

**NOVEMBER 2014
APPLICATIONS TO AMEND THE
COMPREHENSIVE DEVELOPMENT
MASTER PLAN**

FOR MIAMI-DADE COUNTY, FLORIDA



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NOVEMBER 2014
APPLICATIONS TO AMEND
THE COMPREHENSIVE DEVELOPMENT
MASTER PLAN

December 19, 2014

Miami-Dade County
Department of Regulatory and Economic Resources
Planning Division
111 NW 1st Street, 12th Floor
Miami, Florida 33128-1972
Telephone: (305) 375-2835

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TABLE OF CONTENTS

	<u>Page</u>
List of Tables -----	i
List of Figures -----	i
Background and Introduction -----	ii
Overview of the November 2014 Amendment Applications-----	1

Application

<u>No.</u>	<u>Applicant/Applicant's Representative</u>	<u>Page</u>
1	Barry University, Inc. / Stanley B. Price, Esq. & Carter N. McDowell-----	5
2	TRR Everglades, LLC / Patricia M. Baloyra, Esq.-----	19
3	Hamlet Tomas Mendez & Rosanna Mendez / Jorge L. Navarro, Esq.-----	37
4	South Dixie & 122, LLC / Hugo P. Arza, Esq. & Alejandro Arias, Esq.-----	49
5	Village at Coral Reef, LLC. / Juan J. Mayol, Jr., Esq., Hugo P. Arza, & Alejandro Arias, Esq.-----	63
6	Rosal Westview, LLC / Jeffrey Bercow, Esq. & Gianeli Mestre, Esq.-----	97
7	Keep Bleau Green Committee, Inc. / Felix Lasarte, Esq.-----	153

LIST OF TABLES

<u>Table</u>		<u>Page</u>
1	Schedule of Activities -----	iv
2	Declaration of Restrictions Submission Deadlines-----	vi
3	November 2014 Applications Requesting Amendments to the Comprehensive Development Master Plan-----	1

LIST OF FIGURES

<u>Figure</u>		<u>Page</u>
1	Areas Subject to November 2014 Cycle Applications to Amend the CDMP Land Use Plan Map-----	4

BACKGROUND AND INTRODUCTION

The purpose of this report is to present the applications to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP), which were filed for evaluation during the November 2014 amendment review cycle. Amendments to the CDMP may be needed to correct an error, to reflect changing circumstances or conditions in the community, or to improve the ability of the CDMP to fulfill its purposes and goals. This report contains the tentative schedule of activities for this amendment review period, a table summarizing all of the applications, followed by a copy of each application, among other information.

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

Application Filing Period/Cycle (month)	CDMP Components Eligible for Amendment	
	Even Numbered Years	Odd-Numbered Years
May Filing Period	All Components Except UDB, UEA and Land Use Outside UDB	All Components Including UDB and UEA
November Filing Period	All Components Except UDB, UEA and Land Use Outside UDB	All Components Except UDB and UEA and Land Use Outside UDB

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

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

Application Review Process and Schedule of Activities

The following is a summary of the CDMP review and amendment activities and the tentative schedule as required by Section 2-116.1, Code of Miami-Dade County (See Table 1). After all privately filed applications were finalized, the Department published this Applications Report on December 19, 2014, presenting all applications filed.

The review process primarily consists of two phases. In the first phase, the Department will evaluate each application and submit its recommendations to the Planning Advisory Board (PAB) and the directly affected Community Councils regarding each requested change in an Initial Recommendations report due to be published on or before February 25, 2015. Each directly affected Community Council in which a proposed amendment to the Land Use Plan map is located, at its option, may hold a public hearing in March 2015 to discuss the application(s), and to formulate recommendation(s) to the PAB and the Board regarding the request(s). The PAB, acting as the County's Local Planning Agency (LPA), pursuant to Part 2 of Chapter 163, F.S. will then hold a public hearing scheduled in April 2015 to receive comments on the proposed amendments and consider the Department's initial recommendations, and to formulate its recommendations to the Board. The LPA's recommendations will address adoption of requested "small-scale" amendments and transmittal of the "standard" amendments to the reviewing agencies for review and comment. The Board will conduct a public hearing scheduled in May 6, 2015, to consider taking final actions on the requested "small-scale" amendments and to address transmittal of the "standard" amendments to the reviewing agencies. Transmittal of "standard" amendment applications to the reviewing agencies for review and comment does not constitute adoption of the requested amendments.

The second phase of the review process begins after transmittal of the applications to the reviewing agencies, which is expected to occur in May 2015. The reviewing agencies are each expected to issue their comments in or about June 2015 addressing all transmitted applications. During the review period for the reviewing agencies, the Department will also review comments received at the transmittal hearings and any additional document/materials submitted, and may issue a Final Recommendations report to reflect any new information received prior to the final public hearing. The Department may also address any issues raised by the reviewing agencies in their respective comments in the Final Recommendations report. The Board will conduct a final public hearing scheduled for July 22, 2015 at which it will take final actions on the pending amendment applications. Final action by the Board will be to adopt, adopt with change, or not adopt each or all of the transmitted applications.

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

Table 1
Schedule of Activities
November 2014-2015 CDMP Amendment Cycle

Pre-application Conference	Prior to Filing Application
Application Filing Period	November 3 to December 1, 2014
Deadline to withdraw Application and obtain return of full Fee. Notify applicant of deficiencies.	December 8, 2014
Deadline for resubmittal of unclear or incomplete Applications	Seventh business day after Notice of deficiency
Applications Report published by Department	December 22, 2014
Deadline for submitting Technical Reports	December 23, 2014
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	December 23, 2014
Initial Recommendations Report released by the Department	February 25, 2015
Community Council(s) Public Hearing(s)	Specific date(s) to be set in March 2015
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to State Land Planning Agency (SLPA)	April 2015** County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Board of County Commissioners (Board) Hearing and Action on Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to SLPA	May 6, 2015 County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to SLPA and other Reviewing Agencies	May 2015 (Approximately 10 days after Board Transmittal Hearing)
Deadline for Filing Supplementary Reports by the Public	June 2015** Thirty (30) days after Board's transmittal hearing
Receipt of Comment Letters from Reviewing Agencies	July 2015 (Approximately 30 days after Transmittal)
Public Hearing and Final Action on Applications: Board	Specific date(s) to be set in July 22, 2015 (No later than 45 days after receipt of Comment Letters from reviewing agencies)

This was excerpted from the Instructions Report

Note:

** Estimated Date.

Dates are subject to change. All hearings will be noticed by newspaper advertisement.

Small-Scale Amendments

A procedure is provided for the expedited processing of "Small-scale" amendments to the Land Use Plan map as defined in Section 163.3187(2), F.S. This procedure authorizes the Board to take final action on small-scale requests to amend the Land Use Plan map at the May 2015 transmittal public hearing. An amendment application is eligible for expedited processing as a "Small-scale" amendment under the following conditions:

1. The proposed amendment involves a land use change of 10 acres or less.
2. The cumulative annual acreage of all small-scale amendments shall not exceed 120 acres.
3. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.

Any applicant who wants his/her eligible application processed under the expedited "Small-scale" amendment procedure must explicitly make such a request in the application. Generally, "Small-scale" amendments will not be reviewed by the SLPA or issued a notice of intent, and will take effect 31 days after adoption by the Commission unless a challenge is timely filed against the amendment.

Five (5) applications (Application Nos. 1, 2, 3, 4 and 5), filed in the November 2014 CDMP Amendment Cycle are eligible and have requested to be processed under the small-scale amendment procedure.

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

According to County Ordinance 03-40 pertaining to CDMP procedures, no applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the Land Use Plan map shall be permitted to argue or represent to the Board or other recommending County board a specific future use or uses for an application site without such representation being proffered in a Declaration of Restrictions (covenant). The representation cannot include a specific use or uses or exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a covenant committing to such representation for the subject property, which has been submitted to the Director and has received approval as to form. The covenant and associated opinion of title and joinders must be submitted to the Metropolitan Planning Section of the Department and a copy to the Office of the Assistant Director for Planning on the 12th floor. The applicant or applicant's representative should also deliver the fully executed documents with all signatures on the covenant, Opinion of Title, any and all joinders to the Metropolitan Planning Section. The Department will hold the final executed covenant until the Ordinance accepting the covenant with adoption of the amendment becomes effective, then the covenant will be recorded. The Department Administrative Staff will contact the applicant(s) or the applicant's representative(s) for payment of the appropriate fee before recording the covenant through the Clerk of the Courts Office.

Deadlines for Submitting Declaration of Restrictions By Applicants

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

Table 2
Declaration of Restrictions Submission Deadlines
November 2014-2015 CDMP Amendment Cycle

Deadline for submitting Declaration of Restrictions to be considered in the Initial Recommendations Report	December 23, 2014
Deadline for submitting new or revised Declaration of Restrictions to be considered at Community Council(s) Public Hearing(s)	17 days prior to Community Council hearing
Deadline for submitting new or revised Declaration of Restrictions to be considered at Planning Advisory Board (PAB) Hearing Regarding Adoption of Small-Scale Amendments and Transmittal/Adoption of Standard Amendments	17 days prior to PAB Hearing
Deadline for submitting new or revised Declaration of Restrictions to be considered at Board of County Commissioners (Board)'s Hearing Regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendments	17 days prior to BCC Hearing
Deadline for submitting Declaration of Restrictions to be considered in the Final Recommendations Report	4 weeks prior to BCC Final Hearing
Deadline for submitting Declaration of Restrictions to be considered at BCC Hearing Regarding Adoption of Standard Amendments	17 days prior to BCC Final Hearing

Additional Information

Anyone having questions regarding any aspect of the CDMP review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Regulatory and Economic Resources at 111 NW 1st Street, 12th Floor; Miami, Florida 33128-1972; telephone (305) 375-2835.

OVERVIEW OF THE NOVEMBER 2014 AMENDMENT APPLICATIONS

A total of seven (7) applications were filed, all by private parties, in the November 2014 Cycle of Applications seeking changes to the Comprehensive Development Master (CDMP) Plan Land Use Element text and CDMP Adopted 2020 and 2030 Land Use Plan (LUP) Map. Application Nos. 1, 2, 3, 4, and 5 are eligible and are requesting expedited processing as small-scale amendments. Application Nos. 6 and 7 are standard applications seeking to modify recorded CDMP Declaration of Restrictions (covenants); Application No. 7 also seeks to amend the CDMP LUP map.

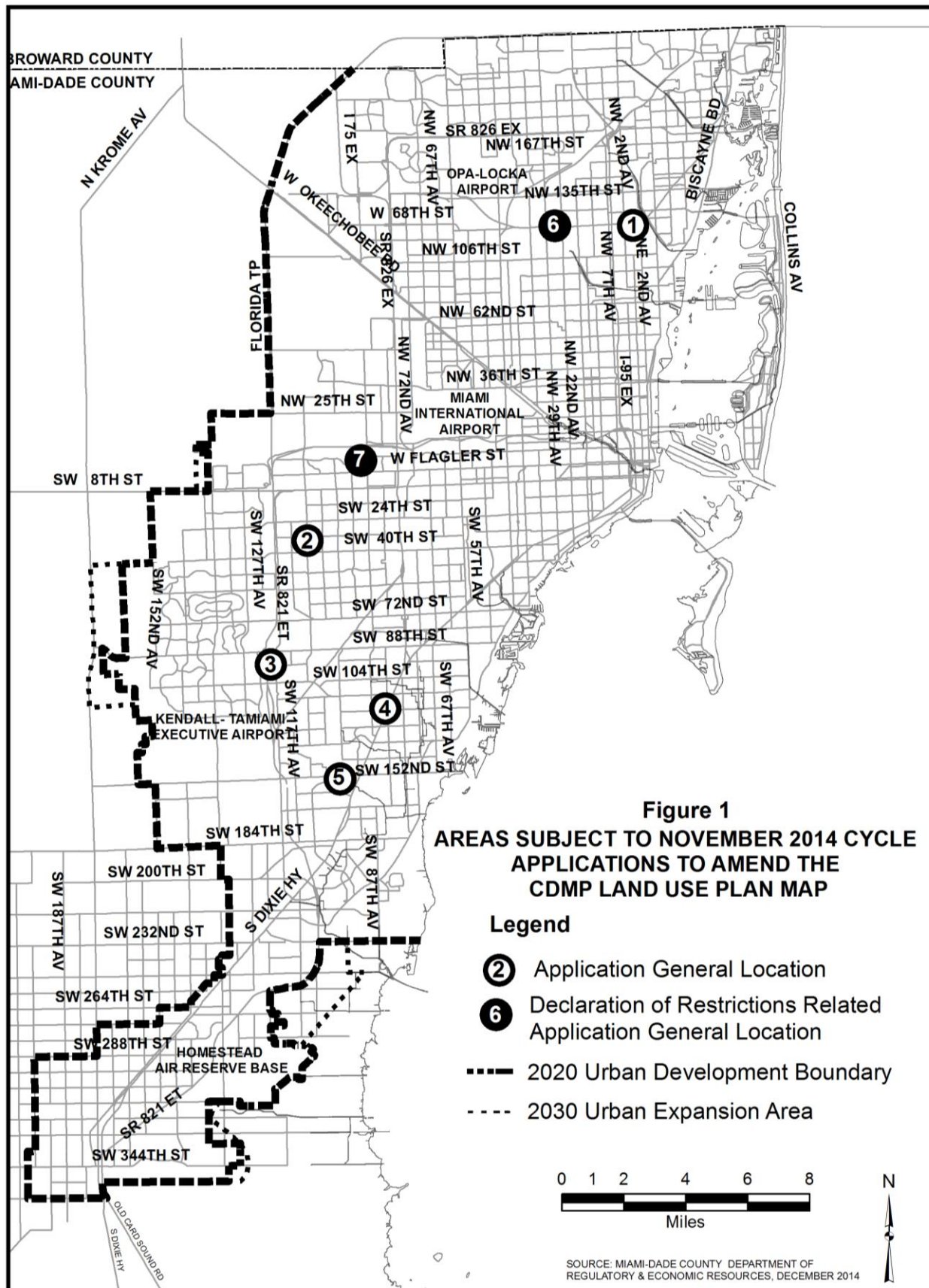
Each application is further described in Table 3 below and their general locations are identified in Figure 1 on Page 4.

TABLE 3
NOVEMBER 2014 APPLICATIONS REQUESTING AMENDMENTS TO THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

Application Number	Applicant/Representative Location Requested Change(s)	Acres
1	Barry University, Inc. / Stanley B. Price, Esq. & Carter N. McDowell, Esq. Location: Between NE/NW 115 Street and NE/NW 116 Street and between NE 2 Avenue and NW 2 Avenue. <u>Requested Amendment to the Land Use Plan Map</u> From: "Low-Density Residential (2.5 to 6 DU/Ac.)" To: "Office/Residential" Small-Scale Amendment	±8.1 Gross ±8.1 Net
2	TRR Everglades, LLC. / Patricia M. Baloyra, Esq. Location: Southeast corner of the intersection of SW 40 Street and SW 107 Avenue. <u>Requested Amendment to the Land Use Plan Map</u> From: "Low Density Residential (2.5 to 6 DU/Ac.)" To: "Business and Office" Small-Scale Amendment	±2.38 Gross ±2.38 Net
3	Hamlet T. Mendez & Rosanna Mendez / Jorge Navarro, Esq. Location: East side of SW 120 Avenue at theoretical SW 91 Street <u>Requested Amendment to the Land Use Plan Map</u> From: "Low Density Residential (2.5 to 6 DU/Ac.)" To: "Medium Density Residential (13 to 25 DU/Ac.)" Small-Scale Amendment	±0.47 Gross ±0.44 Net

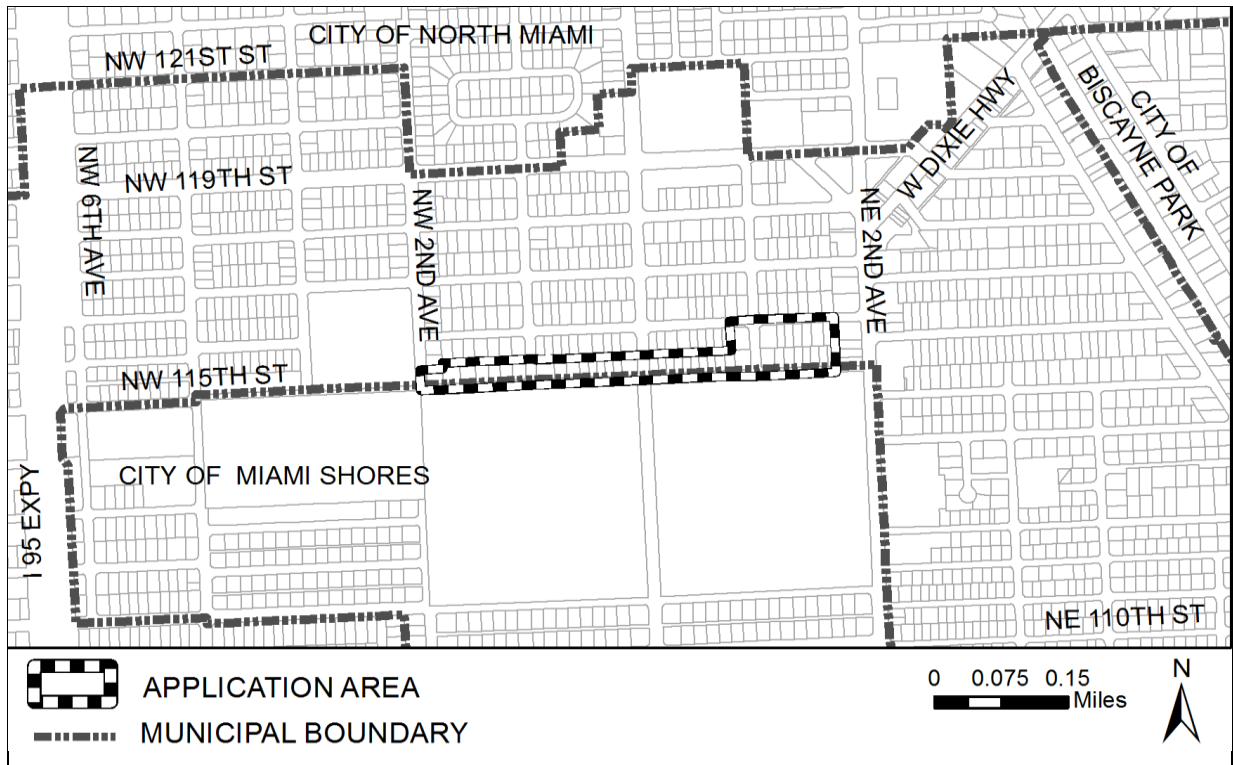
Application Number	Applicant/Representative Location Requested Change(s)	Acres
4	<p>South Dixie and 122, LLC. / Hugo P. Arza, Esq. & Alejandro Arias, Esq.</p> <p>Location: West of U.S. 1 at the northwest corner of SW 122 Street and the South Dade Busway</p> <p><u>Requested Amendment to the Land Use Plan Map</u></p> <p>From: "Estate Density Residential (1 to 2.5 DU/Ac.)"</p> <p>To: "Low-Medium Density Residential (6 to 13 DU/Ac.)"</p> <p>Small-Scale Amendment</p>	<p>±1.59 Gross ±1.59 Net</p>
5	<p>Village at Coral Reef, LLC. / Juan J. Mayol, Jr., Esq., Hugo P. Arza, Esq., and Alejandro Arias, Esq.</p> <p>Location: North of SW 152 Street and 330 feet west of SW 97 Avenue</p> <p><u>Requested Amendment to the Land Use Plan Map</u></p> <p>From: "Low Density Residential (2.5 to 6 DU/Ac.)"</p> <p>To: "Medium Density Residential with One Density Increase (DI-1; 25 to 60 dwelling units per gross acre with good urban design)"</p> <p>Small-Scale Amendment</p>	<p>±5.12 Gross ±4.76 Net</p>
6	<p>Rosal Westview, LLC.-/ Jeffrey Bercow Esq. & Gianeli Mestre, Esq.</p> <p>Location: Between NW 22 and 27 Avenues and between NW 132 and NW 107 Streets.</p> <p><u>Requested Amendment to CDMP text</u></p> <p>Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element regarding the October 2011 Cycle Application No. 1 (Declaration of Restrictions recorded in Book 28896 Pages 1971-2007 of the Official Records) pertaining to the perimeter buffer, vehicular access, an alternative program to FDOT's "Adopt a Highway" program, and the applicability or conditions to each parcel in the application area.</p> <p>Standard Amendment</p>	<p>±196.49 Gross ±180.4 Net</p>

Application Number	Applicant/Representative Location Requested Change(s)	Acres
7	Keep Bleau Green Committee, Inc. / Felix Lasarte, Esq. Location: North of Fontainebleau Boulevard and west of NW 87 Avenue.	±112.0 Gross ±110.0 Net
<u>Requested Amendment to CDMP Text and Land Use Plan Map</u>		
Part A: Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, regarding April 2004 CDMP Amendment Cycle Application No. 3, to exclude the 5-acre Parcel A. (Declaration of Restrictions recorded in Book 23413 Page 1136 of Miami-Dade County Official Records – as modified by the First Modification to the Declaration of Restrictions recorded on Book 26955, Page 908 of Official Records); and		
Part B: Redesignate Parcel A:		
From: "Parks and Recreation"		
To: "Medium Density Residential (13 to 25 DU/Ac.)"		
Standard Amendment		



**APPLICATION NO. 1
SMALL-SCALE AMENDMENT APPLICATION**

Applicant	Applicant's Representative
Barry University, Inc.	Stanley B. Price, Esq. and Carter N. McDowell, Esq. Bilzin, Sumberg, Baena, Price & Axelrod, LLP 1450 Brickell Avenue, 23 rd Floor Miami, Florida 33131 (305) 374-7580
<p><u>Requested Amendment to the Land Use Plan Map</u></p> <p>From: "Low-Density Residential (2.5 to 6 DU/Ac.)" To: "Office/Residential"</p> <p>Location: Between NE/NW 115 Street and NE/NW 116 Street between NE 2 Avenue and NW 2 Avenue.</p> <p>Acreage: Application Area: ±8.1 Gross Acres; ±8.1 Net Acres Acreage Owned by Applicant: ±2.7 Net Acres</p>	



Notes:

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

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**APPLICATION TO AMEND THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

SMALL-SCALE AMENDMENT

2014 DEC -1 A 10:30

PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANT

BARRY UNIVERSITY, INC.
c/o Ms. Sara B. Herald
Vice President for Institutional Advancement
and External Affairs
LaVoie Building - 110
11300 NE Second Avenue
Miami Shores, FL 33161-6695
(305) 899-3080

2. APPLICANT'S REPRESENTATIVE

Stanley B. Price, Esq.
Carter N. McDowell, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Avenue, 23rd Floor
Miami, FL 33131
(305) 374-7580

By: 

Date: 11-26-14

3. DESCRIPTION OF REQUESTED CHANGE

A. A change to the Land Use Element, Land Use Plan Map (item A.1 in the fee schedule) is requested.

B. Description of Subject Area

Subject property consists of about 8.1 net acres located in Section 36, Township 52, Range 41. The property is more accurately described as properties on the North side of NE/NW 115 Street between NE 2 Avenue and NW 2 Avenue, and properties on the South side of NE 116 Street, between NE 2 Avenue and one lot west of NE 1 Avenue. The properties are depicted on the map attached with this application and are individually described on the attached "List of Properties".

C. Gross and Net Acreage

Application Area: 11.5 Gross Acreage (8.1 net Acreage)

Acreage owned by Applicant: 3.0 Acres (2.7 net acres)

D. Requested Change

1. It is requested that the application area be redesignated on the Land Use Plan Map from LOW DENSITY RESIDENTIAL (2.5-6 DU/AC.) TO OFFICE/RESIDENTIAL.
2. It is requested that this application be processed as a Small-Scale Amendment under the expedited procedures.

4. REASON FOR AMENDMENT

NE/NW 115 Street serves as a "front door" to Barry University in the area West of NE 2 Avenue. The area is characterized by small lots and structures that were primarily built over 50 years ago.

The property on the north side of NE/NW 115 Street located between NE 2 Avenue and NW 2 Avenue is located adjacent to Barry University to the south and is located between BU-1 zoning and then a section line roadway (NE 2 Avenue) to the east and existing BU-2 and BU-3 zoning to the west, also on the north side of NW 115 Street. The four (4) midblock lots on the north side of NE 115 Street (Lots 20-24) between NE 2 Avenue and NE 1 Avenue are zoned RU-2 (Duplex Residential). Lot 23 within that area contains approval for non-commercial parking via attached Resolution No. 2-ZAB-519-63.

5. COMPLETED DISCLOSURE FORMS

See attached

Attachments:

Two Maps

One Aerial Photo

LOCATION MAP FOR APPLICATION

LEGEND



APPLICATION AREA

AREA OWNED BY APPLICANT



PROPERTIES OWNED BY
BARRY UNIVERSITY, INC.

Property Address	Folio Number	Size of Property
191 NE 115 St. Miami, FL 33161-6634	30-2136-025-2200	6,850 s.f.
155 NE 115 St. Miami, FL 33161-6634	30-2136-025-2180	6,850 s.f.
125 NE 115 St. Miami, FL 33161-6634	30-2136-025-2160	8,220 s.f.
103 NE 115 St. Miami, FL 33161-6634	30-2136-025-2140	11,398 s.f.
19 NE 115 St. Miami, FL 33161-6632	30-2136-025-1920	6,850 s.f.
99 NW 115 St. Miami, FL 33168-4324	30-2136-025-1730	14,823 s.f.
101 NW 115 St. Miami, FL 33168-4325	30-2136-033-0160	10,835 s.f.
185 NW 115 St. Miami, FL 33168-4325	30-2136-026-0011	14,100 s.f.
100 NE 116 St. Miami, FL 33161-6638	30-2136-025-2130	14,209 s.f.
90 NE 116 St. Miami, FL 33161-6636	30-2136-025-1820	14,899 s.f.

**BARRY UNIVERSITY
LIST OF PROPERTIES
COMPREHENSIVE PLAN AMENDMENT**

Property Address	Owner(s)	Folio Number
191 NE 115 St. Miami, FL 33161-6634	BARRY UNIVERSITY INC.	30-2136-025-2200
159 NE 115 St. Miami, FL 33161-6634	JOSE RAMON LEVI	30-2136-025-2190
155 NE 115 St. Miami, FL 33161-6634	BARRY UNIVERSITY INC.	30-2136-025-2180
151 NE 115 St. Miami, FL 33161-6634	LUCKAR FERDINAND & W WILNIE	30-2136-025-2170
147 NE 115 St. Miami, FL 33161-6634	JOSE ORTIZ GLADYS ORTIZ	30-2136-025-2161
125 NE 115 St. Miami, FL 33161-6634	BARRY UNIVERSITY	30-2136-025-2160
117 NE 115 St. Miami, FL 33161-6634	GABRIELA V. MARTINEZ	30-2136-025-2150
103 NE 115 St. Miami, FL 33161-6634	BARRY COLLEGE	30-2136-025-2140
91 NE 115 St. Miami, FL 33161-6632	PATRICK ROBINSON	30-2136-025-2000
77 NE 115 St. Miami, FL 33161-6632	HERBERT ENISTE	30-2136-025-1990
69 NE 115 St. Miami, FL 33161-6632	LUIS W. CRUMP & W PATRICIA RIVERA	30-2136-025-1980
57 NE 115 St. Miami, FL 33161-6632	ARMANDE REMY	30-2136-025-1970
49 NE 115 St. Miami, FL 33161-6632	115 ST NE LLC	30-2136-025-1960
43 NE 115 St. Miami, FL 33161-6632	MITCHELL WAYNE CURLEY	30-2136-025-1950
35 NE 115 St. Miami, FL 33161-6632	MARIE CIUS	30-2136-025-1940
27 NE 115 St. Miami, FL 33161-6632	KERLY DERISMA	30-2136-025-1930
19 NE 115 St. Miami, FL 33161-6632	BARRY UNIVERSITY INC.	30-2136-025-1920
15 NE 115 St. Miami, FL 33161-6632	HEMANT MAHADEO SINGH & W ANTONETTE	30-2136-025-1910
1 NE 115 St. Miami, FL 33161-6632	JOAN EASTON	30-2136-025-1900
11500 N Miami Ave. Miami, FL 33168-4436	ADAM L. SLOSBERG	30-2136-025-1810

Property Address	Owner(s)	Folio Number
19 NW 115 St. Miami, FL 33168-4324	LUCIANO F. DELAGO	30-2136-025-1800
29 NW 115 St. Miami, FL 33168-4324	GERTRUDE N. JOSEPH & FRANCESCA M. TAYLOR	30-2136-025-1790
35 NW 115 St. Miami, FL 33168-4324	LOUISE RODNEY	30-2136-025-1780
43 NW 115 St. Miami, FL 33168-4324	YVA AMBROISE	30-2136-025-1770
51 NW 115 St. Miami, FL 33168-4324	IDALIA C. IGLESIAS	30-2136-025-1760
59 NW 115 St. Miami, FL 33168-4324	JAIME VELASQUEZ SANDRA VELASQUEZ	30-2136-025-1750
71 NW 115 St. Miami, FL 33168-4324	PHILIPPE MICHEL	30-2136-025-1740
99 NW 115 St. Miami, FL 33168-4324	BARRY UNIVERSITY	30-2136-025-1730
101 NW 115 St. Miami, FL 33168-4325	BARRY UNIVERSITY INC.	30-2136-033-0160
111 NW 115 St. Miami, FL 33168-4325	KATHLEEN C. MILLER	30-2136-033-0150
121 NW 115 St. Miami, FL 33168-4325	ANNE MARIE S. ALEXANDER ANICIA R. SANTIL	30-2136-033-0140
131 NW 115 St. Miami, FL 33168-4325	CARLOS M. GARCIA- INIGUEZ & W HORTENSIA	30-2136-033-0130
185 NW 115 St. Miami, FL 33168-4325	BARRY UNIVERSITY	30-2136-026-0011
195 NW 115 St. Miami, FL 33168-4325	DAVID J. SMITH & W MILDRED L.	30-2136-026-0010
11501 NW 2 Ave. Miami, FL 33168-4401	HOUSING OPPORTUNITIES PROJECT FOR EXCELLENCE INC. (HOPE INC.)	30-2136-026-0040
170 NE 116 St. Miami, FL 33161-6638	Yolanda Nieves	30-2136-025-2060
150 NE 116 St. Miami, FL 33161-6638	Jean H. Ancion Jean R. Reme (JTRS)	30-2136-025-2090
144 NE 116 St. Miami, FL 33161-6638	Robert E. Lassiter	30-2136-025-2080
136 NE 116 St. Miami, FL 33161-6638	Marc Masseus and W. Isemene	30-2136-025-2100
118 NE 116 St. Miami, FL 33161-6638	Alina Nieves	30-2136-025-2110

DISCLOSURE OF INTEREST

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

1. APPLICANT(S) NAME AND ADDRESS:

APPLICANT A: BARRY UNIVERSITY, INC., a non-profit Corporation

APPLICANT B: _____

APPLICANT C: _____

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A	See attached list of properties owned by Applicant		

BARRY UNIVERSITY, INC., a Non Profit Corporation


David Dudgeon, Secretary

Linda Peterson, Vice President

Susan Rosenthal, Treasurer

William Heffernan, Director

Sister Linda Bevilacqua, President/Director

By: 
David M. Dudgeon
Title General Counsel + Secretary

STATE OF Florida)

) SS:

COUNTY OF)

Miami-Dade

The foregoing instrument was acknowledged before me this 24th day of Nov. 2014,
by David M. Dudgeon who is personally known to me or produced a _____ as
identification.

