COUNTY COMMISSION
ZONING AGENDA OF February 24, 2005
EXHIBITS SUBMITTED FOR THE RECORD

B. **BMS OJUS L.L.C. (04-10-CZ2-2/04-67)**

EXHIBIT:A One folder with appeal information regarding The OJUS Homeowners Association, Inc.

EXHIBIT:B One Ojus packet with streetscape design standards for Ojus, Fl.
EXHIBIT:C One BMS Ojus LLC handout regarding information.
EXHIBIT:D One site plan from BMS OJUS of West Dixie Highway & NE 195 Street.
EXHIBIT:E One packet of information regarding re-opening the NE 199 Street Railroad Crossing.
EXHIBIT:F One resume for Jack Luft.
EXHIBIT:G One resume for Andrew Dolkart.
EXHIBIT:H One resume of Lewis E. Aqui R., ASLA.
EXHIBIT:I One resume of Deena R. Bell, ASLA.
EXHIBIT:J One resume for Clyde W. Judson, Jr.
EXHIBIT:K One folder from Robert Wyman with background information regarding the application.
EXHIBIT:L One packet from Miles Elliot Moss, P.E.
EXHIBIT:M One paper with a Dade County rule for Zoning.
EXHIBIT:N One packet with notification letters regarding witness testimonies and reports.
EXHIBIT:O One letter to Diane Williams about modified notification letter regarding expert witness testimony.
EXHIBIT:P One surveyor's affidavit for Arturo Sosa.
EXHIBIT:Q Three page document to Ms. Williams regarding the OJUS Charette report.
EXHIBIT:R One site plan of the north district for the Ojus application.
EXHIBIT:S One summary of security features for self-storage facility.
EXHIBIT:T One site plan for west Dixie highway & NE 195th street.
EXHIBIT:U One legal description of the application area.

Submitted for the record this 25th day of February, 2005.

ATTEST:

HARVEY RUVIN, CLERK
Clerk of Circuit and County Courts

By M. Tates
Deputy Clerk

COUNTY COMMISSIONERS DADE COUNTY FLORIDA

TRANSFERRED TO THE CARE, CUSTODY AND CONTROL OF THE DEPARTMENT OF PLANNING AND ZONING.

RECEIVED BY: 2/25/05 Franklin Gutierrez 2/25/05
(SIGN) **(DATE)** **(PRINT)** **(DATE)**

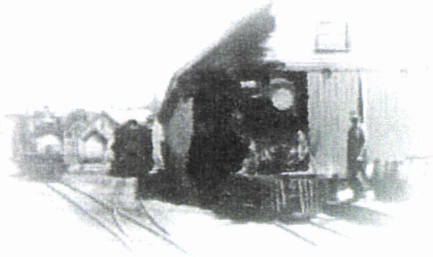
Received by the Clerk
for the record.
FEB 24 2005
Item B
Exhibit B
Appl. (04-10-CZ2-2/04-67)

STREETSCAPE

DESIGN STANDARDS FOR OJUS, FLORIDA

A PROPOSAL BY BMS OJUS, LLC.

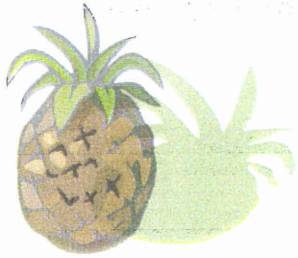
OJUS - 1895



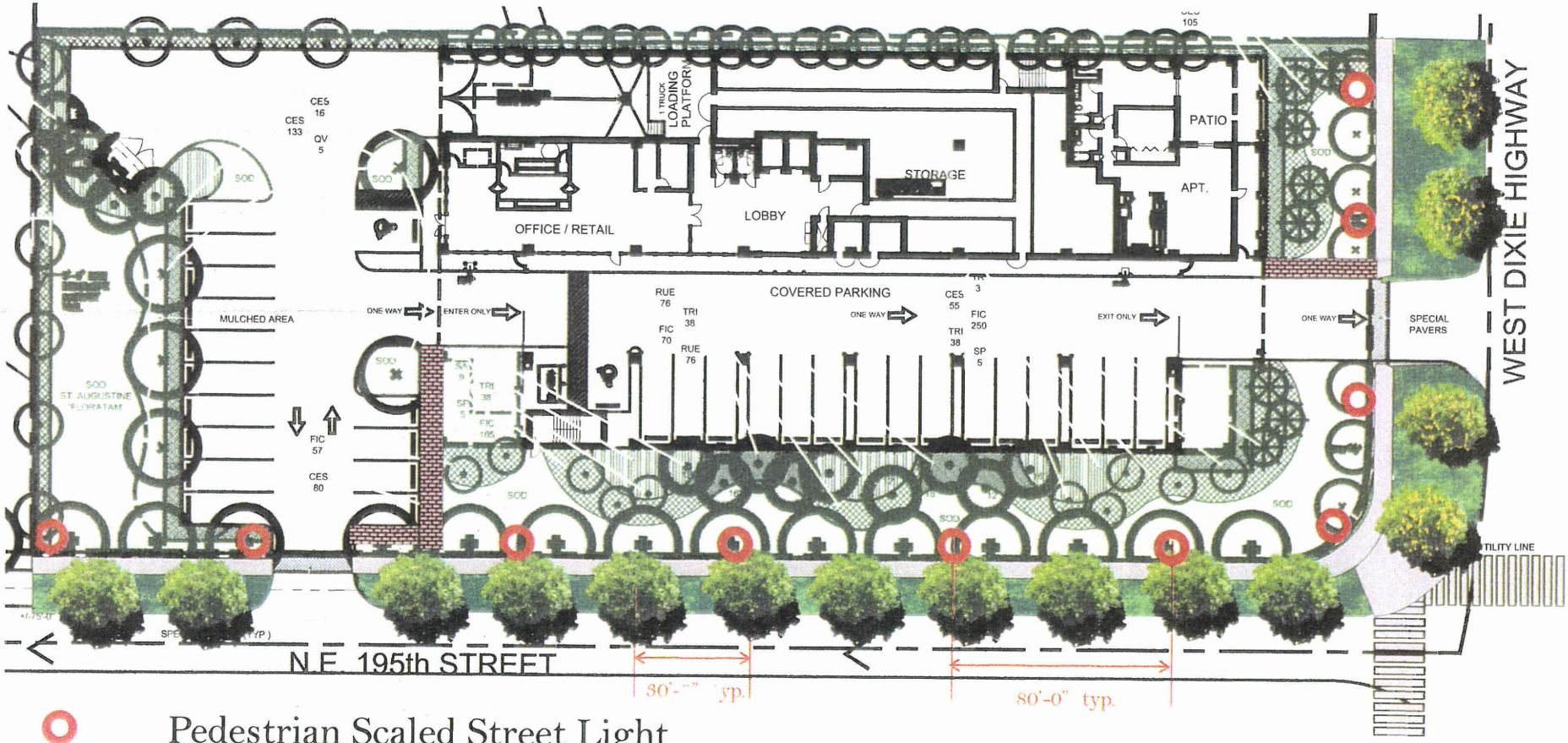
The town of Ojus traces its founding to Henry Flagler's Railroad, when in 1895 the Flagler railway was extended to Lemon City and stations were located in Fulford and what was to become Ojus. Two years later, the town was officially named by Albert Fitch, a pineapple farmer, after the Seminole Indian word for "plenty".

The town thrived on raising crops of all types including sugar cane, tomatoes, beans, peas and tropical fruits. The railroad was its lifeline and products were shipped out while new residents seeking jobs in farming and mining of limestone moved in.

Recalling the historical roots of Ojus, a design theme is proposed that evokes elements of the turn of the century Ojus railroad station with the hooded steel platform lights and old brick paving over which the steel rimmed baggage carts hauled trunks, supplies and outgoing produce shipments.



Native landscape material found in hammocks cleared for the farms and today in nearby Greynolds Park and the Oleta River State Park complete the streetscape vocabulary.



Pedestrian Scaled Street Light

Standard Concrete Walkway

Interlocking Paver Walkway

Turf grass / swale & parkway

Street Tree - Cuban Tamarind

Boulevard Tree - Yellow Poinciana

Prototype Streetscape Installation

West Dixie Highway and 195th Street

OJUS STREETSCAPE

TYPICAL PLAN VIEW

CONCRETE CURB
SET 1/4" (7 MM) BELOW TOP OF PAVERS
AND CONTROL JOINTS @ 15' (5 M) OC

CONCRETE PAVER
2 3/8" (60 MM) MIN THICKNESS

GEOTEXTILE 12" (300 MM) WIDE, TURN UP AGAINST CURB

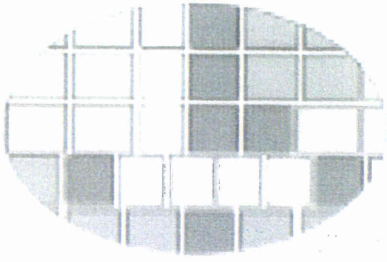
1" (25 MM) BEDDING SAND

COMPACTED AGGREGATE BASE
4" (100 MM) MIN THICKNESS

GEOTEXTILE AS REQUIRED

COMPACTED SOIL SUBGRADE

NOTE:
1. THICKNESS OF BASE WILL VARY WITH SUBGRADE CONDITIONS AND CLIMATE. COLDER CLIMATES MAY REQUIRE THICKER BASES.
2. CONSULT ICPI TECH SPEC 2 FOR GUIDELINES ON SPECIFICATIONS FOR BASE MATERIALS, SUBGRADE SOIL AND BASE COMPACTION.



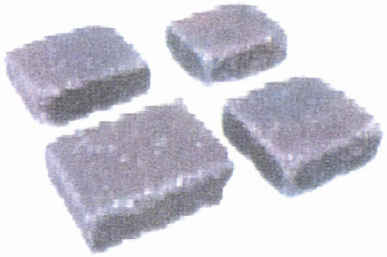
Random Pattern - Jericho Paver

OJUS STREETSCAPE
CROSS SECTION

℄

NE 195th Street Pavement | 12' Swale | 5' Walk | Private Property - entrance walkway

Public Street R.O.W.



Tumbled Jericho

Thickness: 2 3/8 inches (60 mm.)
Small Rectangular stone: 5 3/4 x 5 in.
Square Stone: 5 3/4 x 5 3/4 in.
Medium Rectangular Stone: 5 3/4 x 6 5/8 in.
Large Rectangular Stone: 5 3/4 x 7 1/4 in.
Jericho pavers are packaged together and have 92 sq. ft / cube.

TUMBLED PAVERS

Tumbled Pavers look like they have been carved from stone. Each block has been through a process that creates a weathered feeling. Tumbled pavers are an excellent choice for residential, commercial and municipal projects.

Paver Systems
7167 Interpace Rd.
West Palm Beach, FL 33407
Office (800) 226-0004
Fax (561) 844-5454
WWW.PAVERSYSTEMS.COM

Rustic Bay Color Mix

Typical Installation

The weathered appearance and mixed colors of the pavers masks stains and blemishes that arise over time in any public walkway improvement, making it easier to maintain.

OJUS STREETSCAPE

PEDESTRIAN WALKWAY PAVING
PRIVATE PROPERTY

DOME/DOME2

Luminaires in the DOME™ and DOME2™ series feature distinctive styling that allows them to integrate with different settings, enhancing an extensive range of projects.

The DOME features an acrylic refractor mechanically fastened inside a spun-aluminum hood by a quarter-turn Rotomatic™ system. The latter provides shock-absorption and watertightness thanks to the uniform distribution of pressure on a continuous silicone gasket.

The DOME2 luminaire features a cast-aluminum ballast base and a formed aluminum deflector.

The hood assembly, which includes a flat decorative spiral of rolled aluminum (DOMEC only) and a 2 3/8" (60 mm) curved round aluminum tube, is secured to a cast-aluminum pole adapter that accommodates 2 ballasts up to 175W.

Ease of maintenance
A unitized ballast tray (2 ballasts maximum) with quick-disconnect terminals is integrated in the pole adaptor for greater ease of maintenance.

Lumital surface treatment
All luminaires, mountings and poles are protected by the Lumital™ surface treatment, which involves the chemical preparation of all surfaces prior to the application of a coating of polyester-based textured powder for superior resistance.

LUMEC

To achieve a high level of customer satisfaction, Lumec designs and manufactures products according to the most stringent standards.

ISO 9002 Registered

The quality management system of Lumec is ISO 9002-94 registered with QMI.

640 Cure-Boivin
Boisbriand, Quebec
Canada, J7G 2A7
Tel : (450) 430-7040
Fax : (450) 430-1453
www.lumec.com

Sealyte Thomas Group LLC

Printed in Canada.

Luminaire

The DOME™ luminaire consists of an acrylic refractor mechanically fastened inside a spun-aluminum hood by a quarter-turn Rotomatic™ system, which provides shock-absorption and water-tightness through uniform pressure distribution on a continuous silicone gasket.

The DOME2™ luminaire features a cast-aluminum ballast base and a formed aluminum deflector.

The hood, with a rolled aluminum flat decorative spiral and a 2 3/8" (60 mm) curved round aluminum tube is assembled to the pole adaptor, which can accommodate 2 ballasts up to 175W.

The pole adaptor cap can be removed for easy access to the ballast assembly.

Configurations

Finishes

16 Standard Colors Available

The specially-formulated textured (TX) Lumital powder coat is available in a range of 16 standard colors. This unique coating of thermosetting polyester resins provides a highly-durable UV-resistant exterior finish as per ASTM G7.

Lumital coatings are specially formulated for outstanding salt-spray resistance according to ASTM B117 standards.

All surfaces are chemically treated using a four-step (aluminum) or six-step (steel) process prior to painting. Consult Lumec for complete specifications.

SC Special Color
Provide a 4" (102 mm) square color chip.

It is possible to order smaller minimal quantities of powder paint at a premium. Your representative will be able to tell you if a powder coating can be developed for your project.

Lumiseal, a biofriendly reactive organic conversion coating, is applied on all aluminum parts that are subject to salt-spray corrosion. Consult Lumec for complete specifications.

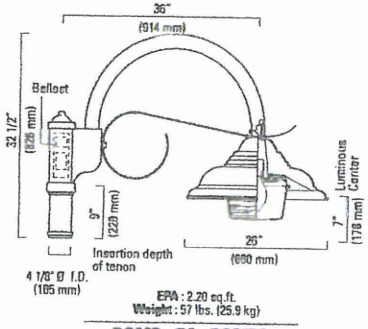
Please note that where quantities do not warrant it, Lumec reserves the right to use an oven-cured liquid polyurethane finish.

