT A
LEGAL DESCRIPTION

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
The Gallery on the River, LLC
prepared by:

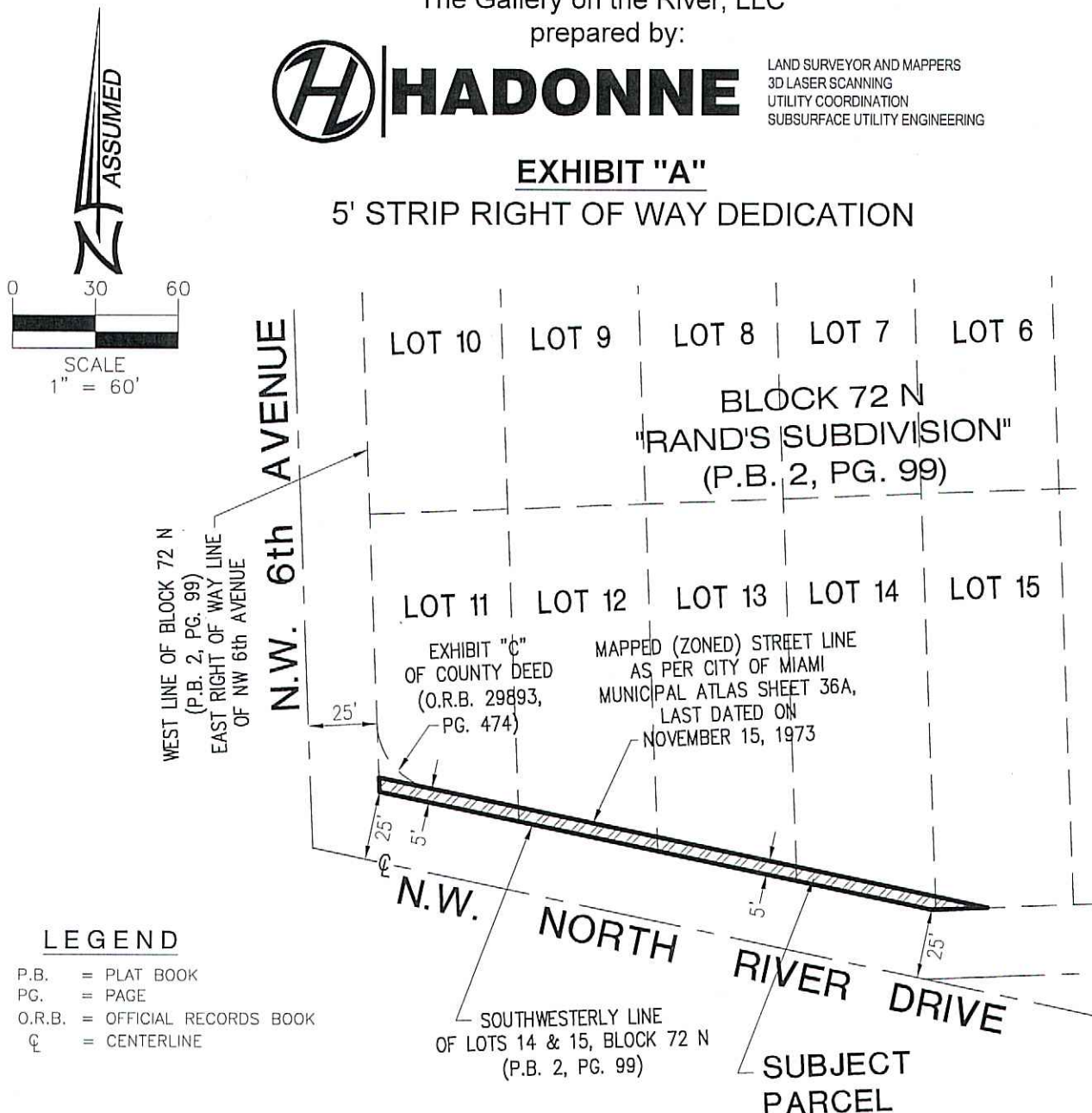


HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

5' STRIP RIGHT OF WAY DEDICATION



LEGEND

P.B. = PLAT BOOK
PG. = PAGE
O.R.B. = OFFICIAL RECORDS BOOK
CL = CENTERLINE

LEGAL DESCRIPTION:

The Southwesterly 5 feet of Lots 11 through 15, inclusive, delimited from the Northeasterly 30 feet as being measured and parallel with the centerline of NW North River Drive, in Block 72N, of "RAND'S SUBDIVISION", also known as "MIAMI NORTH", according to the Plat thereof, as recorded in Plat Book 2, at Page 99, of the Public Records of Miami-Dade County, Florida.

Said portion containing approximately 1,076 Square Feet.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for

The Gallery on the River, LLC

prepared by:



HADONNE

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3D LASER SCANNING
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EXHIBIT "A"

5' STRIP RIGHT OF WAY DEDICATION

SOURCES OF DATA:

The Legal Description was generated from the Plat of "RAND'S SUBDIVISION", also known as "MIAMI NORTH", as recorded in Plat Book 2, at Page 99 of the Public Records of Miami-Dade County, Florida.

City of Miami Municipal Atlas Sheet 36A, prepared by the City of Miami, Public Works Department, last dated on November 15, 1973.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than those that appeared on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information was furnished other than that which is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By:

Date: 5/1/2020

Raul Izquierdo, P.S.M.
For The Firm
Professional Surveyor and Mapper LS6099
HADONNE CORP.
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 101
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.