Sign Name: 

Print Name: Lori L. Cajal

My Commission Expires:

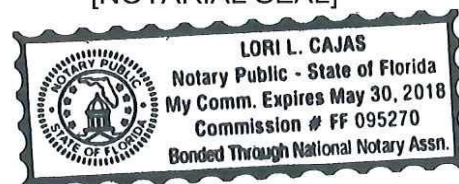
5/30/18

NOTARY PUBLIC

Commission

Serial No. (none, if blank): FF095270

[NOTARIAL SEAL]



2014 FLORIDA NON PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# 711458

Entity Name: BARRY UNIVERSITY, INC.

Current Principal Place of Business:

11300 N.E. SECOND AVENUE
ROOM 105 FARRELL HALL
MIAMI, FL 33161

Current Mailing Address:

11300 N.E. SECOND AVENUE
ROOM 105, FARRELL HALL
MIAMI, FL 33161

FEI Number: 59-0624364

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

DUDGEON, DAVID
11300 NE SECOND AVE
LAVOIE HALL #209
MIAMI, FL 33161 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: DAVID DUDGEON

03/31/2014

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title S
Name DUDGEON, DAVID
Address 11300 NE SECOND AVE
City-State-Zip: MIAMI FL 33161

Title V
Name PETERSON, LINDA
Address 11300 NE 2ND AVE
City-State-Zip: MIAMI FL 33161

Title T
Name ROSENTHAL, SUSAN
Address 11300 N.E. SECOND AVENUE
ROOM 105 FARRELL HALL
City-State-Zip: MIAMI FL 33161

Title D
Name HEFFERNAN, WILLIAM
Address 11300 NE SECOND AVE
City-State-Zip: MIAMI FL 33161

Title PD
Name BEVILACQUA, SISTER LINDA
Address 11300 NE SECOND AVE
City-State-Zip: MIAMI FL 33161

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: DAVID DUDGEON

SECRETARY

03/31/2014

Electronic Signature of Signing Officer/Director Detail

Date

RESOLUTION NO. 2-ZAB- 519-63

The following resolution was offered by Mr. John W. Morton,
seconded by Mr. Dan Daniels, and upon poll of members
present, the vote was as follows:

Paul Brockman	aye	C. C. Paden	aye
Francis A. Calhoun, Jr.	may	Frank F. Reynolds, Jr.	aye
Dan Daniels	aye	I. Tommy Thomas	aye
Carl Gardner	aye	C. V. W. Trice, Jr.	aye
Joseph H. Gardner	aye	Martin Woolin	aye
Harry K. Huret	aye	Andrew Lee	aye
John W. Morton	aye		

WHEREAS, Dan & Ina Voges have applied for a district boundary change from
RU-2 (Two-Family Residential) 11,500 c.f. to RU-1 (Neighborhood Business)
11,500 c.f., OR IN THE ALTERNATIVE

UNUSUAL USE non-commercial parking adjacent to business.

SUBJECT PROPERTY: Lot 23, Blk. 13, La Paloma (PB 8, Pgs. 44).

LOCATION: N. side NE 115 St., 150' W. of NE 2 Ave., Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public
hearing of the Metropolitan Dade County Zoning Appeals Board was advertised
and held, as required by law, and all interested parties concerned in the
matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter,
it is the opinion of this Board that the requested district boundary change
would be incompatible with the neighborhood concerned and would be in conflict
with the purpose and intent of the plan for the development of Dade County,
Florida, but that the requested unusual use, under certain conditions, would
be compatible with the area and its development and would conform with the
requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals
Board that the requested district boundary change be and the same is hereby
recommended for denial by the Board of County Commissioners of Dade County,
Florida, but that the requested unusual use be and the same is hereby approved,
subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the
Zoning Director; said plan to include among other things but be not limited
thereto type and location of signs, layout of parking areas, exits and
entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan the same be substantially in accordance
with that submitted at the hearing.
3. That the use be established and maintained in accordance with the
approved plan.

35-52-41
II-18
Item No. 63-532

4. The lot shall not be used for any nighttime parking.
5. That the use of the lot shall be used in connection with the existing beauty salon on Lot 23, Blk. 13, La Paloma Subdivision, and shall be personal to the applicant and non-transferable; that an agreement suitable for recording be submitted to and meet with the approval of the Zoning Director, embodying the conditions of this Resolution.
6. That the Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board, Dade County, Florida, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps ~~and~~ records of the Metropolitan Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 21st day of October, 1963.

Heard: 10-21-63
No. 63-10-14
10-25-63
bcn

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**APPLICATION NO. 2
SMALL-SCALE AMENDMENT APPLICATION**

Applicant	Applicant's Representative
TRR Everglades, LLC C/o J. Kenneth Tate, President of Tate Management, Manager 1175 NE 125 Street North Miami, Florida 33161	Patricia M. Baloyra, Esq. Broad and Cassel 2 South Biscayne Boulevard, Suite 2100 Miami, Florida 33131 (305) 373-9470

Requested Amendment to the Land Use Plan Map

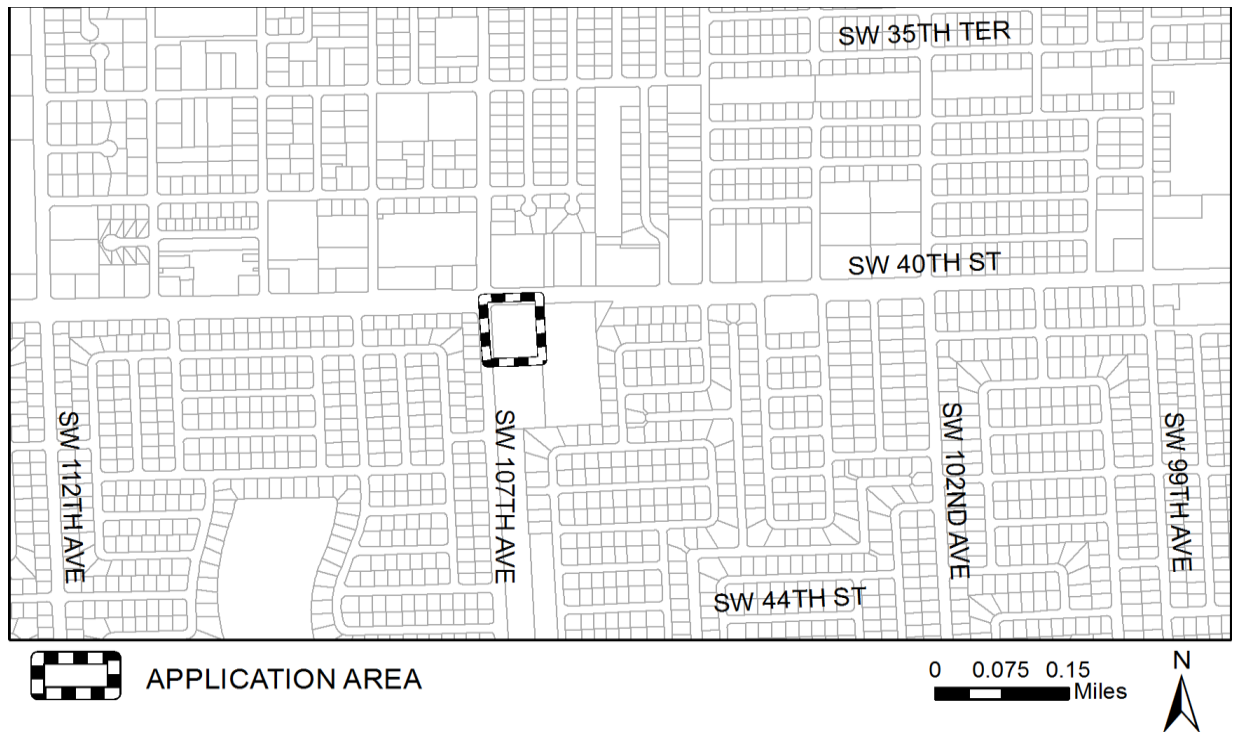
From: "Low Density Residential (2.5 to 6 DU/Ac.)"

To: "Business and Office"

Location: Southeast corner of the intersection of SW 40 Street and SW 107 Avenue.

Acreage: Application Area: ±2.38 Gross Acres; ±2.38 Net Acres

Acreage Owned by Applicant: ±2.38 Acres



Notes:

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

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**APPLICATION TO AMEND THE
LAND USE PLAN MAP OF THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

2014 DEC -1 A 11: 06

PLANNING & ZONING
METROPOLITAN PLANNING SECT

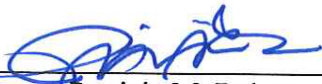
1. APPLICANT

TRR Everglades, LLC
c/o J. Kenneth Tate, President of
Tate Management, Manager
1175 NE 125 Street
North Miami, FL 33161

2. APPLICANT'S REPRESENTATIVE

Patricia M. Baloyra
Broad and Cassel
2 South Biscayne Boulevard, Suite 2100
Miami, Florida 33131
305-373-9470 (Office)
305-995-6396 (Fax)

By: _____



Patricia M. Baloyra, Esq.

26 NOV 2014

Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Changes to the Land Use Plan Map.

Applicant requests changes to the Land Use Plan (LUP) map designation on the subject property from "Low Density Residential" to "Business and Office."

B. Description of the Subject Property (the "Property").

The Property contains approximately ± 3.10 gross acres (± 2.38 net acres) and is located on the southeast corner of the intersection of SW 107 Avenue and Bird Road in Section 20 Township 54, Range 40. , according to the Plat thereof, as recorded in Plat Book 50, at Page 15, of the Public Records of Miami-Dade County, Florida.

C. Gross and Net Acreage.

Application area: ± 3.10 gross acres (± 2.38 net acres)
Acreage Owned by Applicant: ± 2.38 net acres

D. Requested Change.

Applicant requests that the Property be re-designated on the Land Use Plan map from LOW DENSITY RESIDENTIAL to BUSINESS AND OFFICE. As a small-scale amendment, this application seeks expedited review.

4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Low Density Residential" to "Business and Office." The Property consists of ±3.10 gross acres (±2.38 net acres) and is located on the southeast corner of the intersection of SW 107 Avenue and Bird Road.

The property is currently zoned BU-1. Therefore, pursuant to the Business and Office section of the Land Use Element of the CDMP, the BU-1 zoning is deemed consistent with the master plan map, effectively rendering the parcel as Business and Zoning:

Uses and Zoning Not Specifically Depicted. Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map."

CDMP, Land Use Element at I-43. Nevertheless, this application will serve to clarify the Business and Office category uses to which the property is already subject.

The Property has direct frontage on two major roadways, SW 107 Avenue and Bird Road. The Property currently has a commercial use on it (a Pep Boys store), despite the fact that it is designated Low Density Residential. Given the Property's location and current use, the re-designation to a more appropriate designation of Business and Office would be more consistent with the Comprehensive Development Master Plan. Moreover, the property is separated from nearby residential uses by a parcel containing a church and school, which in turn is separated from adjacent residential uses by a wide FPL easement.

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Development Master Plan elements. The proposed designation of the Property to reflect business and commercial uses will be more compatible with the character of the surrounding area than the existing "Low Density Residential" designation. With respect to connectivity and accessibility, the Property is located along Metrobus route 40, which connects to the Douglas Road Metrorail Station, various commercial corridors, and area retail. The proximity of the Property to the Metrobus route will promote transit and pedestrianism for the Property's visitors and patrons.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to satisfy the inadequate supply of commercial services within the UDB.

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

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

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

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

LAND USE OBJECTIVE 2. Miami-Dade County shall maintain a process of periodic amendment to the Land Use Plan Map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY 2B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

LAND USE POLICY 3B. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

- i. Satisfy a deficiency in the Plan map to accommodate projected population and economic growth of the County;
- ii. Enhance or impede provision of services at or above adopted LOS Standards;

- iii. Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- iv. Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v. If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU7, herein.

LAND USE OBJECTIVE 3: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems.

LAND USE POLICY 3A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Legal Descriptions of Property and Parcels – Composite Exhibit "A"
 Disclosure of Interest Form – Exhibit "B"
 Location Map for Application – Exhibit "C"
 Aerial Photograph – Exhibit "D"
 Certified Survey – Exhibit "E"

EXHIBIT "A"

LEGAL DESCRIPTION

Tract "A", PEP BOYS – BIRD ROAD, according to the plat thereof as recorded in Plat Book 150 at Page 15 of the Public Records of Miami-Dade County, Florida

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



EXHIBIT "D"

CERTIFIED SURVEY

EXHIBIT "A"

LEGAL DESCRIPTION:

TRACT "A", PEP BOYS - BIRD ROAD, according to the plat thereof as recorded in Plat Book 150 at Page 15 of the Public Records of Dade County, Florida.

SURVEYOR'S NOTES:

- This site lies in Section 20, Township 54 South, Range 40 East, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida, unless otherwise noted.
- This is NOT a "Boundary Survey" but only a graphic depiction of the descriptions shown hereon.
- Lands shown hereon were NOT abstracted for easements and/or rights-of-way of records.
- Lands within the Legal Description shown hereon containing 103,741 square feet, or 2.38 acres, more or less.
- Lands shown hereon containing the gross area of 134,854 square feet, or 3.10 acres, more or less.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on November 19, 2014, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"
FORTIN, LEAVY, SKILES, INC., LB3653

By: 

Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

Drawn By	BLS	LEGAL DESCRIPTION, SURVEYOR'S NOTES & CERTIFICATION FORTIN, LEAVY, SKILES, INC. CONSULTING ENGINEERS, SURVEYORS & MAPPERS FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 180 Northeast 168th Street / North Miami Beach, Florida 33162 Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	Date	11/19/14
Cad. No.	141343		Scale	NONE
Ref. Dwg.	296-129		Job. No.	141343
			Dwg. No.	1014-083
Plotted:	11/19/14 2:36p		Sheet	1 of 3

EXHIBIT "A"

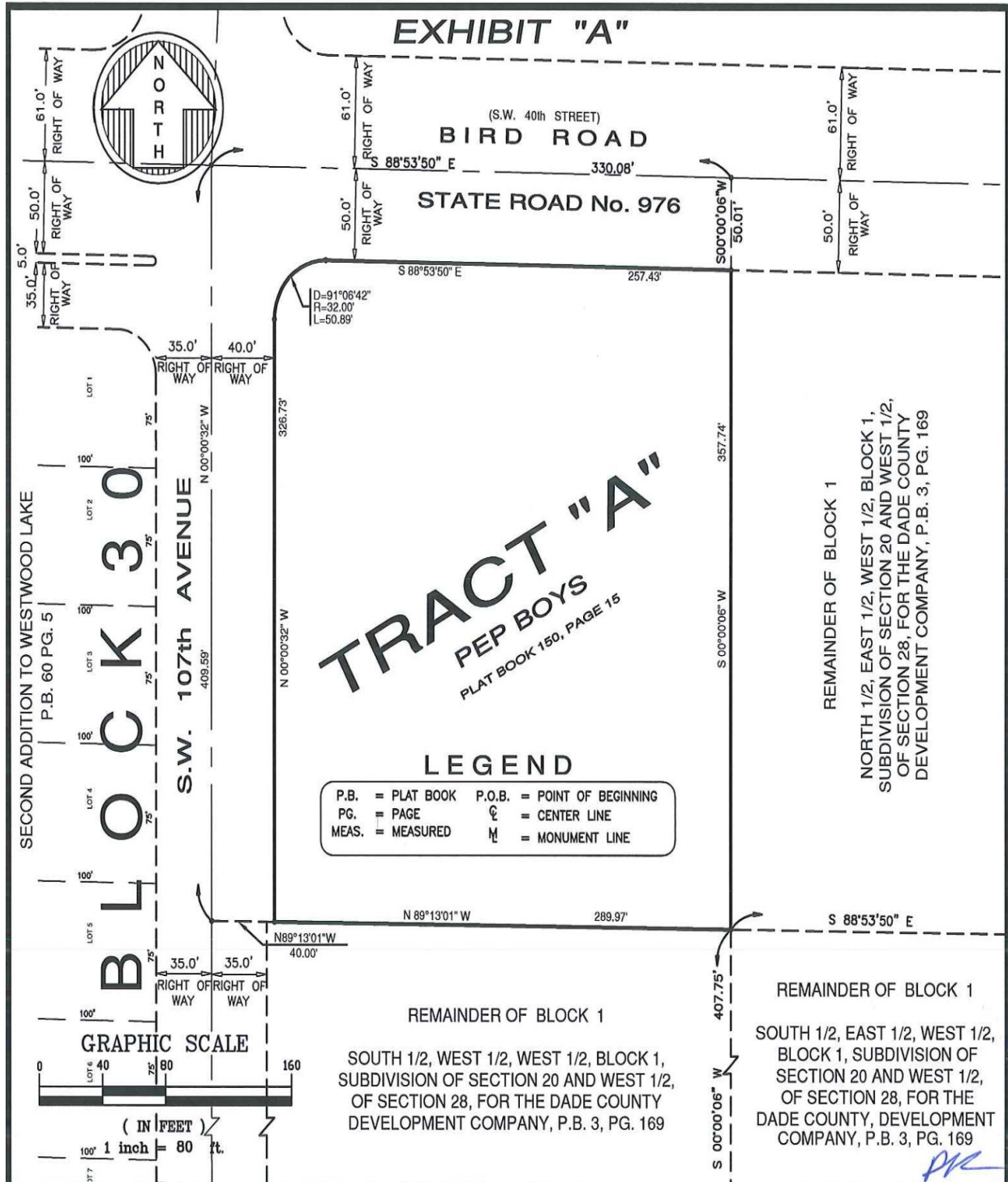


LOCATION SKETCH
NOT TO SCALE

Drawn By	BLS
Cad. No.	141343
Ref. Dwg.	296-129
Plotted:	11/19/14 2:36p

LOCATION SKETCH
FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	11/19/14
Scale	NONE
Job. No.	141343
Dwg. No.	1014-083
Sheet	2 of 3



Drawn By	BLS
Cad. No.	141343
Ref. Dwg.	296-129
Plotted:	11/19/14 2:36p

SKETCH OF DESCRIPTION
FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	11/19/14
Scale	1" = 80'
Job. No.	141343
Dwg. No.	1014-083
Sheet	3 of 3

EXHIBIT "B"

DISCLOSURE OF INTEREST

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

1. APPLICANT(S) NAME AND ADDRESS:

Applicant A: TRR Everglades Holdings, LLC

Applicant B: _____

Applicant C: _____

Applicant D: _____

Applicant E: _____

Applicant F: _____

Applicant G: _____

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>SIZE IN ACRES</u>
------------------	------------------------	---------------------	----------------------

<u>TRR Everglades Holdings, LLC</u>		<u>30-4020-017-0010</u>	<u>2.38 acres</u>
-------------------------------------	--	-------------------------	-------------------

TRR Everglades Holdings, LLC	Owner
------------------------------	-------

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

n/a

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

CORPORATION'S NAME: _____

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF STOCK

n/a

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

TRUSTEE'S NAME: _____

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

n/a

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

PARTNERSHIP NAME: TRR Everglades Holdings, LLC

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

Jimmy Tate and Sergio Rok c/o Broad and Cassel

70%

Rialto c/o Broad and Cassel

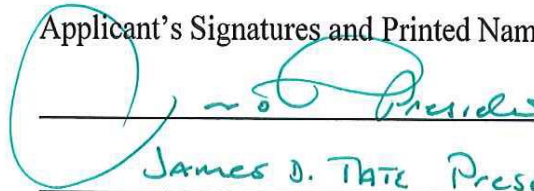
30%

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

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

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

Applicant's Signatures and Printed Names



James D. Tate President

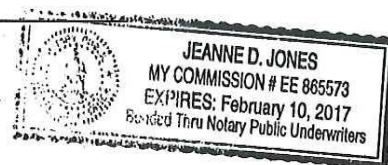
Sworn to and subscribed before me

This 25th day of November, 2014



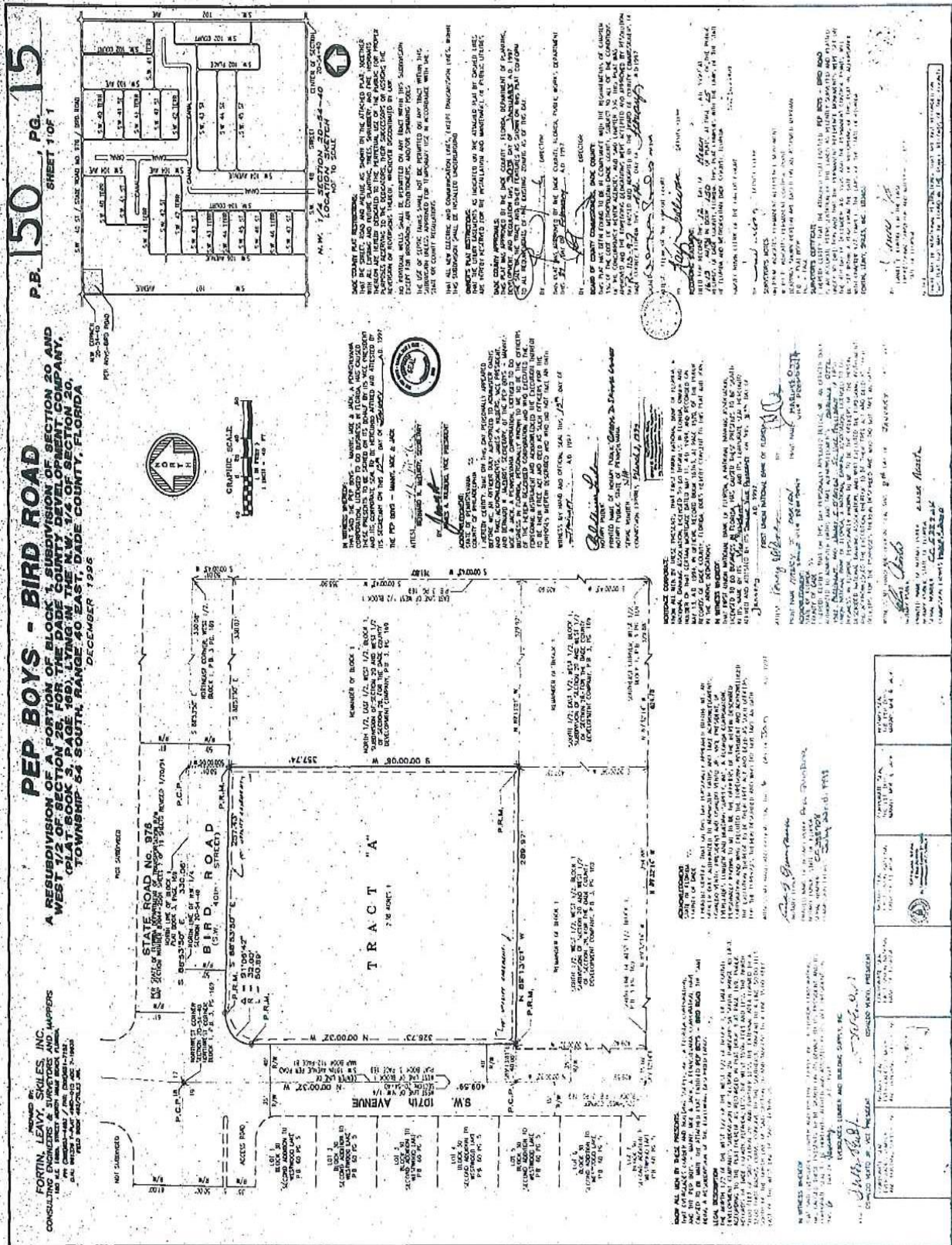
Notary Public, State of Florida at Large (SEAL)

My Commission Expires:



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

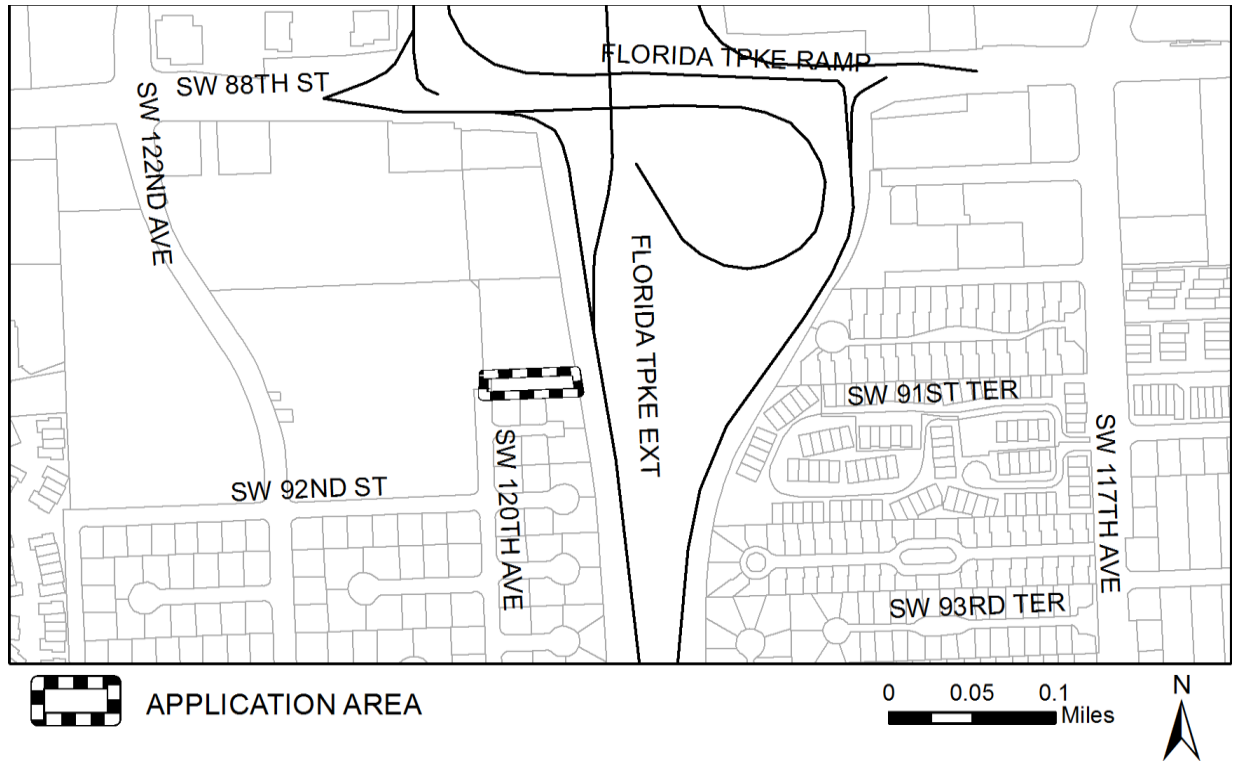
COPY OF PLAT



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**APPLICATION NO. 3
SMALL-SCALE AMENDMENT APPLICATION**

Applicant	Applicant's Representative
Hamlet Tomas Mendez and Rosanna Mendez	Jorge Navarro, Esq. Greenberg Traurig, LLP 333 SE 2 Avenue Suite 4400 Miami, Florida 33131 (305) 579-0821
<u>Requested Amendment to the Land Use Plan Map</u> From: "Low Density Residential (2.5 to 6 DU/Ac.)" To: "Medium Density Residential (13 to 25 DU/Ac.)" Location: East side of SW 120 Avenue at theoretical SW 91 Street Acreage: Application Area: ±0.47 Gross Acres; ±0.44 Net Acres Acreage Owned by Applicant: ±0.44 Acres	



Notes:

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

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

2014 DEC 1 4:00
PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANTS

Hamlet Tomas Mendez & Rosanna Mendez

2. APPLICANT'S REPRESENTATIVE

Jorge L. Navarro, Esq.
Greenberg Traurig, LLP
333 SE 2nd Ave, Suite 4400
Miami, Florida 33131
(305) 579-0821

By: _____


Jorge L. Navarro, Esq.

12-1-14

Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element, Future Land Use Plan map is requested. The Applicant is requesting the redesignation of the subject property from "Low Density Residential" to "Medium Density Residential."

B. Description of Subject Area.

The subject property consists of approximately 0.44 +/- net acres (0.47 +/- gross acres) of land located in Section 01, Township 55, Range 39, in unincorporated Miami-Dade County (the "Property"). The subject property is located west of the Florida Turnpike, east of Southwest 120th Avenue, north of Southwest 92nd Street, and south of SW 88th Street (Kendall Drive), as depicted on the location map accompanying the legal description provided herein.

C. Acreage.

1. Subject application area: 0.44 +/- net acres (0.47 +/- gross acres)
2. Acreage owned by applicant: 0.44 +/- net acres (0.47 +/- gross acres)

D. Requested Changes.

1. It is requested that the subject property be re-designated on the Future Land Use Plan map from "Low Density Residential" (2.5 to 6 dwelling units per acre) to "Medium Density Residential" (13 to 25 dwelling units per acre).
2. It is the requested that this Application be processed as an expedited small scale amendment.

4. REASONS FOR AMENDMENT

The requested amendment seeks to redesignate the Future Land Use Map designation for the subject property from "Low Density Residential" to "Medium Density Residential." The proposed amendment will allow for the development of a townhome project on the subject property, which currently consists of vacant and unimproved land. For the reasons below, we believe the proposed amendment is compatible with the proximate land uses, is consistent with the policies and goals of the Comprehensive Plan, and is creating a proper transition between the abutting commercial and low density residential uses. As part of the Application, the applicant will be proffering a covenant which will provide for certain development parameters that will govern the future development of the townhome project on the subject property.

The subject property is located near two major roadways, SW 88th Street (Kendall Drive) and the Florida Turnpike. The Property abuts a commercial shopping center to the north which is currently designated "Business and Office" under the Future Land Use Map. The area directly west of the subject property is currently developed with multi-family residential uses at a density of approximately 23 units per acre and is currently designated "Medium Density Residential" under the Future Land Use Map. To the south of the subject property are 3 single family homes and directly to the East is the Florida Turnpike Expressway. Based on the surrounding development and the existing land uses in the area, we believe the subject property is appropriately located for development at a higher density. Specifically, the proposed redesignation of the subject property to "Medium Density Residential" would be consistent and compatible with the existing "Business and Office" uses to the north and the "Medium Density Residential" land uses to the west.

The proposed townhome project will contribute to creating a variety of housing types within the abutting residential community. Additionally, the proposed redevelopment of the subject property with townhomes under the "Medium Density Residential" land use designation will create an appropriate transition and buffer between the commercial shopping center to the north and the existing single family homes to the south. This Application will thereby further the

policies and goals of the Comprehensive Plan which encourages the creation of transition areas between areas of commercial uses and lower density residential uses. The site is also ideally situated for development at higher densities because of its proximity to major infrastructure and its accessibility to nearby employment, commercial, retail and cultural centers.

Based on the foregoing, we believe the proposed change in the Property's land use designation to "Medium Density Residential" would result in an appropriate transition area from the abutting commercial uses and would be compatible with the character of the existing residential community. Additionally, approval of the requested amendment would further the implementation of the following CDMP goals, objectives and policies:

LAND USE OBJECTIVE 1: The Location and configuration of Miami- Dade County's urban growth through the year 2015 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

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

LAND USE POLICY 1E: In Conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami- Dade County shall seek to facilitate the planning of residential areas and neighborhoods which include recreational, educational, and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.

LAND USE POLICY 1F: To promote housing diversity and to avoid creation of monotonous developments, Miami- Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami- Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

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

LAND USE POLICY 9I: Miami-Dade County shall continue to update and enhance its land development regulations and area planning program to facilitate development of

better planned neighborhoods and communities, and well-designed buildings, and shall encourage and assist municipalities to do the same.

5. ADDITIONAL MATERIAL SUBMITTED

Additional information will be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Legal Description - Exhibit "A"
Location Map for Application - Exhibit "B"
Disclosure of Interest Form - Exhibit "C"

Exhibit "A"

Legal Description of Property

A portion of Tract 2, "Second Amended Plat of Miami Villas, according to the plat thereof, as recorded in Plat Book 34, Page 27, of the Public Records of Miami-Dade County, Florida.