Optical Systems

D optics
Round refractor

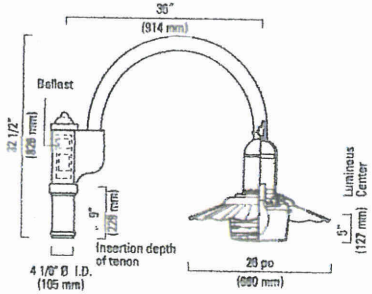
D5:	Symmetrical (V)
D3:	Asymmetrical (III)
D3D:	Asymmetrical (III) with deflector

(Lamps not included)



EPA : 2.20 sq.ft.
Weight : 57 lbs. (25.9 kg)

DOME - D3 - DOMEC



EPA : 2.20 sq.ft.
Weight : 57 lbs. (25.9 kg)

DOME2 - D3 - DOME2C

DOME and DOME2 luminaires are UL and CSA approved.

Lamp Guide

Wattage	DOME	DOME2
70 MH, medium	●	—
100 MH, medium	●	●
150 MH, medium	●	●
175 MH, mogul	●	●
35 HPS, medium	●	—
50 HPS, mogul	●	—
70 HPS, mogul	●	—
100 HPS, mogul	●	●
150 HPS, mogul	●	●

● *Remote ballast in mounting or pole base.*

DOME™ and DOME2™ series luminaires accommodate H.I.D. or incandescent lamps as shown in the above table.

The UL or CSA-recognized CWA-type ballast features a -30F° (-34C°) lamp-starting capacity, a power factor of 90% or better and a regulation of lamp within ±10% of rated input voltage. HPS ballasts operate within ANSI trapezoidal limits.

Luminaire Options

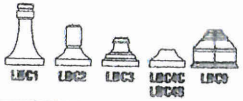
FS	Fusing (Consult factory)

Pole Options

HB	Hinged base (APR4, APS4, APR5 & APS5 poles only)
DR*	Duplex receptacle (120 volts only)
GR*	Duplex receptacle with ground fault interrupter (120 volts only)
PH	Photoelectric cell
LS*	Provision for loudspeaker outlet
BA*	Banner arm
IP	Interior paint (Pole only. Consult factory for applicable poles)
LBC	Optional base cover

* *Consult factory for feasibility with cast-aluminum shafts.*

Base covers for APR4 & SPR4 poles only (replace standard base cover).



Ordering Sample

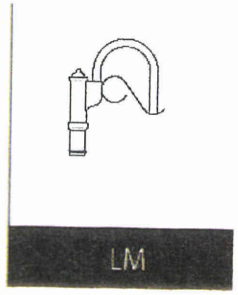
Lamp	Luminaire	Optical System	Voltage	Configuration	Pole	Finish	Options
70 HPS	DOME	D3	120	DOMEC-1A	R80-15	BKTX	FS

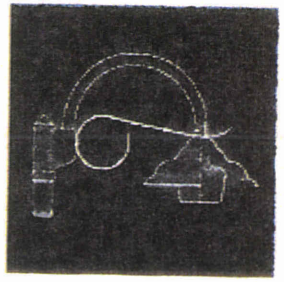
Lumec reserves the right to substitute materials or change the manufacturing process of its products without prior notification.

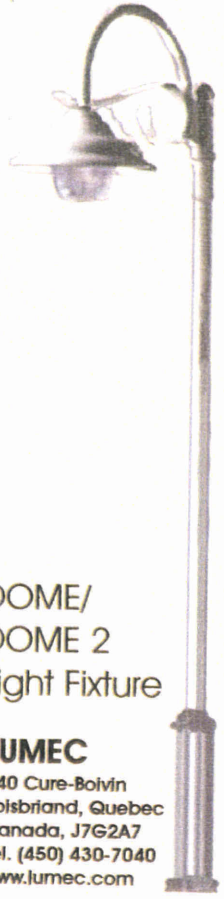
Registered Lumec inc.

OJUS STREETSCAPE

COMMERCIAL STREET LIGHTING
PRIVATE PROPERTY







DOME/
DOME 2
Light Fixture

LUMEC
640 Cure-Boivin
Boisbriand, Quebec
Canada, J7G2A7
Tel. (450) 430-7040
www.lumec.com

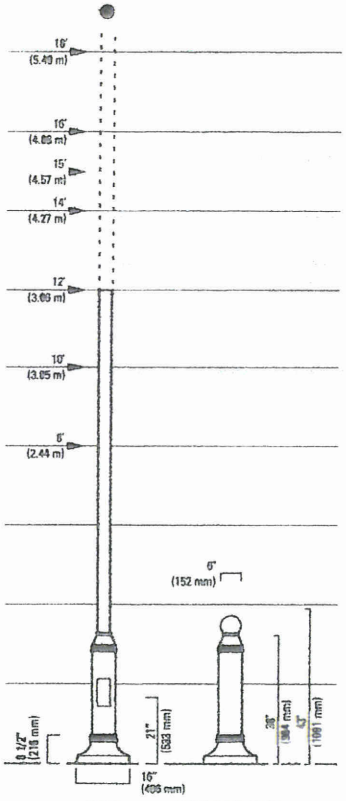
A high quality, long lasting fixture with easily maintained light elements and durable finishes is extremely important in high use public environments.

AM6

Round Aluminum Bottleneck Pole

Pole Guide

LUMEC

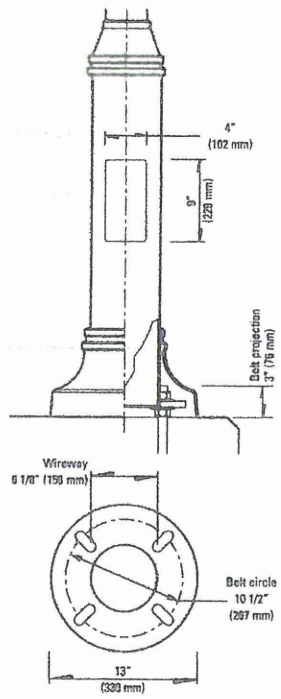


AM6 BORAM6-DSH

Non-luminous bollard

Bollard Anchor Bolts: 5/8-12 (16-305)

Base Details:



Comes with 4 anchor bolts, 8 nuts and washers.

B.C. from: 8 3/4" to 11" (222 to 279 mm)

Specifications:

Pole: made from a one-piece, seamless 4"-round (102 mm) tube of extruded aluminum welded over and in a 6 5/8"-round (168 mm) extruded-aluminum pole base.
The assembly is welded to both the top and bottom of a reinforced base cast from zinc-rich aluminum.
A 4" by 9" (102 by 229 mm) maintenance opening, complete with cover and copper ground lug, is centered 21" (533 mm) from the bottom of the anchor plate.
Joint cover: made from two pieces of cast aluminum mechanically fastened to the junction with stainless steel screws.
Base cover: made from two pieces of cast aluminum mechanically fastened to the base with stainless steel screws.
Finish: "Hot Dip" chemical etching preparation.
Lumitel polyester powder coat textured finish.
Available in 16 standard colors.
Durable UV-resistant exterior finish as per # ASTM G7 and outstanding salt-spray resistance according to # ASTM D2247 testing procedures.

Options:

- **DE:** Pole base buried 5' (1524 mm) in the ground (see details on page 83).
- **LS:** Provision for loudspeaker outlet
- **PH7:** Button-type photoelectric cell (specify operating voltage)
- **PH8:** Quarter-turn type photoelectric cell (specify operating voltage)
- **PH9:** Shorting cap for single phase only
- **DR:** Duplex receptacle (120V line volt. only)
- **GFI:** DR with common ground fault interrupter (120V line voltage only)
- **BA3XX:** One single banner arm
- **BAB3XX:** One single break-away banner arm
- **BADXX:** One double banner arm
- **BABDXX:** One double break-away banner arm

Note: EPA recommendations are calculated according to AASHTO standards and include a 30% gust factor, with a 50-lb. (22.7 kg) load applied at 1ft. (305 mm) above the center of the pole.
The maximum EPA rating shown is 30.0 sq. ft. Some poles may exceed this rating.
Bollard: The pole base is available with a **DSH** cast-aluminum decorative sphere (non-luminous).
For other options, please consult the factory.

Ordering Information

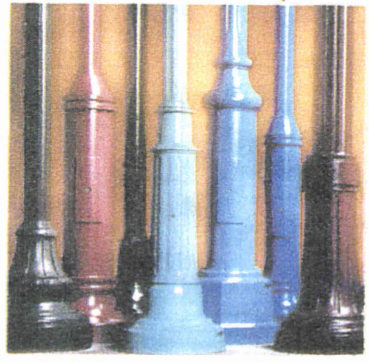
Catalogue number	Nominal height		Section		Wall thickness		Weight		EPA rating 70mph	80mph	100mph	Base size		Bolt circle		Anchor bolts	
	ft.	m	in.	mm	in.	mm	lbs.	kg	ft.²	ft.²	ft.²	in.	mm	in.	mm	in.	mm
AM6F-8	8	2.44	4	102	0.125	3.2	27	12	18.4	14.3	9.2	13	330	10 1/2	267	3/4-20	19-508
AM6U-8	8	2.44	4	102	0.226	5.7	37	17	30.0	25.0	16.3	13	330	10 1/2	267	3/4-20	19-508
AM6F-10	10	3.05	4	102	0.125	3.2	31	14	13.2	10.2	6.4	13	330	10 1/2	267	3/4-20	19-508
AM6U-10	10	3.05	4	102	0.226	5.7	41	19	23.4	18.0	11.3	13	330	10 1/2	267	3/4-20	19-508
AM6F-12	12	3.66	4	102	0.125	3.2	35	16	9.9	7.4	4.4	13	330	10 1/2	267	3/4-20	19-508
AM6U-12	12	3.66	4	102	0.226	5.7	45	20	15.8	11.8	7.3	13	330	10 1/2	267	3/4-20	19-508
AM6F-13	13	3.97	4	102	0.125	3.2	36	16	8.1	6.0	3.5	13	330	10 1/2	267	3/4-20	19-508
AM6U-13	13	3.97	4	102	0.226	5.7	46	21	13.1	9.9	5.9	13	330	10 1/2	267	3/4-20	19-508
AM6F-14	14	4.27	4	102	0.125	3.2	38	17	5.3	3.9	2.2	13	330	10 1/2	267	3/4-20	19-508
AM6U-14	14	4.27	4	102	0.226	5.7	48	22	8.7	6.5	3.9	13	330	10 1/2	267	3/4-20	19-508
AM6F-15	15	4.57	4	102	0.125	3.2	40	18	4.3	3.0	1.8	13	330	10 1/2	267	3/4-20	19-508
AM6U-15	15	4.57	4	102	0.226	5.7	50	23	7.3	5.3	3.0	13	330	10 1/2	267	3/4-20	19-508
AM6U-16	16	4.88	4	102	0.226	5.7	52	24	6.0	4.3	2.4	13	330	10 1/2	267	3/4-20	19-508
AM6W-16	16	4.88	4	102	0.318	8.1	74	34	7.9	5.8	3.2	13	330	10 1/2	267	3/4-20	19-508
AM6U-18	18	5.49	4	102	0.226	5.7	55	25	4.2	2.8	1.3	13	330	10 1/2	267	3/4-27	19-686
AM6W-18	18	5.49	4	102	0.318	8.1	87	39	5.6	3.9	2.0	13	330	10 1/2	267	3/4-27	19-686
AM6W-20	20	6.10	4	102	0.318	8.1	96	44	3.9	2.6	1.0	13	330	10 1/2	267	3/4-27	19-686

Other pole thicknesses are available for use with banner arms. Consult factory.
Lumec neither designs nor makes recommendations as to the design of concrete bases.

9-99

 Note: Lumec reserves the right to modify the above details to reflect changes in the cost of materials and/or production and/or design without prior notice.

The pole & light fixture are available in a variety of colors. A dark pastel blue is recommended.

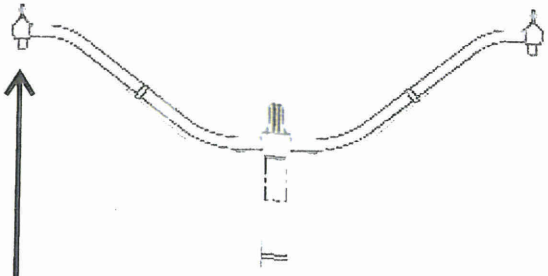


Bottleneck Pole Am6U-14

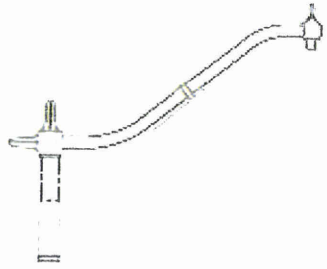
Note: Alternative pole round pre-cast concrete per charette - see next page.

Fixture: Lumec Traditional Globe Series - L-50

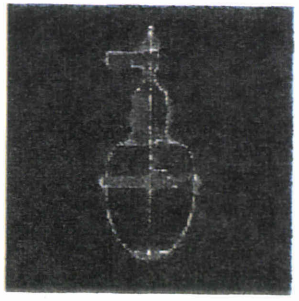
Type C
Pole Top Mount
Residential Roadways



Type A
Double Fixture Mount
Roadway Medians



Type B
Single Fixture Mount
Commercial Roadways



Drop Fixture Mount

Commercial Area
Roadway Heights:
22' - 24' Overall
Spaced 80' - 100' o.c.

Residential Area
Roadway Heights
12'-14' Overall
Spaced 40-50' o.c.

