OPINION OF TITLE

To: MIAMI-DADE COUNTY

With the understanding that this Opinion of Title is furnished to MIAMI-DADE COUNTY, as an inducement for the acceptance the Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement or in compliance with Chapter 28 and as an inducement for acceptance of a proposed final subdivision plat covering, covering the real property, hereinafter described, it is hereby certified that I have examined a Complete Title Report issued by Chicago Title Insurance company covering the period from beginning to December 17, 2001, at 11:00 P.M.and update status of agent's title report covering the period from March 29, 2001 through March 28, 2002 , and Attorneys Title Insurance Fund computer update from March 28, 2002 through July 4, 2002, at 11:00 P.M. inclusive as to the East ½ and a Prior Title Policy No. OPM-1876663 issued by Attorneys Title Insurance Fund dated the 1st day of June, 2000 11:00 P.M., and Attorneys Title Insurance Fund computer updates covering the period from June 1, 2000 through July 4, 2002 at 11:00 P.M. inclusive as to the West ½ of the following described property and further, have examined an up-dated title search covering a period from January 1, 2001 through December 25, 2002, on both the East and the West ½ of the following described preperty:

The East ½ and the West ½ of Tract 5, of MIAMI EVERGLADES LAND CO. SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, at Page 3, in Section 29, Township 54 South, Range 39 East of the Public Records of Miami-Dade County, Florida.

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Countryside Investments, L.L.C., a Florida Limited Liability Company

Note: **Parties comprising the Limited Liability Company who are authorize to execute:**

Shepard Enterprises, Inc., a Florida corporation, Manager Member, Antonio Sarmiento, President.

Ashtiff Investments, Inc., a Florida corporation, Manager/Member, Antonio Pou, President

And

Marcel Investments, Inc., a Florida corporation, Manager/Member, Juan Carlos Uribarri, President

Subject to the following liens, encumbrances, and other exceptions:

1. **RECORDED MORTGAGES:**

Florida Real Estate Mortgage, Assignment of Leases and Rents and Security Agreement, dated January 18, 2002, filed for record January 29, 2002, in O. R. Book 20167, at Page 3419, of the Public Records of Miami-Dade County, Florida.

Florida Real Estate Mortgage, Assignment of Leases and Rents and Security Agreement dated September 13, 2001, filed for record September 20, 2001, in O. R. Book 19909, at Page 0357, of the Public Records of Miami-Dade County, Florida.

Mortgage Assumption Agreement in favor of Mortgagee on that certain Florida Real Estate Mortgage Assignment of Leases, Rents and Security Agreement dated September 13, 2001, recorded in O. R. Book 19909, at Page 0357, of the Public Records of Miami-Dade County, Florida, which said Mortgage Assumption Agreement was recorded in O. R. Book 20437, at Page 0695, of the Public Records of Miami-Dade County, Florida,

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

NONE

3. **GENERAL EXCEPTIONS**

a. All taxes for the year in which this opinion is rendered, have been paid with the exception of: **As to the West ½, Folio No. 30-49290010051, 2001** Real Estate Taxes due, Tax Certificate No. 33012 in the amount of

$9,526.36, and **2002** Real Estate Taxes, in the amount of $10,176.08 both figures are good through January 31, 2003 and **As to the East ½, Folio No. 30-49290010050, 2002** Real Estate Taxes due, in the amount of $10,176.08, through January 31, 2003.

b. Rights of persons other than the above owners who are in possession.

c. Facts that would be disclosed upon accurate survey.

d. Any unrecorded labor, mechanics' or materialmens' liens.

e. Zoning and other restrictions imposed by governmental authority.

4. **SPECIAL EXCEPTIONS**

As to the East ½:

a. Terms, conditions and easements appearing on the Plat of MIAMI EVERGLADES LAND COMPANY'S SUBDIVISION, a subdivision according to the Plat thereof as recorded in Plat Book 2, at Page 3, of the Public Records of Miami-Dade County, Florida.

b. Ordinance No. 83 24 relating to Comprehensive Development Master Plan recorded May 9, 1983, in Official Records Book 18781, at Page 1422, of the Public Records of Miami-Dade County, Florida.

c. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

d. Ucc-Financing Statement in favor of UNION PLANTERS BANK, filed for record in O. R. Book 20167, at Page 3447.

e. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

NOTE: All of the recording information contained herein refers to the Public Records of Miami-Dade County, Florida, unless otherwise indicated.