CFN 2022R0374037
OR BK 33174 Pgs 748-752 (5Pgs)
RECORDED 05/06/2022 11:46:57
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Instrument prepared by and returned to:
Terrence Smith, Esq.
Assistant County Attorney
111 N.W. 1st Street
Suite 2810
Miami, Florida 33128

Folio # 01-0107-010-1110

COUNTY DEED

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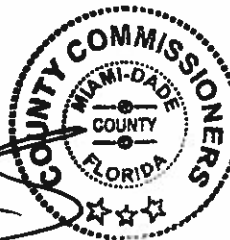
(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____

Deputy Clerk



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

by: _____

Jose "Pepe" Diaz, Chairman

Approved for legal sufficiency: _____

Terrence A. Smith

Assistant County Attorney

The foregoing was authorized by Resolution No. R-295-21 approved by the Board of County Commissioners of Miami-Dade County, Florida on the 20th day of April, 2021



EXHIBIT A
LEGAL DESCRIPTION



EXHIBIT A

SKETCH TO ACCOMPANY LEGAL DESCRIPTION for The Gallery on the River, LLC prepared by:

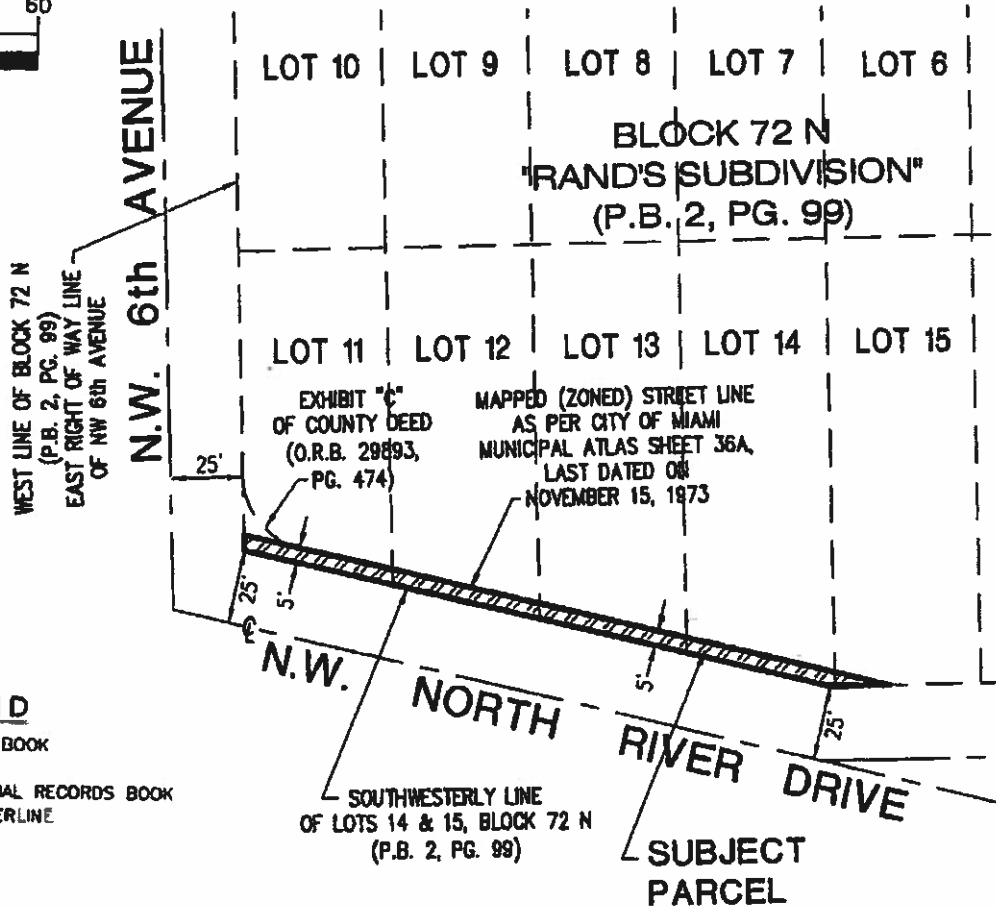
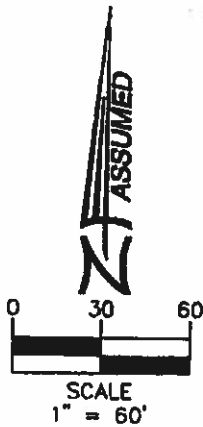


HADONNE

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EXHIBIT "A"

5' STRIP RIGHT OF WAY DEDICATION



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Said portion containing approximately 1,076 Square Feet.



SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
The Gallery on the River, LLC
prepared by:



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City of Miami Municipal Atlas Sheet 36A, prepared by the City of Miami, Public Works Department, last dated on November 15, 1973.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than those that appeared on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information was furnished other than that which is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By:

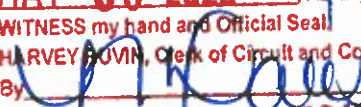

Raul Izquierdo, P.S.M.
For The Firm
Professional Surveyor and Mapper LS6099
HADONNE CORP.
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 101
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax

Date: 5/1/2020

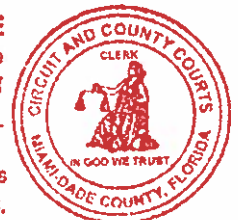
STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on _____ day of

MAY 06 2022, AD 20

WITNESS my hand and Official Seal

HARVEY BROWN, Clerk of Circuit and County Courts
By:  D.C.

NICOLE DAVIS #79943



NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.