Fluted Pre-cast
Concrete Pole

OJUS STREETSCAPE

LIGHTING FIXTURES -
"A VISION FOR THE OJUS AREA"
CHARRETTE ALTERNATIVE DESIGN

Dumor, Inc.
P.O. Box 142 Mifflintown, PA 17059
1-800-598-4018
www.dumor.com

CONTACT:
Rep Services
Longwood, Florida, 1-407-831-9658
www.repservices.com

Logo Option

OJUS STREETSCAPE
STREET FURNITURE

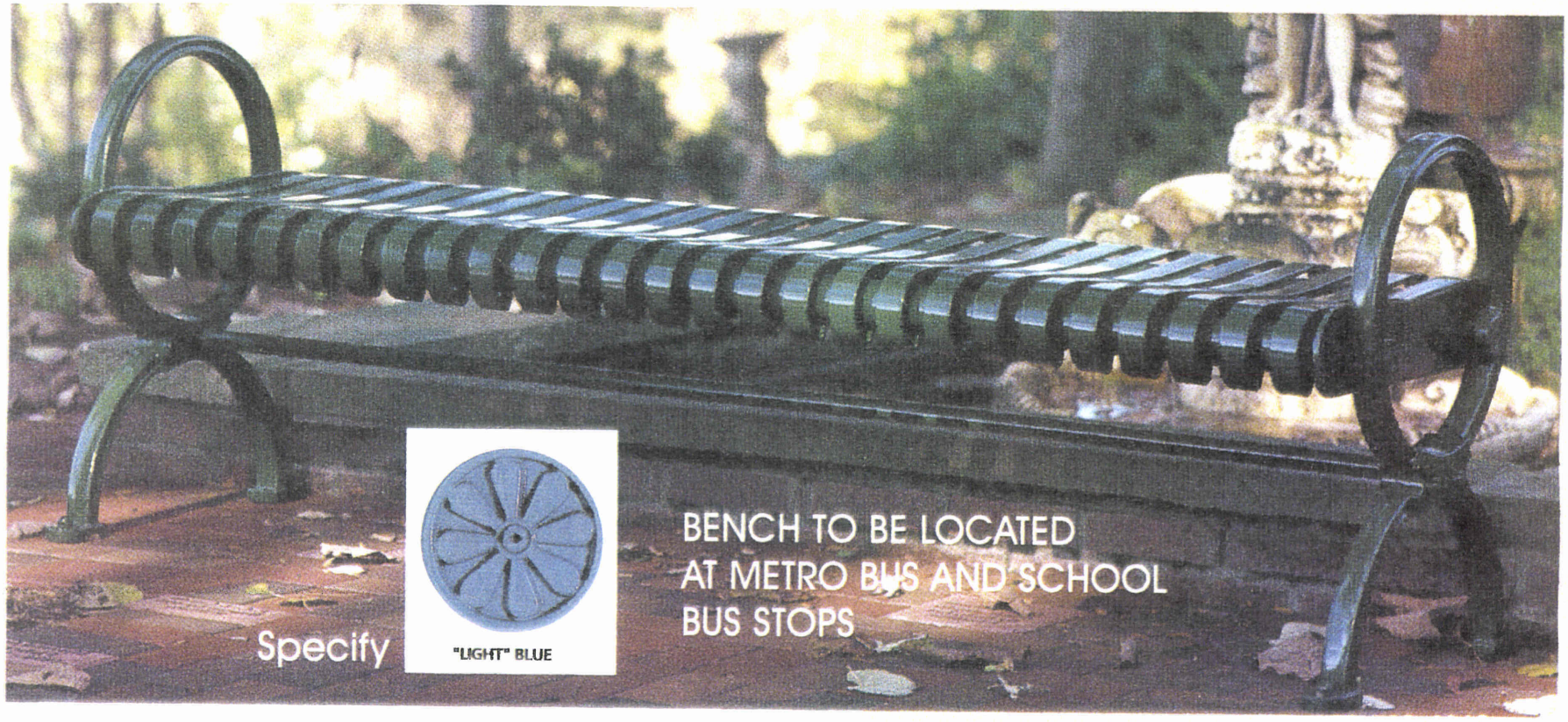
SEATING

Bench 120

- CAST IRON SUPPORTS
- BACKLESS COMPANION TO BENCH 119
- ALL-WELDED SEAT ASSEMBLY

Materials
End Frame: Cast iron
Seating Surface: 1/4" x 1-1/2" steel bar and 2-3/8" O.D. steel pipe
Bracing: 1-1/16" O.D. steel pipe
Fasteners: Stainless steel
Finish: See page 4 for choice of polyester powder finish (shown in Green).

120-60 6' long, 245 lbs. **$767**
120-80 8' long, 285 lbs. **$843**



Cuban Tamarind - Lysiloma Sabicu

Cuban Tamarind is native to South Florida and grows moderately fast, up to 40 to 60 feet tall and 45 feet wide, its slender, short trunk topped with long, somewhat arching branches forming an umbrella-like silhouette (Fig. 1). The pale green, pinnately compound, fern-like leaves are a showy red when young and make a striking contrast, the new and older growth appearing together. Developing into a more open tree with age, Cuban Tamarind makes an ideal shade, park, or seaside planting.*

*** from Florida, My Eden, Fredrick Streesau - Native Landscape Plants**

GENERAL INFORMATION

Scientific name: *Lysiloma Sabicu*
Pronunciation: lye-sih-LOE-muh SAH-bih-coo
Common name(s): Wild-Tamarind, Cuban Tamarind Lysiloma
Family: *Leguminosae*
USDA hardiness zones: 10B through 11 (Fig. 2)
Origin: native to North America
Uses: container or above-ground planter; large parking lot islands (> 200 square feet in size); wide tree lawns (>6 feet wide); medium-sized parking lot islands (100-200 square feet in size); medium-sized tree lawns (4-6 feet wide); recommended for buffer strips around parking lots or for median strip plantings in the highway; reclamation plant; shade tree; narrow tree lawns (3-4 feet wide); specimen; sidewalk cutout (tree pit); residential street tree;

Available at Tree Ventures Landscape Nursery - Homestead 786-243-9737

Cuban Tamarind - Lysiloma Sabicu

OJUS STREETSCAPE
STREET TREE LANDSCAPING

Yellow Poinciana - Peltoforum pterocarpum

Much branched, handsome spreading tree with graceful, feathery foliage. As a flowering tree with its Spring to Summer blanket of golden yellow, it ranks high among the flowering trees in popularity. A large scaled tree for big, open areas such as parks or boulevards. Flower buds are rusty tomentose opening to showy yellow flowers in terminal panicles. Evergreen to semi-deciduous. Tolerates dry conditions.*

*** from Florida, My Eden, Fredrick Streesau - Native Landscape Plants**

The Yellow Poinciana is a popular tree along Ojus streets and yard areas and could become a distinctive symbol for the community with wider use.

GENERAL INFORMATION

Scientific name: Peltophorum pterocarum

Pronunciation: pell-toe-FOR-um ter-o-care-um

Common name(s): Yellow Poinciana

Family: *Leguminosae*

USDA hardiness zones: 10B through 11 (Fig. 2)

Origin: native to Brazil, Common to South Florida

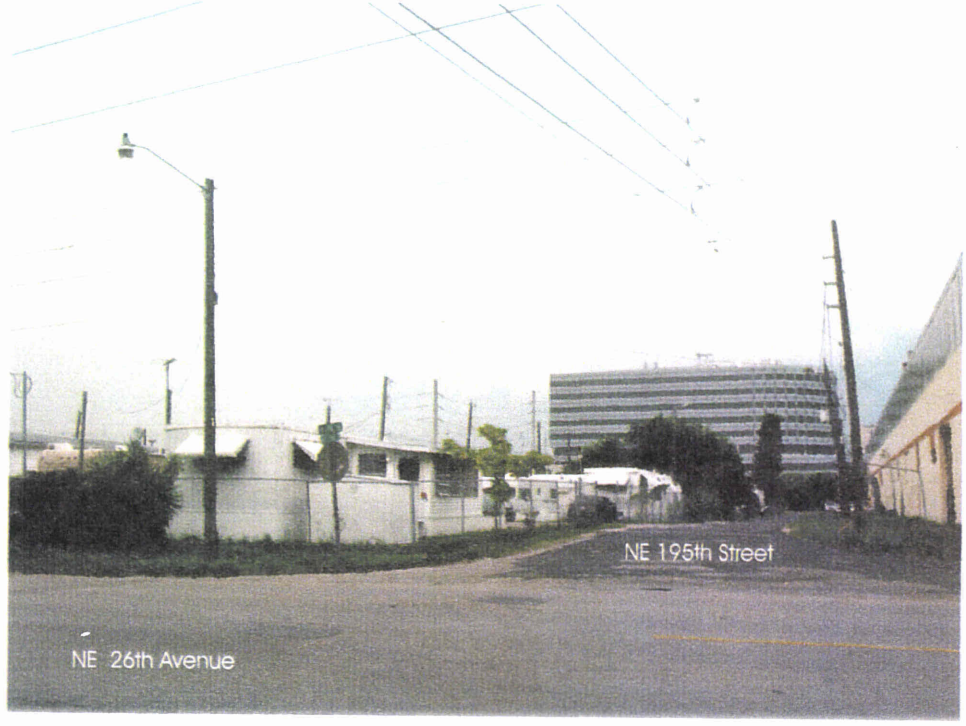
Uses: Shade tree, specimen planting in open areas, parks; wide tree lawns (>20 feet wide); large-sized parking lot islands (>400 square feet in size); recommended for buffer strips around parking lots or for wide median strip plantings in the highway; along major boulevards; shade tree; residential street tree;

Yellow Poinciana - Peltoforum pterocarpum

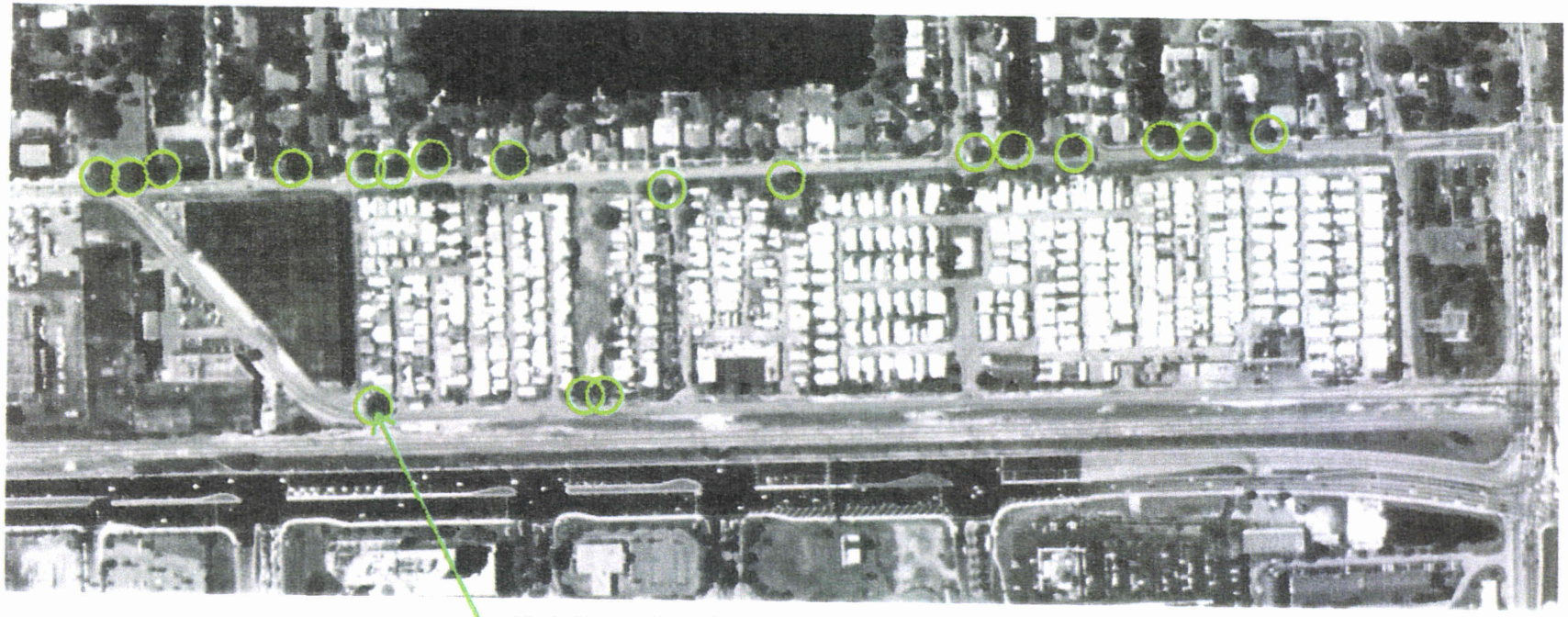
OJUS STREETSCAPE

STREET TREE LANDSCAPING

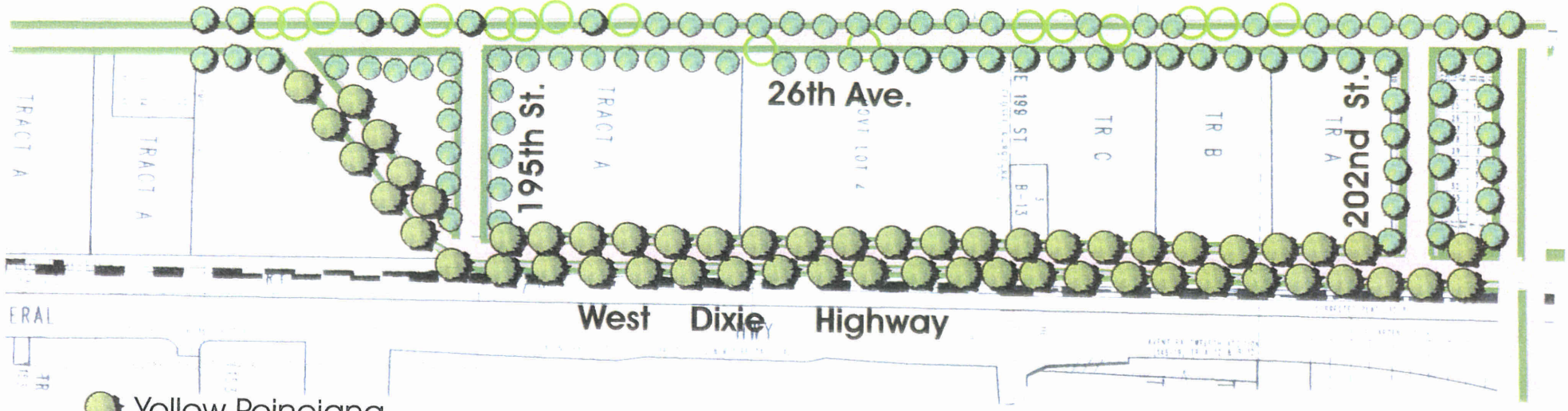
Existing Conditions - West Dixie Highway, NE 26th Avenue & 195th Street



Conceptual Streetscape Improvements



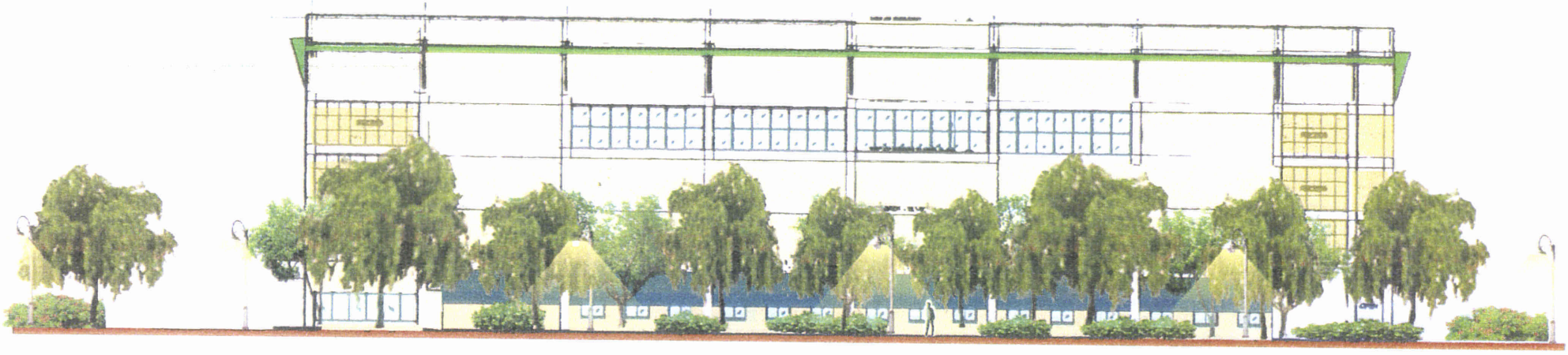
Existing Mature Shade Trees



Yellow Poinciana

Wild Tamarind

Conceptual Streetscape Landscape Plan



Illustrative Elevation of Streetscape Design & Project Development

NE. 195th Street and West Dixie Highway

OJUS STREETSCAPE
ELEVATION VIEW

BMS OJUS LLC
ZONING APPLICATION NO. 04-067
BOARD OF COUNTY COMMISSIONERS
OF MIAMI-DADE COUNTY

FEBRUARY 24, 2005 PUBLIC HEARING

HANDOUT

Received by the Clerk
for the record.
FEB 24 2005
Item B
Exhibit C
Appl. (04-10-CZ22-2/04-67)