Beginning 555 feet South of the intersection of the Northwest corner of Tract 2 and the South Line of SW 89th Street, thence continue South for 66.17 feet to a point; thence continue East 281.70 feet to a point; thence continue North 8 degrees West for a distance of 70.31 feet to a point; thence continue West for a distance 274.03 feet to the point of beginning, all Section 1, Township 55 South, range 39 East.

Folio No. 30-5901-007-0171

EXHIBIT "B"

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT / REPRESENTATIVE:

Jorge L. Navarro, Esq.

DESCRIPTION OF SUBJECT AREA:

The subject property consists of approximately 0.44 +/- net acres (0.47 +/- gross acres) of land located in Section 01, Township 55, Range 39, in unincorporated Miami-Dade County. The Application Site is generally located south of SW 88th Street, west of the Florida Turnpike, east of SW 120th Avenue, and north of SW 92nd Street. The Applicant owns the entire Application Site as illustrated below.

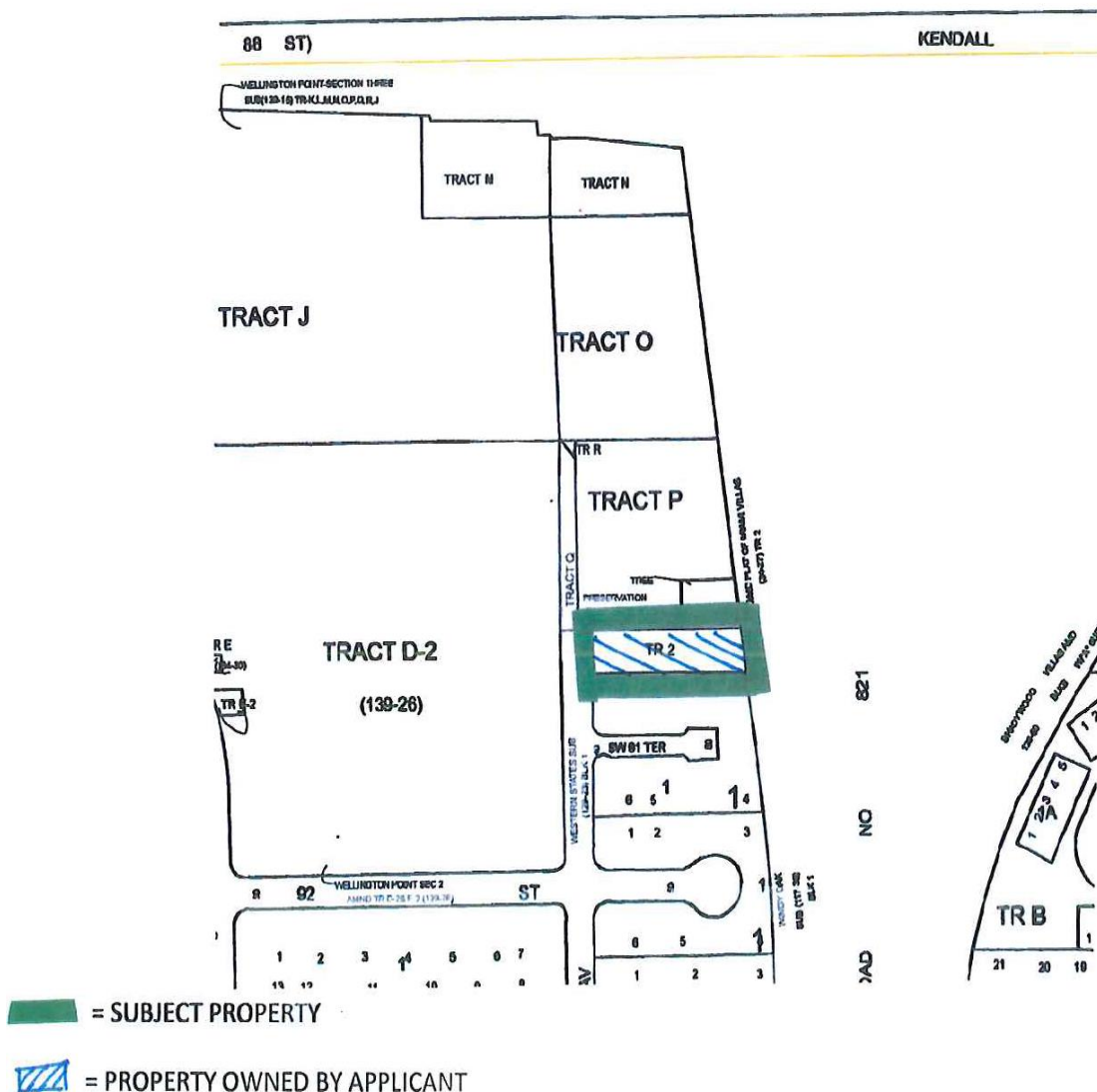


EXHIBIT "C"

DISCLOSURE OF INTEREST

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

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Hamlet Tomas Mendez & Rosanna Mendez, 3228 SW 62 Court, Miami, Florida 33155

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE
A	Hamlet Tomas Mendez & Rosanna Mendez	30-5901-007-0171	0.5 acre

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

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

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

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

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

Hamlet Tomas Mendez & Rosanna Mendez	100%
--------------------------------------	------

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

CORPORATION NAME: N/A

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

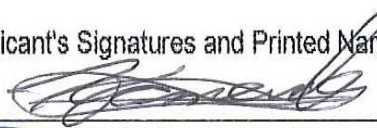
- c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be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

TRUSTEES
NAME: N/A

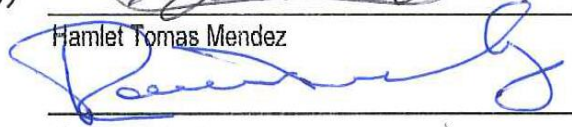
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

INV. 701 # M532-338-51-087-0



Hamlet Tomas Mendez



Rosanna Mendez

INV. 701 # M632-720-58-528-0

Sworn to and subscribed before me

this 1st day of Dec, 2014



Notary Public, State of Florida at Large(SEAL)



CARL QUEENER
MY COMMISSION # FF 022371
EXPIRES: September 29, 2017
Bonded Thru Budget Notary Services

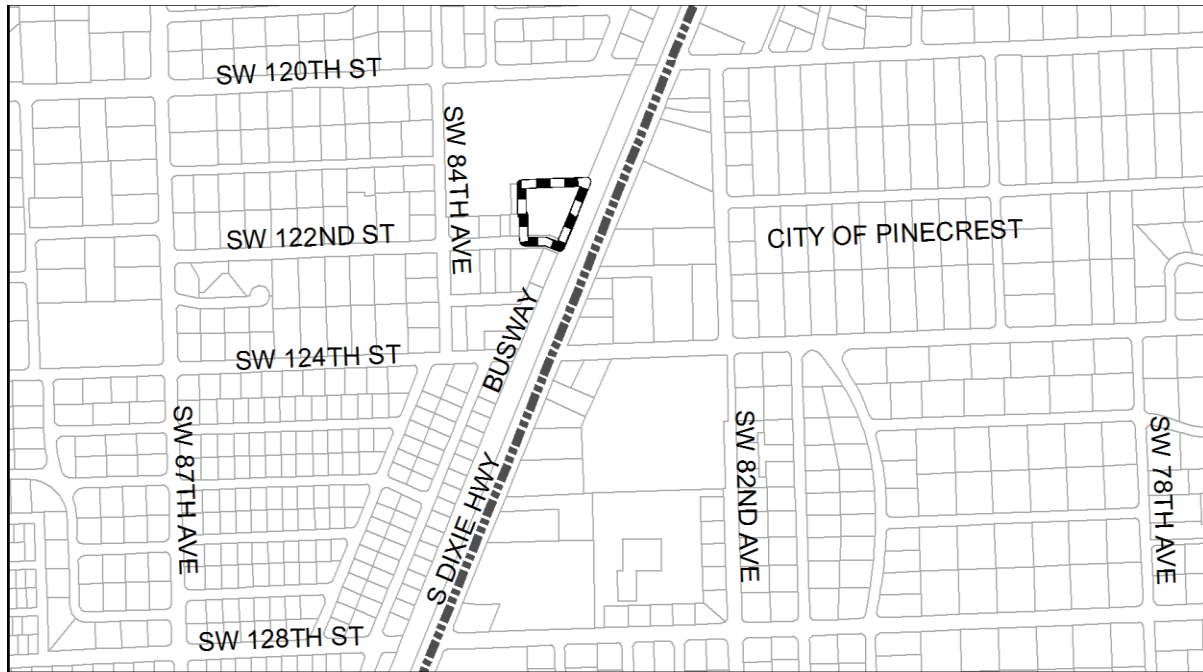
My Commission Expires:

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

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APPLICATION NO. 4
SMALL-SCALE AMENDMENT APPLICATION

Applicant	Applicant's Representative
South Dixie and 122, LLC. 9155 S. Dadeland Boulevard, Suite 1418 Miami, Florida 33156	Hugo P. Arza Esq. and Alejandro Arias, Esq. Holland & Knight, LLP 701 Brickell Avenue Suite 3300 Miami, Florida 33131-2847 (305) 374-8500
<p><u>Requested Amendment to the Land Use Plan Map</u></p> <p>From: "Estate Density Residential (1 to 2.5 DU/Ac.)"</p> <p>To: "Low-Medium Density Residential (6 to 13 DU/Ac.)"</p> <p>Location: West of U.S. 1 at the northwest corner of SW 122 Street and the South Dade Busway.</p> <p>Acreage: Application area: ±1.59 Gross Acres; ±1.59 Net Acres</p> <p>Acreage Owned by Applicant: ±1.59 Net Acres</p>	



APPLICATION AREA



MUNICIPAL BOUNDARY

0 0.075 0.15
Miles



Notes:

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

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

2014 DEC -1 P 2: 00

PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANT

South Dixie and 122, LLC
9155 S Dadeland Boulevard, Suite 1418
Miami, Florida 33156

2. APPLICANT'S REPRESENTATIVES

Hugo P. Arza, Esq.
Alejandro Arias, Esq.
Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131-2847
(305) 374-8500
(305) 679-6305 (fax)

By: 
Hugo P. Arza, Esq.

12/1/14
Date

By: 
Alejandro Arias, Esq.

12/1/14
Date

3. DESCRIPTION OF REQUESTED CHANGE

- A. Changes to the Land Use Plan Map. Applicant requests changes to the Land Use Plan (LUP) map designation on the subject property from "Estate Density Residential" to "Low-Medium Density Residential." In addition, the Applicant requests expedited processing and review of the application as a "small-scale" amendment, as defined in Section 163.3187(2) Florida Statutes.
- B. Description of the Subject Property (the "Property").

The subject property contains approximately ±1.62 gross acres (±1.59 net acres) and is located on the north side of SW 122 Street, between SW 84 Avenue and South Dixie Highway (US-1), in Section 15, Township 55 South, Range 40 East ("Property"). The Property is more specifically described in Exhibit "A" to this application.

C. Gross and Net Acreage.

Application area: ± 1.62 gross acres (± 1.59 net acres)

Acreage Owned by Applicant: Same as above.

D. Requested Change.

- (1) Applicant requests that the Property be re-designated on the Land Use Plan map from ESTATE DENSITY RESIDENTIAL to LOW-MEDIUM DENSITY RESIDENTIAL on ± 1.62 gross acres identified in Exhibit "A."
- (2) It is also requested that the application be processed as a small-scale amendment.

4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Estate Density Residential" to "Low-Medium Density Residential". The Property consists of ± 1.62 gross acres (± 1.59 net acres) and is located on the north side of SW 122 Street, between 84 Avenue and South Dixie Highway (US-1). The South Miami-Dade Busway abuts the Property to the east. Currently the Property is vacant and unimproved. The Applicant is seeking the re-designation of the Property to address the demand for additional residential uses of a growing population in the area.

The Applicant intends to redevelop the Property, which fronts on the north side of SW 122 Street, and abuts the South Miami-Dade Busway. Lying to the east of the Property is South Dixie Highway (US-1), a major transportation corridor. Because of its location to the Busway and a major transportation corridor, the Property is ideally suited for residential development at a greater density to take advantage of the existing public transit options adjacent to the Property. The parcels of land to the north and west of the Property are designated "Estate Density Residential". There is currently a paint testing facility on the parcel to the north, and single-family residences situated on the parcels to the west. The properties to the south, beyond SW 122 Street, are designated "Low Density Residential" and are improved with single family residences. Lying to the east of the Property is the South Miami-Dade Busway, designated as a "Transportation" use. Further east, with frontage along the east side of South Dixie Highway (US-1), are commercial and retail establishments located within the municipal boundaries of the Village of Pinecrest. Re-designating the Property would provide an appropriate buffer between the transportation and commercial uses located to the west.

The Property is located within the South-Central Tier of the County, east of the Turnpike. More specifically, it is located within Minor Statistical Area 5.5 ("MSA"). Table 1.1-3 of the 2010 Evaluation and Appraisal Report, adopted March 23, 2011, indicates a population increase in MSA 5.5 of roughly 7,000 residents from the year 2010 to 2020. At the current rate of growth in Miami-Dade County, the existing available residential land supply for single-family homes

and multi-family homes in the South-Central Tier of the County is projected to be depleted in 2017. Thus, there is an immediate need for an additional supply of residential use in the MSA. Due to this imperative residential demand, the Property would best serve the community designated as “Low-Medium Density Residential” based on its location and compatibility with adjacent uses.

The Miami-Dade County Zoning Atlas zones the Property GU (Interim District) and RU-2 (Two-Family Residential District). The areas to the west of the Property are predominantly zoned EU-M (Estate Modified District). The site abutting the Property to the north is zoned GU (Interim District), EU-1 (Single-Family One Acre Estate District), and EU-M (Estate Modified District). The parcels located to the south of the Property are zoned RU-2 (Two-Family Residential District) and RU-5A (Semi-Professional Office District). Across South Dixie Highway (US-1), the properties fronting on the east side of this major transportation corridor are zoned for business use under the Village of Pinecrest Code of Ordinances. Thus, the redesignation of the Property to “Low-Medium Density” would serve to meet the demands of the area’s residents and meet the CDMP directive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units.

The Property lies within immediate proximity of major commercial development along South Dixie Highway (US-1). The proximity of commercial uses will attract residents to the Property, and encourage short traveling times (both pedestrian and vehicular) for residents with retail related needs. Additionally, the development will complete the roadway infrastructure of SW 122 Street abutting the South Miami-Dade Busway, promoting better distribution of residents traveling in the area. The retail development and improved roadway connectivity create an environment that justifies the type of residential development the Applicant is proposing under the land use designation sought pursuant to this application.

Furthermore, the need for residential development on the Property is supported by its location in an area served by transit, as the Property abuts the South Miami-Dade Busway. Buses operating on the Busway and in adjacent neighborhoods enter the exclusive lanes at major intersections and offer local and limited-stop service between Florida City and Dadeland South Metrorail. Express buses that run on the Busway shuttle passengers between Dadeland South Metrorail Station and SW 344 Street in an hour or less. There are also two Miami-Dade Busway Stations located within close proximity to the Property, the SW 117 Station and the SW 124 Station, which are served by Miami-Dade Transit Metrobus Routes 38, 34, 31, 52, 252, and 287. The availability of neighborhood-supporting services near the Property will encourage ridership along these routes.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map, will help to meet the demands of the area’s residents, and will serve to meet the CDMP directive to promote communities offering a variety of single-family, townhome, and multi-family residential options.

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

LAND USE OBJECTIVE 1: The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

LAND USE POLICY LU-1A: High intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

LAND USE POLICY LU-1D: In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of communities which include recreational, educational and other public facilities, houses of worship, places of employment, and safe and convenient circulation of automotive, pedestrian and bicycle traffic throughout the communities.

LAND USE POLICY LU-1E: In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.

LAND USE POLICY LU-1F: To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

LAND USE POLICY LU-1O: Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe in the Agriculture Areas outside the Urban Development Boundary, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.

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

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

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

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

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

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

LAND USE POLICY LU-9H: Miami-Dade County shall reorient its special area planning program to emphasize preparation of physical land use and urban design plans for strategic and high growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

LAND USE POLICY LU-9J: Miami-Dade County shall continue to use, but not be limited exclusively to the design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County, and shall consider the inclusion of such guidelines into its land development regulations.

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

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

shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.

TRANSPORTATION POLICY TE-1A: Miami-Dade County shall promote mass transit alternatives to the personal automobile, such as rapid transit (i.e. heavy rail, light rail, and bus rapid transit, premium transit (enhanced and/or express bus)), local route bus and paratransit services.

TRANSPORTATION POLICY TC-4B: The adopted Land Use Plan map shall be used to guide the planning of future transportation corridors and facilities to ensure the proper coordination between transportation planning and future development patterns.

TRANSPORTATION POLICY TC-5D: The County shall encourage interconnectivity between neighborhoods, local services, schools, parks, employment centers, and transit stops and stations; discourage cul-de-sac and walled-in subdivision designs; and facilitate pedestrian-oriented urban design that connects neighborhoods and provides accessibility for non-drivers.

TRANSPORTATION POLICY TC-6E: The County shall pursue and support transportation programs (e.g., rapid transit, premium bus service, managed lanes, and bikeways) that help to maintain or provide necessary improvement in air quality and which help conserve energy.

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "C"

Attachments: Legal Descriptions for the Property and Parcels - Exhibit "A"
Location Map for Application - Exhibit "B"
Disclosure of Interest Form - Exhibit "C"
Aerial Photograph – Exhibit "D"

Exhibit "A"

Legal Description

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.

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

South Dixie and 122, LLC / Hugo P. Arza, Esq.

The Property consists of approximately ±1.62 gross acres (±1.59 net acres) and is located on the north side of SW 122 Street, between SW 84 Avenue and South Dixie Highway (US-1), in Section 15, Township 55 South, Range 40 East ("Property"). The Property is more specifically described in Exhibit "A" to this application.

[illegible]

EXHIBIT "C"

DISCLOSURE OF INTEREST

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

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT: South Dixie and 122 LLC, a Florida limited liability company
9155 South Dadeland Boulevard, Suite 1418
Miami, FL 33156

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
South Dixie and 122, LLC	South Dixie and 122, LLC	30-5015-000-0360	+/- 1.59 net acres
TOTAL: +/- 1.59 (net acres) / +/- 1.63 (gross acres)			

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

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

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

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

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
	%

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

CORPORATION NAME South Dixie and 122, LLC, a Florida limited liability company

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF STOCK

** See attached information **

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

TRUSTEES NAME: _____

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

PARTNERSHIP NAME: _____

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

- e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers,

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

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

South Dixie and 122, LLC, a Florida limited liability company

By: 

Name: Michael Gomez - Corrallo

Title: Manager

Sworn to and subscribed before me

this 25 day of Nov, 2014


Notary Public, State of Florida at Large (SEAL)

My Commission Expires:



BRUNY DOMINGUEZ
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE839184
Expires 9/30/2016

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

DISCLOSURE OF INTEREST FOR SOUTH DIXIE AND 122, LLC

(1) MMP Ventures, LLC (50%)

- Paola Garcia-Carrillo (100%)

(2) Lasi Holdings, LLC (25%)

- Jose Pereira (50%)
- Jean Pereira (50%)

(3) RP1-SM, LLC (25%)

→ **RRAC Holdings Inc. (100%)**

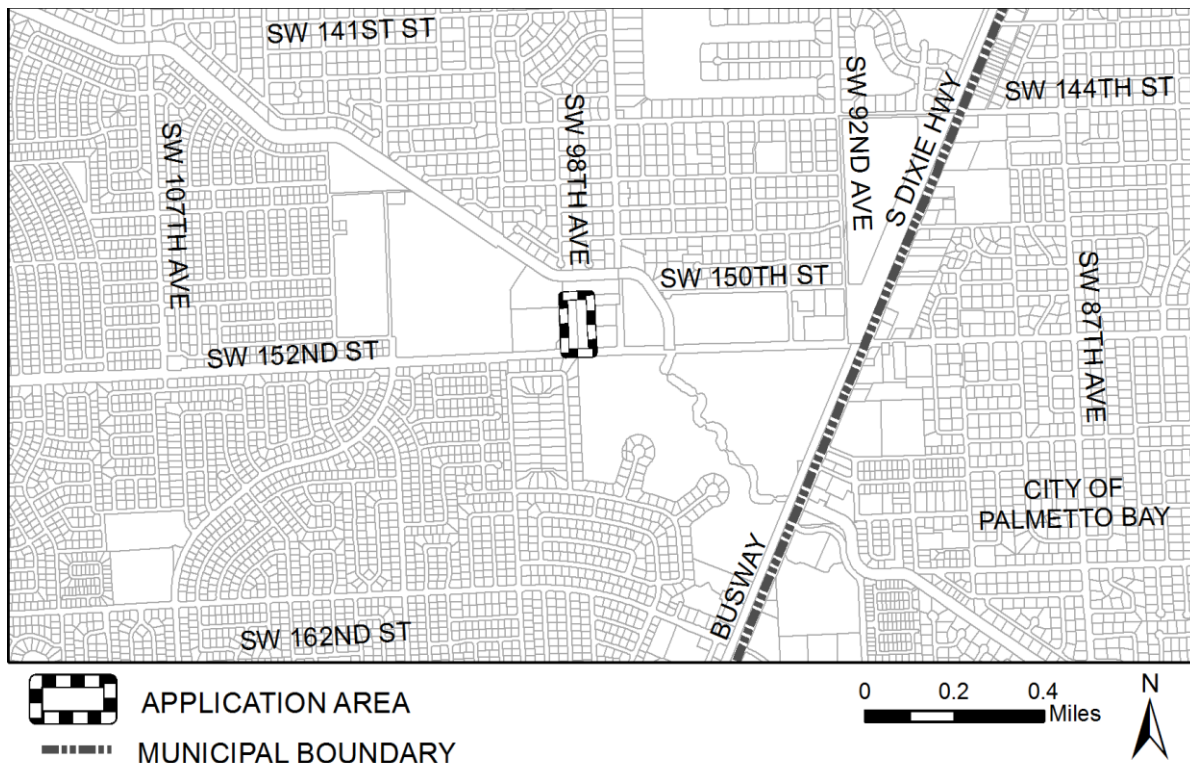
- Christina L. Arriota, as Trustee of the MAR Irrevocable Trust (dated December 18, 2012) (100%)

→ **MAR Irrevocable Trust (dated December 18, 2012)**

- Ramon Rodriguez (33.33%)
- Ray Rodriguez (33.33%)
- Christina L. Arriota (33.33%)

**APPLICATION NO. 5
SMALL-SCALE AMENDMENT APPLICATION**

Applicant	Applicant's Representative
Village at Coral Reef, LLC. 18001 Old Cutler Road, 600 Palmetto Bay, Florida 33157	Juan J. Mayol, Jr., Esq., Hugo P. Arza, Esq. and Alejandro Arias, Esq. Holland & Knight, LLP 701 Brickell Avenue Suite 3000 Miami, Florida 33131-2847 (305) 374-8500
<p><u>Requested Amendment to the Land Use Plan Map</u></p> <p>From: "Low Density Residential (2.5 to 6 DU/Ac.)"</p> <p>To: "Medium Density Residential with One Density Increase (DI-1; 25 to 60 dwelling units per gross acre with good urban design)"</p> <p>Location: North side of SW 152 Street (Coral Reef Dr.) and 330 ft. west of SW 97 Avenue.</p> <p>Acreage: Application area: ±5.1 Gross Acres; ±4.76 Net Acres</p> <p>Acreage Owned by Applicant: ±4.76 acres</p>	



Notes:

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

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

2014 NOV 26 P 2: 42

PLANNING & ZONING
METROPOLITAN PLANNING SECT

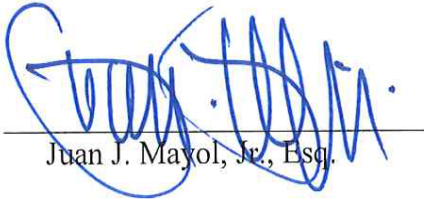
1. APPLICANT

Village at Coral Reef, LLC
18001 Old Cutler Road, 600
Palmetto Bay, Florida 33157

2. APPLICANT'S REPRESENTATIVES

Juan J. Mayol, Jr., Esq.
Hugo P. Arza, Esq.
Alejandro Arias, Esq.
Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131-2847
(305) 374-8500
(305) 679-6305 (fax)

By:



Juan J. Mayol, Jr., Esq.

11-26-14

Date

By:

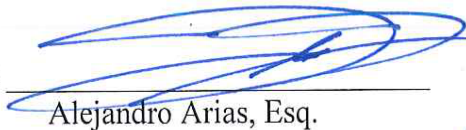


Hugo P. Arza, Esq.

11/25/14

Date

By:



Alejandro Arias, Esq.

11/25/14

Date

3. DESCRIPTION OF REQUESTED CHANGE

- A. Changes to the Land Use Plan Map. Applicant requests changes to the Land Use Plan (LUP) map designation on the subject property from "Low Density Residential" to "Medium Density Residential With One Density Increase." In addition, the Applicant requests expedited processing and review of the application as a "small-scale" amendment, as defined in Section 163.3187(2) Florida Statutes.

B. Description of the Subject Property (the "Property").

The subject property contains approximately ± 5.1 gross acres (± 4.76 net acres) and is located on the north side of SW 152 Street, between SW 98 Avenue and SW 97 Avenue, in Section 20, Township 55 South, Range 40 East ("Property"). The Property is more specifically described in Exhibit "A" to this application.

C. Gross and Net Acreage.

Application area: ± 5.1 gross acres (± 4.76 net acres)
Acreage Owned by Applicant: Same as above.

D. Requested Change.

- (1) Applicant requests that the Property be re-designated on the Land Use Plan map from LOW DENSITY RESIDENTIAL to MEDIUM DENSITY RESIDENTIAL WITH ONE DENSITY INCREASE on ± 5.1 gross acres identified in Exhibit "A."
- (2) It is also requested that the application be processed as a small-scale amendment.

4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Low Density Residential" to "Medium Density Residential With One Density Increase". The Property consists of ± 5.1 gross acres (± 4.76 net acres) and is located on the north side of SW 152 Street, between 98 Avenue and 97 Avenue. The purpose for this request is to address the need for additional residential uses in the community. The Applicant is seeking to develop the Property with multi-family units, which are intended to meet the needs of a growing population in the area. Additionally, the Applicant plans to incorporate urban design elements into the proposed development to provide for enhanced compatibility with the surrounding developed area.

Approval of the requested Amendment is consistent with the Goals, Objectives and Policies of all Elements of the CDMP and satisfies the respective requirements set forth in Land Use Policy LU-8E:

- i) **Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;**

The Property is located within the South-Central Tier of the County, east of the Turnpike. More specifically, it is located within Minor Statistical Area 5.8 ("MSA"). Table 1.1-3 of the 2010 Evaluation and Appraisal Report, Adopted March 23, 2011, indicates a population increase in MSA 5.8 of roughly 5,500 residents from the year 2010 to 2020. At the current rate of growth in Miami-Dade County, the existing available residential land supply for

single-family homes and multi-family homes in the South-Central Tier of the County is projected to be depleted in 2017. Thus, there is an immediate need for an additional supply of residential units in the MSA. As such, a re-designation of the Property to “Medium Density Residential with One Density Increase” would satisfy a deficiency in residential land supply and would promote economic growth within both the surrounding neighborhood and the County.

ii) Enhance or impede provision of services at or above adopted LOS Standards;

The Applicant intends to redevelop the Property, which fronts on the north side of SW 152 Street, a major roadway and section line road. Lying to the east of the Property is SW 97 Avenue, which is also a section line road. Because of its location in relation to two section line roads, the Property is ideally suited for residential development and will enhance accessibility to the Property. The Applicant believes that both water and sewer connections are available adjacent to the Property. As to potable water and sewer capacity, the Applicant believes that the County’s treatment plants are currently operating within the LOS standards. Although the Applicant does not anticipate that the approval of this application will result in a deficiency, the Applicant will work with the County to address any potential concerns. All necessary public services and public facilities are available on the Property or can be made available at the Applicant’s expense.

iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods;

The parcels of land abutting the Property to the north and east were redesignated as a CDMP Standard Amendment in the April 2006 Cycle from “Low Density Residential” to “Office Residential” and “Business and Office”. The parcels contain a privately owned educational institution and vacant land. Further east of the Property, are other institutional uses including Jackson South Hospital, Coral Reef Branch Library, Coral Reef Fire Station, and Coral Reef Medical Park. The parcels abutting the Property to the west are designated “Low Density Residential” but contain institutional uses including Coral Reef Nursing & Rehabilitation Center and a religious institution. Further west are additional institutional uses including Coral Reef High School and Richmond Heights Middle School. The parcels to the south, beyond SW 152 Street, are designated “Low Density Residential” and are improved with single family residences. To the southeast of the Property is an active golf course designated “Parks and Recreation”, which encompasses significant open space. The Property is also less than half a mile from the major commercial uses along South Dixie Highway (US-1).

The multitude of commercial, educational, and employment opportunities located within close proximity of the Property will provide significant neighborhood-supporting services to current and future residents and will only help to spur the economic growth of the surrounding community and County as a whole. As such, the multifamily uses proposed on the Property will be a welcome addition for the residential uses nearby, will be compatible with nearby institutional uses, and will be complemented by the significant open space provided by Coral Reef Golf Course located across SW 152 Street. The Application will also

incorporate urban design elements into the proposed development to provide for enhanced compatibility with the surrounding developed area. The proposed development will also positively contribute to the area's infrastructure, create much-needed jobs, preserve property values, and increase the County's ad valorem tax base.

iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and

There are no historically or archeologically significant structures on the Property. Therefore, this application will have no impact on the County's historical or environmental resources. Furthermore, the Property is the ideal location for infill development and the proposed multi-family residential development will promote and incorporate sound urban design principles.

v) If located in a planned Urban Center, or within ¼ mile of an existing planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

The development of multi-family units on the Property is also supported by its location in an area served by transit. The Property is within close proximity to bus stops located on South Dixie Highway (US-1) and SW 152 Street, served by Miami-Dade Transit Metrobus Routes 52, 252, 34, 38, and 31. The availability of neighborhood-supporting services near the Property will encourage ridership along these routes.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to meet the CDMP directive to promote communities in developed, urbanized areas to utilize sound urban design principles.

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

LAND USE OBJECTIVE 1: The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

LAND USE POLICY LU-1A: High intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

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

LAND USE POLICY LU-1E: In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.

LAND USE POLICY LU-1F: To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

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

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

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

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

LAND USE POLICY LU-9H: Miami-Dade County shall reorient its special area planning program to emphasize preparation of physical land use and urban design plans for strategic and high growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

LAND USE POLICY LU-9J: Miami-Dade County shall continue to use, but not be limited exclusively to the design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County, and shall consider the inclusion of such guidelines into its land development regulations.

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

LAND USE POLICY LU-10A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.

LAND USE POLICY LU-12D: The County shall consider developing strategies that promote infill development in specific areas.

5. ADDITIONAL MATERIAL SUBMITTED

- A. Proffered Declaration of Restrictions
- B. Warranty Deed
- C. Graphics Prepared by Chisholm Architects, Inc.

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "C"

Attachments: Legal Descriptions for the Property and Parcels - Exhibit "A"
Location Map for Application - Exhibit "B"
Disclosure of Interest Form - Exhibit "C"
Aerial Photograph – Exhibit "D"

EXHIBIT "A"

LEGAL DESCRIPTION FOR PROPERTY

Folio No. 30-5020-000-0790

The West 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 55 South, Range 40 East, Less the South 55 Feet Thereof, Lying and Being in Miami-Dade County, Florida.

Folio No. 30-5020-000-0780

The East 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 55 South, Range 40 East, Less the South 55 Feet Thereof, Lying and Being in Miami-Dade County, Florida.

EXHIBIT "B"

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANTS / REPRESENTATIVE

Village at Coral Reef, LLC / Juan J. Mayol, Jr., Esq.