As to the West ½:

a. Assignment of Easements Agreement and other rights recorded in O. R. Book 14906, at Page 1117, of the Public Records of Miami-Dade County, Florida.

b. Restrictions, conditions, reservations, easements and other matters contained on the Plat of Miami Everglades Land Co., Ltd., as recorded in Plat Book 2, at Page 3, of the Public Records of Miami-Dade County, Florida.

c. Affidavits of Disclosure recorded in O. R. Book 19104, at Page 3774, O. R. Book 19104, at Page 3776, O. R. Book 19104, and at Page 3778, of the Public Records of Miami-Dade County, Florida.

NOTE: The land described in this Opinion falls within the Miami-Dade Lake Belt Area or within two miles thereof as defined in Florida Statute Chapter 373.4149.

d. Lake Belt Area Affidavit for Miami-Dade County filed April 6, 2000, in O. R. Book 19058, at Page 312, of the Public Records of Miami-Dade County, Florida.

e. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

f. UCC-1 Financing Statement in favor of Union Planters Bank, N.A., filed for record in O. R. Book 19909, at Page 379, of the Public Records of Miami-Dade County, Florida.

NOTE: All of the recording information contained herein refers to the Public Records of Miami-Dade County, Florida, unless otherwise indicated.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

None of the exceptions listed above will restrict the use of the property for the purposes listed in the application.

The following is a description of the aforementioned Complete Title Search as to the East ½ :

Number	Company Certifying	Period Covered
300102627	Chicago Title Insurance Company	Beginning to December 17, 2001 at 11:00 P.M.
300102627	Chicago Title Insurance Company	December 17, 2001, at 11:00 P.M. to March 28, 2002, at 11:00 P.M.
Title Search -	Attorneys Title	March 01, 2002 to July 04, 2002.
Title Search -	Attorneys Title	January 1, 2001 to December 25, 2002.

The following is a description of the aforementioned Complete Title Search as to the West ½ :

Number	Company Certifying	Period Covered
Prior Policy #OPM-1876663 -	Attorneys Title	Beginning to June 1, 2000
Title Search -	Attorneys Title	June 1, 2000 to July 9, 2001
Title Search -	Attorneys Title	June 1, 2000 to August 26, 2001
Title Search -	Attorneys Title	August 26, 2001 to March 31, 2002.
Title Search -	Attorneys Title	March 01, 2002 to July 4, 2002.
Title Search -	Attorneys Title	January 1, 2001 through December 25, 2002.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted this 31st day of January, 2003.

SIGNATURE

OSCAR R. RIVERA
PRINTED SIGNATURE

FLORIDA BAR NO. 329193
SIEGFRIED, RIVERA, LERNER, DE LA TORRE & SOBEL, P.A.
201 Alhambra Circle, Suite 1102
Coral Gables, Florida 33134
ADDRESS
(305)442-3334
PHONE NUMBER

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 31st day of January, 2003, by **OSCAR R. RIVERA,** who is personally known to me.

NOTARY PUBLIC

PRINT NAME

MARANA C. DE VARONA
MY COMMISSION # DD 125666
EXPIRES: July 17, 2006
Bonded Thru Notary Public Underwriters

My Commission Expires:

An Analysis of Development Impact on Surrounding Educational Infrastructure and Future Capacity Availability

William P. Calvert, Trustee, Z01-235- 10 Acres located at the SW corner of SW 162 Avenue and SW 56 Street

Schools Impacted:	MSDCPS student calculations
Bowman Foster Ashe Elementary	15
Howard Doolin Middle	7
Miami Sunset Sr. (12) } Felix Varela Sr.(9-11) }	6
Total Projected Student Impact	28

1. **Student calculation** – In general, Miami Dade County Public Schools (MDCPS) bases its student calculation on the difference between the number of students to be generated from the proposed application and the number of students to be generated from units that can be built as a matter of right without a public hearing. In this case, the MDCPS student calculation is based on the total number of units proposed because only 2 residential units are currently allowed under the existing AU designation. Therefore the calculations of the students to be generated based on 60 townhouse units is a total 28 students.

2. **Availability of Future School Facilities** – MDCPS is currently constructing Lamar L. Curry Middle School on a 30 acre site located at SW 47 Street and SW 157 Avenue, which will include 1495 new student stations and is scheduled for occupancy in Fall 2003. MDCPS is also currently constructing John A. Ferguson Senior High School on a 60 acre site located at SW 56 Street and SW 162 Avenue, which will include 2858 new student stations and is scheduled for occupancy in Fall 2004. A major addition to Robert Morgan, S/S "HHH", will provide for an additional 2504 student stations. MDCPS indicates that this school will be an academy model serving students south of Flagler Street. Therefore, it may not provide relief exclusively to Miami-Sunset or Varela but based on its location clearly will provide 2504 new student stations in this specific area. Either the students from this proposed development will be directly served by S/S HHH or indirectly served since there will be less students at Miami-Sunset, Varela, Ferguson and other surrounding senior highs.