TABLE OF CONTENTS

	TAB
Aerial Photographs	1
Ground Photographs	2
Property's Land Use Designations	3
Comprehensive Plan Covenant	4
Zoning Covenant	5
Height Definitions	6
Distance Chart	7
Photographs looking east from SF homes and Riverwood	8
Resolution No. CC2-05-01	9
Resolution No. 167-04	10
Commercial Definitions	11
Timeline regarding requested opening of intersection of N.E. 199th Street and Biscayne Boulevard	12

Internal View of Trailer Park

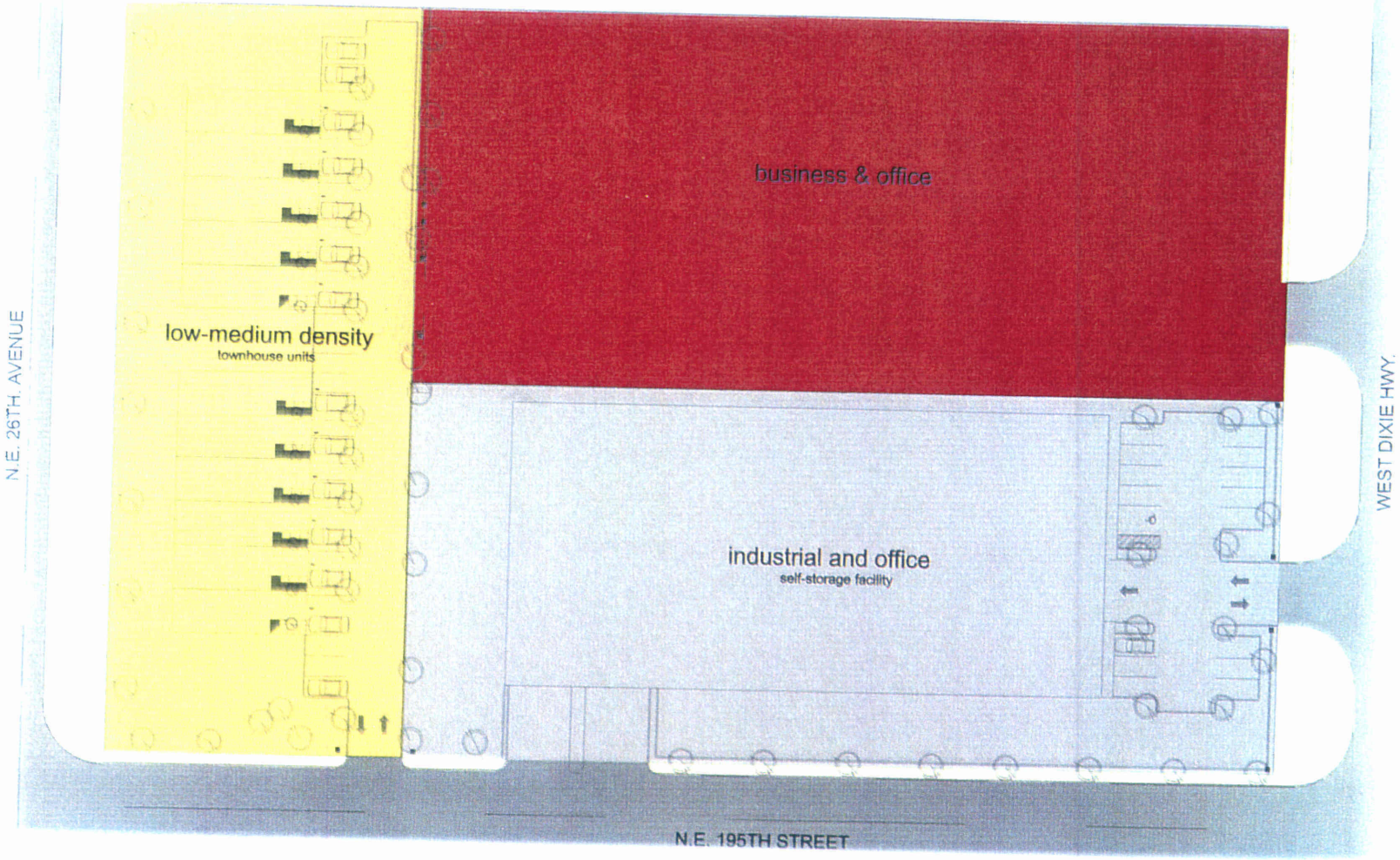
View from Trailer Park looking East Toward Railroad Tracks and One Turnberry Place

Internal View of Trailer Park

View of Trailer Park from West Dixie Highway

View from within Trailer Park looking South Toward N.E. 195th Street

View from within Trailer Park looking South Toward N.E. 195th Street (Miron Lumber Yard in Background)



blue green commercial corp.

Miron Lumber Yard

architect

CFN 2003R0933228
OR Bk 21909 Pgs 3307 - 3321; (15pgs
RECORDED 12/17/2003 14:57:07
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
Name: Michael W. Larkin, Esq.
Address: Bercow & Radell, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS (Comprehensive Plan)

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 attached as Exhibit "B", and;

WHEREAS, an application (the "Application") has been filed to amend the Comprehensive Development Master Plan of Miami-Dade County with the Department of Planning and Zoning officially designated CDMP Application No. 2 (April 2003 Cycle) seeking to redesignate the land use designation on the Property from Low-Medium Density Residential to Industrial and Office and;

WHEREAS, the Department of Planning and Zoning has recommended that the Property be redesignated from Low-Medium Density Residential to Business and Office and;

WHEREAS, Owner agrees that the northern one-half of the Property should be redesignated from Low-Medium Density Residential to Business and Office and;

WHEREAS, Owner believes that the southern one-half of the Property should be redesignated from Low-Medium Density Residential to Industrial and Office.

NOW THEREFORE, in order to assure the Board of County Commissioners of Miami-Dade County that the representations made by the Owner during consideration of the Application will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress,

the Owner makes the following Declaration of Restrictions covering and running with the Property:

(1) The uses described in Exhibit C shall not occur on the northern one-half of the Property.

(2) A zoning application seeking a district boundary change to IU-1 in order to permit a self-service storage facility use for the southern one-half of the Property ("Self-Service Storage Facility Application") shall be filed within two years from the date of recordation of this covenant. Such self service storage facility shall include such ancillary uses as are typically included in such facilities in Miami-Dade County, including but not limited to sale of moving and packing supplies, caretaker's quarters, and the like. If either the Community Zoning Appeals Board for Area 2 (CZAB 2), or the applicable CZAB, or the Board of County Commissioners of Miami-Dade County (BCC) should approve the Self-Service Storage Facility Application (and if such approval should become final and not subject to further appeal or review), no other use shall occur within the southern one-half of the Property. If the Self-Service Storage Facility Application is denied and such use is not permitted on the Property and such denial becomes final, then the uses described in Exhibit D shall not be permitted on the southern one-half of the Property.

(3) **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 for 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.

(4) **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.

CIRCUIT AND COUNTY COURTS CLERK MIAMI-DADE COUNTY, FLORIDA

(5) **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, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County. Any such modification 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, and 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 of 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 effectuating and acknowledging such modification, amendment or release.

(6) **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 or in equity or both.

(7) **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.

(8) **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.

(9) **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 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.

(10) **Severability**.

Invalidation of any one of these covenants, by judgment of Court in no way 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.

(11) **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.

(12) **Owner.**

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

(13) **Recordation and Effective Date**.

This Declaration shall be filed of record in the public records of Miami-Dade County, Florida by the Owner, its successors, or assigns at the cost to the Owner, its successors or assigns following the adoption by the Board of County Commissioners of Miami-Dade County of an ordinance approving the Application and the expiration of any applicable appeal period or, if any appeal is filed, upon the disposition of such appeal resulting in final approval of the Application. This Declaration shall become effective immediately upon recordation.

[SIGNATURE PAGE(S) TO FOLLOW]

ACKNOWLEDGMENT
CORPORATION

CIRCUIT AND COUNTY COURTS CLERK IN GOD WE TRUST MIAMI-DADE COUNTY, FLORIDA

Signed, witnessed, executed and acknowledged on this 25 day of October, 2003.

IN WITNESS WHEREOF, Trinity Properties of Aventura (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Matthew T. Beggs
Print Name

Diddo Clark
Signature

Diddo Clark
Print Name

Trinity Properties of Aventura
Name of Corporation
Address:

By
(President, Vice-President or CEO*)
President
[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF California
COUNTY OF Contra Costa

The foregoing instrument was acknowledged before me by Stephen Williams the President of Trinity Properties corporation, on behalf of the corporation. He/She is personally known to me or has produced CA DL N6460632, as identification.

Witness my signature and official seal this 25th day of October, 2003, in the County and State aforesaid.

Aileen M. Ames
Notary Public-State of California
Aileen M. Ames
Print Name

My Commission Expires: 11-20-2005

AILEEN M. AMES
COMM. # 1327595
NOTARY PUBLIC – CALIFORNIA
CONTRA COSTA COUNTY
My Comm. Expires NOV 20, 2005

CIRCUIT AND COUNTY COURTS CLERK IN GOD WE TRUST FLORIDA

JOINDER BY MORTGAGEE
CORPORATION

The undersigned Wachovia Bank, N.A., a North Carolina (state) corporation and Mortgagee under that certain mortgage from Trinity Properties of Aventura, Inc. dated the 15th day of January, 1997, and recorded in Official Records Book 17517, Page 2801, of 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 27th day of October, 2003.

Witnesses:

Signature

Lee Kaplan

Print Name

Signature

Laura S. Micoli

Print Name

Wachovia Bank, National Association

Name of Corporation

Address:

350 East Las Olas Boulevard, 18th Floor

Fort Lauderdale

Florida, 33301

By Harvey S. Kanefsky

(President, Vice-President or CEO*)

[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by Harvey S. Kanefsky the Vice President of Wachovia Bank N.A. corporation, on behalf of the corporation. He/She is personally known to me or has produced FL DR. LIC., as identification.

Witness my signature and official seal this 27th day of October, 2003, in the County and State aforesaid.

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
SANDY E ANTERIO
COMMISSION NUMBER
CC936281
MY COMMISSION EXPIRES
JUNE 13,2004

Notary Public-State of FLORIDA

SANDY E. ANTERIO

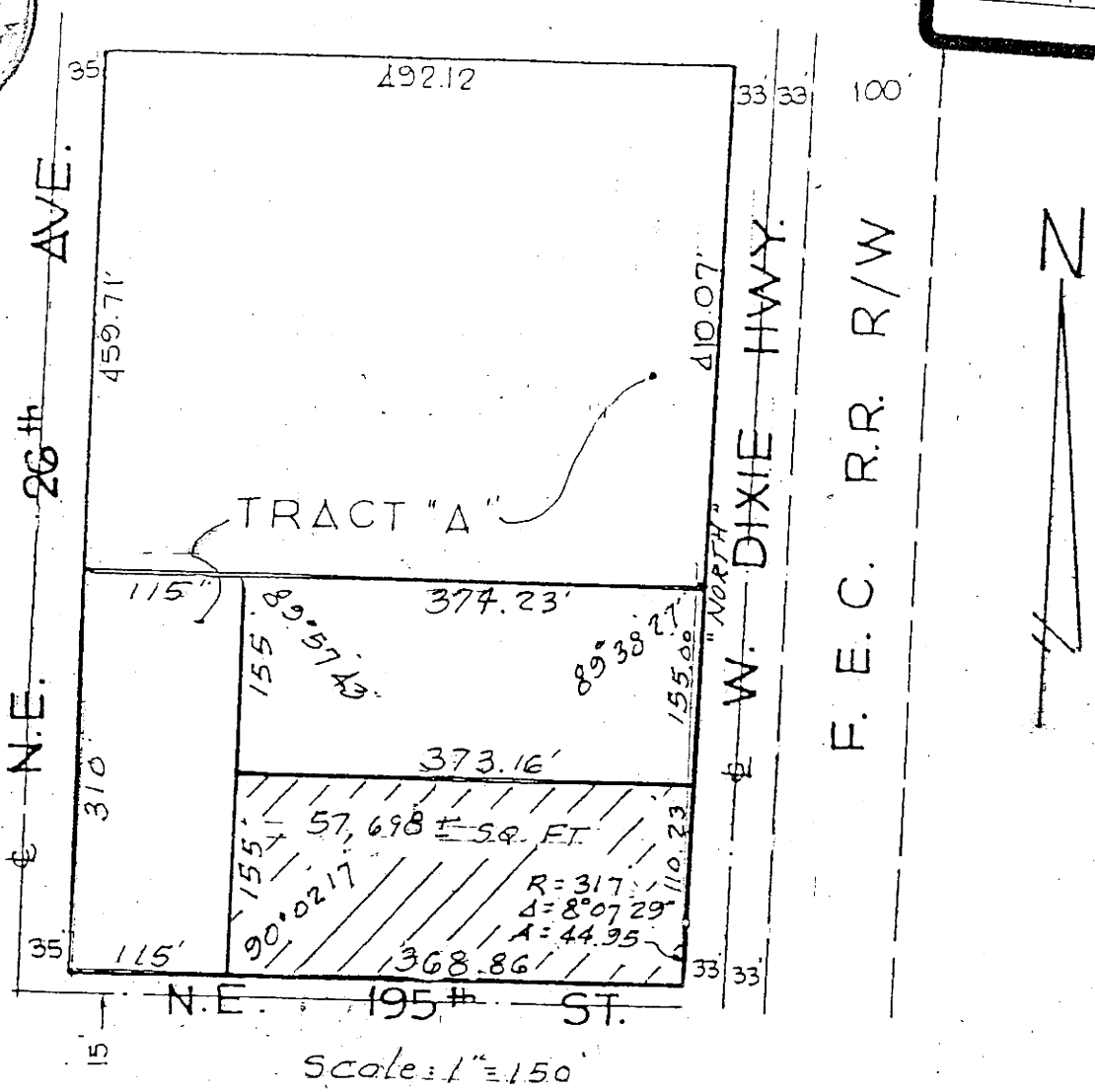
Print Name

My Commission Expires:

188680 188319-B

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT A



LEGAL DESCRIPTION:

The South 155 feet of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, according to the plat thereof as recorded in Plat Book 42 at Page 56 of the Public Records of Dade County, Florida, less the West 115 feet thereof. containing 1.3246 Acres more or less.