DESCRIPTION OF SUBJECT AREA

The Property consists of approximately ± 5.1 gross acres (± 4.76 net acres) and is located on the north side of SW 152 Street, between SW 98 Avenue and SW 97 Avenue, in Section 20, Township 55 South, Range 40 East ("Property"). The Property is more specifically described in Exhibit "A" to this application.

LOCATION MAP

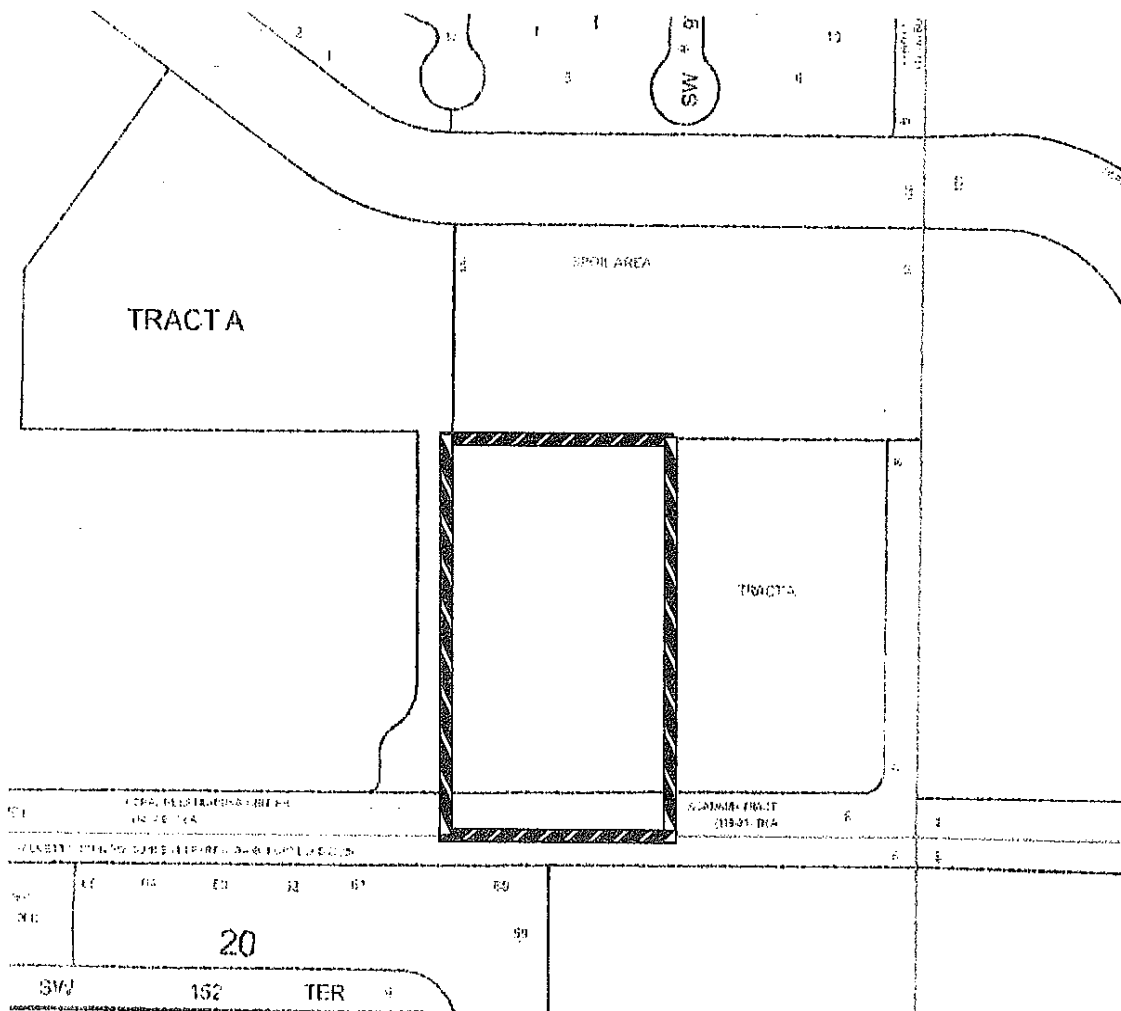


EXHIBIT "C"

DISCLOSURE OF INTEREST

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

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT: Village at Coral Reef, LLC, a Florida limited liability company

18001 Old Cutler Road., 600

Palmetto Bay, FL 33157

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
Village at Coral Reef, LLC	Village at Coral Reef, LLC	30-5020-000-0790	+/- 2.38 net acres
		30-5020-000-0780	+/- 2.38 net acres
TOTAL: +/- 4.76 (net acres) / +/- 5.1 gross acres			

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

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

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

PORATION NAME Village at Coral Reef, LLC, a Florida limited liability company

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF STOCK

** See attached information **

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

TRUSTEES NAME: _____

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

PARTNERSHIP NAME: _____

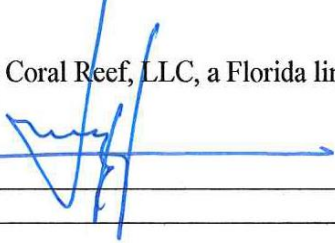
NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

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

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

Village at Coral Reef, LLC, a Florida limited liability company

By: 
Name: _____
Title: _____

Sworn to and subscribed before me

this 24th day of November, 2014


Notary Public, State of Florida at Large (SEAL)

My Commission Expires: 04/17/2017



DOMINGA RIVERA
MY COMMISSION # FF 009524
EXPIRES: April 17, 2017
Bonded Thru Budget Notary Services

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

Disclosure of Interest for Village at Coral Reef, LLC



AHS Development Group, LLC (100%)

- Rubens Menin 97%
- Leonardo Correa 3%

EXHIBIT "D"

AERIAL PHOTOGRAPH

This instrument was prepared by:

Name: Hugo P. Arza, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

WHEREAS, the Property is the Application Area of Comprehensive Development Master Plan ("CDMP") Amendment Application No. ___ of the November 2014 Amendment Cycle; and

WHEREAS, the Owner has sought to change the designation of the Application Area from "Low Density Residential" to "Medium Density Residential with a DI-1 Overlay."

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

1. **Project Design**. Any development application seeking to use the density increase provided by the "DI-1 Overlay" shall utilize the Miami-Dade County's Urban Design Manual endorsed by Resolution R-1360-98 as a guideline for the Property's development, and at a minimum, shall incorporate the following design principles:

a. Buildings shall be compatible with surrounding development or made compatible through the use of, among other methods: landscaping; buffers such as walls

and fences; architectural styles that complement surrounding development; and building height transitions.

b. Buildings shall be built close to the sidewalk to create a public space in the street corridor that is comfortable, interesting, and safe for pedestrians. The Owner shall seek, if necessary, variances of the County's zoning regulations to accommodate this requirement. If any variances necessary to meet this requirement are not approved by the County at the time the Property or any portion thereof is subject to a district boundary change to accommodate the density increase provided by the "DI-1 Overlay," the Owner shall develop buildings as reasonably close as possible to the minimum setback permitted by the County's zoning standards.

c. Buildings shall have abundant windows and doors at street level and incorporate a variety of architectural features and treatments on all facades such as, but not limited to: balconies; a variety of materials such as stone, metal, stucco, concrete and brick; modulation and articulation of building surfaces; and changes in roof levels. Large expanses of opaque or blank building walls shall be avoided.

d. Uniform street furniture and lighting standards shall be provided throughout the Property.

e. All on-site parking shall be to the rear or side of the buildings. No on-site parking shall be allowed between the street frontage and the front building line of any building(s). This shall not prevent parking within the right-of-way, if approved by the County.

2. Miscellaneous.

A. **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, if the designation change from "Low-Medium Density Residential" to "Low-Medium Density Residential with a DI-1 Overlay" is approved. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his/her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

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

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

D. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be

deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

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

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

G. Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his/her assistant in charge of the office in his/her absence, shall

forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

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

[Execution Page Follows]

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this _____
day of _____, 2014.

WITNESSES:

Village at Coral Reef, LLC
a Florida limited liability company

Signature

Printed Name

By: _____

Name: _____

Title: _____

Signature

Printed Name

STATE OF _____)

) SS

COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, as
_____ of Village at Coral Reef, LLC, a Florida limited liability company,
and for the purposes stated herein on behalf of the company. He is personally known to me or
has produced _____ as identification.

Witness my signature and official seal this _____ day of _____, 2014, in
the County and State aforesaid.

My Commission Expires:

Notary Public

Printed Name



CFN 20140749586
OR Bk 29369 Pgs 1380 - 1383; (4pgs)
RECORDED 10/29/2014 12:26:26
DEED DOC TAX 9,300.00
SURTAX 6,975.00
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by and Return to:
Hayward Title Group
2121-G Killarney Way
Tallahassee, FL 32309
Property No. 544-0742

PARCEL ID **30-5020-000-0780 & 30-5020-000-0790**
Grantee(s) S.S. #(s):

Space Above This Line for Recording Data

SPECIAL WARRANTY DEED (Corporate)

This SPECIAL WARRANTY DEED made this 25th day of September, 2014 between **CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**, a Utah corporation sole, whose post office address is 50 East North Temple, Salt Lake City, Utah 84150, hereinafter called the "Grantor", to **VILLAGE AT CORAL REEF, LLC**, whose post office address is 18001 Old Cutler Road, 3600, Palmetto Bay, FL 33157, hereinafter called the "Grantee(s)".

(Wherever used herein the terms "Grantor" and "Grantee(s)" include heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH, That Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee(s), all that certain land situated in the County of , State of Florida, to-wit:

See Attached Exhibit "A"

Subject to easements, rights, rights-of-way, reservations, conditions, restrictions, covenants and taxes and assessments of record or enforceable in law or equity.

The Grantor specifically reserves, excepts and retains unto itself all minerals, coal, carbons, hydrocarbons, oil, gas, chemical elements and compounds whether in solid, liquid, or gaseous form, and all steam and other forms of thermal energy on, in, or under the above-described land provided that Grantor does not reserve the right to use the subject property or extract minerals or other substances from the subject property above a depth of 500 feet, nor does Grantor reserve the right to use the surface of the subject property in connection with the rights reserved herein.

By, through and under, but not otherwise the following limitation of warranties shall be deemed superior and override any others contained herein:

Warranties contained herein extend only to Grantee(s) herein and pertain only to those defects placed or caused to be placed on the above property by the within captioned Grantor.

4

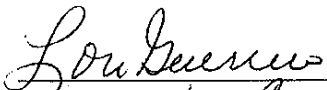
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

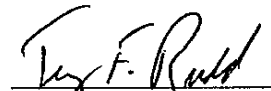
TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said Grantee(s) that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby special warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

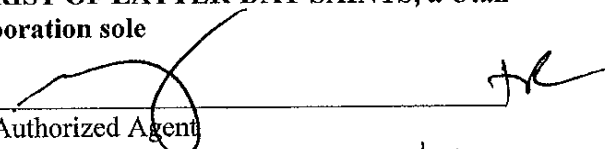
IN WITNESS WHEREOF, Grantor has signed and sealed theses presents the date set forth above.

**Signed in the presence of the following
WITNESSES:**


Print Name: Lori Guerrero


Print Name: Remy F. Rudd

**CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, a Utah
corporation sole**

By: 
Authorized Agent

Print Name: Glenn D. McKay



STATE OF UTAH)
 :SS
SALT LAKE COUNTY)

On this 25th day of September, 2014, personally appeared before me ^{Glenn McKay}~~Ferry F. Riddick~~, personally known to me to be the Authorized Agent of the **CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole**, who acknowledged to me that he signed the foregoing instrument in his official capacity as an Authorized Agent for said Corporation, that the seal impressed on the within instrument is the seal of said Corporation, and the said acknowledged to me that the said Corporation executed the same.

Cindy Growcock
Notary Public in and for the State of Utah

Cindy Growcock
Print or type name

My Commission Expires 1-4-16

This Deed Prepared By:

LDS Church Real Estate Division
50 East North Temple, 12th Floor
Salt Lake City, Utah 84150



Exhibit "A"

THE WEST ½ OF THE WEST ½ OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LESS THE SOUTH 55
FEET THEREOF, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA, together with

THE EAST ½ OF THE WEST ½ OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LESS THE SOUTH 55
FEET THEREOF, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

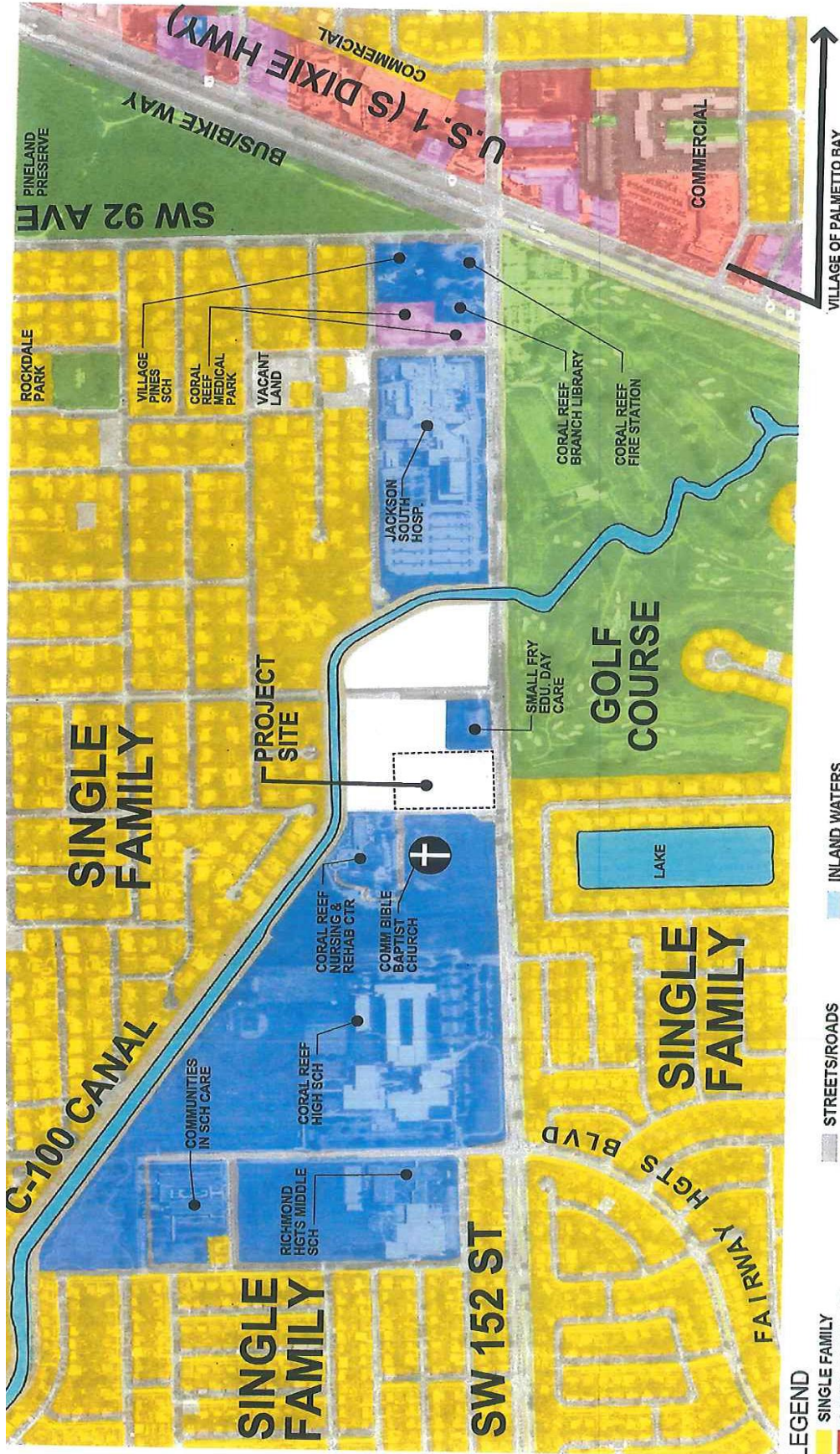


CORAL REEF PROPERTY AT SW 152ND STREET AND 98TH AVENUE



CHISHOLM

11.19.2014





LEGEND

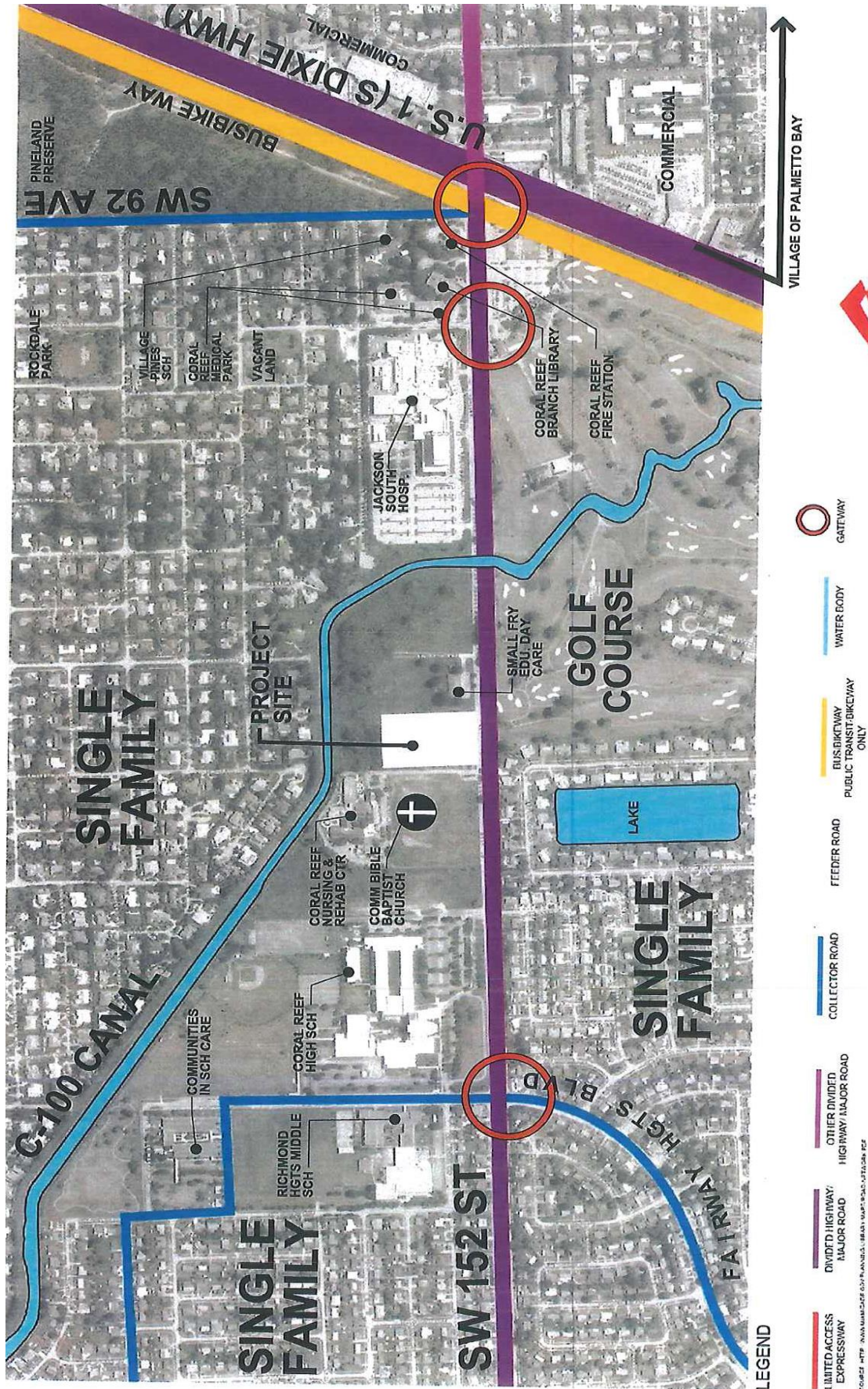
- PUBLIC
- INST/GOV
- GREEN AREA
- COMMERCIAL
- SINGLE FAMILY

NEIGHBORHOOD CONTEXT
 CORAL REEF PROPERTY AT SW 152ND STREET & 98TH AVENUE

ahs
 DEVELOPMENT GROUP

CHISHOLM
 11.19.2014

VILLAGE OF PALMETTO BAY



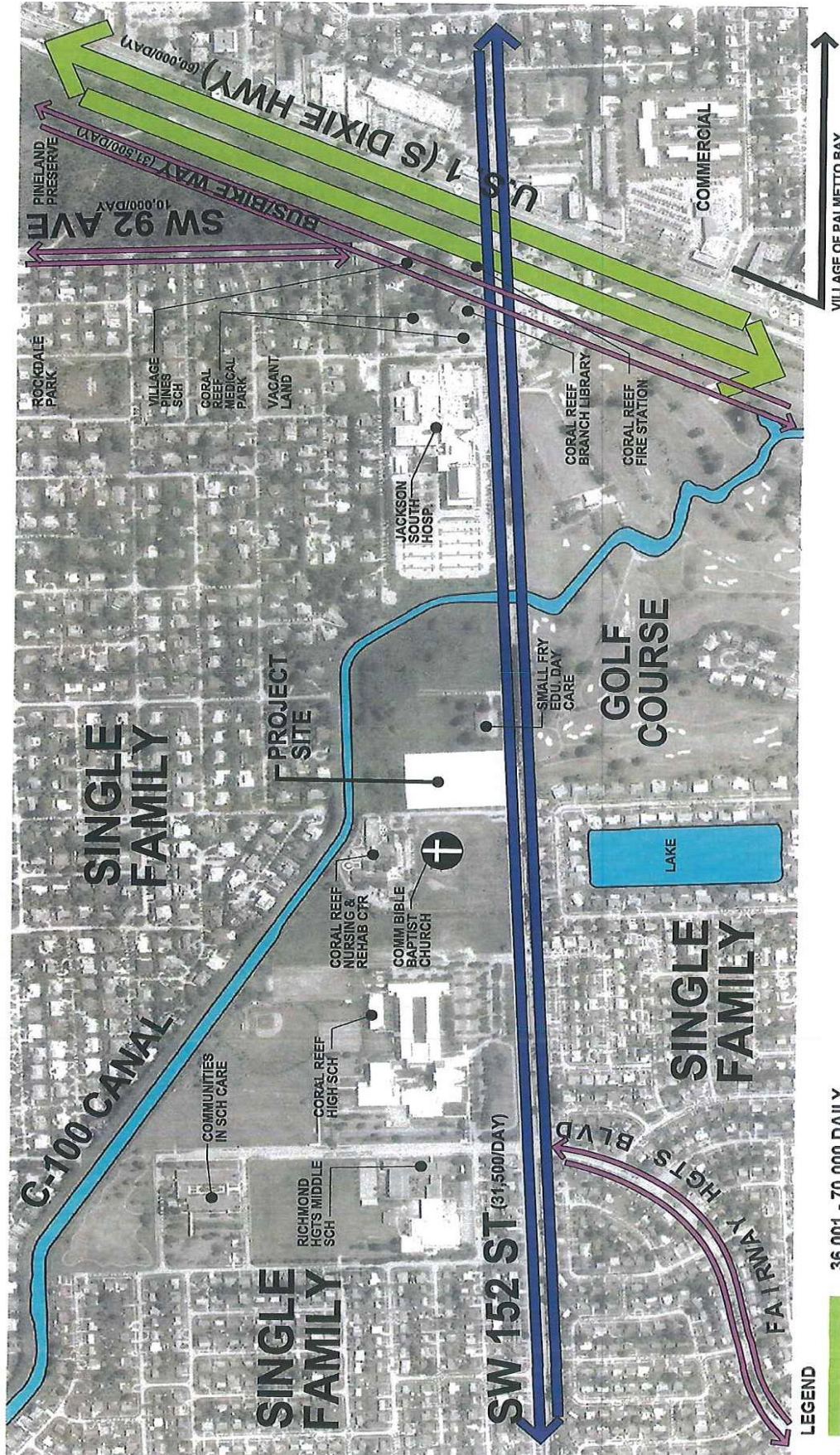
EXISTING STREET DESIGNATIONS

CORAL REEF PROPERTY AT SW 152ND STREET & 98TH AVENUE



CHISHOLM

11.19.2014





- LEGEND**
- SINGLE FAMILY
 - COMM SHOPN CTR
 - OFFICE
 - INST
 - VACANT
 - PARKS/PRESERVES
 - GATEWAYS
 - INLAND WATERS



FUNCTIONAL AREAS
 CORAL REEF PROPERTY AT SW 152ND STREET & 98TH AVENUE

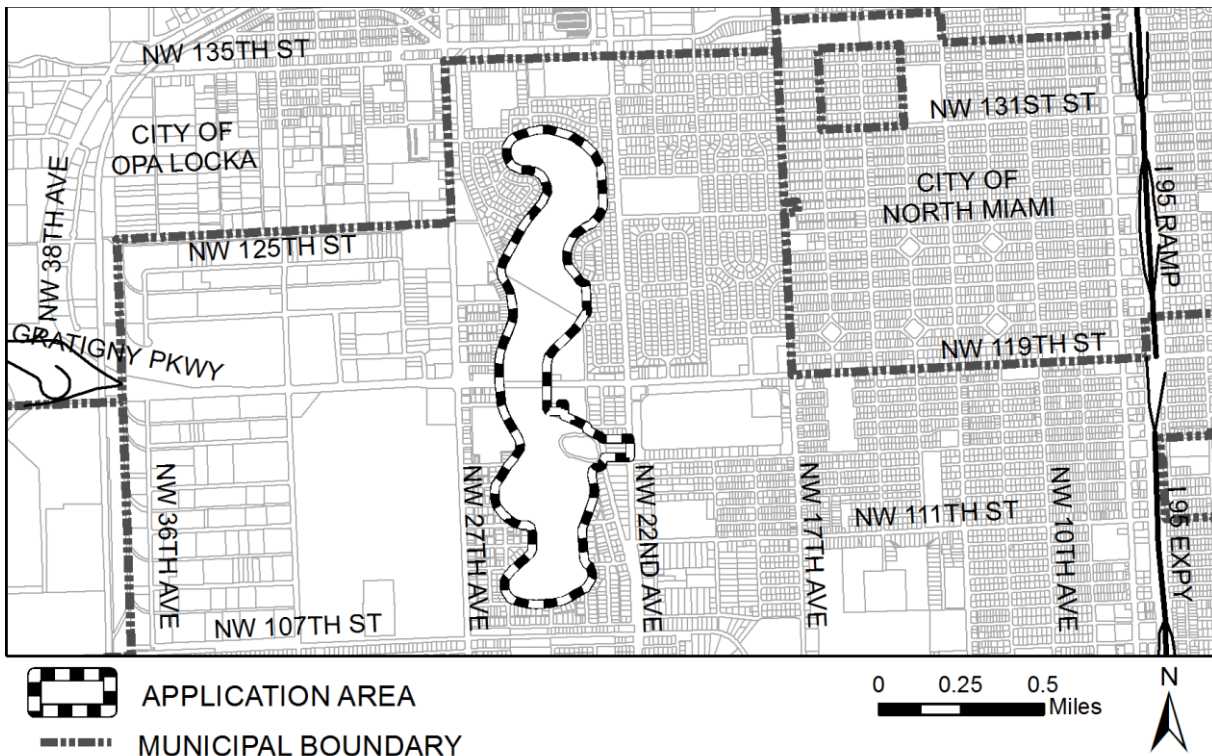


CHISHOLM
 11.19.2014

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**APPLICATION NO. 6
STANDARD AMENDMENT APPLICATION**

Applicant	Applicant's Representative
Rosal Westview, LLC 3050 Biscayne Boulevard Suite 300 Miami, Florida 33137	Jeffrey Bercow, Esq. & Gianeli Mestre, Esq. Bercow Radell & Fernandez, P. A. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 (305) 374-5300
<p><u>Requested Amendment to the CDMP Land Use Element</u></p> <p>Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element regarding the October 2011 Cycle Application No. 1 (Declaration of Restrictions recorded in Book 28896 Pages 1971-2007 of the Official Records) pertaining to the perimeter buffer, vehicular access, an alternative program to FDOT's "Adopt a Highway" program, and the applicability or conditions to each parcel in the application area.</p> <p>Location: Between NW 22 and NW 27 Avenues and between NW 132 and NW 107 Streets.</p> <p>Acreage: Application area: ±193.8 Gross Acres; ±180.4 Net Acres</p> <p>Acreage Owned by Applicant: ±180.4 acres</p>	



Notes:

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

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

1. APPLICANT

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

2014 NOV 26 P 2:35

PLANNING & ZONING
METROPOLITAN PLANNING SECT

2. APPLICANT'S REPRESENTATIVE

Jeffrey Bercow, Esq.
Gianeli Mestre, Esq.
Bercow Radell & Fernandez, P.A.
200 South Biscayne Boulevard
Suite 850
Miami, Florida 33131
(305) 374-5300

By: 
Jeffrey Bercow, Esq.
Applicant's Representative

Date: November 26, 2014

By: 
Gianeli Mestre, Esq.
Applicant's Representative

Date: November 26, 2014

3. DESCRIPTION OF REQUESTED CHANGE

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

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

B. Description of the Application Area

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

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

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

76.2 gross acres

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

20.6 net acres

22.3 gross acres

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

70.5 net acres

74.9 gross acres

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

21.5 net acres

23.4 gross acres

See Exhibit C ("CDMP Aerial Exhibit").

C. Gross and Net Acreage

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

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

D. Requested Change

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

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

4. REASON FOR AMENDMENTS

The Application Area is located on either side of State Road 924 (Gratigny Road), a major east-west artery in northern Miami-Dade County that connects Interstate 75 and State Road 826

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

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

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

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

A. Paragraph 1 currently reads as follows:

FROM:

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

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

TO:

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

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

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

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

FROM:

6. Compatibility with Adjacent Uses. (a) The Owner shall provide and maintain an adequate perimeter buffer (the "Landscape Buffer") along the Property boundary, and within the Industrial and Office North and Industrial and Office South parcels. At a minimum, the Landscape Buffer shall be at least 60 (sixty) feet in width and shall include a decorative masonry wall, opaque fence, or a landscaped berm at least seven (7) feet in height, as well as landscaping to include a row of trees, of such species as may be approved by County staff, which shall be planted at a minimum height of twelve (12) to fourteen (14) feet, and not farther than twenty-five (25) feet on center. In lieu of erecting a decorative masonry wall or opaque fence, the Owner shall seek approval to permit a berm at least seven (7) feet in height to satisfy Section 18A-6(H) of the Code of Miami-Dade County. The Landscaped Buffer may include pedestrian walkways, water features and water bodies, but may not include any habitable buildings. Furthermore, no parking, loading, or vehicular access areas may be included within the Landscape Buffer, except for emergency access required by Miami-Dade County Fire Rescue, Police and/or Public Works. Notwithstanding the foregoing, these restrictions shall not apply to the public recreational facility, as provided in Paragraph 9 herein. Where any such public recreational facility is located within the Landscape Buffer, the measurement of the 60 (sixty) foot width for the Landscape Buffer shall include land used for the public recreational facility, regardless of how the public recreational facility is improved.

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

TO:

6. Compatibility with Adjacent Uses. (a) The Owner shall provide and maintain an adequate perimeter buffer (the "Landscape Buffer") along the Property boundary, and within the Industrial and Office North and Industrial and Office South parcels. At a minimum, the Landscape Buffer shall be at least 60 (sixty) feet in width and shall include a decorative masonry wall, opaque fence, or a landscaped berm at least seven (7) feet in height, as well as landscaping to include a row of trees, of such species as may be approved by County staff, which shall be planted at a minimum height of twelve (12) to fourteen (14) feet, and not farther than twenty-five (25) feet on center. In lieu of erecting a decorative masonry wall or opaque fence, the Owner shall seek approval to permit a berm at least seven (7) feet in height to satisfy Section 18A-6(H) of the Code of Miami-Dade County. The Landscaped Buffer may include pedestrian walkways, water features and water bodies, but may not include any habitable buildings. Furthermore, no parking, loading, or vehicular access areas may be included within the Landscape Buffer, except for

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

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

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

FROM:

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

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

TO:

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

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

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

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

D. Paragraph 13 currently reads as follows:

FROM:

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

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

TO:

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

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

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

FROM:

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

amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes.

