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JUN 03 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By

DEPARTMENT OF PLANNING AND ZONING
APPLICATION FOR SUBSTANTIAL COMPLIANCE DETERMINATION

Section 32 Township 52 Range 42 Folio number (s): 30-2232-000-0080

(1) Applicant Name Belfonti Companies

Mailing Address 2319 Whitney Avenue, Suite 1A

City Hamden State CT Zip Code 06518

Telephone Number 203-230-1600 Fax Number 203-407-3949

E-Mail Address: mb@belfonti.com

(2) Name of Property Owner 11200 Biscayne, LLC

Owner's Mailing Address 9551 E. Bay Harbor Drive

City Bay Harbor Islands State FL Zip Code 33154

Owner's Telephone Number 305-861-8085 Fax Number 305-

(3) Contact Person Matthew Amster, Esq.

Contact Person's Mailing Address Bercow Radell & Fernandez, 200 S. Biscayne Blvd., Suite 850

City Miami State FL Zip Code 33131

Contact Person's Telephone Number 305-377-6236 Fax Number 305-377-6222

Contact Person's Email Address MAmster@brzoninglaw.com

(4) Location of Subject Property 11150 Biscayne Blvd

Size of Property (_____) X (_____) or 6.115 Acres

(5) Legal Description of the Property:
See Exhibit A

(6) State in brief and concise language the justification for proposed deviation from the approved plans.

See attached letter of intent

SUBSTANTIAL COMPLIANCE DETERMINATION APPLICATION

PLANS INFORMATION

(7) Name of Plan Esplanade – Proposed Multifamily Project (Miami 112 on landscape plans)

Plans Prepared By Frances Anillo Toledo, LLC Architecture and Planning, and EGS2 Corp. Landscape Architecture

Number of Pages 21 including landscape plans

ZONING INFORMATION

(8) Property Zoning RU-4A / BU-1A

Type of Development Multifamily Residential

Residential: Total Number of Units 402 Office: Total sq. ft. N/A

Business: Total sq. ft. N/A Industrial: Total sq. ft. N/A

Applicable Resolution(s) (attach copy)
CZAB7-1-14

Applicable Covenant(s) (Official Record Book and Page Number (s)) (attach copy)
Declaration of Restrictions Including Workforce Housing – ORB 29416 Page 3540

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APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

****

OWNER OR TENANT AFFIDAVIT

(I)(WE), N/A, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

Sworn to and subscribed to before me this _____ day of _____, _____.

Notary Public:

Commission Expires:

****

CORPORATION/LLC AFFIDAVIT

(I)(WE), Mark Calabro, Manager of Belfonti Companies, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation/LLC, and as such, have been authorized by the corporation/LLC to file this application for public hearing; and that said corporation/LLC is the ☒ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest:

Authorized Signature

Manager

(Corp. Seal)

Sworn to and subscribed to before me this 28 day of May, 2015.

Notary Public:

Commission Expires: March 31, 2020

****

PARTNERSHIP AFFIDAVIT

(I)(WE), N/A, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

(Name of Partnership)

By _____ %

By _____ %

By _____ %

By _____ %

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DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By

Sworn to and subscribed to before me this _____ day of _____, _____.

Notary Public:

Commission Expires:

****

ATTORNEY AFFIDAVIT

I, Ben Fernandez, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me this 1st day of June, 2015.

Notary Public:

Commission Expires

BETTY LLERENA
Notary Public - State of Florida
My Comm. Expires Mar 5, 2018
Commission # FF 078662

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

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OWNER OR TENANT AFFIDAVIT

(I)(WE), N/A, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

Sworn to and subscribed to before me this _____ day of _____, _____.

Notary Public:

Commission Expires:

****

CORPORATION/LLC AFFIDAVIT

(I)(WE), Mark Calabro, Manager of Belfonti Companies, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation/LLC, and as such, have been authorized by the corporation/LLC to file this application for public hearing; and that said corporation/LLC is the ☒ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest:

Authorized Signature

Manager

(Corp. Seal)

Sworn to and subscribed to before me this 28 day of May, 2015.

Notary Public:

Commission Expires: March 31, 2020

****

PARTNERSHIP AFFIDAVIT

(I)(WE), N/A, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

(Name of Partnership)

By _____ %

By _____ %

By _____ %

By _____ %

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Sworn to and subscribed to before me this _____ day of _____, _____.