Lying and being in Miami-Dade County, Florida.

LB# 87

CHWEBKE–SHISKIN & ASSOCIATES, INC.

LAND PLANNERS • ENGINEERS • ARCHITECTS • LAND SURVEYORS • 3240 CORPORATE WAY • MIRAMAR, FLORIDA 33025

ORDER NO. 188319-B 188680

DATE: 8-26-03
10.27.03

THIS IS NOT A "LAND SURVEY"

PREPARED UNDER MY SUPERVISION

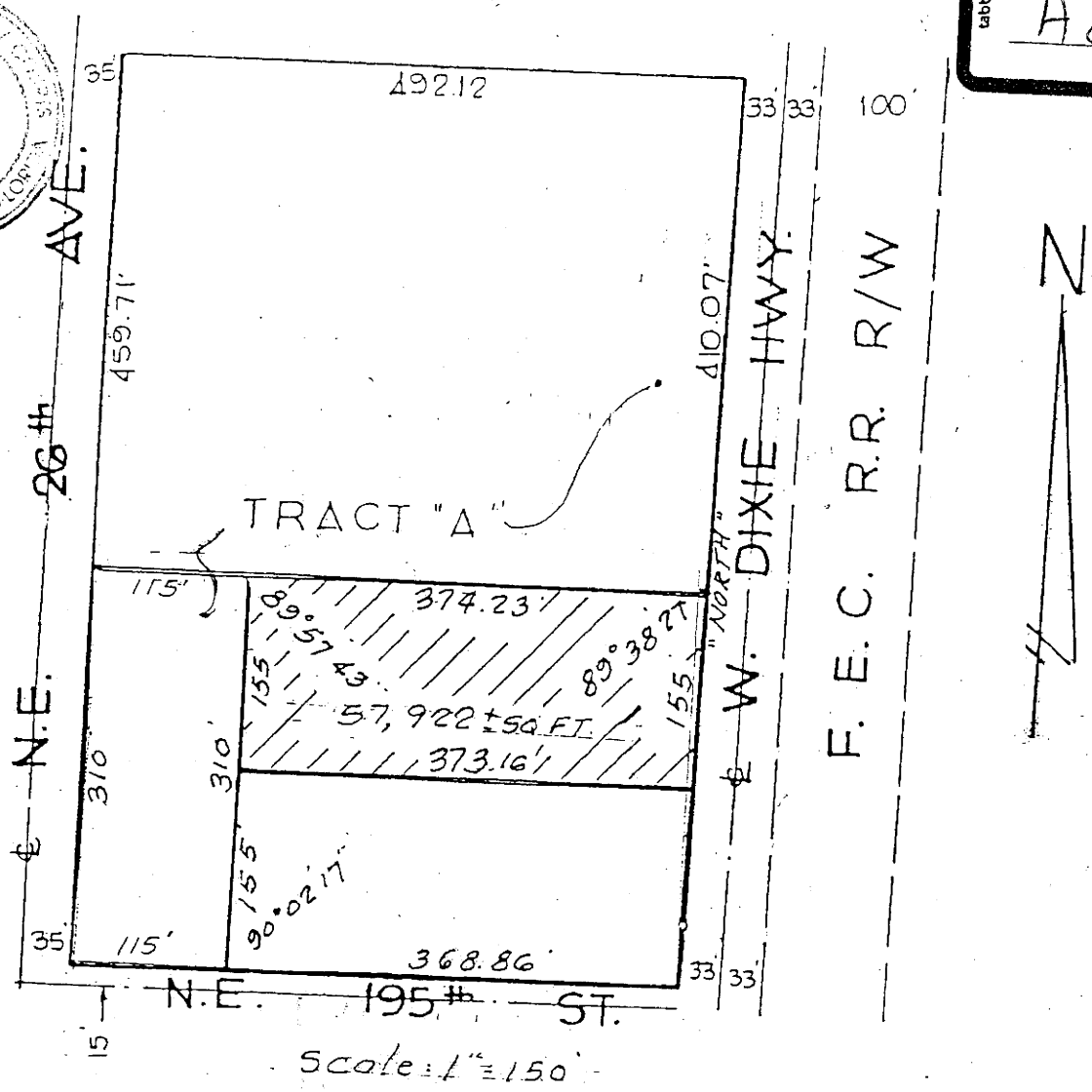
Robert F. Jackson PRESIDENT

ROBERT F. JACKSON, P.L.S. #2408 (STATE OF FLORIDA)

188 319

SKETCH TO ACCOMPANY LEGAL DE

EXHIBIT
tabbies
A (cont)



LEGAL DESCRIPTION:

The North 155 feet of the South 310 feet of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, according to the plat thereof as recorded in Plat Book 42 at Page 56 of the Public Records of Dade County, Florida, less the West 115 feet thereof. containing 1.3297 Acres more or less.

Lying and being in Miami-Dade County, Florida.

LB# 87

SCHWEBKE–SHISKIN & ASSOCIATES, INC.

LAND PLANNERS • ENGINEERS • ARCHITECTS • LAND SURVEYORS • 3240 CORPORATE WAY • MIRAMAR, FLORIDA 33025

ORDER NO. 188319 188680

DATE: 8-26-03
10-27-03

THIS IS NOT A "LAND SURVEY"

PREPARED UNDER MY SUPERVISION

Robert F. Jackson PRESIDENT

ROBERT F. JACKSON, P.L.S. #2408 (STATE OF FLORIDA)

EXHIBIT

tabbies

B

OPINION OF TITLE

To: Miami-Dade County Building and Zoning Department

With the understanding that this Opinion of Title is furnished to Dade County Building and Zoning and Planning Departments, Miami-Dade County, Florida, as inducement for acceptance of a Declaration of Restrictions covering the real property, hereinafter described, it is hereby certified that I have examined a complete Abstract of Title covering the period from the beginning to the 6th day of October, 2003, at the hour of 11:00 p.m., inclusive, of the following described property:

The South 310 feet of Tract "A", of SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 and 2, L. TOM'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 42, at Page 56 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:

Trinity Properties of Aventura, Inc., a Florida corporation

Subject to the following encumbrances, liens and other exceptions:

1. RECORDED MORTGAGES:

Mortgage from Trinity Properties of Aventura, Inc. in favor of Family Bank dated January 15, 1997, recorded in Official Records Book 17517, at Page 2801, of the Public Records of Miami-Dade County, Florida.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

NONE

3. GENERAL EXCEPTIONS:

A. Rights or claims of parties in possession not shown by the public records.

B. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.

C. Easements, or claims of easements, not shown by the public records.

D. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

4. SPECIAL EXCEPTIONS:

A. Taxes for the year 2003, which are not yet due and payable.

B. Unity of Title recorded in Official Records Book 10844, at Page 1448, of the Public Records of Miami-Dade County, Florida.

C. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 and 2, of L. TOM'S SUBDIVISION, as recorded in Plat Book 42, at Page 56, of the Public Records of Miami-Dade County, Florida.

D. Rights of tenants under unrecorded leases.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

Name	Interest	Special Exception Number
Trinity Properties of Aventura, Inc., a Florida corporation	Fee Simple	N/A
Wachovia Bank, National Association successor by merger to Republic Security Bank, successor by merger to Family Bank	Mortgagee	N/A

The following is a description of the aforementioned abstract and its continuations:

Number	Company Certifying	No. of Entries	Period Covered

Attorney's Title Insurance Fund, Inc. Owner's Title Policy No. OPM-1280111 from the beginning to February 4, 1997 at 2:59 p.m.

Attorney's Title Insurance Fund, Inc. Data System from February 4, 1997 to September 20, 2003 at 11:00 p.m.

I HEREBY FURTHER CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

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

Respectfully submitted this 3rd day of November, 2003.

SHUTTS & BOWEN LLP

By: _____
Donna E. Miller, Esq.
Florida Bar No. 768669

200 East Broward Boulevard
Suite 2000
Fort Lauderdale, FL 33301

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

SWORN TO AND SUBSCRIBED before me this 3rd day of November, 2003 by Donna E. Miller, who is personally known to me.

Notary Public

My Commission Expires:

CIRCUIT COURTS CLERK IN GOD WE TRUST MIAMI-DADE COUNTY, FLORIDA

NOTARY PUBLIC STATE OF FLORIDA
THERESE CULLINAN
MY COMMISSION # DD 061492
EXPIRES: November 18, 2005
Bonded Thru Budget Notary Services

CIRCUIT AND COUNTY COURTS
CLERK
IN GOD WE TRUST
MIAMI-DADE COUNTY, FLORIDA

Exhibit C

List of Prohibited Commercial Uses – North One-Half of Property

(2) Airports, airport hangars and airplane repair facilities.

(5) Barbecue stands and barbecue pits.

(6) Bottling of beverages.

(7) Cabinet working and carpentry shops.

(9) Contractor's plants and storage yards.

(13) Fertilizer stores.

(14) Garage or mechanical service.

(16) Gun shops.

(19) Lumber yards.

(20) Pawnbrokers.

(21) Poultry markets and commercial chicken hatcheries.

(25) Tire vulcanizing and retreading or sale of used tires.

The numbered parentheticals preceding each use listed above refer to subsections of Section 33-255, Miami-Dade County Code, "Uses Permitted" in the BU-3 zoning district. In addition to the foregoing uses, other similar or new uses which may be permitted in the BU-3 zoning district shall be prohibited, as determined by the Director of the Department of Planning and Zoning.

Exhibit D

List of Prohibited Uses – South One-Half of Property

(2) Adult entertainment uses as defined in Section 33-259.1.

(3) Aircraft hangars and repair shops, aircraft assembling and manufacturing.

(5) Armories, arsenals.

(6) Auditoriums.

(7) Auto painting, top and body work.

(9) Automotive repairs.

(13) Blacksmith, gas steam fitting shops.

(14) Boat or yacht repairing or overhauling, and boat building.

(15) Boat slips used for the tying up of boats for the purpose of overhauling or repairing.

(16) Bottling plants.

(17) Brewery.

(19) Canning factories.

(24) Commercial chicken hatcheries.

(28) Dredging base or place where dredging supplies are kept and where dredges or boats or machinery are stored, repaired or rebuilt.

(31) Fertilizer storage.

(32) Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables (where more than five (5) persons are employed on premises).

(34) Furniture manufacturing.

(38) Grinding shops.

(41) Insecticide, mixing, packaging and storage.

(46) Lumberyards.

(47) Machine shops.

(49) Mattress manufacturing and renovating.

(50) Metalizing processes.

(52) Millwork shops.

(63) Power or steam laundries.

(74) Steel fabrication.

(80) Textile, hosiery and weaving mills.

(85) Vulcanizing.

(88) Welding shops.

(90) Wood and coal yards.

The numbered parentheticals preceding each use listed above refer to subsections of Section 33-259, Miami-Dade County Code, "Uses Permitted" in the IU-1 zoning district. In addition to the foregoing uses, other similar or new uses which may be permitted in the IU-1 zoning district shall be prohibited, as determined by the Director of the Department of Planning and Zoning. In addition, all permitted uses listed in the IU-2 and IU-3 zoning districts shall be prohibited on the south one-half of the subject property.

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the original filed in this office on 17 day of Dec A.D. 20 03
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
By M S Falcon D.C.

CIRCUIT AND COUNTY COURTS
CLERK
IN GOD WE TRUST
MIAMI-DADE COUNTY, FLORIDA

BERCOW & RADELL
ZONING, LAND USE AND ENVIRONMENTAL LAW
DIRECT LINE: (305) 377-6231
E-Mail: MLarkin@BRZoningLaw.com

February 4, 2005

VIA HAND-DELIVERY

Nancy Rubin, Esq.
Department of Planning and Zoning
Stephen P. Clark Center
111 N.W. 1st Street, 11th Floor
Miami, Florida 33131

Re: BMS Ojus, LLC, Zoning Application No. 04-067 – Revised Covenant

Dear Nancy:

The above zoning application was approved by the Community Zoning Appeals Board for Area 2 (CZAB 2) on October 5, 2004. A neighborhood group has appealed the zoning approval to the Board of County Commissioners of Miami-Dade County (BCC). The appeal will be considered by the BCC on February 24, 2005. I have attached to this letter a modified covenant and an updated opinion of title.

At the October 5, 2004 CZAB 2 hearing, we proffered to fund and construct streetscape improvements surrounding the property that is the subject of the zoning application. The County Attorney in attendance at the hearing stated that we should modify our covenant to include the voluntary proffer. As a result, we have modified the covenant to include our voluntary proffer with regard to the streetscape improvements surrounding the property. For your convenience, I have also included the document referenced in the covenant entitled *Streetscape: Design Standards for Ojus*, Florida.

The revised opinion of title still shows BMS Ojus, LLC as the fee simple owner of the property and Union Planters Bank as the mortgagee. If you have any questions or comments with regard to the foregoing, please give me a call at (305) 377-6231.

Sincerely,

Michael W. Larkin

MWL/cg
Enclosures

cc: Mr. David Brown (without attachments)
Mr. Jay Shapiro (without attachments)
Jeffrey Bercow, Esq.
Mr. Earl Jones

LEGAL COUNSEL
FEB 4 PM 2:

This instrument was prepared by:
Name: Michael W. Larkin, Esq.
Address: 200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33131

(Space reserved for Clerk)

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

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 04-067 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

Development Limits. Said Property shall be developed substantially in accordance with the plans previously submitted, entitled "Proposed Self Storage Facility for BMS Ojus, LLC" prepared by Blitstein Design Associates, consisting of ten (10) sheets, dated stamped received August 9, 2004, except sheets A-1, L-1, and L-2, which are dated stamped received August 12, 2004, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

Streetscape Improvements. Owner shall fund and construct in the public right-of-way the streetscape improvements described in the document entitled *Streetscape: Design Standards for Ojus, Florida*, said document being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement. The streetscape improvements shall consist of trees, sidewalks, sod, and street lights ("Improvements"). The Owner shall fund and construct the Improvements in the following locations: the east and west sides of West Dixie Highway adjacent to the Property; the north side of N.E. 195th Street adjacent to the Property; and the east and west sides of N.E. 26th Avenue adjacent to the Property.

The Improvements constructed by the Owner shall be substantially similar to the streetscape improvements depicted and described in the foregoing document. Owner shall construct and fund the Improvements subject to obtaining all necessary permits from Miami-Dade County and any other government agency or public utility having regulatory authority over the right-of-way adjacent to the Property. The Owner shall construct the Improvements prior to the issuance of a final certificate of use for the self-storage facility on the Property.