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

TO:

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

Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality

does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes.

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

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

FROM:

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

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

TO:

Authorization for Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or any successor municipal corporation) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, as to the parcel or portion of the parcel in which the violative activity or conduct has occurred, upon a finding by the Director of the Regulatory and Economic Resources Department finding that such violation has occurred. If such a finding is made, then the County may withhold further permits and/or inspections for the parcel or portion of the parcel in which the violative activity or conduct has occurred, until such time as this Declaration is complied with.

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

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

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

CDMP Land Use Element Policy LU-1C requires the County to give priority to infill development on vacant sites in currently urbanized areas. Approval of this application will serve to give priority to infill development on vacant sites in currently urbanized areas as the application provides for infill development and the Application Area is comprised of vacant parcels in a currently urbanized area.

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

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

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

CDMP Land Use Element Policy LU-1G requires the County to locate business developments in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. CDMP Land Use Element Policy LU-1G further requires the County to design business developments to relate to adjacent development. Approval of this application will implement the location and development of the B&O-S parcel in the vicinity of major roadway intersections, since it is located on NW 119th Street, a major roadway, and is 0.1 mile from the intersection of NW 119th Street and NW 27th Avenue, another major roadway. Approval of this application will also serve to improve the design of the B&O-S parcel as it relates to adjacent residential development, as well as major industrial and institutional uses that are located just west of the Application Area, across N.W. 27th Avenue, in an area known as the "N.W. 27th – 37th Avenue Industrial Corridor."

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

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

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

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

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

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

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

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

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

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

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

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

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

5. ADDITIONAL MATERIAL SUBMITTED

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

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

6. COMPLETE DISCLOSURE FORMS: See attached.

ROSAL WESTVIEW, LLC

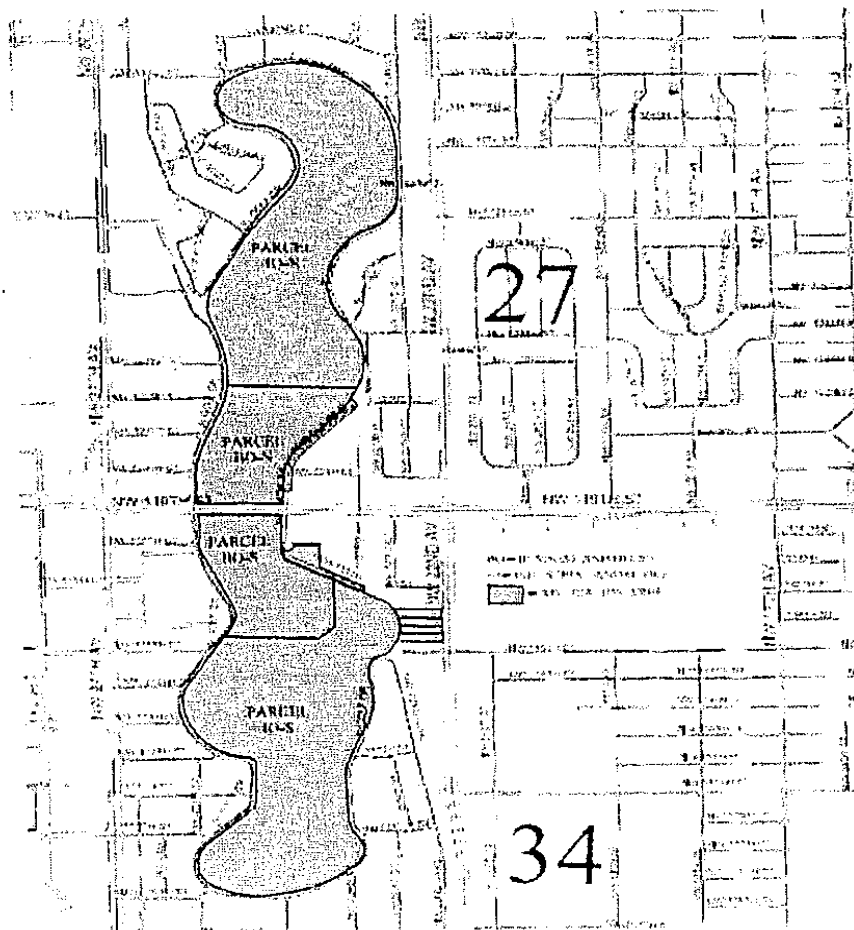
**LOCATION MAP FOR APPLICATION
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

APPLICANT/REPRESENTATIVE

Rosal Westview, LLC/
Jeffrey Bercow, Esq.

DESCRIPTION OF SUBJECT AREA

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



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

(Space reserved for Clerk)

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

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

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

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

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

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

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

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

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

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

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

6. Compatibility with Adjacent Uses. (a) The Owner shall provide and maintain an adequate perimeter buffer (the "Landscape Buffer") along the Property boundary, and within the Industrial and Office North and Industrial and Office South parcels. At a minimum, the Landscape Buffer shall be at least 60 (sixty) feet in width and shall include a decorative masonry wall, opaque fence, or a landscaped berm at least seven (7) feet in height, as well as landscaping to include a row of trees, of such species as may be approved by County staff, which shall be planted at a minimum height of twelve (12) to fourteen (14) feet, and not farther than twenty-five (25) feet on center. In lieu of erecting a decorative masonry wall or opaque fence, the Owner shall seek approval to permit a berm at least seven (7) feet in height to satisfy Section 18A-6(H) of the Code of Miami-Dade County. The Landscaped Buffer may include pedestrian walkways, water features and water bodies, but may not include any habitable buildings. Furthermore, no parking, loading, or vehicular access areas may be included within the Landscape Buffer, except for emergency access required by Miami-Dade County Fire Rescue, Police and/or Public Works. Notwithstanding the foregoing, these restrictions shall not apply to the public recreational facility, as provided in Paragraph 9 herein. Where any such public recreational facility is located within the Landscape Buffer, the measurement of the 60 (sixty) foot width for the Landscape Buffer shall include land used for the public recreational facility, regardless of how the public recreational facility is improved.

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

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

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

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

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

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

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

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

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

(8) Dynamite storage.

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

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

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

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

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134-003-0280

(Space reserved for Clerk)

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

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

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

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

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

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

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

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

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes.

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or any successor municipal corporation) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, as to the parcel or portion of the parcel in which the violative activity or conduct has occurred, upon a finding by the Director of the Regulatory and Economic Resources Department finding that such violation has occurred. If such a finding is made, then the County may withhold further permits and/or inspections for the parcel or portion of the parcel in which the violative activity or conduct has occurred, until such time as this Declaration is complied with.

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

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

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

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

(Public Hearing)

Section-Township-Range: 27-52-41 and 34-52-41
Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

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

[Execution Pages Follow]

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

ROSAL WESTVIEW, LLC

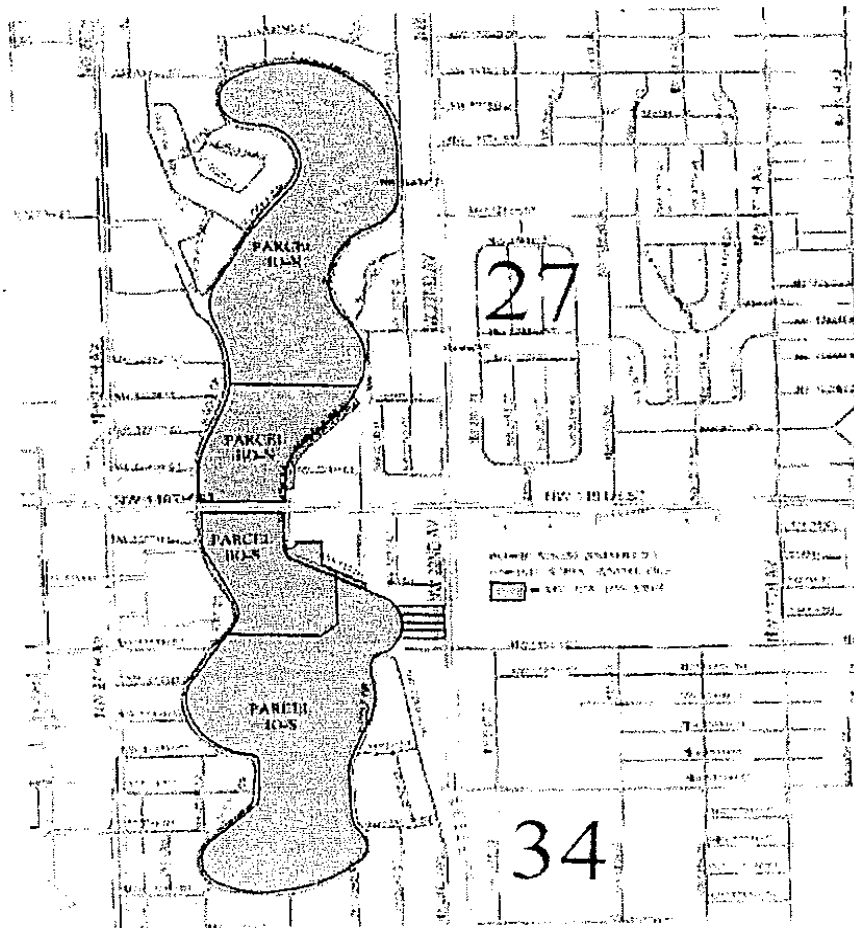
**LOCATION MAP FOR APPLICATION
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

APPLICANT/REPRESENTATIVE

Rosal Westview, LLC/
Jeffrey Bercow, Esq.

DESCRIPTION OF SUBJECT AREA

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



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DISCLOSURE OF INTEREST

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

1. APPLICANT NAME AND ADDRESS:

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

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES (net)</u>
Rosal Westview, LLC	Rosal Westview, LLC	30-2131-001-0621	
		30-2134-001-0620	
		30-2134-003-0290	
		30-2134-003-0270	
		30-2127-010-1110	
		30-2127-032-0020	
		30-2134-003-0260	
		30-2134-021-0020	
		30-2134-003-0280	
		Total:	180.4 net acres

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

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

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

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

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

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

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

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

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

TRUSTEES NAME: N/A

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

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

PARTNERSHIP'S NAME: N/A

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

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

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

Date of Contract: N/A

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

N/A

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

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

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

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

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

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

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

TRUSTEES NAME: N/A

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

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

PARTNERSHIP'S NAME: N/A

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

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

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

Date of Contract: N/A

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

N/A

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

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

Applicant's Signatures and Printed Names



Rosal Westview, LLC

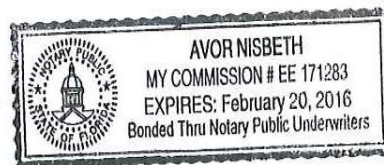
Robert Saland

Sworn to and subscribed before me

this 25th day of November, 2014

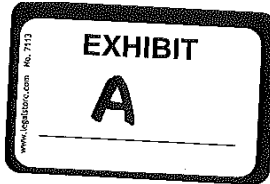


Notary Public, State of Florida at Large (SEAL)



My Commission Expires:

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



This instrument was prepared by:

Nam : Jeffrey Bercow, Esq.

Address: Bercow Radell & Fernandez, PA
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131



CFN 2013R0875152
OR Bk 28896 Pgs 1971 - 2007; (37pgs)
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HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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DECLARATION OF RESTRICTIONS

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

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

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

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

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

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

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

(Public Hearing)

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

Folio numbers: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-003-0280

Handwritten signature or mark.

(Space reserved for Clerk)

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

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

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

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

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

(Public Hearing)

Section-T wnshp-Range: 27-52-41 and 34-52-41

File number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0280, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

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

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

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

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

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134-003-0280



(Space reserved for Clerk)

6. Compatibility with Adjacent Uses. (a) The Owner shall provide and maintain an adequate perimeter buffer (the "Landscape Buffer") along the Property boundary, and within the Industrial and Office North and Industrial and Office South parcels. At a minimum, the Landscape Buffer shall be at least 60 (sixty) feet in width and shall include a decorative masonry wall, opaque fence, or a landscaped berm at least seven (7) feet in height, as well as landscaping to include a row of trees, of such species as may be approved by County staff, which shall be planted at a minimum height of twelve (12) to fourteen (14) feet, and not farther than twenty-five (25) feet on center. In lieu of erecting a decorative masonry wall or opaque fence, the Owner shall seek approval to permit a berm at least seven (7) feet in height to satisfy Section 18A-6(H) of the Code of Miami-Dade County. The Landscaped Buffer may include pedestrian walkways, water features and water bodies, but may not include any habitable buildings. Furthermore, no parking, loading, or vehicular access areas may be included within the Landscape Buffer, except for emergency access required by Miami-Dade County Fire Rescue, Police and/or Public Works. Notwithstanding the foregoing, these restrictions shall not apply to the public recreational facility, as provided in Paragraph 9 herein. Where any such public recreational facility is located within the Landscape Buffer, the measurement of the 60 (sixty) foot width for the Landscape Buffer shall include land used for the public recreational facility, regardless of how the public recreational facility is improved.

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

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

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

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

(Public Hearing)

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

Folio numbers: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134-003-0280

(Space reserved for Clerk)

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

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

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

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

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

(Public Hearing)

Section-Township-Range: 27-52-41 and 34-52-41
Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

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

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

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

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

(Public Hearing)

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

File numbers: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134-003-0280

(Space reserved for Clerk)

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

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

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

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

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

(Public Hearing)

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

File number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

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

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

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

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

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

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

(Public Hearing)

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

Folio number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

(Space reserved for Clerk)

County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes.

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

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

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

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

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

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

(Public Hearing)

Section-T Wnshlp-Range: 27-52-41 and 34-52-41

F II number: 30-2134-001-0621, 30-2134-001-0620, 30-2134-003-0290, 30-2134-003-0270, 30-2127-010-1110, 30-2127-032-0020, 30-2134-003-0260, 30-2134-021-0020, 30-2134003-0280

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

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

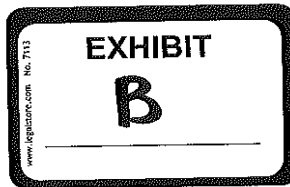
Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Public Hearing)

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





CDMP LEGAL AND SKETCH

SURVEYOR'S NOTES:

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

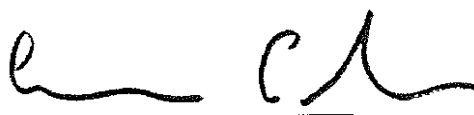
LEGEND:

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

SURVEYOR'S CERTIFICATE:

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

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

By: 
Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

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



LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.

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PARCEL
BO-S

SHEET 1 OF 3 SHEETS

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CDMP LEGAL AND SKETCH

LEGAL DESCRIPTION:

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

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 34 FOR A DISTANCE OF 899.10 FEET; THENCE SOUTHERLY ON AN ANGLE OF $91^{\circ}42'$ TO THE LEFT FOR A DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE EASTERLY ON AN ANGLE OF $91^{\circ}42'$ TO THE RIGHT ALONG A LINE 50.00 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF SAID SECTION 34 FOR A DISTANCE OF 683.82 FEET; THENCE SOUTHERLY ON AN ANGLE OF $91^{\circ}42'$ TO THE LEFT FOR A DISTANCE OF 299.83 FEET TO A POINT OF CURVATURE; THENCE 165.81 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF $63^{\circ}20'$ TO A POINT OF TANGENCY; THENCE 358.15 FEET ALONG SAID TANGENT; THENCE SOUTHERLY ON AN ANGLE OF $117^{\circ}30'$ TO THE LEFT FOR A DISTANCE OF 435.87 FEET; THENCE SOUTHWESTERLY ON AN ANGLE OF $129^{\circ}38'$ TO THE LEFT FOR A DISTANCE OF 166.80 FEET; THENCE WESTERLY ON AN ANGLE OF $137^{\circ}16'$ TO THE LEFT FOR A DISTANCE OF 762.58 FEET; THENCE NORTHEASTERLY ON AN ANGLE OF $56^{\circ}06'$ TO THE LEFT FOR A DISTANCE OF 86.26 FEET TO A POINT OF CURVATURE; THENCE 223.98 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF $64^{\circ}10'$ TO A POINT OF TANGENCY; THENCE 362.69 FEET ALONG SAID TANGENT TO A POINT OF CURVATURE; THENCE 415.39 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 850.00 FEET AND A CENTRAL ANGLE OF $28^{\circ}00'$ TO A POINT OF TANGENCY; THENCE 128.05 FEET ALONG SAID TANGENT TO THE POINT OF BEGINNING.

AND

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

SAID TRACT B LESS THE FOLLOWING DESCRIBED PARCEL:

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

AND

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

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

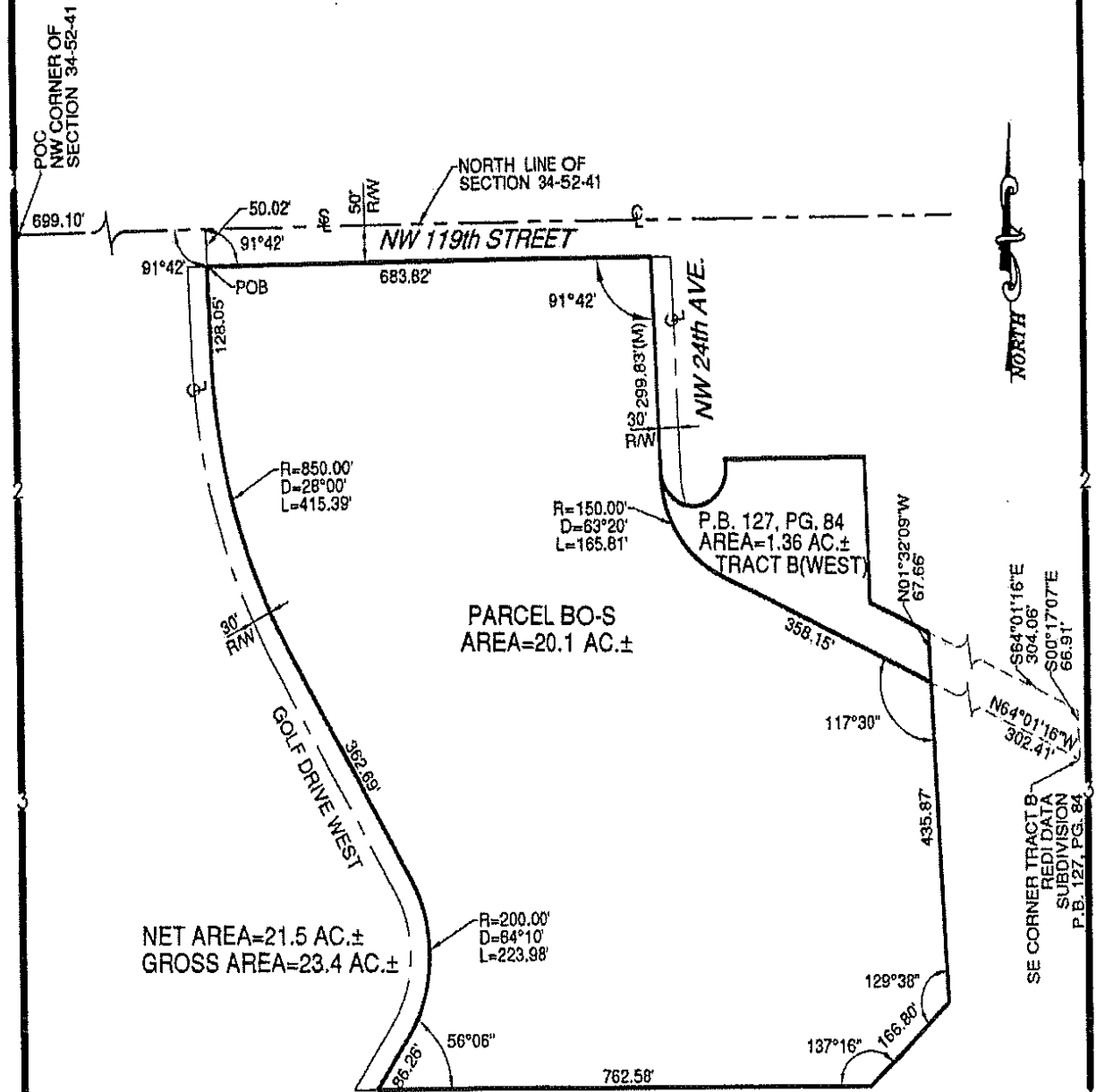
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PARCEL
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SHEET 2 OF 3 SHEETS

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SKETCH TO ACCOMPANY LEGAL DESCRIPTION



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



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**PARCEL
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SHEET 3 OF 3 SHEETS

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CDMP LEGAL AND SKETCH

SURVEYOR'S NOTES:

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

LEGEND:

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

SURVEYOR'S CERTIFICATE:

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

By: _____

Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

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



LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.

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PARCEL
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SHEET 1 OF 4 SHEETS

CDMP LEGAL AND SKETCH

LEGAL DESCRIPTION:

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

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

AND

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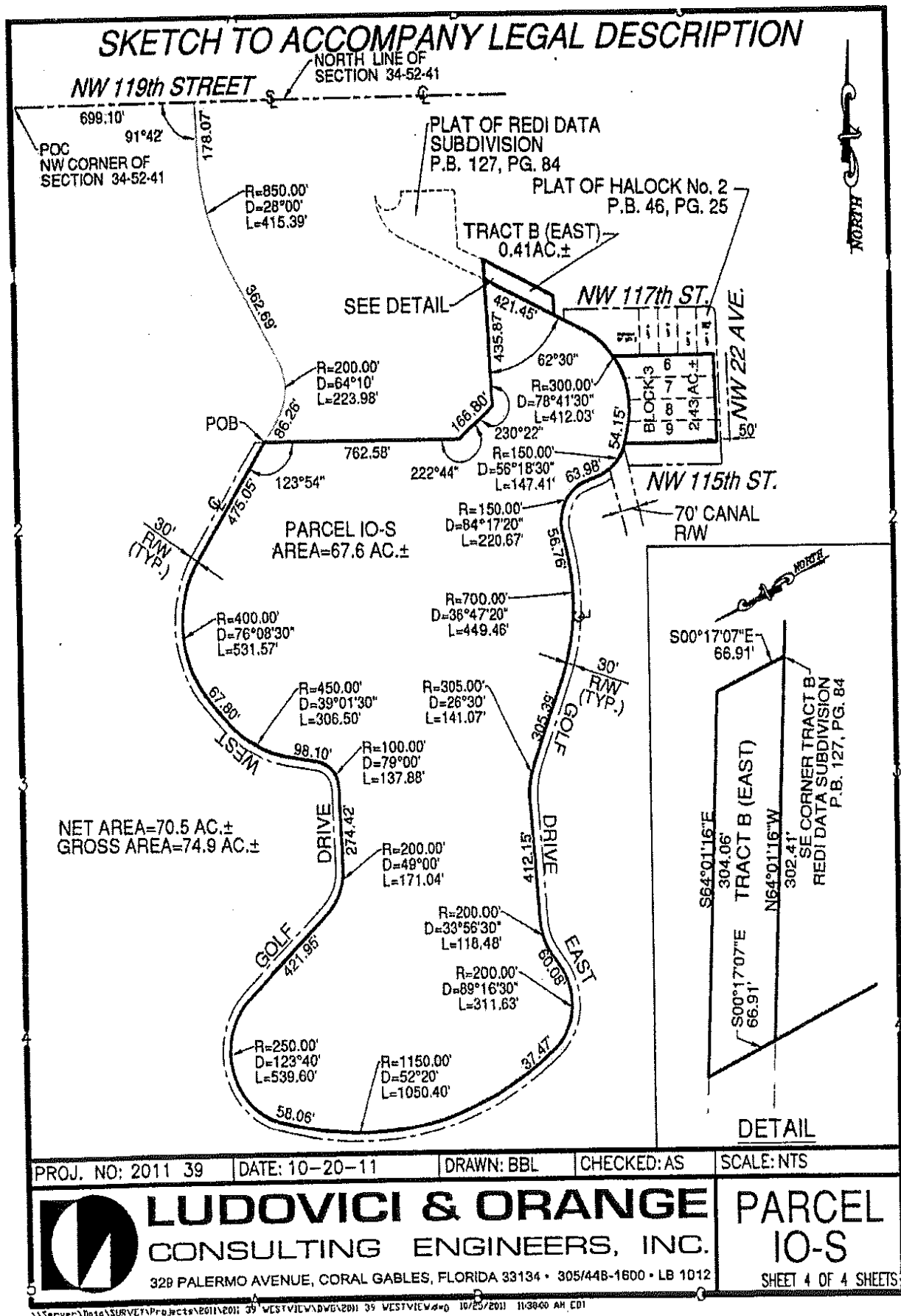


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PARCEL
10-S

SHEET 2 OF 4 SHEETS



CDMP LEGAL AND SKETCH

SURVEYOR'S NOTES:

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LEGEND:

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POB	Point of Beginning	D	Central Angle Of Curve	SF	Square Feet
		L	Length		

SURVEYOR'S CERTIFICATE:

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

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

By: _____

Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

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



LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.

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

PARCEL
10-N

SHEET 1 OF 3 SHEETS

CDMP LEGAL AND SKETCH


LEGAL DESCRIPTION:

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

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

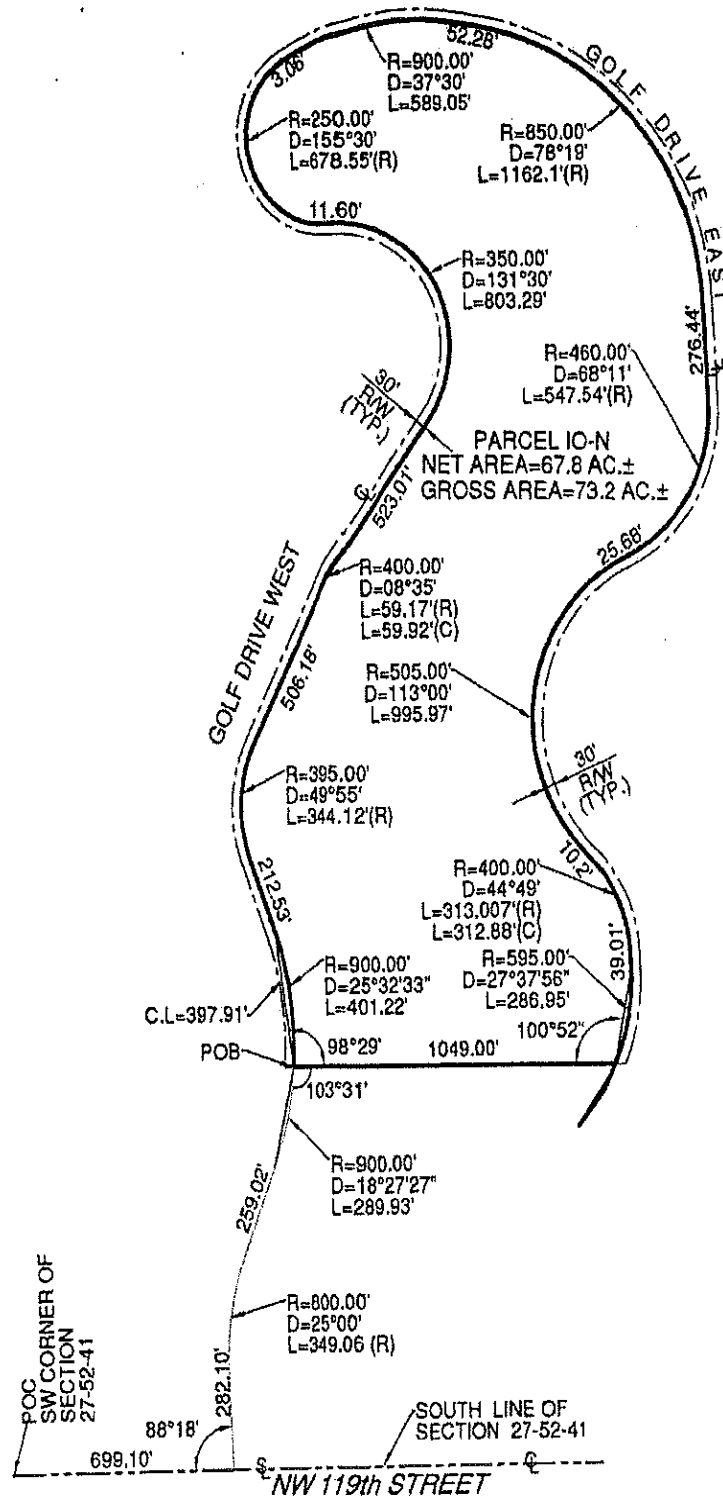
AND

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

PROJ. NO: 2011 39	DATE: 10-20-11	DRAWN: BBL	CHECKED: AS	SCALE: AS NOTED
 LUDOVICI & ORANGE CONSULTING ENGINEERS, INC. 329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1800 • LB 1012				PARCEL 10-N SHEET 2 OF 3 SHEETS

\\Server\Date\SURVEY\Projects\2011\2011 39 WESTVIEW\DWG\2011 39 WESTVIEW.dwg 10/25/2011 10:55:00 AM EDT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



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

LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.

PARCEL
10-N

CDMP LEGAL AND SKETCH

SURVEYOR'S NOTES:

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

LEGEND:

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

SURVEYOR'S CERTIFICATE:

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

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

By: _____

Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

PROJ. NO: 2011 39

DATE: 10-20-11

DRAWN: BBL

CHECKED: AS

SCALE: AS NOTED



LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.

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

PARCEL
BO-N

SHEET 1 OF 3 SHEETS

CDMP LEGAL AND SKETCH

LEGAL DESCRIPTION:

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

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

AND

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

AND

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

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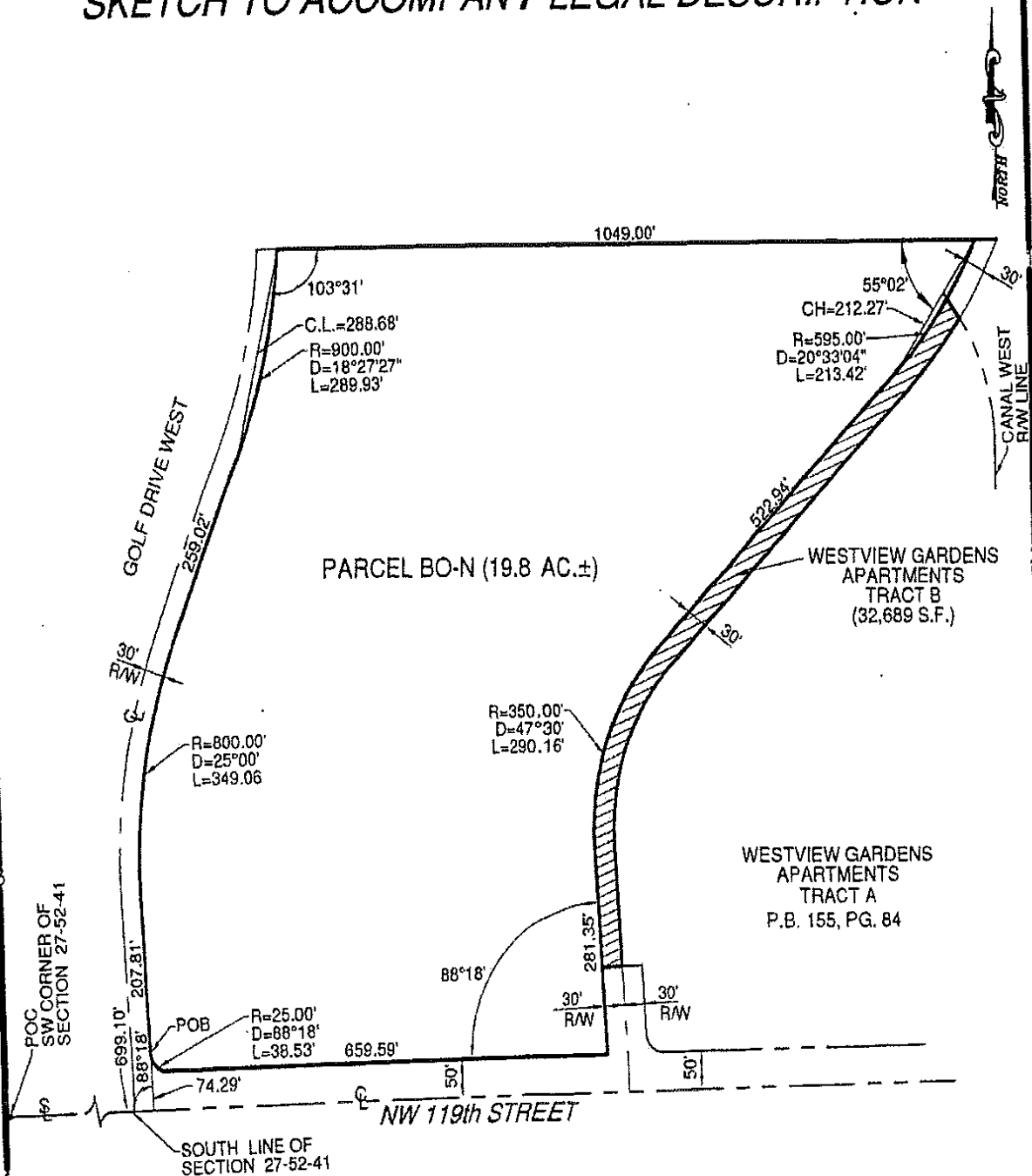
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CONSULTING ENGINEERS, INC.