   MDCPS owns several pieces of land in the general vicinity of the proposed development which are suitable for the construction of additional school facilities should it be determined that such additional capacity is warranted, e.g. a 25 acre site located at SW 45 street and SW 157 Avenue, a 10 acre site located at SW 52 Street

and SW 162 Avenue and identified in the District's 5-year work program as a future elementary school. Additionally, on October 19, 2001, MDCPS filed an application with the federal government to obtain a portion of federally surplused land located at 13601 SW 176 Street, which MDCPS staff has indicated is suitable for middle school use. Further, the School Board has appropriated funds for proposed middle school YY1 in its five year work program.

Finally, with the approval of the zoning application for Cropseyville Corporation N.V. by Community Council 11 on October 10, 2001, a 12 acre site was designated within the site plan as a future school site. The location of the site at SW 96 Street and SW 167 Avenue provides yet another opportunity for additional educational infrastructure within this immediate area.

3. **Additional Capacity through Charter Schools** — There are currently 18 charter schools in Miami-Dade County, with a total enrollment of approximately 5500 students. Twelve additional charters are scheduled to open within the next two years and 29 additional applications have been filed. If all 59 schools are ultimately opened these charters would provide more than 49,000 public school student stations throughout the county. Further, the District's recently adopted board rule on site selection approved by the School Board on 12/12/2001 specifically requires that one of the criteria to be used in evaluating and selecting site for locating educational facilities shall address "Whether there are pending or approved charter school applications which would impact the proposed educational facility..." Board Rule 6Gx13-2C-1.083

4. **Impact Fees**: This development will pay school impact fees based on the square footage of the units. Based on the adopted formula [$600 + (.90 X Unit Size)] X 1.02 this development will pay approximately $ 141,372 in school impact fees for 60 TH units of an average size of 1900 sq. ft. or approximately 37% of the capital cost indicated in the MDCPS analysis. This amount represents the development's "fair share" capital cost, as defined by Miami Dade County's School Impact Fee Ordinance. The remaining 63% of the capital costs will be recovered over time through state funding of capital facilities through PECO and CO&DS funds, property tax payments based on the District's local option millage levy (LOML) and property tax payments on bond issues.

In summary, we offer that this development application is in compliance with the CDMP regarding its impacts to the educational facilities within the surrounding area for the following reasons:

- **This development will pay approximately $ 141,372 in school impact fees.**
- **The proposed application, as analyzed by MDCPS, would generate a net gain of 28 students in an area where MDCPS currently owns several school sites suitable for development and therefore has the ability to provide for expanded infrastructure more readily than in many other areas of the county.**
- **There are several MDCPS owned sites in the area available for the construction of additional educational facilities, 1 planned and funded elementary school, 1 middle school currently under construction (1495 student stations), 2 planned and funded relief middle schools called for in the District's 5 year work plan in the immediate vicinity and the construction of additional 5362 funded senior high school student stations is in progress (2858 J. Ferguson Senior High + 2504 HHH).**

#2002-83

LAW OFFICES
BERCOW & RADELL
PROFESSIONAL ASSOCIATION

FIRST UNION FINANCIAL CENTER, SUITE 850
200 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131

JEFFREY BERCOW
BEN J. FERNANDEZ
MICHAEL W. LARKIN
GRAHAM C. PENN
MICHAEL E. RADELL
MARK A. ROTHENBERG

JANA K. McDONALD
OF COUNSEL

TELEPHONE (305) 374-5300
FAX (305) 377-6222

DIRECT LINE: (305) 377-6235
E-MAIL BFERNANDEZ@BRZONINGLAW.COM

VIA FACSIMILE & US MAIL

Zoning Hearing Section
PZZONEHEAR

RECEIVED
JUL 10 2002
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

July 8, 2002

Ms. Lynne Talleda
Zoning Hearings Section Supervisor
Department of Planning & Zoning
Stephen P. Clark Center
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

RE: William P. Calvert Application - PH # 01-235

Dear Ms. Talleda:

Pursuant to Section 33-311 of the Miami-Dade County Code, enclosed herewith is a report prepared by Creative Land Development. Please be advised that Ms. Tabitha Fazzino will be basing her testimony at the public hearing scheduled for July 24, 2002, concerning the captioned matter in part on this report.

Sincerely,

Ben Fernandez

BF/bl