(Space reserved for Clerk)

The Owner shall maintain the Improvements and shall create a special taxing district, if approved, or a property owner's association to fund the maintenance of the Improvements. The Owner shall create the funding source for the maintenance of the Improvements prior to the issuance of a final certificate of use for the self-storage facility on the Property.

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, 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.

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 of 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 effectuating and acknowledging such modification, amendment or release.

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

(Space reserved for Clerk)

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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 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.

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, 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.

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 to the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a resolution approving the application.

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.

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

[Execution Pages Follow]

OPINION OF TITLE

To: Miami-Dade County Department of Planning and Zoning

With the understanding that this Opinion of Title is furnished to Miami-Dade County Department of Planning and Zoning, Miami-Dade County, Florida, as inducement for acceptance of a Declaration of Restrictions regarding the rezoning of the real property, hereinafter described, it is hereby certified that I have examined a title insurance commitment and updates covering the period from the beginning to the 9th day of January, 2005, at the hour of 11:00 p.m., inclusive, of the following described property:

The South 310 feet of Tract "A", of SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 and 2, L. TOM'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 42, at Page 56 of the Public Records of Miami-Dade County, Florida.

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

BMS OJUS, LLC, a limited liability company

Subject to the following encumbrances, liens and other exceptions:

1. RECORDED MORTGAGES:

Florida Real Estate Mortgage, Assignment of Leases and Rents and Security Agreement from BMS OJUS, LLC, a Florida limited liability company in favor of Union Planters Bank, N.A. dated July 22, 2004, recorded in Official Records Book 22520, at Pages 135-155, of the Public Records of Miami-Dade County, Florida. (For Informational Purposes: UCC-1 Financing Statement in favor of Union Planters Bank, N.A. recorded in Official Records Book 22520, Pages 156-159, of the Public Records of Miami-Dade County, Florida.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

NONE

3. GENERAL EXCEPTIONS:

A. Rights or claims of parties in possession not shown by the public records.

B. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.

C. Easements, or claims of easements, not shown by the public records.

D. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

4. SPECIAL EXCEPTIONS:

A. Taxes for the year 2005, which are not yet due and payable.

B. Unity of Title recorded in Official Records Book 10844, at Page 1448, of the Public Records of Miami-Dade County, Florida.

C. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 and 2, of L. TOM'S SUBDIVISION, as recorded in Plat Book 42, at Page 56, of the Public Records of Miami-Dade County, Florida.

D. Rights of tenants under unrecorded leases.

E. Declaration of Restrictions recorded in Official Records Book 21909, Pages 3307-321, of the Public Records of Miami-Dade County, Florida.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

Name	Interest	Special Exception Number
BMS OJUS, LLC, a Florida limited liability company	Fee Simple	N/A
Union Planters Bank, N.A.	Mortgagee	N/A

The following is a description of the aforementioned abstract and its continuations:

Number	Company Certifying	No. of Entries	Period Covered

Attorney's Title Insurance Fund, Inc. Owner's Title Policy No. OPM-1280111 from the beginning to February 4, 1997 at 2:59 p.m.

Attorney's Title Insurance Fund, Inc. Data System from February 4, 1997 to August 4, 2004 at 11:00 p.m.

Attorney's Title Insurance Fund, Inc. Data System from August 4, 2004 at 11:00 p.m. to January 6, 2005 at 11:00 p.m.

I HEREBY FURTHER CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

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

Respectfully submitted this 1st day of February, 2005.

SHUTTS & BOWEN LLP

By: _____

Marshall J. Emas, Esq.
Florida Bar No. 282073

200 East Broward Boulevard
Suite 2000
Fort Lauderdale, FL 33301

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

SWORN TO AND SUBSCRIBED before me this 2nd day of February, 2005 by Marshall J. Emas, who is personally known to me.

Therese Cullinan
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
THERESE CULLINAN
MY COMMISSION # DD 061492
EXPIRES: November 18, 2005
Bonded Thru Budget Notary Services

FTLDOCS 5104735 1
2/1/05

MIAMI-DADE COUNTY CODE

sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.
(Ord. No. 57-19, § 29(D), 10-22-57; Ord. No. 69-28, § 1, 4-15-69; Ord. No. 73-5, § 1, 1-9-73; Ord. No. 87-8, § 3, 3-3-87; Ord. No. 01-02, § 4, 1-23-01)

Sec. 33-56. Compliance with FAA rules.

All buildings, structures and improvements to be constructed shall conform to and comply with the prevailing criteria and requirements of the Federal Aviation Administration and the Miami-Dade County Airport Zoning Regulations where applicable, regulations contrary thereto contained herein notwithstanding. The Director shall process applications for permits through the County Port Authority and Federal Aviation Administration whenever he deems it advisable.
(Ord. No. 57-19, § 29(E), 10-22-57; Ord. No. 69-42, § 1, 7-15-69)

Sec. 33-57. Setback when height exceeds limit.

Any portion of a building in the BU-2, BU-3, IU-1, IU-2 and IU-3 Districts which is between thirty-five (35) and forty (40) feet in height shall be setback at least twenty-five (25) feet from the lot line adjacent to any street or thoroughfare. Thereafter one (1) additional foot of setback shall be provided for each five (5) feet of additional height.
(Ord. No. 57-19, § 29(F), 10-22-57; Ord. No. 82-13, § 1, 3-2-82)

Sec. 33-58. Height of building limited to width of street in certain districts.

No building in IU-C, IU-1, IU-2 or IU-3 Districts shall be of a height greater than the width of the widest street upon which such building abuts, except after application is made and permit issued as a result of public hearing.
(Ord. No. 57-19, § 29(G), 10-22-57; Ord. No. 82-13, § 1, 3-2-82)

Sec. 33-59. Reserved.

Editor's note—Ord. No. 02-255, § 4, adopted Dec. 3, 2002, repealed section 33-59 in its entirety. Former section 33-59 pertained to fire resistive construction of building over fifty-five feet and derived from Ord. No. 57-19, § 29(H), adopted Oct. 22, 1957.

ARTICLE IV. TOWERS, POLES AND MASTS*

Sec. 33-60. Compliance with article.

(a) Before erection of a water tower, stand
windmill, tower or mast for any purpose, ove
(10) feet in height above the roof of a structu
over twenty (20) feet in height if erecte
natural ground, the requirements of thi
and the construction requirements of
Florida Building Code shall be obse
ers, poles, and masts requiring
Federal Aviation Administrati
scribed in Federal Aviation
Part 77, shall be lighted
mended by the FAA i
dered to the propose
struction. In addi
masts not requi
one hundred f
in height, o
will be r
feet in
high
b
by horizontal angle. The flashing mecha
should not permit more than forty (40) no
than twenty (20) flashes per minute. The be
shall conform to Federal Aviation Administr
type L-866 (red) or Military Specification L-
All existing towers, poles, and masts, whic
one hundred fifty (150) feet or higher above
shall be made to conform with those require
by May 1, 1989. This section shall be appl
and enforceable in the incorporated and un
porated areas of Miami-Dade County.

(b) Until December 31, 2008, telecommu
tions antennas owned and operated by a telecom-
munications company providing services to the
public for hire attached to any pole or H-frame or
lattice structure owned by a utility which is used
in and is part of the utility's network for the

*Cross reference—Height of buildings not applicable to church steeples, spires, domes, etc., § 33-55.

See. 33-58. Height of building limited to width of street in certain districts.

No building in IU-C, IU-1, IU-2 or IU-3 Districts shall be of a height greater than the width of the widest street upon which such building abuts, except after application is made and permit issued as a result of public hearing. (Ord. No. 57-19, § 29(G), 10-22-57; Ord. No. 82-13, § 1, 3-2-82)

DADE COUNTY CODE

jacent private or public street, excepting only lots used for single family or duplex use. The frontage along the entire parking area adjacent to the private or public street shall be curbed, walled or landscaped, except at entrances, exits, or drainage outlets approved by the Director and the Department of Public Works.
(Ord. No. 57-19, § 5(BBX10), 10-22-57; Ord. No. 91-36, § 1, 3-19-91)

ARTICLE VIII. RIGHT-OF-WAY PLAN AND MINIMUM WIDTH

Sec. 33-133. Right-of-way plan and minimum width of streets and ways.

The minimum right-of-way widths for streets, roads and public ways for the unincorporated area of the County shall be as follows:

(A) NORTH AND SOUTH HIGHWAYS (Avenues).

North-South East Highways (Avenues).

	Feet
(1) North Miami Avenue from 79 St. North to Memorial Hwy. (Griffing Blvd.) (unincorporated areas)	100
From State Road #9 to Dade County North Line	70
(2) North Miami Avenue from Memorial Hwy. (Griffing Blvd.) to State Road. #9 (unincorporated areas)	100
(3) NE 2 Ave. from North limits of Miami Shores North to State Rd. #9 (unincorporated areas)	70
(4) W. Dixie Hwy. from NE 2 Ave. to 174 St. (unincorporated area), except—See No. 5 below	70
(5) W. Dixie Hwy. from NE 119 St. to NE 121 St.	70
(6) W. Dixie Hwy. from NE 174 St. North to County Line (unincorporated areas)	66
(7) NE 6 Ave. North limits of Miami Shores North to Griffing Blvd.	
(8) NE 2 Ave. (Griffing Blvd.) (Memorial Hwy. NW 2 Ave.) from NE 6 Ave. North to Golden Glades Dr.	70
(9) (a) State Rd. #5 from NE 36 St. to South limits of North Miami Beach (unincorporated areas)	100
(b) State Rd. #5 from North limits of North Miami Beach to North County Line (unincorporated areas)	
(c) State Rd. #5 from South limits of South Miami, South to Tennessee Rd. (unincorporated areas)	
(10) State Rd. #5 from South limits of Florida City to South County Line (See State Dept. of Transportation r/w Map Project #5239-5240)	100 to 350
(11) State Rd. #5 from Tennessee Rd. in Sec. 3-57-39 South to the North limits of Homestead	116
(12) Ingraham Hwy. (State Rd. #27) from Longview Rd. to Cape Sable	125
(13) Ingraham Hwy. (SW 217 Ave.) from Mowry Dr. South to State Rd. #27	125
(14) Longview Dr. from Mowry Dr. South to State Rd. #27	125
(15) Old Cutler Rd. through U.S. Dept. of Agriculture property in Sec. 24-55-40 to Chapman Field at Mitchell Dr. and Old	

(6) W. Dixie Hwy. from NE 174 St. North to County Line (unincorporated areas)..... 66

MIAMI-DADE COUNTY CODE

(91) *Rooming house.* A residential building used, or intended to be used, as a place where sleeping or housekeeping accommodations are furnished or provided for pay to less than five (5) transient or permanent guests or tenants and in which less than five (5) and more than three (3) rooms are used for the accommodation of such guests or tenants, but which does not maintain a public dining room or cafe in the same building, nor in any building in connection therewith.

(92) *Screen enclosure.* A frame erected of metal or wood spaced and constructed in accordance with Ordinance No. 57-22,* South Florida Building Code, as from time to time amended, which framing and overhead supports are only covered with insect screening of metal, fiberglass or other approved insect screening material when such screening possesses at least fifty (50) percent open area per square inch, provided that such framing and overhead supports are solely for the purpose of supporting such screening and shall not have the effect of appearance of a roof or a wall, building siding or louvered structure.

(92.05) *Sector(s).* A group of antennas, excluding cylinder types, not to exceed four (4).

(92.1) *Seed drying facility.* A bin or other enclosed structure used to remove moisture from seed so that deterioration from insects, mold, and enzymic activity will be negligible. Such bin or structure may house respiration and heating equipment and other associated control devices such as thermostats, air inlets, recirculators, stirrers and other similar devices.

(93) *Servants' quarters.* A secondary residential building occupied by an employee of the principal residential building and conforming to the restrictions of this chapter, including those for accessory buildings.

*Editor's note—Codified as section 3-1 et seq. of this Code. The South Florida Building Code is not contained in this volume.

(94) *Service bar.* The term service bar shall mean a liquor, beer or wine or other alcoholic, vinous or malt beverage bar or counter used in connection with the operation of a bona fide restaurant, situated in the kitchen or some room where guests are not allowed to enter and not situated within the room or that portion of the restaurant wherein food is served to guests; at which bar or counter drinks are prepared solely for the purpose of service to and consumption by the guests of the restaurant, and from which bar and counter drinks are dispensed solely for consumption by the guests of the restaurant seated at tables within the room or portion of the restaurant wherein food is served to the guests. No service of drinks or food is permitted to guests or patrons at the service bar.

(95) *Service station.* See *Gas station.*

(96) *Setback.* The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property line so grouped shall be used in determining offsets.

(97) *Site.* Area of premises to be covered b structure.

(97.1) *Sponsoring agency* shall mean a or unit of government, a prof -profit agency, or any person tion which intends to establ operate a group home or a comm esidential home.

(98) *Store.* A building i h commodities are sold at retail or wholesale. Also, see *Neighborhood store.*

(99) *Story:*

(a) That portion of a building included between the uppermost surface of any floor and the uppermost surface of the floor or roof next above.

(b) That portion of a building between floor and ceiling which is so located

(99) *Story:*

(a) That portion of a building included between the uppermost surface of any floor and the uppermost surface of the floor or roof next above.

MIAMI-DADE COUNTY CODE

(6) *Apartment.* A room or a suite of rooms within an apartment house, arranged, intended or designed to be used as a home or residence of one (1) family with kitchen facilities for the exclusive use of the one (1) family.

(6.1) *Apartment building.* A building which is used or intended to be used as a home or residence for three (3) or more families living in separate apartments, in which the yard areas, hallways, stairways, balconies and other common areas and facilities are shared by families living in the apartment units.

(7) *Apartment garage.* A building designed and intended to be used for the housing of vehicles belonging to the occupants of an apartment building on the same premises, in connection with living quarters and having a square foot area not more than sufficient to house a number of automobiles not exceeding the number of apartments contained in the principal building.

(8) *Apartment hotel.* Any public lodging establishment which otherwise meets the definition of a hotel, but which also has units with kitchen equipment and housekeeping facilities.

(9) *Arterial highway.* Highways enumerated in Section 33-133.

(10) *Bar or saloon.* Any place devoted primarily to the selling or dispensing and drinking of malt, vinous or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises.

(11) *Barbecue pit or building.* An open or enclosed pit or fireplace or an open or enclosed building used primarily for cooking meats in the "barbecue style."

(12) *Barbecue stand.* A refreshment place where space is provided or allowance is made for automobiles to gather for the primary purpose of serving the occupants barbecued meats.

(12.1) *Basement.* That portion of a building between floor and ceiling which is so located that one-half (½) or more of the clear height from floor to ceiling is below-grade.