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

PARCEL
BO-N

SHEET 2 OF 3 SHEETS

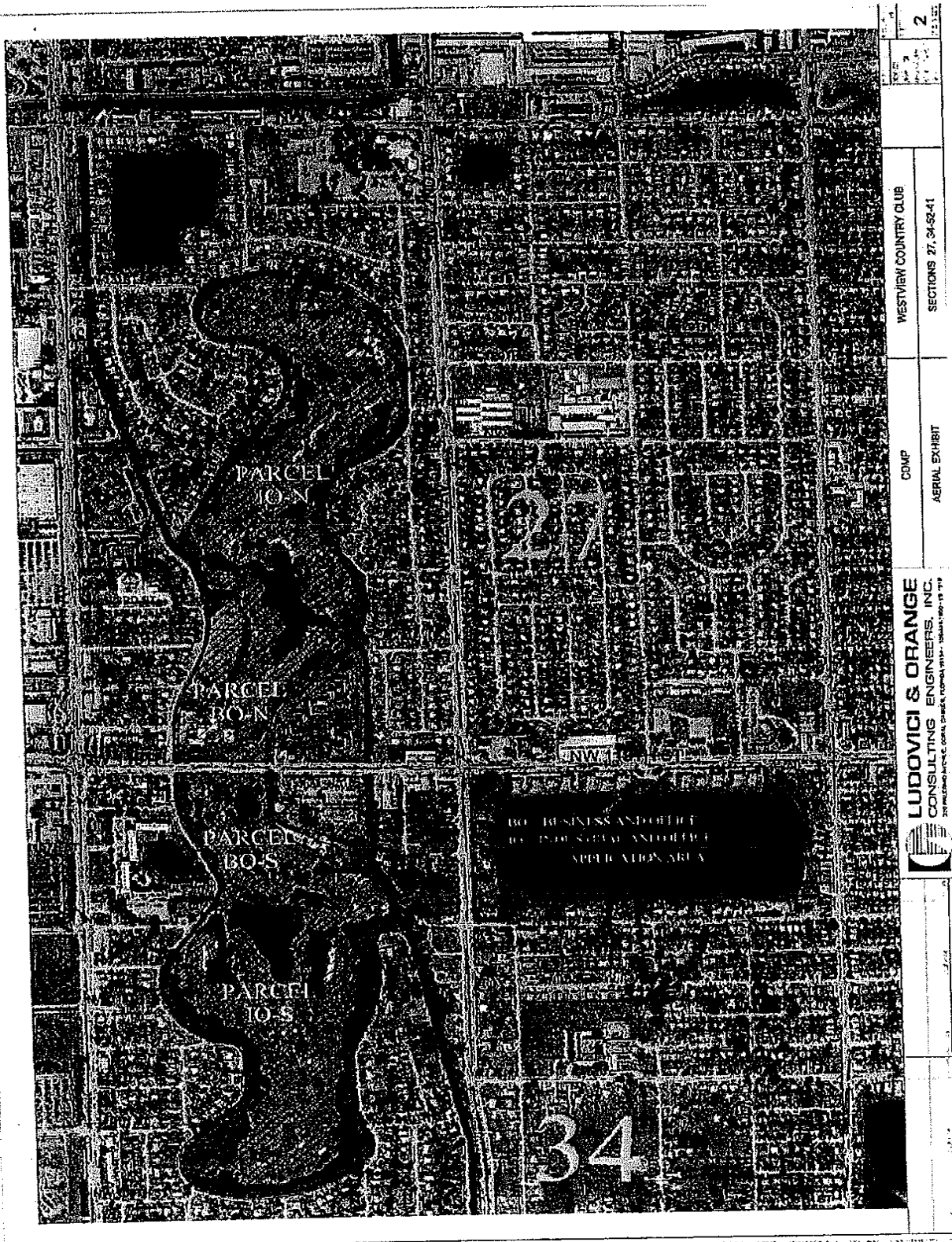
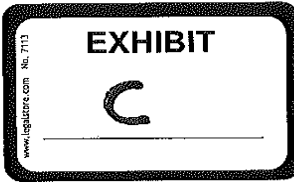
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



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

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

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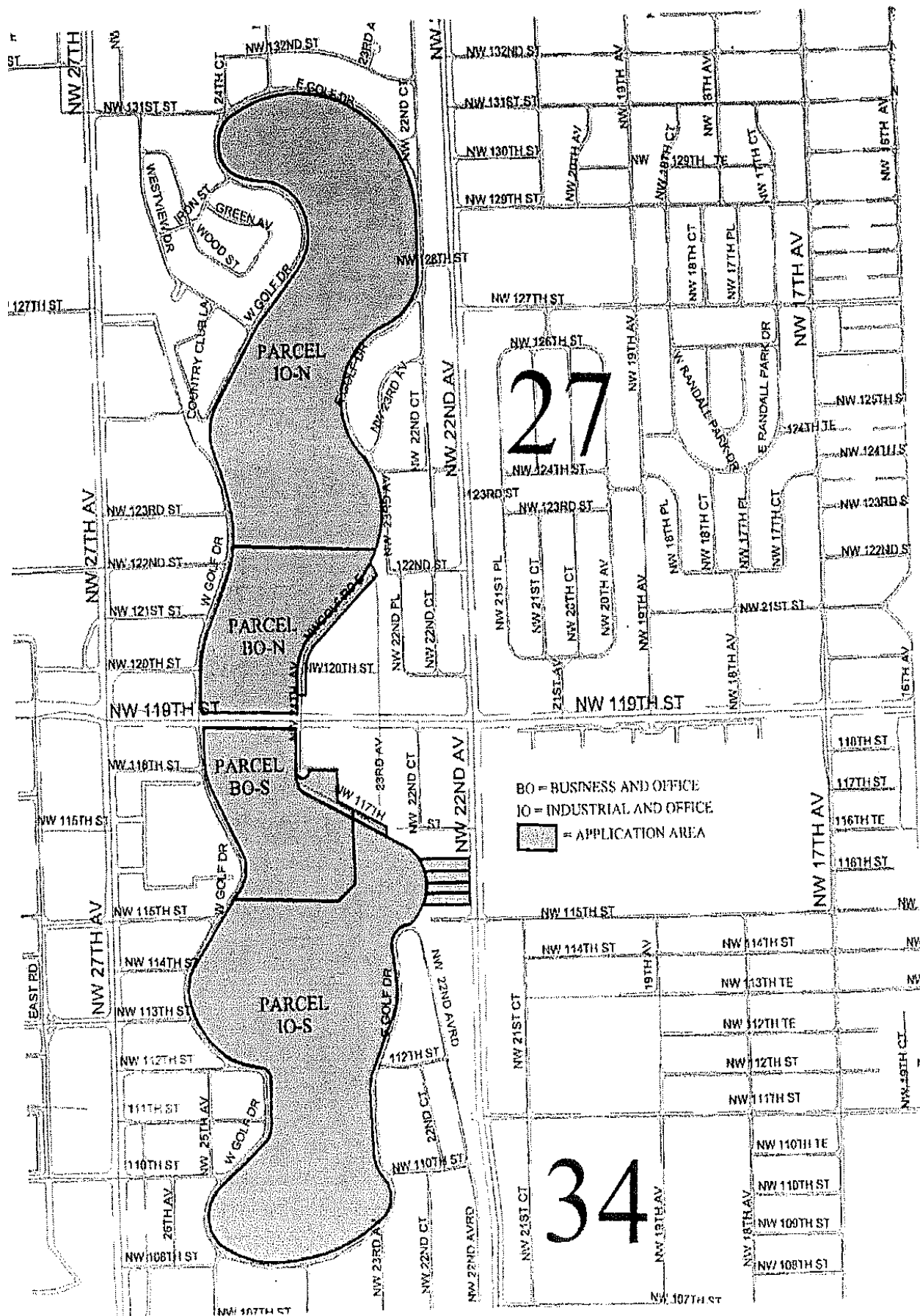


LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
200 West 10th Street, Suite 1000, Oklahoma City, Oklahoma 73101-1000

COMP
AERIAL EXHIBIT

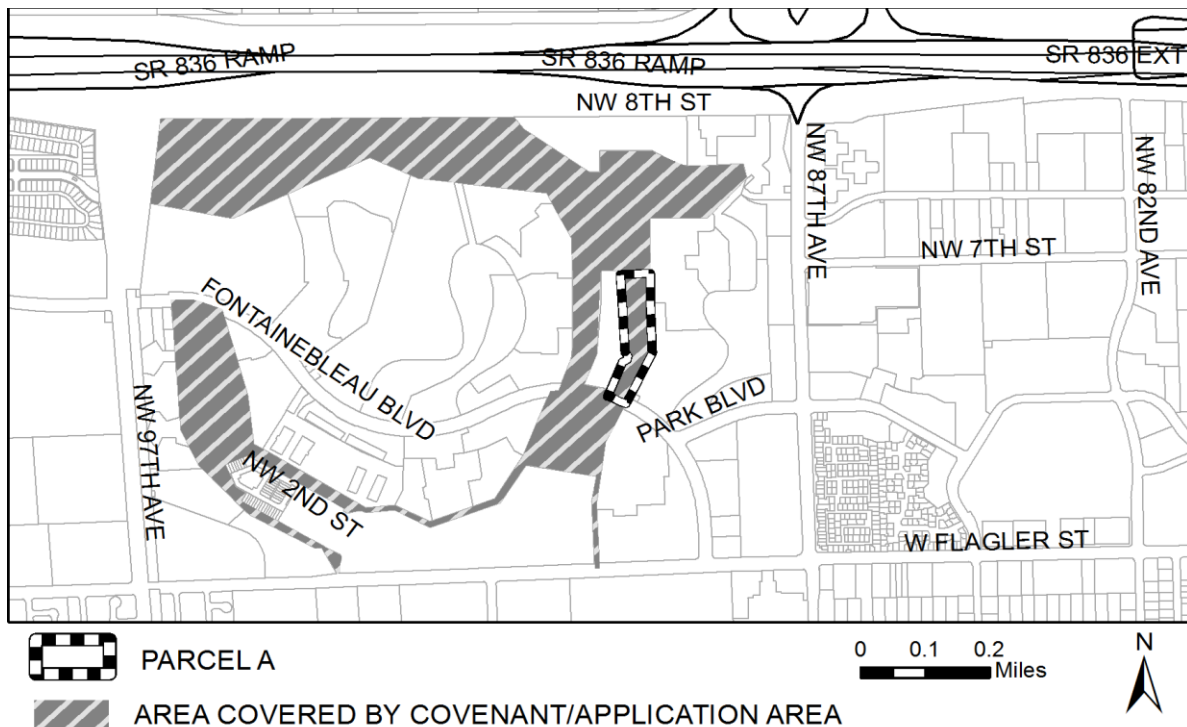
WESTVIEW COUNTRY CLUB
SECTIONS 27, 34-52-41

2



**APPLICATION NO. 7
STANDARD AMENDMENT APPLICATION**

Applicant	Applicant's Representative
Keep Bleau Green Committee, Inc.	Felix Lasarte, Esq. Lasarte Law Firm, LLP. 3250 NE 1 st Avenue, Suite 334 Miami, Florida 33137 (305) 594-2877
<p><u>Requested Amendment to the CDMP</u></p> <p>Part A: Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, regarding April 2004 CDMP Amendment Cycle Application No. 3, to exclude the 5-acre Parcel A. (Declaration of Restrictions recorded in Book 23413 Page 1136 of Miami-Dade County Official Records – as modified by the First Modification to the Declaration of Restrictions recorded on Book 26955, Page 908 of Official Records); and</p> <p>Part B: Redesignate Parcel A: From: "Parks and Recreation" To: "Medium Density Residential (13 to 25 DU/Ac.)"</p> <p>Location: North side of Fontainebleau Boulevard and west of NW 87 Avenue.</p> <p>Acreage: Application area: ±112.0 Gross Acres; ±110.0 Net Acres</p> <p>Acreage: Owned by Applicant: ±5.0 acres</p>	



Notes:

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

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

2014 NOV 26 A 9:35


PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANTS

Keep Bleau Green Committee, Inc.

2. APPLICANT'S REPRESENTATIVE

Felix M. Lasarte, Esq.
The Lasarte Law Firm, LLP
3250 NE 1st Avenue, 334
Miami, FL 33137
(305) 594-2877
(305) 594-2878 (fax)

By:  11/25/14
Felix M. Lasarte, Esq. Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element, Future Land Use Plan map is requested. The Applicant is requesting the redesignation of the subject property from "Park and Recreation" to "Medium Density Residential." The Applicant is also requesting to modify the underlying Declaration of Restrictions recorded in Official Records Book 23413, Page 1136 of the public records of Miami-Dade County, as modified by the First Modification to Comprehensive Plan Declaration of Restrictions recorded in Official Records Book 26955, Page 908 of the public records of Miami-Dade County.

B. Description of Subject Area.

Subject property consists of approximately 5.2 +/- gross acres (5.0 +/- net acres) of land located in Section 04, Township 54, Range 40 in unincorporated Miami-Dade County. This subject area is located East of theoretical NW 92nd Avenue, North of Fontainebleau Blvd, South of theoretical NW 7th Street, and West of NW 87th Avenue as depicted on the location map attached hereto as Exhibit "A".

C. Acreage.

1. Subject application area: 5.2 +/- gross acres (5.0 +/- net acres)
 - A. "Park and Recreation" to "Medium Density Residential": 5.2 +/- gross acres (5.0 +/- net acres)
2. Acreage owned by applicant: 5.2 +/- gross acres (5.0 +/- net acres)

D. Requested Changes.

1. It is requested that subject property be re-designated on the Future Land Use Plan map from "Parks and Recreation" to "Medium Density Residential."
2. Modification of "Restrictions Accepted by Board of County Commissioners in Association with Land Use Plan Amendments" by revising the underlying Declaration of Restrictions recorded in OR Book 23413 Page 1136 of the Public Records of Miami-Dade County, as modified by First Modification to Comprehensive Plan Declaration of Restrictions recorded in OR Book 26955, Page 908 of the public records of Miami-Dade County.

4. REASONS FOR AMENDMENT

a) Location of Application Area.

The Applicant is requesting a re-designation of the subject property from "Park and Recreation" to "Medium Density Residential." The subject property consists of approximately 5.2 +/- gross acres (5.0 +/- net acres), located in Section 04, Township 54, Range 40 in unincorporated Miami-Dade County (the "Property"). The Property is located East of theoretical NW 92nd Avenue, North of Fontainebleau Blvd, South of theoretical NW 7th Street, and West of NW 87th Avenue. The Property is in an area commonly known as "Fontainebleau". The Fontainebleau area is a highly dense residential community with a variety of housing types and residential densities.

The property which is the subject of this application is located in a portion of the former Fontainebleau Golf Course (the "Golf Course"). The Golf Course is divided into the East and West Course. The East and West Course are respectively divided into the Northeast (NE), Southeast (SE), Northwest (NW), and Southwest (SW) corners.

b) Prior Approval History – Fontainebleau Golf Course.

The Golf Course is the site of a mixed use infill project known as Fontainebleau Lakes which is currently being developed. This project was approved by Community Council 10 in 2006 for the development of 1,836 units. The approval originally permitted the development of 1,836 units on the former Fontainebleau Golf Course (the "Golf Course"). The approval also created a passive park for the residents of Fontainebleau with numerous lakes and pedestrian walkways.

In April 2004, the East Course was the subject of a Comprehensive Development Master Plan (CDMP) application that amended, inter alia, the land use designation on a portion of the East Course from

“Parks and Recreation” to “Medium Density Residential.” The West Course is currently designated for development as “Medium Density Residential.”

In 2008, the land use designation on approximately 31.9 acres of the SE Course was amended from “Medium Density Residential” and “Parks and Recreation” to “Business and Office” and approximately 4.26 acres were amended from “Medium Density Residential” to “Parks and Recreation.” The intent of the application was to develop a retail component to serve the Fontainebleau community in place of the prior approved condo units.

c) New Proposed Development Plan – NE Golf Course.

The Applicant now seeks to amend the prior approved development plan for the NE Course. This portion of the Golf Course already has a land use designation of “Medium Density Residential” on approx. 33.15 acres. This area was approved in 2004 by CC10 for the development of 770 condominium units. The remaining 45.39 acres on the NE Course has a land use designation of “Park and Recreation.” The intent of the Applicant is to re-designate an additional 5.2 +/- gross acres (5.0 +/- net acres) of land on the NE Course to proceed with the construction of an educational facility and community recreational center to serve the surrounding residential communities.

d) Compatibility with Surrounding Land Uses.

The subject property is surrounded by existing residential developments which consist of mostly mid-rise apartments and condominiums. These surrounding residential communities are designated for “Medium” and “Medium Density” residential development. As such, the proposed request to “Medium Density Residential” would be compatible with the abutting land uses and consistent with the surrounding residential densities in the area.

e) Need For Recreational and Educational Facilities.

This educational facility and community recreational center will respectively bring much needed services and amenities to the surrounding dense residential developments which comprise the Fontainebleau area. For instance, the community recreational center will provide additional recreational uses to the surrounding residents and will compliment the abutting passive park. Additionally, the educational facility will provide additional student stations and public school options for the families in the area. There are a limited number of charter schools in the area and there is a tremendous demand for alternative forms of public education by parents and students alike. Having strong and vital schools is important for every community and approval of the application will improve the quantity and quality of public educational facilities available in the area.

Based on the foregoing, the Applicant believes that there is a need to provide these type of uses to the surrounding existing residential community, as well as, to the future residents of the area. Additionally, approval of the requested Amendment would be compatible to the residential character of the Fontainebleau community and would further the implementation of the following CDMP goals, objectives and policies:

LAND USE OBJECTIVE 1: The Location and configuration of Miami- Dade County’s urban growth through the year 2015 shall emphasize concentration and intensification of development around centers of activity, *development of well designed communities containing a variety of uses, housing types and public services*, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

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

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

LAND USE POLICY 1R: It is the policy of Miami-Dade County that the siting of both public and private schools throughout the County shall conform with the school siting policies adopted under CDMP Educational Element Objective 2.

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

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

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

LAND USE POLICY 8A: Miami- Dade County shall strive to accommodate residential development in suitable location and densities which reflect such factors as recent trends in location and design of residential units; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patters should reflect the Guidelines for Urban Form contained in this Element.

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

EDUCATIONAL POLICY 1D: Cooperate with the Miami-Dade County Public Schools in their efforts to provide public school facilities to the students of Miami-Dade County, which operate at optimum capacity, in so far as funding available. Operational alternatives may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

EDUCATIONAL OBJECTIVE 3: Obtain suitable sites for the development and expansion of public educational facilities.

EDUCATIONAL POLICY 3A: It is the policy of Miami-Dade County that the Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB.

EDUCATIONAL POLICY 3B: In the selection of sites for future educational facility development, the County encourages the Miami-Dade County Public Schools to consider *whether a school is in close proximity to residential areas and is in a location that would provide a logical focal point for community activities.*

EDUCATIONAL POLICY 3C: Where possible, the *Miami-Dade County Public Schools should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses* for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.

INSTITUTIONAL & PUBLIC FACILITY: Neighborhood or community serving institutional uses...including schools... may be approved where compatible in all urban land use categories.

RECREATIONAL & OPEN SPACE ELEMENT: 4C Miami-Dade County shall seek cooperative agreements such as the following with non-governmental organizations to provide additional resources...

- i. The Miami-Dade Parks, Recreation and Open Spaces Department shall seek cooperative agreements with homeowner associations and civic groups for the long-term provision and maintenance of local recreational facilities.

EDUCATIONAL ELEMENT: Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools. Strive to provide additional solutions to overcrowding in schools...

5. ADDITIONAL MATERIAL SUBMITTED

Additional information will be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Location Map for Application – Exhibit "A"

Disclosure of Interest – Exhibit "B"

Summary of Modification to the Underlying Covenants – Exhibit "C"

Quit Claim Deed – Exhibit "D"

EXHIBIT "A"

SCHOOL LOCATION MAP

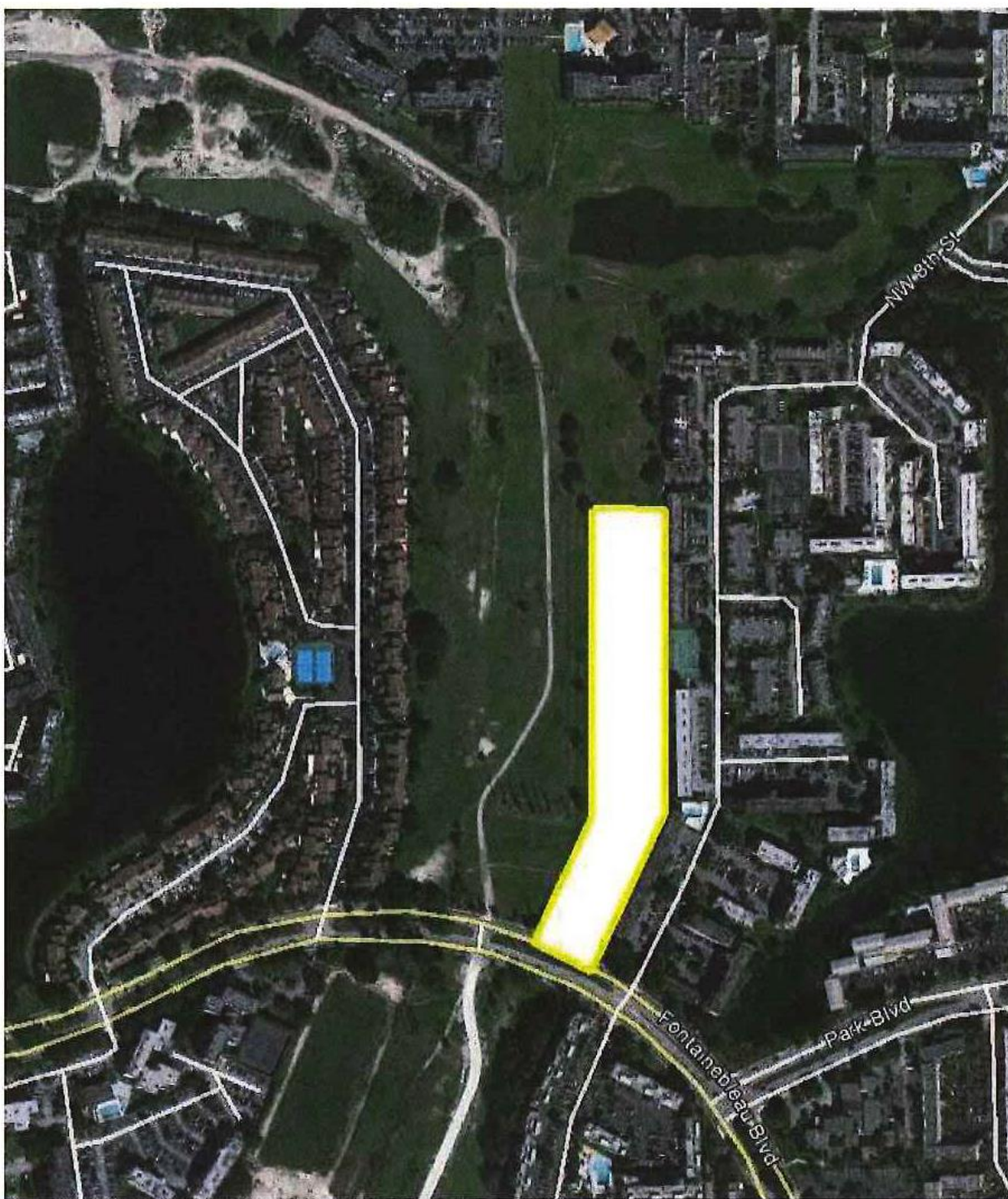


EXHIBIT "B"

DISCLOSURE OF INTEREST

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

1. APPLICANT(S) NAME AND ADDRESS:

APPLICANT A: Keep Bleau Green Committee, Inc.

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

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

APPLICANT OWNER OF RECORD FOLIO NUMBER SIZE

Keep Bleau Green Committee, Inc.	Same	(a portion of Folio No. 30-4004-084-0550)	5.2 +/- acres (a portion of Folio No. 30-4004-084-0550)
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3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2. above.

<u>APPLICANT</u>	<u>OWNER</u>	<u>LESSEE</u>	<u>CONTRACT FOR PURCHASE</u>	<u>OTHER</u>
A	X			

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

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

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

b. If the applicant is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Keep Bleau Green Committee, Inc.

<u>NAME AND ADDRESS FOR OFFICERS/DIRECTORS</u>	<u>Percentage of Stock</u>
<u>Jesus Carcasses 580 NW 9th Place Miami, Fl 33172, President</u>	<u>Non-Profit</u>
<u>Raul Gramatges 9897 SW 4th Street Miami Fl 33174, Vice-President</u>	<u>Non-Profit</u>
<u>Oscar Cueto 9670 Fontainebleau Blvd #15 Miami Fl 33172, Secretary</u>	<u>Non-Profit</u>
<u>Claude Fabre 10464 NW 5th Terrace Miami Fl 33172, Treasurer</u>	<u>Non-Profit</u>
<u>Isabel Villalba 10222 NW 5th Terrace Miami Fl 33172, Director</u>	<u>Non-Profit</u>
<u>Amada Dominguez 545 West Park Drive #7 Miami, Fl 33172, Director</u>	<u>Non-Profit</u>

c. If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME:

NAME AND ADDRESS	Percentage of Interest
N/A	

d. If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership
N/A	

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

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
<u>School Development HC LLC</u>	<u>Ignacio Zulueta – 50%</u>
<u>6340 SUNSET DR.</u>	<u>Fernando Zulueta – 50%</u>
<u>MIAMI, FL 33143</u>	

Date of Contract: 05/28/2014

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

N/A

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

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

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

b. If the owner is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest in the aforementioned entity].

CORPORATION NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>

CORPORATION NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>

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

TRUST/ESTATE NAME: _____

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
N/A	

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

PARTNERSHIP NAME: _____

NAME AND ADDRESS OF PARTNERS	PERCENTAGE OF OWNERSHIP
N/A	

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

INDIVIDUAL'S NAME, ADDRESS, AND OFFICE (if applicable)	PERCENTAGE OF INTEREST
--	------------------------

N/A	

Date of Contract: _____


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

N/A

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

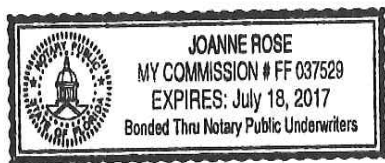
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Name of Applicant: Keep Bleau Green Committee, Inc.

Signature: 
Mr. Jesus Carcasses, President

The foregoing instrument was acknowledged before me this 23rd day of May, 2014, by Jesus Carcasses as President, on behalf of Keep Bleau Green Committee, Inc. They are personally known to me or produced FL Drivers License (type of identification) as identification.

NOTARY PUBLIC





(Print, Type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

EXHIBIT "C"

SUMMARY OF MODIFICATION OF THE UNDERLYING DECLARATION OF RESTRICTIONS

The Applicant is filing a CDMP Application for the subject parcel legally described in Exhibit "1", attached hereto. As part of the application, the Applicant is seeking a Second Modification to the Comprehensive Plan Declaration of Restrictions Recorded at Official Records Book 23413, Page 1136 of the public records of Miami-Dade County (attached hereto as Exhibit "2"), as modified by the First Modification to Comprehensive Plan Declaration of Restrictions recorded in Official Records Book 26955, Page 908 (attached hereto as Exhibit "3"). The Applicant is seeking, among other things, to modify the Declaration to exclude the subject parcel from the Declaration and is seeking approval for modification of Paragraph 1 of the Declaration as follows:

FROM:

Conceptual Site Plan. The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Orestes Lopez-Recio, signed and sealed the 29th day of October, 2008 ("Conceptual Site Plan") (attached hereto as Exhibit "E"). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

TO:

1. Conceptual Site Plan. The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "_____ " prepared by _____, signed and sealed the _____ day of _____, 201_ ("Conceptual Site Plan") (attached hereto as Exhibit "_"). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

EXHIBIT "1"

Legal Description

A PORTION OF TRACT "C", "FONTAINEBLEAU EAST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT "C", BEING A POINT ON A CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 28°42'20" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, BEING ALONG THE SOUTH LINE OF SAID TRACT "C", ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD, HAVING A RADIUS OF 1200.92 FEET, A CENTRAL ANGLE OF 07°46'23", FOR AN ARC DISTANCE OF 162.92 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "C"; THENCE NORTH 24°37'46" EAST ON A NON-RADIAL LINE, THIS AND THE FOLLOWING FIVE (5) COURSES BEING ALONG THE WEST LINE OF SAID TRACT "C", 269.61 FEET; THENCE NORTH 71°15'43" EAST 45.00 FEET; THENCE NORTH 11°35'53" EAST 20.00 FEET; THENCE NORTH 48°03'56" WEST 45.00 FEET; THENCE NORTH 01°26'00" WEST 490.74 FEET; THENCE NORTH 00°14'00" EAST 140.84 FEET; THENCE SOUTH 89°46'00" EAST 245.50 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "C"; THENCE SOUTH 00°14'00" WEST. THIS AND THE FOLLOWING COURSE BEING ALONG SAID EAST LINE, 626.30 FEET; THENCE SOUTH 28°42'20" WEST 435.15 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 217,800 SQUARE FEET (5.0000 ACRES), MORE OR LESS.

EXHIBIT "1"



SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: 954 572-1777 • FAX: 954 572-1778

E-MAIL: surveys@pulicelandssurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

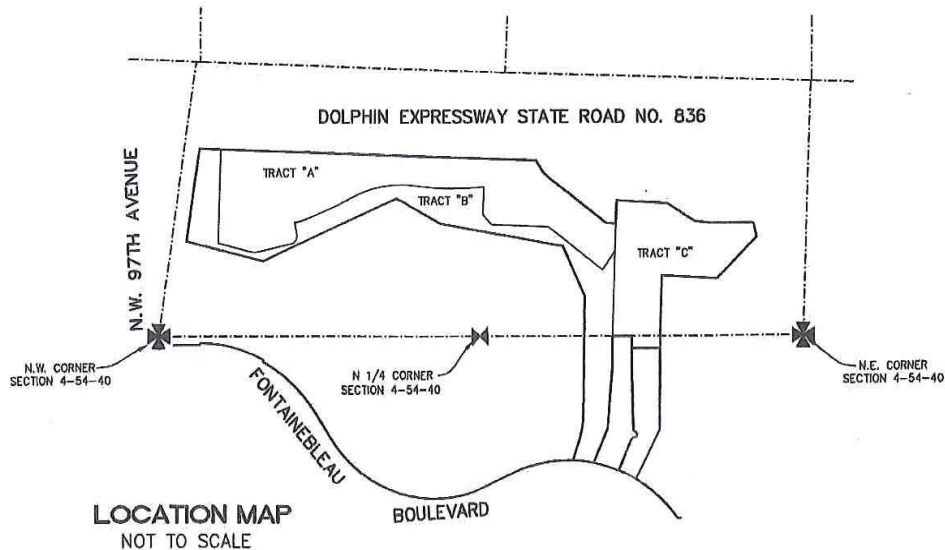


LEGAL DESCRIPTION:

A PORTION OF TRACT "C", "FONTAINEBLEAU EAST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 217,800 SQUARE FEET (5.0000 ACRES), MORE OR LESS.