Notary Public:

Commission Expires:

****

ATTORNEY AFFIDAVIT

I, Matthew Amster, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me this 1st day of June, 2015

Notary Public:

Commission Expires:

BETTY LLERENA
Notary Public - State of Florida
My Comm. Expires Mar 5, 2018
Commission # FF 078662

DISCLOSURE OF INTEREST*

If a CORPORATION/LLC owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION/LLC NAME: Belfonti Companies

NAME AND ADDRESS	Percentage of Stock
Michael Belfonit, Manager	100
2319 Whitney Ave, Suite 1A	
Hamden, CT 06518	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the 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 N/A

NAME AND ADDRESS	Percentage of Interest
N/A	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

NAME AND ADDRESS	Percentage of Ownership
N/A	

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If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: Belfonti Companies

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
Michael Belfonti ~~Mark Calabro~~, Manager	100
2319 Whitney Ave, Suite 1A	
Hamden, CT 06518	

Date of contract: 2/25/2015

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 any 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.

Signature: [signature]
(Owner)

Sworn to and subscribed before me this 28 day of May, 20 15. Affiant is personally know to me or has produced _____ as identification.

[signature]
(Notary Public)

My commission expires: March 31, 2015

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By [signature]
Seal

*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.

OWNERSHIP AFFIDAVIT
FOR
CORPORATION/LLC

STATE OF Florida **Public Hearing No.**

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Irwin Tauber, Manager of 11200 Biscayne, LLC hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation/LLC, with the following address: 9551 East Bay Harbor Drive, Bay Harbor, FL 33154.
2. The Corporation/LLC owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:

   See attached Exhibit A

4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

CAROLINA BATAFARANO.
Print Name

Signature

Isaac Taub
Print Name

Affiant's signature

IRWIN TAUBER.
Print Name

Sworn to and subscribed before me on the 2nd day of June 20 15.

Affiant is personally known to me or has produced personally known as identification

Notary Joanne Alonso

(Stamp/Seal)

Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
JOANNA ALONSO
MY COMMISSION # FF 117212
EXPIRES: April 28, 2018
Bonded Thru Budget Notary Services

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[L:forms/afficorp.sam (1/04)]

DISCLOSURE OF INTEREST*

If a CORPORATION/LLC owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION/LLC NAME: 11200 Biscayne, LLC

NAME AND ADDRESS	Percentage of Stock
2012 Dynasty Trust - Irwin E. Tauber, Trustee, 9551East Bay Harbor Dr, Bay Harbor, FL 33154	39%
Laura Tauber, 9551East Bay Harbor Dr, Bay Harbor, FL 33154	20%
Roger Sherr, 9551East Bay Harbor Dr, Bay Harbor, FL 33154	20%
Stuart Sherr, 9551East Bay Harbor Dr, Bay Harbor, FL 33154	20%
IT Holdings, Inc. (100% owned by Irwin E. Tauber) 9551East Bay Harbor Dr, Bay Harbor, FL 33154	1%

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the 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 N/A

NAME AND ADDRESS	Percentage of Interest
N/A	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

NAME AND ADDRESS	Percentage of Ownership
N/A	

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NAME OF PURCHASER: Belfonti Companies

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
Michael Belfonit, Manager	100
2319 Whitney Ave, Suite 1A	
Hamden, CT 06518	

Date of contract: 2/25/2015

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 any 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.

Signature: _____
(Owner)

Sworn to and subscribed before me this 2nd day of June, 2015. Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires: _____

NOTARY PUBLIC STATE OF FLORIDA
JOANNA ALONSO
MY COMMISSION # FF 117212
EXPIRES: April 28, 2018
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*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 A

LEGAL DESCRIPTION:

PARCEL A:
THE NORTH 45.40 FEET OF THE SOUTH ½ OF TRACT "A", LESS THE WEST 35 FEET FOR RIGHT-OF-WAY, OF THE REVISED PLAT OF SEARENTO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 21, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL B:

PARCEL 1:

THE PART OF THE SOUTH ½ OF TRACT "A" OF REVISED PLAT OF SEARENTO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 21, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF BISCAYNE BOULEVARD WHICH POINT IS 55.07 FEET WEST OF THE CENTER LINE OF BISCAYNE BOULEVARD AND 50 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTH ½ OF TRACT "A" OF SEARENTO. THENCE RUN WEST PARALLEL WITH AND 45.40 FEET SOUTH OF THE NORTH LINE OF THE SAID SOUTH ½ OF TRACT "A" A DISTANCE OF 794.41 FEET TO THE WEST LINE OF THE SAID SOUTH ½ OF TRACT "A"; THENCE RUN SOUTH AND ALONG THE WEST LINE OF SAID SOUTH ½ OF TRACT "A" OF SEARENTO A DISTANCE OF 119.65 FEET TO THE SOUTHWEST CORNER OF SAID SOUTH ½ OF TRACT "A" OF SEARENTO; THENCE RUN EAST AND ALONG THE SOUTH LINE OF SAID SOUTH ½ OF TRACT "A" TO THE WEST LINE OF BISCAYNE BOULEVARD; THENCE RUN NORTHEASTERLY AND ALONG THE WEST LINE OF BISCAYNE BOULEVARD A DISTANCE OF 131.73 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL 2:

BEGINNING AT A POINT 825 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTH ½ OF THE NORTHEAST ¼ OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE SOUTH ½ OF TRACT "A" OF SEARENTO ACCORDING TO THE REVISED PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 21 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH ALONG THE WEST LINE OF THE SOUTH ½ OF THE NORTHEAST ¼ OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST A DISTANCE OF 47.4 FEET; THENCE RUN EAST A DISTANCE OF 717.90 FEET MORE OR LESS TO THE WEST LINE OF BISCAYNE BOULEVARD WHICH SAID POINT ON THE WEST LINE OF BISCAYNE BOULEVARD IS 55.05 FEET WEST OF THE CENTER LINE OF BISCAYNE BOULEVARD; THENCE RUN NORTHEASTERLY AND ALONG THE WEST LINE OF BISCAYNE BOULEVARD 53.09 FEET TO THE SOUTHEAST CORNER OF THE SOUTH ½ OF TRACT "A" OF SEARENTO; THENCE RUN WEST AND ALONG THE SOUTH LINE OF SAID SOUTH ½ OF TRACT "A" OF SEARENTO TO THE SOUTHWEST CORNER OF SAID SOUTH ½ OF TRACT "A" OF SEARENTO, BEING THE POINT OF BEGINNING; SAID TRACT OF LAND BEING IN THE SOUTH ½ OF THE NORTHEAST ¼ OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST.

LESS THAT PORTION OF THE PROPERTY CONVEYED TO MIAMI-DADE COUNTY BY DEED RECORDED IN OFFICIAL RECORDS BOOK 9031, PAGE 1929, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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EXHIBIT A

PARCEL C:

WEST 3 ACRES OF SOUTH 2.5 CHAINS OF NORTH 5 CHAINS OF SOUTH QUARTER (S ¼) OF NORTHEAST QUARTER (NE ¼) OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST; THENCE NORTH 330 FEET FOR THE POINT OF BEGINNING; THENCE EAST 708.8 FEET TO THE CENTER OF THE ROAD KNOWN AS EAST DIXIE HIGHWAY; THENCE NORTHEASTERLY ALONG THE CENTER OF SAID HIGHWAY TO A POINT 165 FEET NORTH OF THE SOUTH LINE OF THIS PROPERTY, IF PRODUCED EASTERLY; THENCE WEST 781.45 FEET TO THE WEST BOUNDARY LINE OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST; THENCE SOUTH 165 FEET TO THE POINT OF BEGINNING, SITUATE IN MIAMI-DADE COUNTY, FLORIDA.

LESS AND EXCEPT:

THE SOUTHEASTERLY 35 FEET RESERVED FOR RIGHT-OF-WAY FOR BISCAYNE BOULEVARD, AND ALSO BEING LESS PORTIONS CONVEYED TO MIAMI-DADE COUNTY, BY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 9031, PAGE 1927 AND IN OFFICIAL RECORDS BOOK 9031, PAGE 1931, BOTH OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FURTHER LESS AND EXCEPT A PORTION CONTAINED IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 20432, PAGE 3886, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: THE SOUTHEASTERLY 4.572 METERS (15.00 FEET) OF THE SOUTH ONE-HALF (S ½) OF THE NORTH ONE-HALF (N ½) OF THE SOUTH ONE-QUARTER (S ¼) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, LYING NORTHWESTERLY OF AND ADJOINING THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BISCAYNE BOULEVARD/STATE ROAD 5, ACCORDING WITH A 10.668 METER (35.00 FEET) RIGHT-OF-WAY DEDICATION BY THE CITY OF MIAMI RESERVED IN DEED BOOK 1631, PAGE 178, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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