(13) *Beer.* The word "beer" shall be as defined in Section 563.01, Florida Statutes.

(14) *Block.* A block shall be deemed to be all that property frontage along one (1) highway lying between the two nearest intersecting or intercepting streets and railroad right-of-way or waterway, golf course, campus, park or similar open space.

(15) *Boundary of district.* The center line of a street or right-of-way or the center line of the alleyway, between the rear or side property lines or, where no alley or alleyway exists, the rear or side property lines of all lots bordering on the district limits or any district boundary shown on the maps adopted by Section 33-3.

(16) *Building.* A building is any structure having a roof entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.

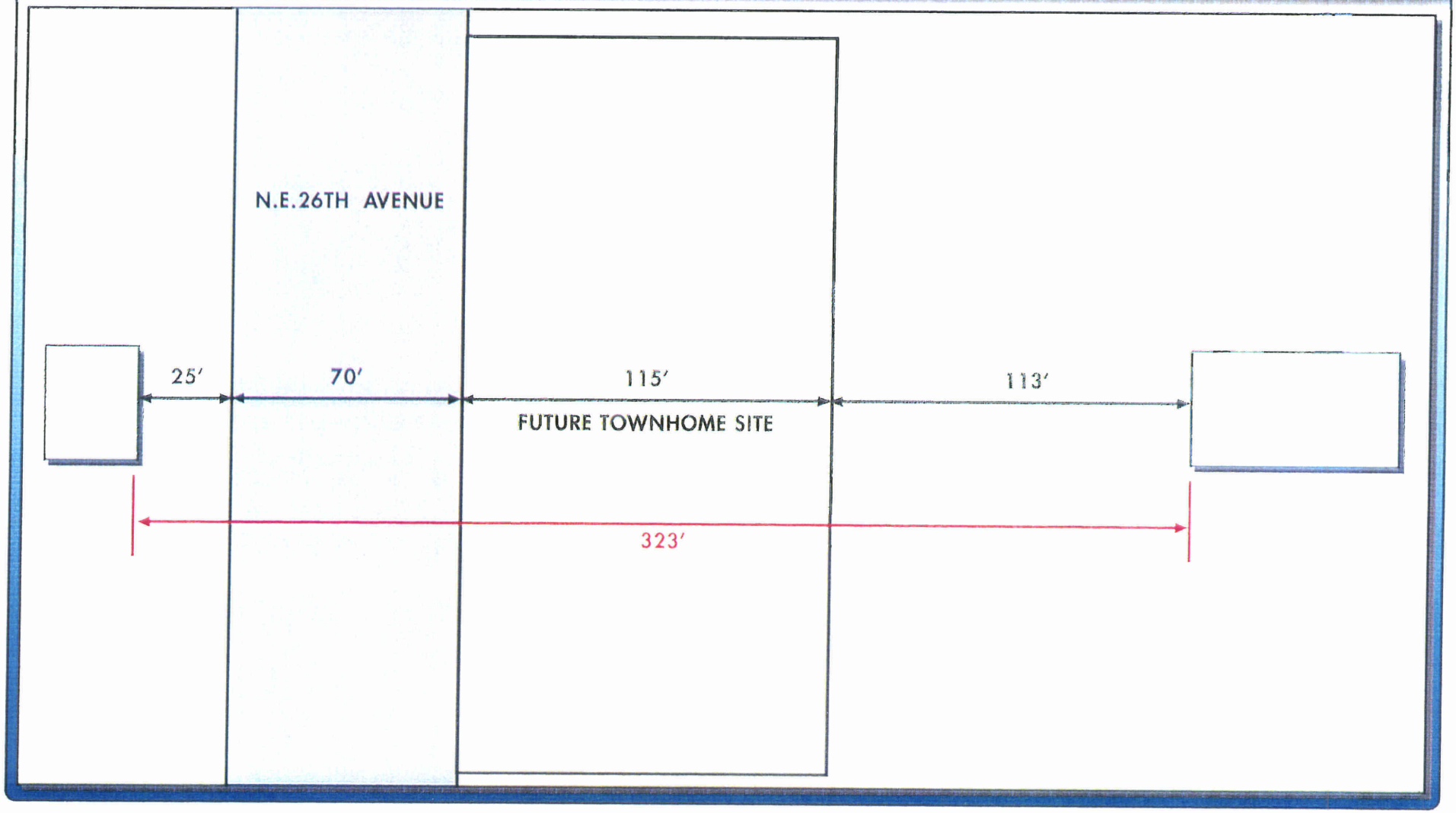
(17) *Building height.* The height of a building with a gabled or hip roof shall be the vertical distance measured from the average elevation of the finished building site to the top of the roof of the uppermost story. **The height of a building with a flat or nearly flat roof shall be measured from the footing as stated above to the highest point of the roof (but not the parapet or coping shall be used).** A flat roof shall be considered a roof that has a slope of less than seven (7) degrees with the horizontal.

(18) *Building line.* The extreme overall dimensions of a building as staked on the ground,

(17) *Building height.*

...The height of a building with a flat or nearly flat roof shall be measured from the footing as stated above to the highest point of the roof (but not the parapet coping shall be used).

BMS OJUS, LLC
ZONING APPLICATION NO. 04-067



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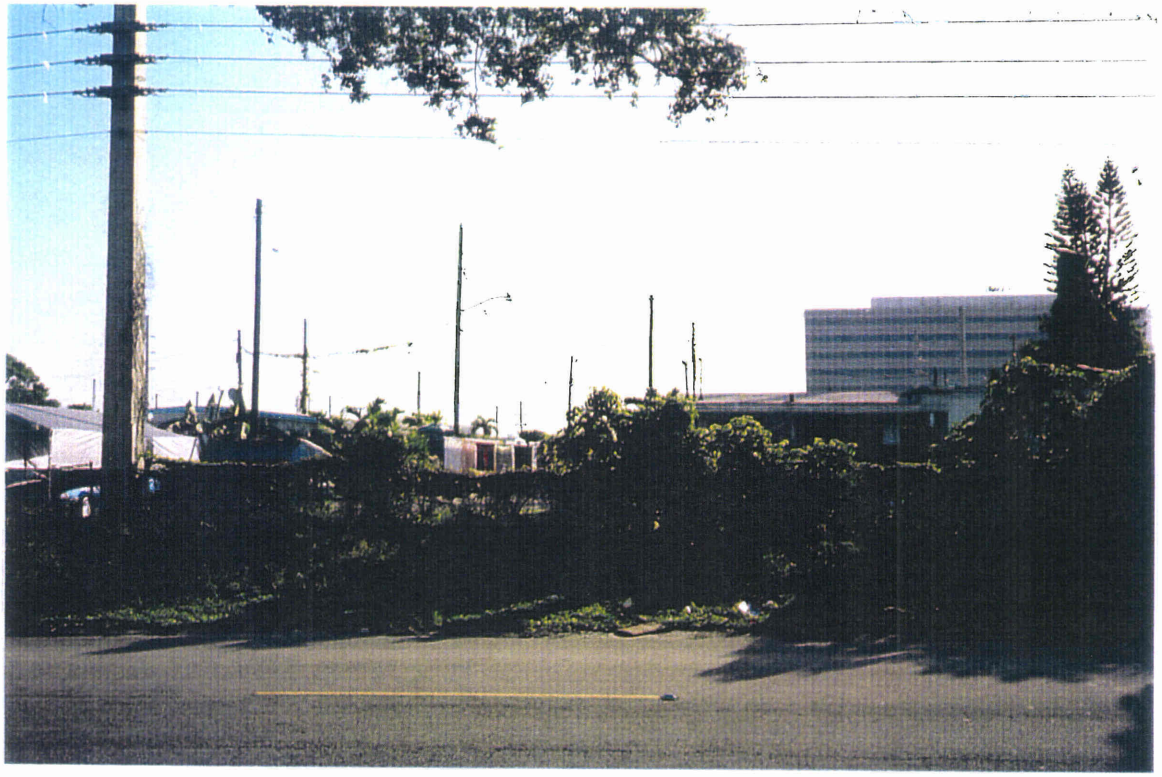
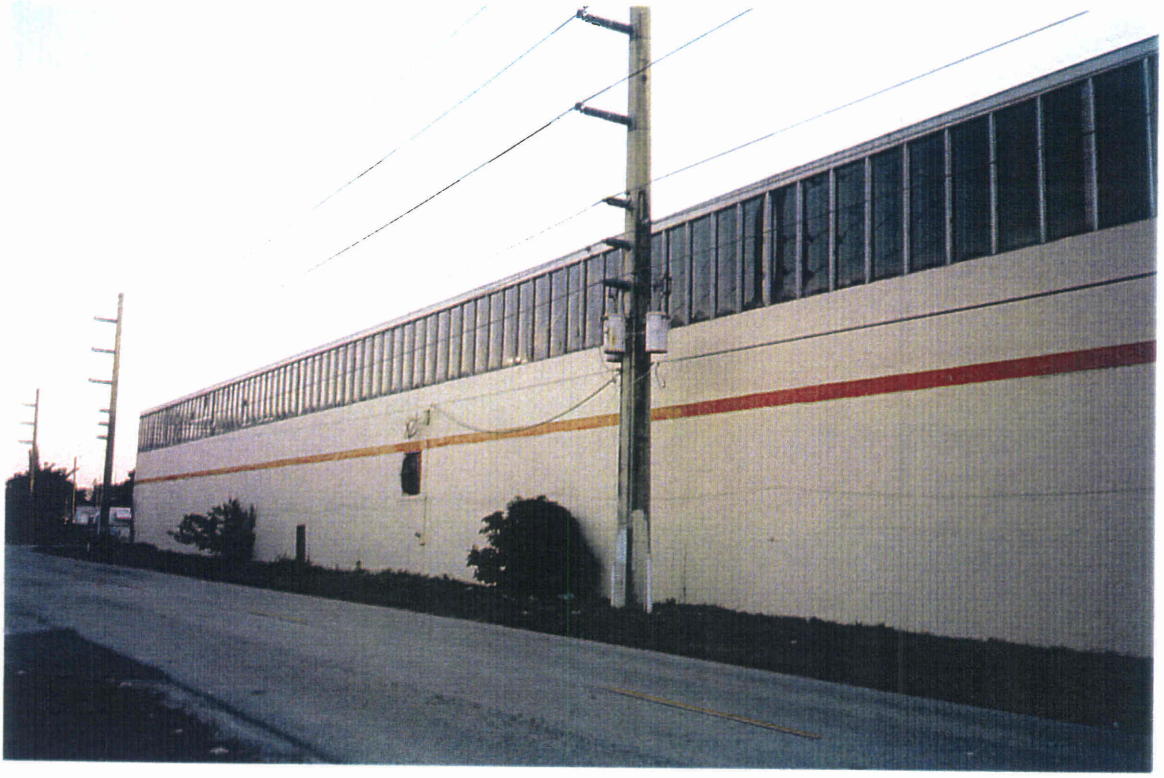


The following photographs were taken standing in the front yard of the single family homes on the west side of N.E. 26 Avenue looking east toward the existing trailer park and the Miron Lumber Yard building.

ITCHEN



View from entrance to Riverwood looking east toward trailer park and City of Aventura

RESOLUTION NO CC2-05-01

RESOLUTION OF NORTHEAST COMMUNITY COUNCIL (2) ACCEPTING THE OJUS CHARRETTE REPORT DATED MAY 2001, WITHOUT APPROVING OR TAKING ANY POSITION ON THE DETAILED RECOMMENDATIONS IN CONNECTION WITH ANY APPLICATION OF THE MIAMI-DADE COUNTY ZONING CODE TO PARTICULAR PROPERTIES AND USES IN THE SUBJECT AREA.

WHEREAS, the Board of County Commissioners by Ordinance No. 96-126 established Community Councils in the unincorporated area; and

WHEREAS, the Community Councils may at their option perform certain duties and responsibilities as are contained in that ordinance; and

WHEREAS, the Miami-Dade County Department of Planning and Zoning presented the Ojus Charrette Report, prepared by Albert R. Perez and Associates in conjunction with Judson and Partners dated May 2001; and

WHEREAS, the Council supports the vision contained in the Ojus Charrette Report for improvement of the Ojus community; and

WHEREAS, at their meeting of November 7th, 2001, the members of Northeast Community Council (2) discussed the Ojus Charrette Report,

NOW THEREFORE BE IT RESOLVED THAT NORTHEAST COMMUNITY COUNCIL 2 accepts the Ojus Charrette Report dated May 2001, without approving or taking any position on detailed recommendations in connection with any applications of the Miami-Dade County Zoning Code to particular properties and uses in the subject area.

IT IS FURTHER RESOLVED that the Council specifically recommends that any implementation of this Charrette which could create non-conforming uses, if destroyed up to 100 percent, be permitted to be rebuilt as previously permitted by the Miami-Dade County Zoning Code.

The forgoing resolution was offered by Council Person Adrienne Promoff, who moved its adoption and was seconded by Council Person Ken Friedman, and upon being put to a vote the vote was as follows:

Charles Baron	Nay	Reynold Stein	Aye
Ken Friedman	Aye	Peggy Stroker	Absent
Adrienne Promoff	Aye	Bob Wolf	Absent

William Koppel, Chair Aye

The Chair thereupon declared the resolution adopted this 7th day of November, 2001.

I hereby certify that the above information reflects the action of the Council.

Michael Bregman, Executive Secretary

Approved_____Mayor
Veto _____
Override _____

Agenda Item No.