FILE: SHOMA GROUP

SCALE: N/A

DRAWN: L.S.

ORDER NO.: 57283

DATE: 1/31/14

5 ACRE PARCEL

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2

Beth Burns

☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136



SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.

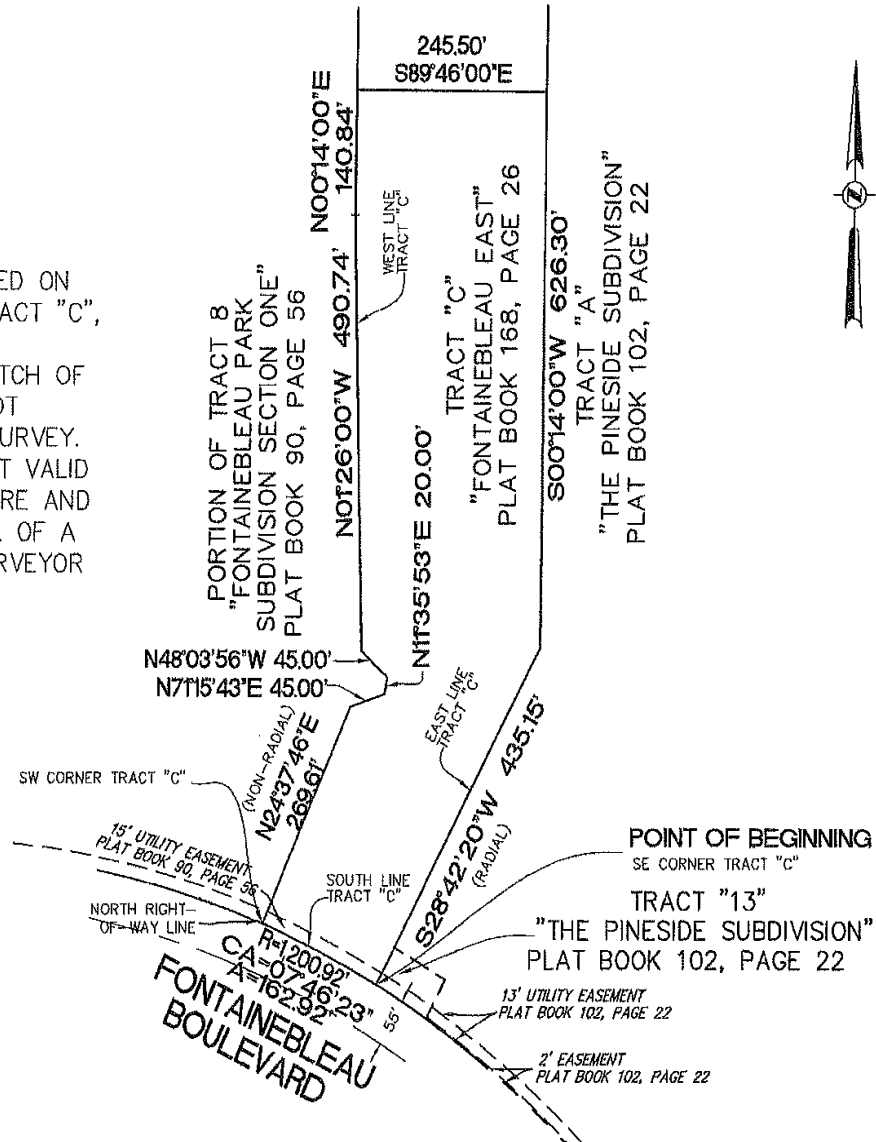
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: 954 572-1777 • FAX: 954 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



NOTES:

- 1) BEARINGS ARE BASED ON THE EAST LINE OF TRACT "C", BEING S28°42'20"W.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



FILE: SHOMA GROUP

SCALE: 1"=20'

DRAWN: L.S.

ORDER NO: 57283

DATE: 1/31/14

5 ACRE PARCEL

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND:

R RADIUS

CA CENTRAL ANGLE

A ARC LENGTH

EXHIBIT "D"

CFN: 20140772202 BOOK 29382 PAGE 777

DATE: 11/07/2014 10:11:51 AM

DEED DOC 0.60

SURTAX 0.45

HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

Prepared by/Return to:

Richard L. Schanerman, Esq.
AKERMAN SENTERFITT
One Southeast Third Avenue- 25th Floor
Miami, Florida 33131

Parcel Identification Nos.:

(Reserved for Clerk of Court)

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, is effective as of the 5th day of July, 2014, by Fontainebleau Lakes, LLC, a Florida limited liability company, whose post office address is 3470 NW 82nd Avenue, Suite 988, Doral, Florida 33122 (hereinafter "Grantor"), to Keep Bleu Green Committee, Inc., a Florida non-profit corporation, whose post office address is c/o Jesus Carcasses, 580 NW 99th Place, Miami, Florida 33172 (hereinafter "Grantee");

WITNESSETH, that the said Grantor does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand, that the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Miami-Dade, State of Florida, to-wit:

SHE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

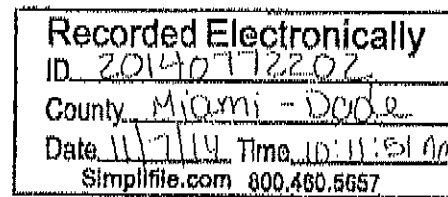
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Prepared by/Return to:

Richard L. Schanerman, Esq.
AKERMAN SENTERFITT
One Southeast Third Avenue- 25th Floor
Miami, Florida 33131

Parcel Identification Nos.:



(Reserved for Clerk of Court)

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, is effective as of the 5th day of July, 2014, by Fontainebleau Lakes, LLC, a Florida limited liability company, whose post office address is 3470 NW 82nd Avenue, Suite 988, Doral, Florida 33122 (hereinafter "Grantor"), to Keep Bleu Green Committee, Inc., a Florida non-profit corporation, whose post office address is c/o Jesus Carcasses, 580 NW 99th Place, Miami, Florida 33172 (hereinafter "Grantee");

WITNESSETH, that the said Grantor does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand, that the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Miami-Dade, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

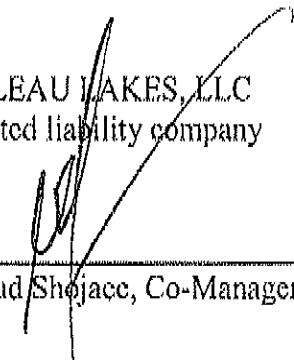
The real property ("Property") described herein is conveyed AS-IS, WHERE-IS, WITH ALL FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, IN FACT OR BY LAW, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE'S INTENDED USES AND PURPOSES. Grantee assumes responsibility for all environmental conditions of the Property, known or unknown, including but not limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any hazardous substance or environmental contamination relating to the Property.

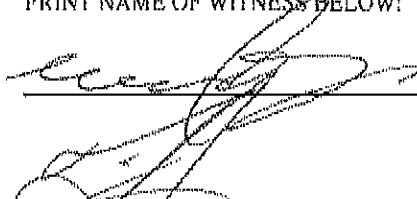
IN WITNESS WHEREOF, the Grantor said has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

FONTAINBLEAU LAKES, LLC
a Florida limited liability company

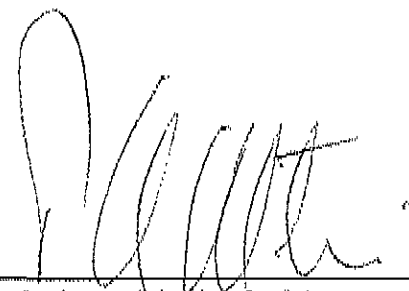
Maria Fernandez-Perez
PRINT NAME OF WITNESS BELOW:

By: 
Masoud Shojacc, Co-Manager


PRINT NAME OF WITNESS BELOW:

Frank Silva

A. Ramos
PRINT NAME OF WITNESS BELOW:

By: 
Pedro A. Martin, Co-Manager

Sandra Ramos


PRINT NAME OF WITNESS BELOW:

Maggie Zatra

STATE OF FLORIDA)
)SS:
COUNTY OF MIAMI-DADE)

The foregoing Quit Claim Deed was acknowledged before me this 24th day of June, 2014, by Masoud Shojace, as Co-Manager of Fontainebleau Lakes, LLC, a Florida limited liability company who is personally known to me or who produced personally known as identification.



Notary Public State of Florida
My Name, Commission No., & Expiration:
08/14/2016

STATE OF FLORIDA)
)SS:
COUNTY OF MIAMI-DADE)

The foregoing Quit Claim Deed was acknowledged before me this 3 day of July, 2014, by Pedro A. Martin, as Co-Manager of Fontainbleau Lakes, LLC, a Florida limited liability company who is personally known to me or who produced personally known as identification.

Larios
Notary Public-State of Florida
My Name, Commission No., & Expiration:



Exhibit "A"

[legal description]

LEGAL DESCRIPTION:

A PORTION OF TRACT "C", "FONTAINEBLEAU EAST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT "C", BEING A POINT ON A CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 28°42'20" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, BEING ALONG THE SOUTH LINE OF SAID TRACT "C", ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD, HAVING A RADIUS OF 1200.92 FEET, A CENTRAL ANGLE OF 07°46'23", FOR AN ARC DISTANCE OF 162.92 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "C"; THENCE NORTH 24°37'46" EAST ON A NON-RADIAL LINE, THIS AND THE FOLLOWING FIVE (5) COURSES BEING ALONG THE WEST LINE OF SAID TRACT "C", 269.61 FEET; THENCE NORTH 71°15'43" EAST 45.00 FEET; THENCE NORTH 11°35'53" EAST 20.00 FEET; THENCE NORTH 48°03'56" WEST 45.00 FEET; THENCE NORTH 01°26'00" WEST 490.74 FEET; THENCE NORTH 00°14'00" EAST 140.84 FEET; THENCE SOUTH 89°46'00" EAST 245.50 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "C"; THENCE SOUTH 00°14'00" WEST, THIS AND THE FOLLOWING COURSE BEING ALONG SAID EAST LINE, 626.30 FEET; THENCE SOUTH 28°42'20" WEST 435.15 FEET TO THE POINT OF BEGINNING

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 217,800 SQUARE FEET (5.0000 ACRES), MORE OR LESS.

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EXHIBIT "2"

CFN 20050539838
OR Bk 23413 Pgs 1136 - 1142 (7pgs)
RECORDED 05/26/2005 10:03:13
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

A/23

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Carolyn A. Sakolsky, as Trustee ("Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property"; and

WHEREAS, in April 2004, the Owner filed an application (the "Application"), as part the April 2004 Comprehensive Development Master Plan ("CDMP") Amendment Cycle, to amend the Property's designation on the CDMP Future Land Use Plan Map of Miami-Dade County from Parks and Recreation and Medium Density Residential to Medium Density Residential, and that Application has been designated as "Application 3" for that cycle of CDMP amendment applications.

NOW THEREFORE, in consideration of the premises, and subject to the approval of the Application, and in order to assure the Miami-Dade County ("County") Board of County Commissioners ("County Commission") that the representations made by the Owner concerning the type and manner of development and the number of units to be developed on the Property in the future will be adhered to notwithstanding the permitted uses and densities under said zoning district regulations and land use classification, and to assure the County Commission that this voluntary restriction will be followed by the Owner, and its successors and assigns, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions ("Declaration") covering and running with the Property:

- (1) **Conceptual Site Plan**. Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Pascual Perez Kiliddjian & Associates, signed and sealed the 7th day of April, 2005 ("Conceptual Site Plan"). Owner has filed an application to rezone the Property to

MIAMI 817468.13 7331719528

4-54-40

7

Declaration of Restrictions
Page 2

(1.1) Addressing
Traffic Impacts
on N. W. 87th
Avenue.

Prior to rezoning
of the Property,
the Owner shall
forward the

proposed (2)
Site plan, any
traffic studies
and proposals to

address (3)
traffic impacts
of the Application,
and, in particular,
the potential for
adverse
impacts on
N. W. 87th
Avenue.

[Signature]
(5)

allow for development of the Property ("Zoning Application"). The final site plan submitted in connection with the Zoning Application for the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. The Owner acknowledges that the future rezoning and development of the Property shall require one or more detailed site plan approvals by the County which will determine, among other things, the exact type of units, location, distribution, orientation and other requirements for compliance with all applicable zoning, fire and public works review standards.

Number of Units. Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of one thousand one hundred seventy-six (1,176) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

Educational Facility. Owner recognizes that redevelopment of the Property may impact the educational facilities currently being served by the area surrounding the Property. Prior to final zoning approval, Owner, at its option, shall either 1) mitigate the impact on educational facilities of the proposed development by either securing the availability of an educational facility (charter or public school) located within three miles from the Property, or 2) have reached an agreement with the Miami-Dade County Public Schools addressing the impact on educational facilities in a manner acceptable to the Miami-Dade County Public Schools or 3) submit for review and approval to the Director of the Department of Planning and Zoning ("Director") a plan to mitigate the impacts on educational facilities in a manner acceptable to the Director. Nothing contained herein shall relieve the Owner of negotiating with the Miami-Dade County School District consistent with the Interlocal Agreement between Dade County and the School Board of Dade County, Florida relating to Educational Facilities Impact Fee Monies, as amended, and as amended in the future from time to time.

Effectiveness of Declaration. This Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County after final approval by the County Commission of the application.

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

MIAMI 817468.13 7331719528

Declaration of Restrictions
Page 3

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

- (6) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the covenant in whole or in part, or, in accordance with paragraph 7 below, and provided that the Declaration has first been modified or released by Miami-Dade County as provided under the following paragraph.
- (7) **Modification, Amendment, Release.** This Declaration may be modified, amended, or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the County Commission of Miami-Dade County or such other successor governmental body having jurisdiction over the Property.

Any such modification or release shall also be subject to the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans. Any such modification or release shall also be subject to Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade Comprehensive Plan. Notwithstanding the previous sentence, in the event that the Property is incorporated into a new municipality which amends, modifies, or declines to adopt the provisions of Section 2.116.1 of the Code of Miami-Dade County, then modifications or releases of this Declaration shall be subject to the provisions of such ordinance as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan or, in the event that the successor municipality does not adopt such ordinances, by the provisions for the adoption of zoning district boundary changes together with the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive office for the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument of effectuating and acknowledging such modification, amendment or release.

MIAMI 817468.13 7331719528

Declaration of Restrictions
Page 4

In the event that there is a recorded homeowners or condominium association covering any portion of the Property, said association may (in lieu of the signature or consent of the individual members or owners), on behalf of its members and in accordance with its articles of incorporation and bylaws, consent to any proposed modification, amendment, or release by a written instrument executed by the homeowners or condominium association. Any consent made pursuant to a vote of the homeowners or condominium association shall be evidenced by a written resolution of the homeowners or condominium association and a certification executed by the secretary of the homeowners or condominium association's board of directors affirming that the vote complied with the articles of incorporation and the bylaws of the association.

Any modification, amendment, or release of this Declaration will require the consent of all the then owner(s) of the Property which will be evidenced by either a written resolution of a homeowners and/or condominium association and/or a written instrument(s) executed by individual property owner(s). In the event that one or several of the owners of the Property are not members of a recorded association, their consent to any modification, amendment, or release, is required, along with the consent of the recorded association(s), and must be evidenced by an executed written instrument.

- (8) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any provision of this Declaration. This Declaration, and the acceptance hereof by Miami-Dade County, is not intended and should not be construed to confer any rights on any third parties. The prevailing party in action or suit, pertaining to or arising out of this Declaration, shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of its attorney, at trial and appeal, or any other levels. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.
- (9) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.
- (10) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (11) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and

MIAMI 817468.13 7331719528

Declaration of Restrictions
Page 5

inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

- (12) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.
- (13) **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County Commission and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance.
- (14) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.
- (15) **Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

[SIGNATURE PAGE FOLLOWS]

MIAMI 817468.13 7331719528

Page 6

Witnesses:

Print Name PATRICIA HODGE

Mercedes Padron
Print Name Mercedes Padron

Carolyn A. Sakolsky

SS:

COUNTY OF MIAMI-DADE

Mercedes Padron
 Notary Public
 Sign Name: *Mercedes Padron*
 Print Name: _____
 MY COMMISSION EXPIRES: _____



Book23413/Page1141

CFN#20050539838

Page 6 of 7

EXHIBIT "A"

LEGAL DESCRIPTION

TRACTS 1, 2, 3, 4, & 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90 PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN N89°58'50"E, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 1) FOR A DISTANCE OF 95.08 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE N89°58'50"E ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.56 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" BLUE FONTAINE TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S08°57'20"E ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 7.93 FEET TO A POINT; THENCE RUN S02°06'50"E, ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 58.87 FEET TO THE SOUTHWEST CORNER OF SAID TRACT F (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF "FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S89°42'20"W, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF "BLUE FONTAINE REPLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N02°08'00"W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF 88.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT ALSO BEING THE POINT OF BEGINNING). SAID DESCRIBED PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

AND

A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: BEGIN 1485.20 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, THEN NORTH 1036.22 FEET; THENCE WEST 160.03 FEET; THENCE SOUTH 1049.95 FEET, THEN EAST 180.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 147.09 ACRES± (NET)
152.28 (GROSS)

- EXHIBIT "3"

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

CFN 20090541645
OR Bk 26955 Pgs 0908 - 933; (26pgs)
RECORDED 07/27/2009 14:19:34
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by
or under the supervision of:

Name: Felix M. Lasarte, Esq.
Address: The Lasarte Law Firm
5835 Blue Lagoon Drive
Suite 100
Miami, Florida 33126

(Space reserved for Clerk of Court)

**FIRST MODIFICATION TO COMPREHENSIVE PLAN
DECLARATION OF RESTRICTIONS
RECORDED AT OFFICIAL RECORDS BOOK 23413, PAGE 1136**

THIS First Modification to Comprehensive Plan Declaration of Restrictions Recorded at
Official Records Book 23413, Page 1136 ("Modification") is made this 29th day of April,
2009, by Fontainebleau Lakes, LLC, a Florida limited liability company (the "Owner"), in favor
of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner holds the fee simple title to that certain property lying, being and
situated in Miami-Dade County, Florida, to-wit:

See attached Exhibit "A"

hereinafter referred to as the "Property";

WHEREAS, in April 2004, the then Owner of the Property filed an application (the
"Former Application") designated as "Application No. 3" of the April 2004 Miami-Dade County
Comprehensive Development Master Plan ("CDMP") Amendment Cycle, to amend the
Property's designation on the CDMP Future Land Use Plan Map of Miami-Dade County from
"Parks and Recreation" and "Medium Density Residential" to "Medium Density Residential";
and

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was proffered and accepted by the Miami-Dade County Board of County Commissioners in connection with the Former Application and recorded in the Public Records of Miami-Dade County in Official Records Book 23413, at Page 1136, which placed certain restrictions and conditions on the use of the Property (attached hereto as Exhibit "B"); and

WHEREAS, the Owner subsequently filed a zoning application to rezone the Property from GU to RU-4M, which pursuant to Miami-Dade County Zoning Resolution No. CZAB10-21-06 a site plan was approved for the entire Property; and

WHEREAS, in April 2008, the Owner filed an application (the "New CDMP Application"), as part of the April 2008 CDMP Amendment Cycle, to amend the land use designation for Parcel "B" (described in Exhibit "C") from "Medium Density Residential" and "Parks and Recreation" to "Business and Office" and for Parcel "C" (described in Exhibit "D") from "Medium Density Residential" to "Parks and Recreation". The New CDMP Application has been designated as "Application No. 8" for the April 2008 CDMP cycle; and

WHEREAS, in connection with the New CDMP Application the Owner is proffering a covenant that will place certain restrictions and conditions on the use of Parcel "B" and Parcel "C"; and

WHEREAS, the Owner as part of the New CDMP Application is seeking, among other things, to modify the Declaration to exclude Parcel "B" and Parcel "C"; and

WHEREAS, the Declaration may only be modified pursuant to a CDMP Amendment process; and

WHEREAS, a public hearing was held before the Miami-Dade County Board of County Commissioners (the "BCC") on May 6, 2009, at which hearing the BCC adopted Ordinance No. 09-28 (the "Ordinance"); and

WHEREAS, the Ordinance approved the modification of Paragraphs 1 and 2 of the Declaration as follows:

FROM:

1. **Conceptual Site Plan.** Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Pascual Perez Kiliddjian & Associates, signed and sealed the 7th day of April, 2005 ("Conceptual Site Plan"). Owner has filed an application to rezone the Property to allow for development of the Property ("Zoning Application"). The final site plan submitted in connection with the Zoning Application for the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. The Owner acknowledges that the future rezoning and development of the Property shall require one or more detailed site plan approvals by the County which will determine, among other things, the exact type of units, location, distribution, orientation and other requirements for compliance with all applicable zoning, fire and public work review standards.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the

Property shall not exceed a total of one thousand one hundred seventy-six (1,176) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

TO:

1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Orestes Lopez-Recio, signed and sealed the 29th day of October, 2008 ("Conceptual Site Plan") (attached hereto as Exhibit "E"). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of eight hundred twenty-four (824) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

NOW, THEREFORE, in consideration of the foregoing, and in order to assure Miami-Dade County, Florida (the "County") that the representations made by the Owner during Consideration of the New CDMP Application will be abided by the Owner, freely, voluntarily and without duress, Owners submits this Modification covering and running with the Property:

1. Paragraphs 1 and 2 of the Declaration shall now read as follows:

1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Orestes Lopez-Recio, signed and sealed the 29th day of October, 2008 ("Conceptual Site Plan") (attached hereto as Exhibit "E"). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of eight hundred twenty-four (824) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

2. Except as hereby amended, all other restrictions in the Declaration shall remain in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF, Fontainebleau Lakes, LLC, has caused these present to be signed in its name on this 29 day of April, 2009.

WITNESSES:

Chantel Melendi
Witness #1

Chantel Melendi
Printed Name

Arvides Betancourt
Witness #2

Arvides Betancourt
Printed Name

Fontainebleau Lakes, LLC,
a Florida limited liability company

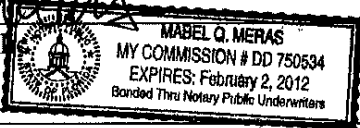
By: [Signature]
Name: Hasoud Shojee
Title: President

CORPORATE SEAL

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE) SS:

The foregoing instrument was acknowledged before me this 29 day of April, 2009 by Hasoud Shojee, as PRESIDENT, on behalf of Fontainebleau Lakes, LLC, a Florida limited liability company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

[Signature]
Notary Public

Printed Name

**JOINDER BY MORTGAGEE
CORPORATION**

The undersigned Bank of America, N.A., a national banking association, under that certain mortgage from Fontainebleau Lakes, LLC., a Florida limited liability company, recorded in Official Records Book 23887, Page 4607, of the Public Records of Miami-Dade County, Florida, as modified by Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing recorded in Official Records Book 25863, at Page 3204; as modified by Mortgage Modification Agreement recorded in Official Records Book 26579, at Page 4573; and UCC-1 Financing Statement recorded in Official Records Book 23887, at Page 4658 and rerecorded in Official Records Book 24246, at Page 4053 in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF these presents have been executed this 30 day of April, 2009.

Witnesses:

[Signature]
Signature

Pamela F. Griffin
Print Name

[Signature]
Signature

Sue A Richards
Print Name

Bank of America, N.A., a national banking association

Name of Corporation

Address:

18099 W. Hwy 41 SE 3rd Floor
Fort Myers, FL 33907

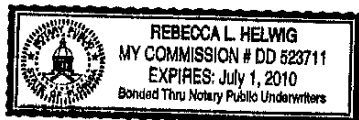
By: [Signature]

Print Name: Michael D Babair

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

The foregoing instrument was acknowledged before me by Michael D Babair the Sr. Vice President of Bank of America, N.A., on behalf of Bank of America. He/She personally known to me or has produced _____, as identification.

Witness my signature and official seal this 30 day of April, 2009, in the County and State aforesaid.



[Signature]
Notary Public-State of Florida

Rebecca L Helwig
Print Name

My Commission Expires: 7/1/10

EXHIBIT "A"

LEGAL DESCRIPTION

TRACTS 1, 2, 3, 4, & 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90 PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN N89°58'50"E, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 1) FOR A DISTANCE OF 95.08 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE N89°58'50"E ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.56 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" BLUE FONTAINE TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S08°57'20"E ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 7.83 FEET TO A POINT; THENCE RUN S02°06'50"E, ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 58.87 FEET TO THE SOUTHWEST CORNER OF SAID TRACT F (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF "FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S89°42'20"W, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF "BLUE FONTAINE REPLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N02°06'60"W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF 66.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT ALSO BEING THE POINT OF BEGINNING), SAID DESCRIBED PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

AND

A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: BEGIN 1485.20 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, THEN NORTH 1036.22 FEET; THENCE WEST 160.03 FEET; THENCE SOUTH 1049.95 FEET, THEN EAST 160.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 147.09 ACRES± (NET)
152.28 (GROSS)

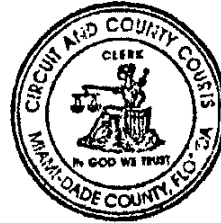
Said legal description having been replatted to:

All of FONTAINEBLEAU EAST, according to the Plat thereof, as recorded in Plat Book 168 Page 26 of the Public Records of Miami-Dade County, Florida.

EXHIBIT "B"

CFN 2005R0539838
DR Bk 23413 Pgs 1136 - 11421 (7pgs)
RECORDED 05/26/2005 10:03:13
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131



(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Carolyn A. Sakolsky, as Trustee ("Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property"; and

WHEREAS, in April 2004, the Owner filed an application (the "Application"), as part the April 2004 Comprehensive Development Master Plan ("CDMP") Amendment Cycle, to amend the Property's designation on the CDMP Future Land Use Plan Map of Miami-Dade County from Parks and Recreation and Medium Density Residential to Medium Density Residential, and that Application has been designated as "Application 3" for that cycle of CDMP amendment applications.

NOW THEREFORE, in consideration of the premises, and subject to the approval of the Application, and in order to assure the Miami-Dade County ("County") Board of County Commissioners ("County Commission") that the representations made by the Owner concerning the type and manner of development and the number of units to be developed on the Property in the future will be adhered to notwithstanding the permitted uses and densities under said zoning district regulations and land use classification, and to assure the County Commission that this voluntary restriction will be followed by the Owner, and its successors and assigns, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions ("Declaration") covering and running with the Property:

- (1) Conceptual Site Plan. Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Pascual Perez Kiliddjian & Associates, signed and sealed the 7th day of April, 2005 ("Conceptual Site Plan"). Owner has filed an application to rezone the Property to

MIAMI 817468.13 7331719528

4-54-40

Declaration of Restrictions

Pag 2

1) Addressing
Traffic Impacts
on N.W. 87th
Avenue.

Prior to rezoning
of the Property,
the Owner shall
prepare the

proposed (2)
plan, any
traffic studies
and proposals to

address (3)
traffic impacts
of the Application,
and, in particular,
the potential for
diverse
impacts on
N.W. 87th
Avenue.

Long A
[Signature]
(4)
(5)

allow for development of the Property ("Zoning Application"). The final site plan submitted in connection with the Zoning Application for the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. The Owner acknowledges that the future rezoning and development of the Property shall require one or more detailed site plan approvals by the County which will determine, among other things, the exact type of units, location, distribution, orientation and other requirements for compliance with all applicable zoning, fire and public works review standards.

Number of Units. Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of one thousand one hundred seventy-six (1,176) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

Educational Facility. Owner recognizes that redevelopment of the Property may impact the educational facilities currently being served by the area surrounding the Property. Prior to final zoning approval, Owner, at its option, shall either 1) mitigate the impact on educational facilities of the proposed development by either securing the availability of an educational facility (charter or public school) located within three miles from the Property, or 2) have reached an agreement with the Miami-Dade County Public Schools addressing the impact on educational facilities in a manner acceptable to the Miami-Dade County Public Schools or 3) submit for review and approval to the Director of the Department of Planning and Zoning ("Director") a plan to mitigate the impacts on educational facilities in a manner acceptable to the Director. Nothing contained herein shall relieve the Owner of negotiating with the Miami-Dade County School District consistent with the Interlocal Agreement between Dade County and the School Board of Dade County, Florida relating to Educational Facilities Impact Fee Monies, as amended, and as amended in the future from time to time.

Effectiveness of Declaration. This Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County after final approval by the County Commission of the application.

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

MIAMI 817468.13 7331719528

D eclaration of Restrictions
Page 3

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

- (6) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the covenant in whole or in part, or, in accordance with paragraph 7 below, and provided that the Declaration has first been modified or released by Miami-Dade County as provided under the following paragraph.
- (7) **Modification, Amendment, Release.** This Declaration may be modified, amended, or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the County Commission of Miami-Dade County or such other successor governmental body having jurisdiction over the Property.

Any such modification or release shall also be subject to the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans. Any such modification or release shall also be subject to Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade Comprehensive Plan. Notwithstanding the previous sentence, in the event that the Property is incorporated into a new municipality which amends, modifies, or declines to adopt the provisions of Section 2.116.1 of the Code of Miami-Dade County, then modifications or releases of this Declaration shall be subject to the provisions of such ordinance as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan or, in the event that the successor municipality does not adopt such ordinances, by the provisions for the adoption of zoning district boundary changes together with the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer for the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument of effectuating and acknowledging such modification, amendment or release.

MIAMI 817468.13 7331719528

Declaration of Restrictions

Pag 4

In the event that there is a recorded homeowners or condominium association covering any portion of the Property, said association may (in lieu of the signature or consent of the individual members or owners), on behalf of its members and in accordance with its articles of incorporation and bylaws, consent to any proposed modification, amendment, or release by a written instrument executed by the homeowners or condominium association. Any consent made pursuant to a vote of the homeowners or condominium association shall be evidenced by a written resolution of the homeowners or condominium association and a certification executed by the secretary of the homeowners or condominium association's board of directors affirming that the vote complied with the articles of incorporation and the bylaws of the association.

Any modification, amendment, or release of this Declaration will require the consent of all the then owner(s) of the Property which will be evidenced by either a written resolution of a homeowners and/or condominium association and/or a written instrument(s) executed by individual property owner(s). In the event that one or several of the owners of the Property are not members of a recorded association, their consent to any modification, amendment, or release, is required, along with the consent of the recorded association(s), and must be evidenced by an executed written instrument.

- (8) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any provision of this Declaration. This Declaration, and the acceptance hereof by Miami-Dade County, is not intended and should not be construed to confer any rights on any third parties. The prevailing party in action or suit, pertaining to or arising out of this Declaration, shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of its attorney, at trial and appeal, or any other levels. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.
- (9) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.
- (10) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (11) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and

MIAMI 817468.13 7331719528

inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

- (12) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.
- (13) **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County Commission and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance.
- (14) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.
- (15) **Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

[SIGNATURE PAGE FOLLOWS]

Signed, witnessed, executed and acknowledged this 6 day of May, 2005.

Witnesses:

Patricia Hodge
Print Name PATRICIA HODGE

Carolyn A. Sakolsky, Trustee
5233 Fisher Island Drive
Miami, FL 33109

Mercedes Padron
Print Name Mercedes Padron

Carolyn A. Sakolsky
Carolyn A. Sakolsky

STATE OF FLORIDA }
 SS:
COUNTY OF MIAMI-DADE }

The foregoing instrument was acknowledged before me this 6 day of May, 2005 by Carolyn A. Sakolsky Trustee, who is personally known to me or produced a valid driver's license as identification

Mercedes Padron
Notary Public
Sign Name: Mercedes Padron
Print Name: _____
MY COMMISSION EXPIRES: _____



MIAMI 817468.13 7331719528

EXHIBIT "A"

LEGAL DESCRIPTION

TRACTS 1, 2, 3, 4, & 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90 PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN N89°58'50"E, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 1) FOR A DISTANCE OF 95.08 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE N89°58'50"E ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.56 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" BLUE FONTAINE TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S08°57'20"E ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 7.83 FEET TO A POINT; THENCE RUN S02°06'50"E, ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 58.87 FEET TO THE SOUTHWEST CORNER OF SAID TRACT F (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF "FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S89°42'20"W, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF "BLUE FONTAINE REPLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N02°06'60"W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF 66.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT ALSO BEING THE POINT OF BEGINNING). SAID DESCRIBED PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

AND

A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: BEGIN 1485.20 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, THEN NORTH 1036.22 FEET; THENCE WEST 160.03 FEET; THENCE SOUTH 1049.95 FEET, THEN EAST 160.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 147.09 ACRES± (NET)
152.28 (GROSS)

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on 27 day of
May, A.D. 2005
WITNESS my hand and Official Seal,
HARVEY RUVIN, CLERK, of Circuit and County Courts
By [Signature] D.C.

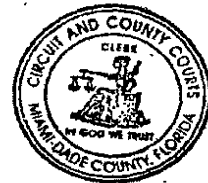
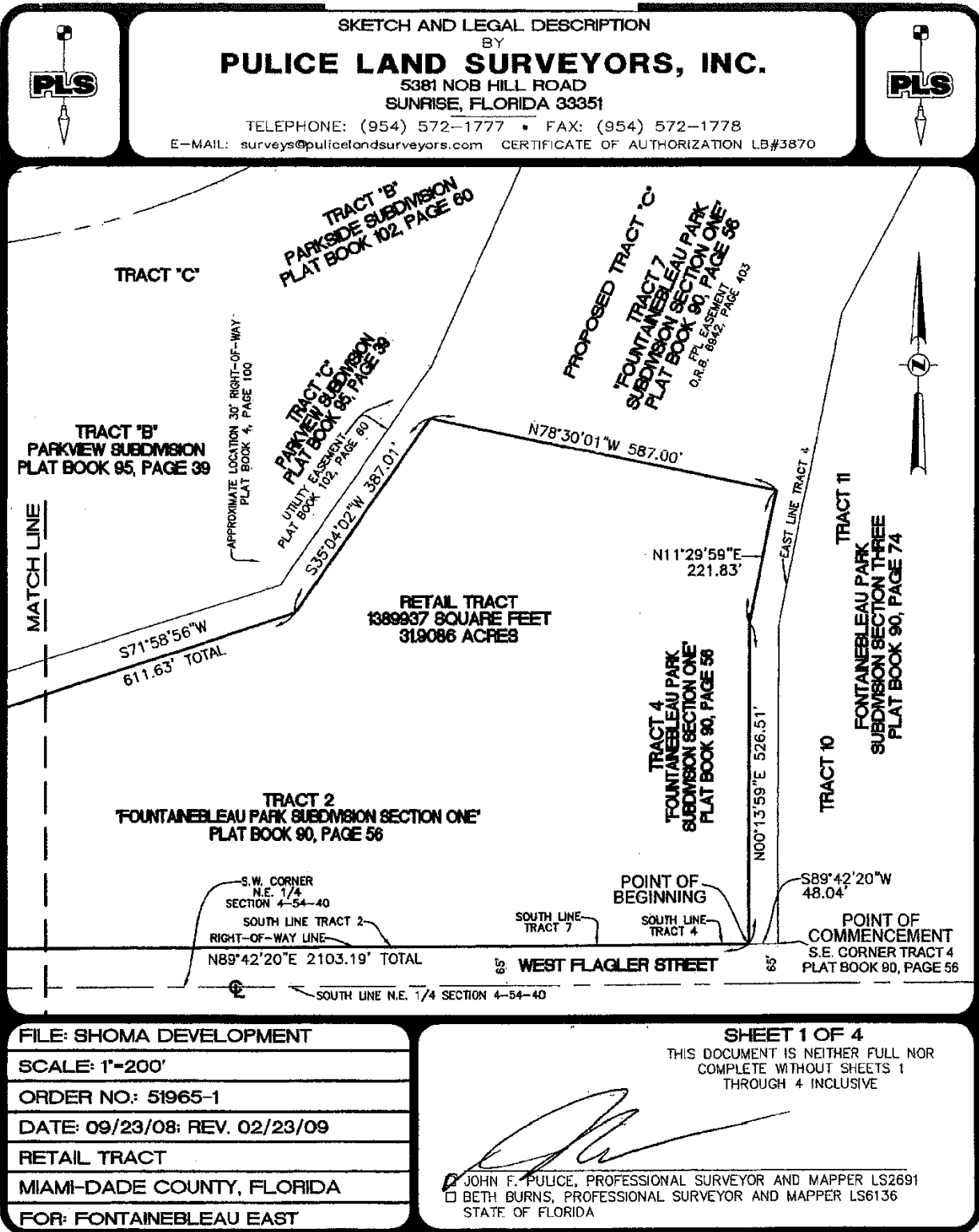


EXHIBIT "C"



FILE: SHOMA DEVELOPMENT

SCALE: 1"=200'

ORDER NO: 51965-1

DATE: 09/23/08; REV. 02/23/09

RETAIL TRACT

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 1 OF 4

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1
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[Signature]

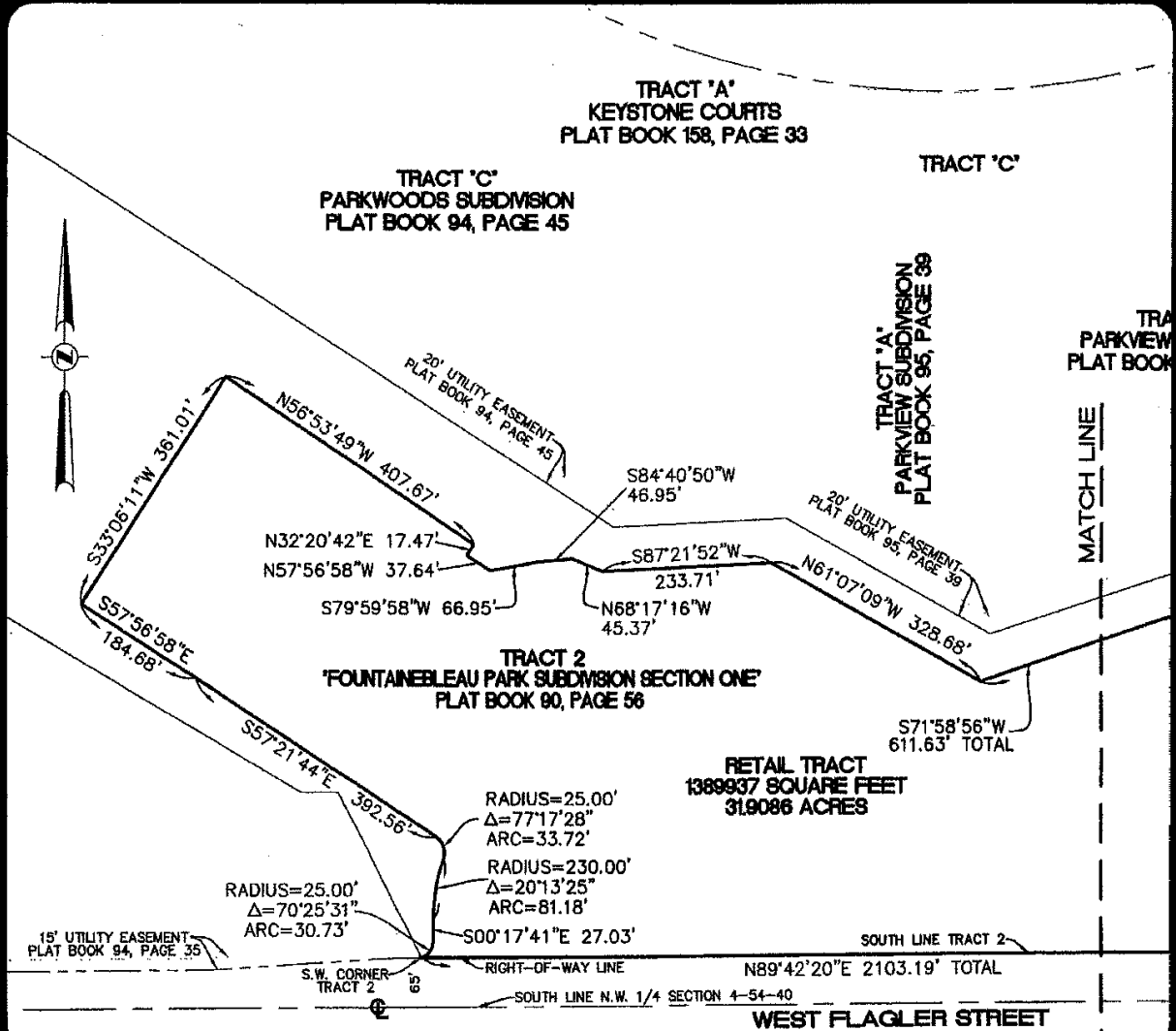
JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA



SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT

SCALE: 1"=200'

ORDER NO.: 51965-1

DATE: 09/23/08; REV. 02/23/09

RETAIL TRACT

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

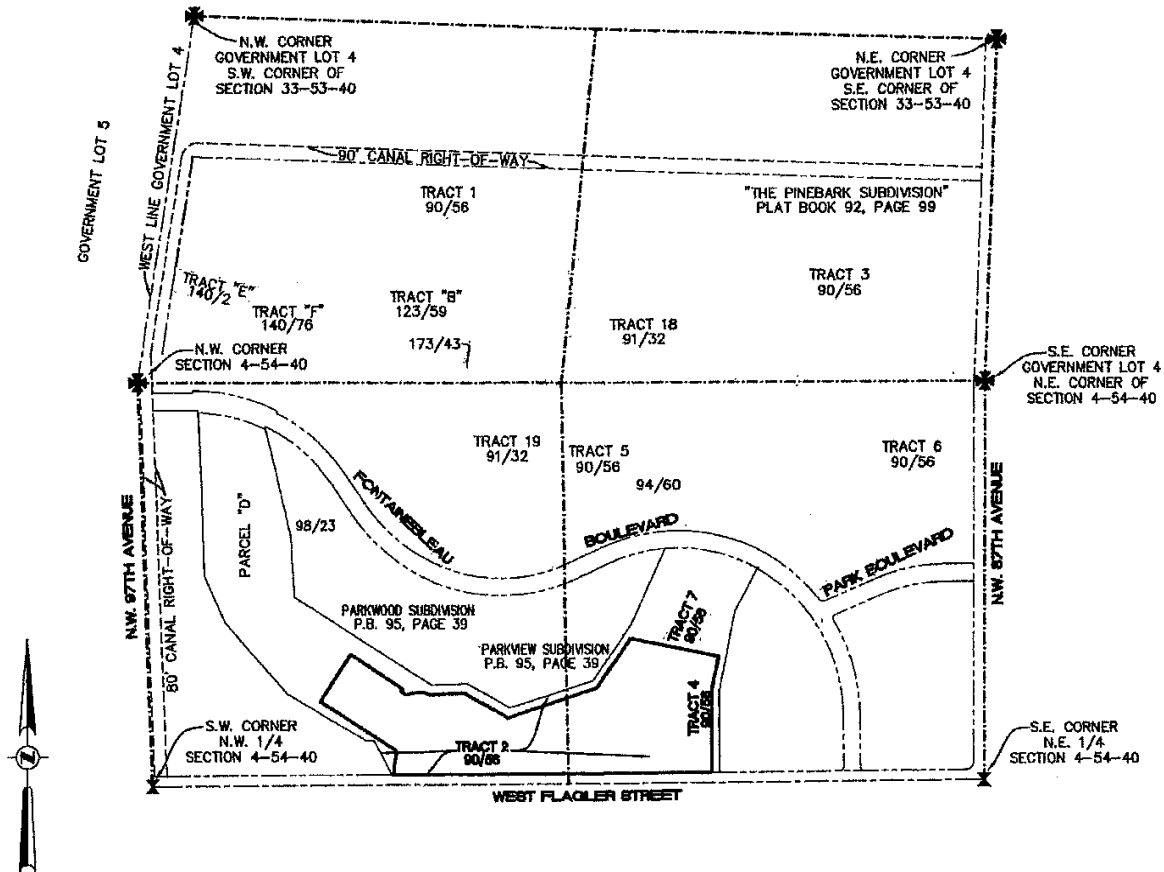
SHEET 2 OF 4

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E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT
SCALE: 1"=1,000' (LOCATION MAP)
ORDER NO.: 51965-1
DATE: 09/23/08; REV. 02/23/09
RETAIL TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 3 OF 4
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LEGAL DESCRIPTION: RETAIL TRACT

A PORTION OF TRACTS 2, 4 AND 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 4 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°13'59" EAST 526.51 FEET; THENCE NORTH 11°29'59" EAST 221.83 FEET; THENCE NORTH 78°30'01" WEST 587.00 FEET; THENCE SOUTH 35°04'02" WEST 387.01 FEET; THENCE SOUTH 71°58'56" WEST 611.63 FEET; THENCE NORTH 61°07'09" WEST 328.68 FEET; THENCE SOUTH 87°21'52" WEST 233.71 FEET; THENCE NORTH 68°17'16" WEST 45.37 FEET; THENCE SOUTH 84°40'50" WEST 46.95 FEET; THENCE SOUTH 79°59'58" WEST 66.95 FEET; THENCE NORTH 57°56'58" WEST 37.64 FEET; THENCE NORTH 32°20'42" EAST 17.47 FEET; THENCE NORTH 56°53'49" WEST 407.67 FEET; THENCE SOUTH 33°06'11" WEST 361.01 FEET; THENCE SOUTH 57°56'58" EAST 184.68 FEET; THENCE SOUTH 57°21'44" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 77°17'28" AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 20°13'25" AN ARC DISTANCE OF 81.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°17'41" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°25'31" AN ARC DISTANCE OF 30.73 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 2, BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS 2, 7 AND 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,389,937 SQUARE FEET, 31.9086 ACRES.

NOTES:

- 1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) Δ DENOTES: CENTRAL ANGLE.
- 5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT

SCALE: N/A

ORDER NO.: 51965-1

DATE: 09/23/08; REV. 02/23/09

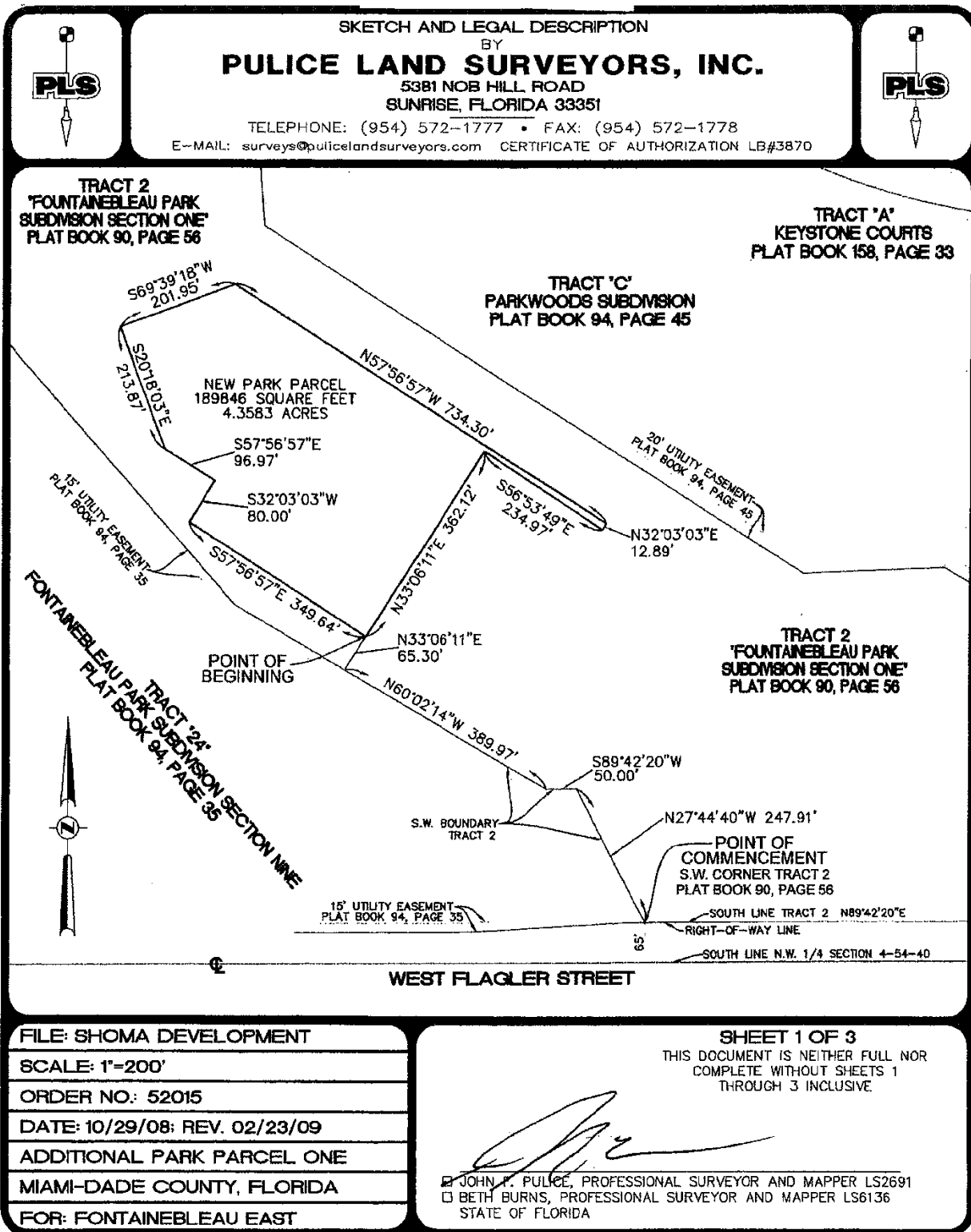
RETAIL TRACT

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 4 OF 4

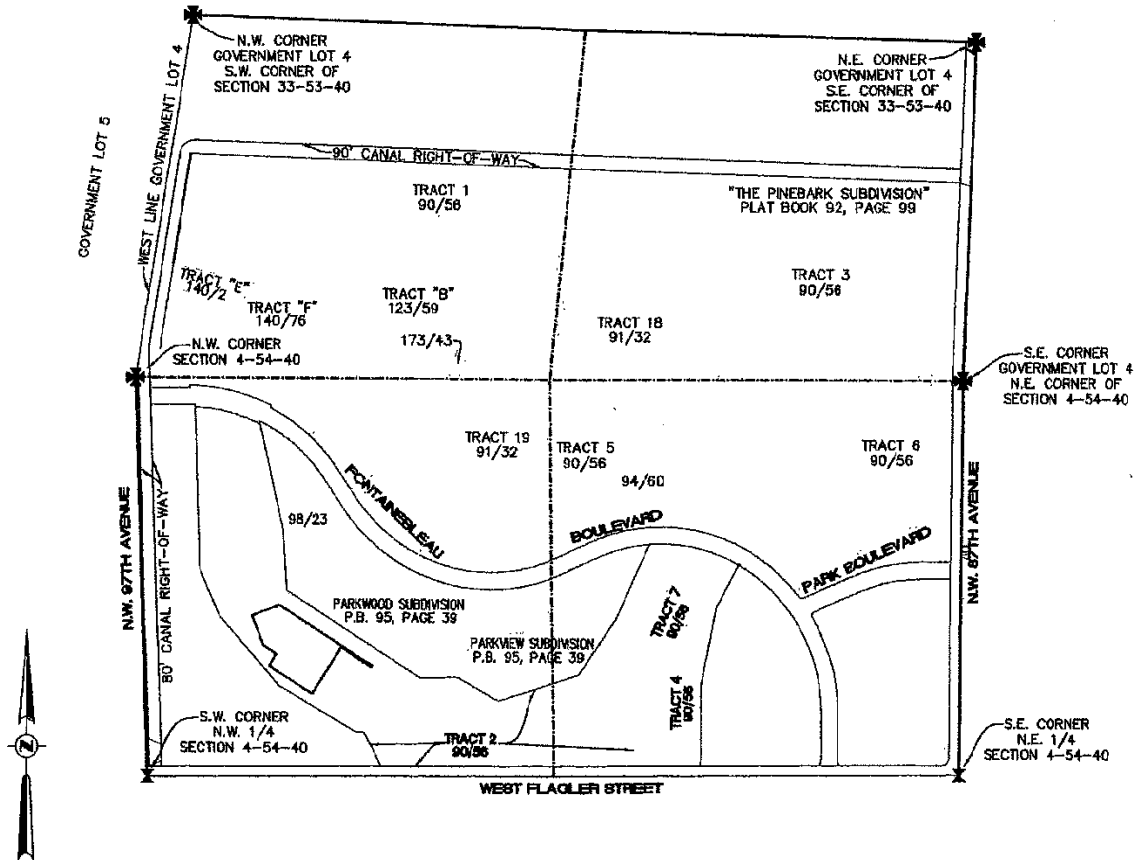
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SKETCH AND LEGAL DESCRIPTION
BY
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FILE: SHOMA DEVELOPMENT

SCALE: 1"=1,000' (LOCATION MAP)

ORDER NO.: 52015

DATE: 10/29/08; REV. 02/23/09

ADDITIONAL PARK PARCEL ONE

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 2 OF 3

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LEGAL DESCRIPTION: ADDITIONAL PARK PARCEL ONE

A PORTION OF TRACT 2 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE ON THE SOUTHWESTERLY BOUNDARY OF SAID TRACT 2 THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 27°44'40" WEST 247.91 FEET; 2) SOUTH 89°42'20" WEST 50.00 FEET; 3) NORTH 60°02'14" WEST 389.97 FEET; THENCE NORTH 33°06'11" EAST 65.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 33°06'11" EAST 362.12 FEET; THENCE SOUTH 56°53'49" EAST 234.97 FEET; THENCE NORTH 32°03'03" EAST 12.89 FEET; THENCE NORTH 57°56'57" WEST 734.30 FEET; THENCE SOUTH 69°39'18" WEST 201.95 FEET; THENCE SOUTH 20°18'03" EAST 213.87 FEET; THENCE SOUTH 57°56'57" EAST 96.97 FEET; THENCE SOUTH 32°03'03" WEST 80.00 FEET; THENCE SOUTH 57°56'57" EAST 349.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 189,846 SQUARE FEET, 4.3583 ACRES.

NOTES:

- 1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) Δ DENOTES: CENTRAL ANGLE.
- 5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT

SCALE: N/A

ORDER NO.: 52015

DATE: 10/29/08; REV. 02/23/09

ADDITIONAL PARK PARCEL ONE

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 3 OF 3

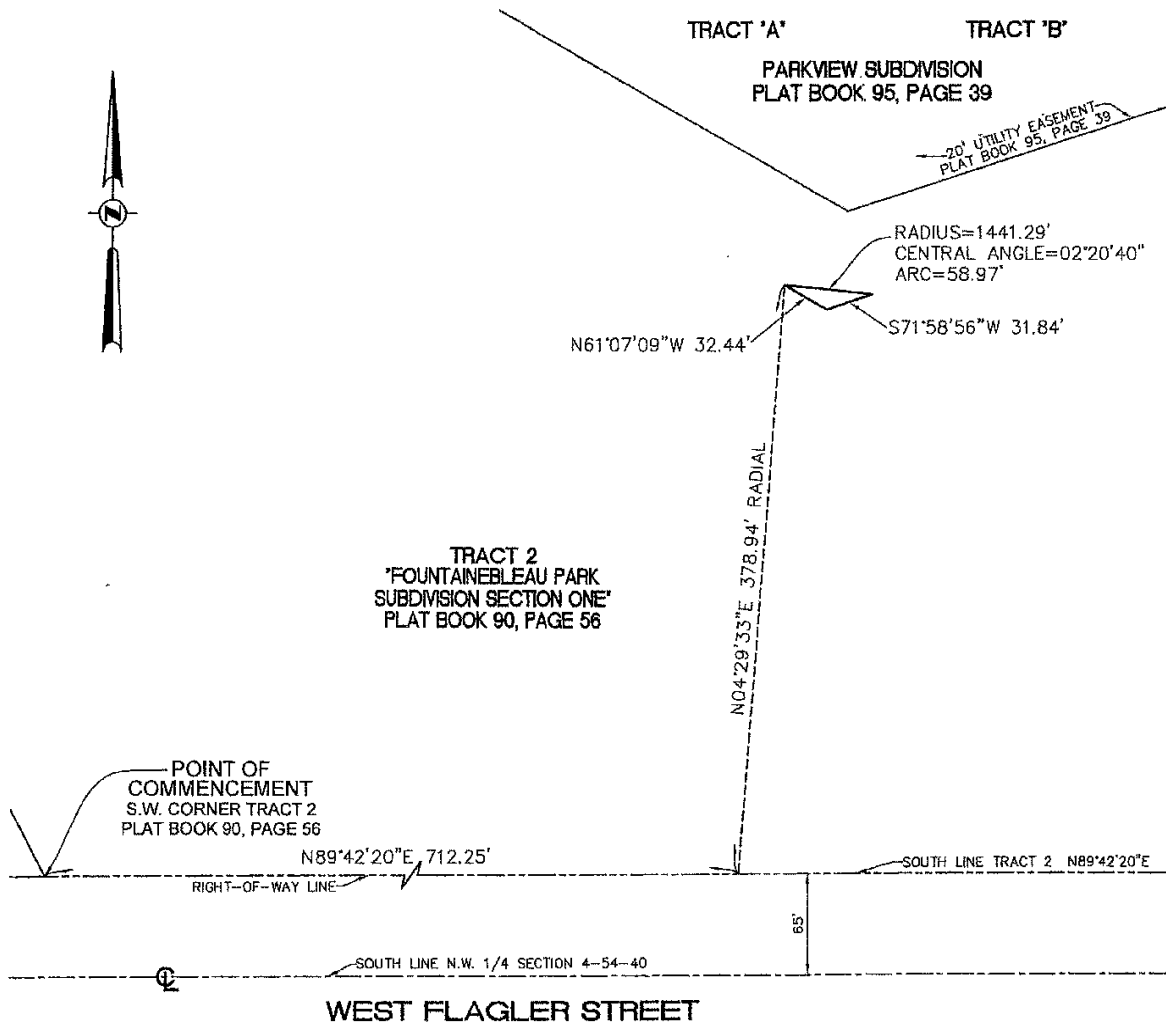
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FILE: SHOMA DEVELOPMENT

SCALE: 1"=100'

ORDER NO.: 52160-3

DATE: 01/26/09

ADDITIONAL PARK PARCEL TWO

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 1 OF 3

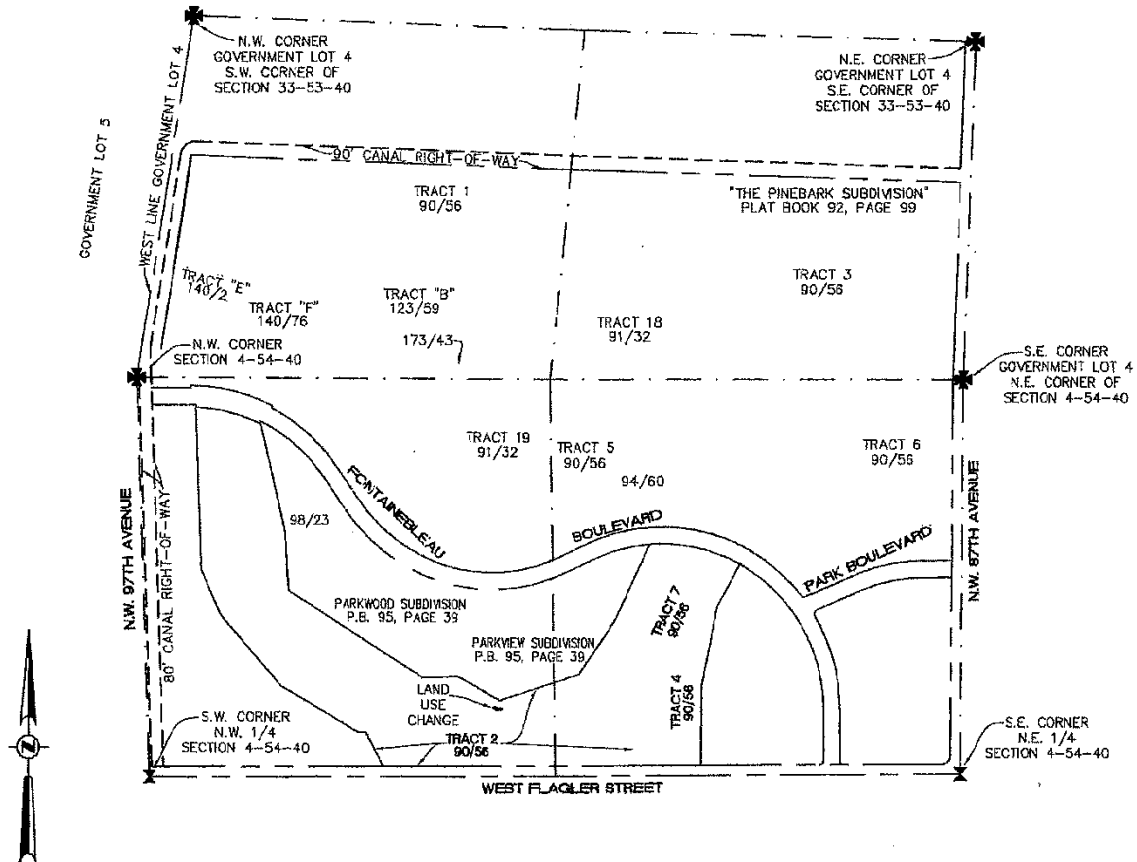
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☒ JOHN P. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA



SKETCH AND LEGAL DESCRIPTION
BY
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E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT

SCALE: 1"=1,000' (LOCATION MAP)

ORDER NO: 52160-3

DATE: 01/26/09

ADDITIONAL PARK PARCEL TWO

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 2 OF 3

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THROUGH 3 INCLUSIVE



SKETCH AND LEGAL DESCRIPTION

BY
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LEGAL DESCRIPTION: ADDITIONAL PARK PARCEL TWO

A PORTION OF TRACT 2 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF SAID TRACT 2 AND ON SAID NORTH RIGHT-OF-WAY LINE 712.25 FEET; THENCE NORTH 04°29'33" EAST, ON A LINE RADIAL TO THE NEXT DESCRIBED CURVE, 378.94 FEET TO THE POINT OF BEGINNING, A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,441.29 FEET AND A CENTRAL ANGLE OF 02°20'40" AN ARC DISTANCE OF 58.97 FEET; THENCE SOUTH 71°58'56" WEST 31.84 FEET; THENCE NORTH 61°07'09" WEST 32.44 FEET TO THE POINT OF BEGINNING.
389 SQUARE FEET, 0.0089 ACRES.

NOTES:

- 1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT

SCALE: N/A

ORDER NO.: 52160-3

DATE: 01/2 /09

ADDITIONAL PARK PARCEL TWO

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 3 OF 3

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52



CONCEPTUAL SITE PLAN

N. W. 87th AVE

NO. 1 PLANT
OF THE

OLR