RESOLUTION NO. 167-04

RESOLUTION ACCEPTING THE OJUS CHARRETTE REPORT INCLUDING ITS PLAN AND RECOMMENDATIONS AND DIRECTING COUNTY STAFF TO BE GUIDED BY THE CHARRETTE REPORT IN APPLYING THE CODE OF MIAMI-DADE COUNTY AND FURTHER DIRECTING THE MANAGER TO PRESENT TO THE COMMISSION NECESSARY AMENDMENTS TO THE CODE

WHEREAS, the Northeast Community Council 2, property owners, local governments, and the neighboring community worked together to build consensus on the future of the Ojus area; and

WHEREAS, at their meeting of November 7, 2001, the members of the Northeast Community Council 2 accepted the Ojus Charrette Report as a vision and guideline; and

WHEREAS, at their meeting of August 22, 2002, the members of the Ojus Steering Committee discussed and prioritized the Ojus Charrette Report Recommendations to provide direction for future applications; and

WHEREAS, at their meeting of September 9, 2002, the members of the Planning Advisory Board recommended adoption of the Ojus Charrette Report, Recommendations, and Funded Improvements Report; and

WHEREAS, the Ojus Charrette Report is consistent with the County's Comprehensive Development Master Plan; and

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

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. _____

By:_____
Deputy Clerk

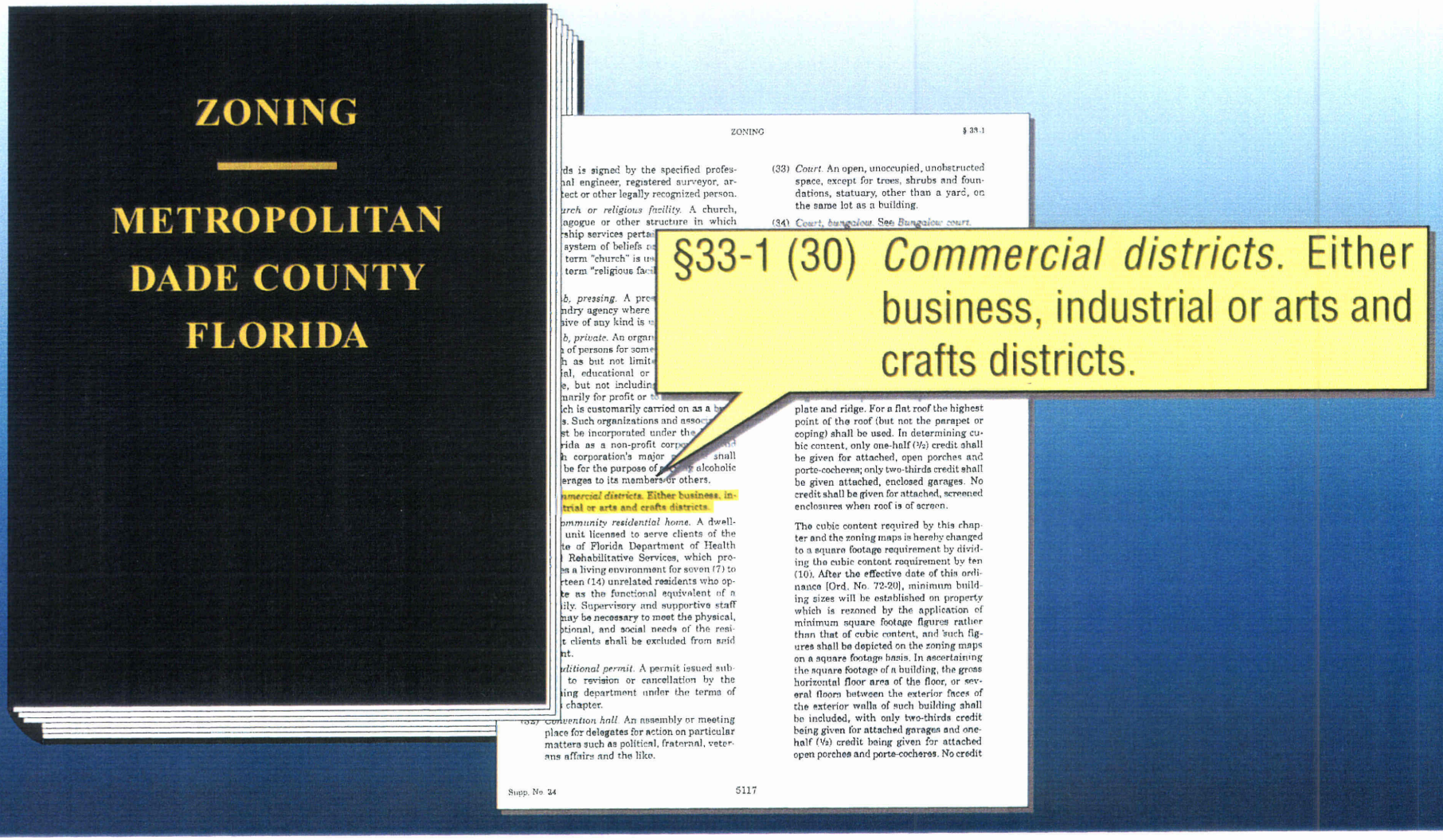
WHEREAS, the Ojus Charrette Report promulgates recommendations and guidelines to assist in influencing form and character of future development and infrastructure improvements within the Ojus area;

WHEREAS, the County wishes to accept these recommendations and guidelines;

WHEREAS, further implementation of the Charrette guidelines requires additional community consensus and changes to some of the existing zoning provisions of the Code of Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby (1) accepts the Ojus Charrette Report, including its plan and recommendations, and (2) directs County Staff to be guided by such plan and recommendations in the application of the Code of Miami-Dade County as allowed by law, and (3) further directs the County Manager to present to the County Commission necessary amendments to the Code of Miami-Dade County to accommodate the Charrette Report's plan and recommendations.

BMS OJUS, LLC
ZONING APPLICATION NO. 04-067



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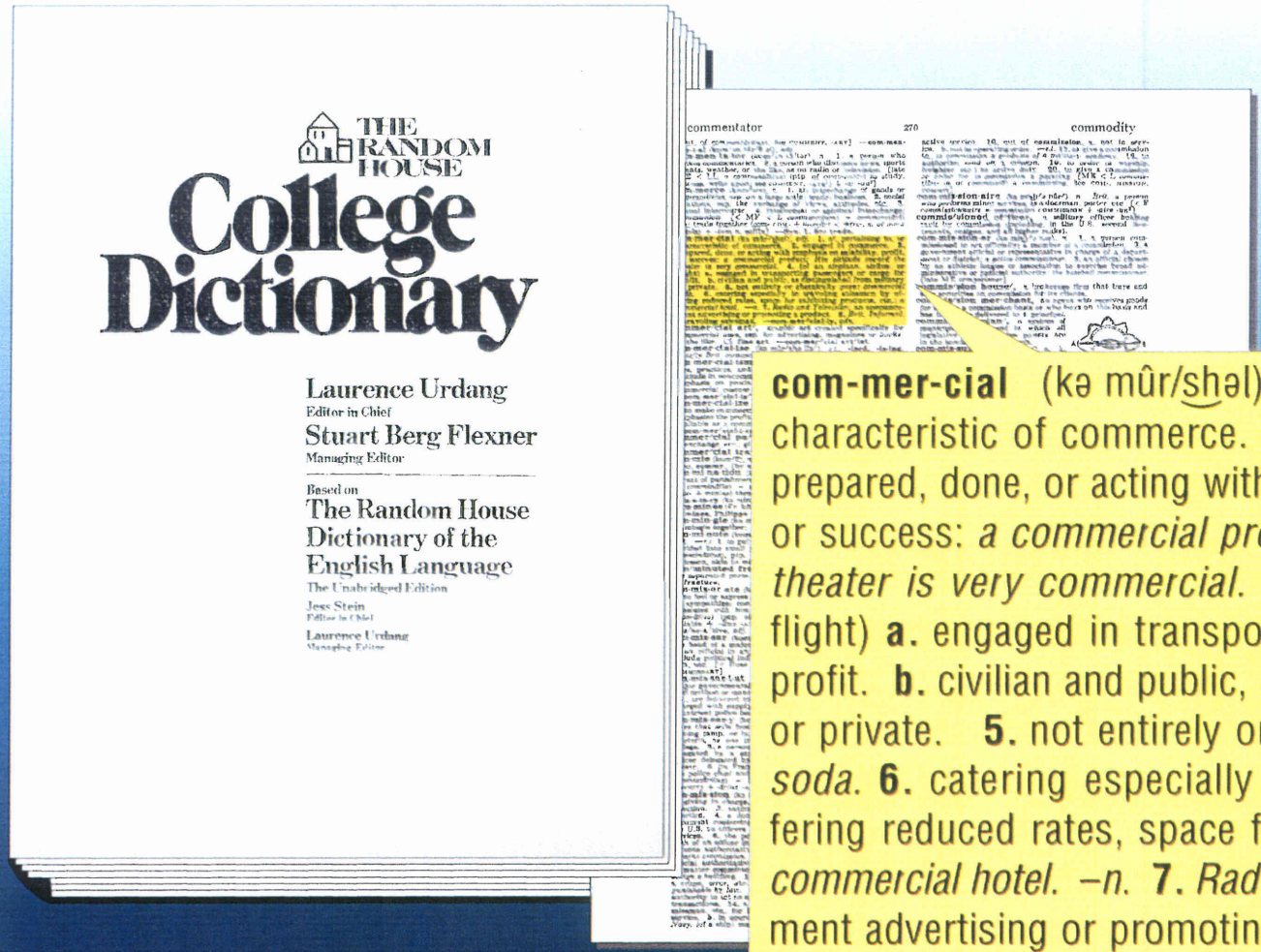
ZONING APPLICATION NO. 04-067



com-mer-cial (kə mûr/shəl) *adj.* 1. of, pertaining to, or characteristic of commerce. **2.** engaged in commerce. **3.** prepared, done, or acting with emphasis on salability, profit, or success: *a commercial product; His attitude toward the theater is very commercial.* **4.** (of an airplane, airline. or flight) **a.** engaged in transporting passengers or cargo for profit. **b.** civilian and public, as distinguished from military or private. **5.** not entirely or chemically pure: *commercial soda.* **6.** catering especially to traveling salesmen by offering reduced rates, space for exhibiting products. etc.: *a commercial hotel.* *–n.* **7.** *Radio and Television.* an announcement advertising or promoting a product. **8.** *Brit.* Informal, a traveling salesman. **–com-mer/cial-ly,** *adv.*

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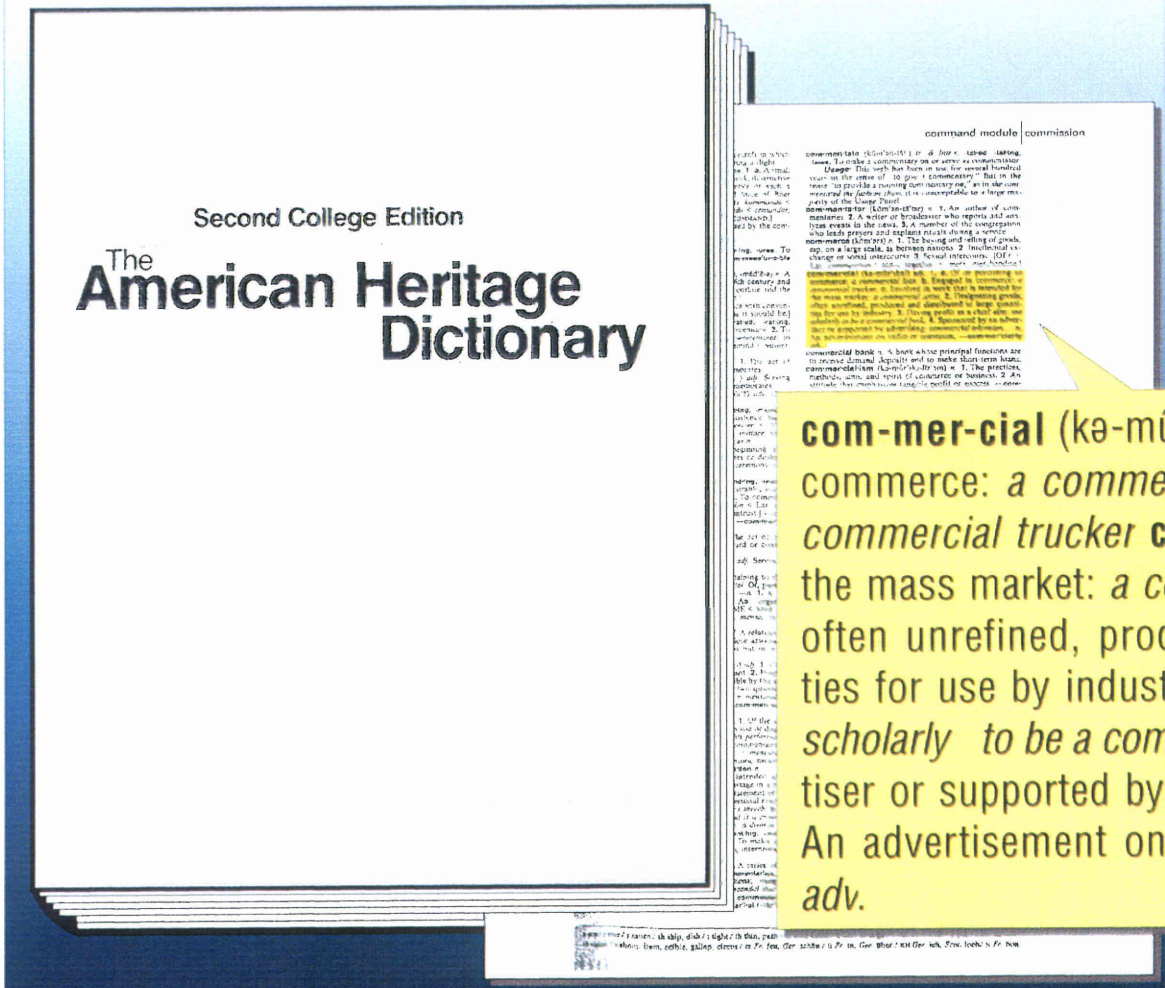

com-mer-cial (kə-mûr'shəl) adj. **1. a.** Of or pertaining to commerce: *a commercial loan.* **b.** Engaged in commerce: a *commercial trucker* **c.** Involved in work that is intended for the mass market: *a commercial artist.* **2.** Designating goods, often unrefined, produced and distributed in large quantities for use by industry. **3.** Having profit as a chief aim: *too scholarly to be a commercial book.* **4.** Sponsored by an advertiser or supported by advertising: *commercial television.* -*n.* An advertisement on radio or television. **-com-mer'cial-ly** *adv.*

TIMELINE OF 199TH STREET RAILROAD CROSSING

SEPTEMBER 1997
FDOT Files Application to Temporarily Open 199th Street Crossing

DECEMBER 1999
Temporary Crossing Opened to Traffic

FEBRUARY 2000
Zoning Application Is Filed to Develop Shopping Center at 199 Street West of West Dixie Highway

OCTOBER 2000
Ojus Charrette Meeting Held

MARCH 2001
Temporary Crossing Closed to Traffic

MAY 2001
Ojus Charrette Report Completed - Depicts 199th Street Crossing as Central Element

NOVEMBER 2001
Miami-Dade County and Turnberry Associates Apply to Permanently Re-Open Crossing

NOVEMBER 2001
Ojus Charrette Report is Accepted by Community Council 2

SEPTEMBER 2002
Ojus Charrette Report is Accepted by Planning Advisory Board

JUNE 2003
FDOT Issues Notice to Intent to Deny Permanent Opening

JULY 2003
Miami-Dade County and Turnberry Associates File for Administrative Hearing to Challenge Notice of Intent

DECEMBER 2003
After Lengthy Period of Inactivity, 199th Street Shopping Center Zoning Application is Deemed Abandoned by Miami-Dade County

JANUARY 2004
Parties File Motions to Relinquish Jurisdiction of Administrative Appeal Back to FDOT and Case is Closed

FEBRUARY 2004
Ojus Charrette Report Accepted by County Commission

FEBRUARY 2004 TO PRESENT
No Additional Applications to Re-Open the Crossing Have Been Filed With FDOT