

--	--	--

Sec. Twp. Range

**ZONING HEARING APPLICATION  
MIAMI-DADE COUNTY  
DEPARTMENT OF PLANNING & ZONING**

**RECEIVED**  
204-255  
JUN 23 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

30-5021-000-0261

30-5020-000-0740

30-5021-000-0252

30-5020-000-0660

LIST ALL FOLIO #S: 30-5020-035-0010

Date Received

**1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).  
Irwin Potash, et al: See Attached Exhibit "A"

**2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 999 Ponce de Leon Boulevard, Suite 1000  
City: Coral Gables State: FL Zip: 33134 Phone#: (305) 444-1500

**3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): See Attached Exhibit "A"  
Mailing Address: 999 Ponce de Leon Boulevard, Suite 1000  
City: Coral Gables State: FL Zip: 33134 Phone#: (305) 444-1500

**4. CONTACT PERSON'S INFORMATION:**

Name: Jeffrey M. Flanagan, Esq. Company: Carlos Williard & Flanagan, P.A.  
Mailing Address: 999 Ponce de Leon Boulevard, Suite 1000  
City: Coral Gables State: FL Zip: 33134  
Phone#: (305) 444-1500 Fax#: (305) 443-8617 E-mail: JeffreyF@CWFPA.com

**5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

See Attached Exhibit "B"

Exhibit "A"

Folio No(s): ~~30-5021-000-0261~~  
30-5021-000-0252  
30-5020-000-0740

Irwin Potash  
Linda Potash  
Harry Nateman  
Joan Nateman  
Lorraine Leitman  
Hal Leitman  
Lorn Leitman

---

Folio No.: 30-5020-000-0660

John and Barbara Mudd

Folio No.: 30-5020-035-0010

Shay of Miami, Inc. \*

*sub  
revised*

204255  
FEB 2 / 2005

LEGAL DESCRIPTION

The E. 1/2, of the SW. 1/4, of the SW. 1/4, of the SW. 1/4 of Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida, less the South 35 feet and less that Portion lying East and Northeast of the South Right of Way Line of Canal C-100.

The W. 1/2 of the SW. 1/4, of the SW. 1/4, of the SW. 1/4 of Section 21, Township 55 South, Range 40 East, Dade County, Florida, less the South 35 feet, less the West 35 feet, less that Portion for R/W of Canal C-100.

The NE. 1/4, of the SE. 1/4, of the SE. 1/4 lying South of Canal C-100 R/W, Section 20, Township 55 South, Range 40 East, Dade County, Florida.

The North 129 feet, of the East 1/2, of the SE. 1/4, of the SE. 1/4, of the SE. 1/4 of Section 20, Township 55 South, Range 40 East subject to dedication of the East 40 feet thereof. (O.R.B. 16849, Pg. 4211)

And;

The North 241 feet of Tract "A", of "JACADAMA TRACT", according to the Plat thereof, as Recorded in plat Book 119, at Page 81, of the Public Records of Miami Dade County, Florida.

In addition that Portion of the SW. 1/4, of the NW. 1/4, of the SW. 1/4, of the SW. 1/4 of Section 21, Township 55 South, Range 40 East, Dade County, Florida; Lying South and West of Canal C-100; less the West 35 feet thereof.

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

North of SW 152 Street between 95 Avenue and 98 Avenue

7. SIZE OF PROPERTY (in acres): 17.29 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property [X] acquired [ ] leased: 1969 / 1995 9. Lease term: \_\_\_\_\_ years
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

N/A

11. Is there an option to purchase [X] or lease [ ] the subject property or property contiguous thereto?
[ ] no [X] yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)
Robert J. Shelley and Douglas F. Landsea

12. PRESENT ZONING CLASSIFICATION: AU; EU-1; EU-M (See Exhibit "C")

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)
(DBCs require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

- [X] District Boundary Changes (DBC) [Zone class requested]: Plan Area Development District
[ ] Unusual Use:
[ ] Use Variance:
[ ] Alternative Site Development:
[ ] Special Exception:
[ ] Modification of previous resolution/plan:
[ ] Modification of Declaration or Covenant:

14. Has a public hearing been held on this property within the last year & a half? [X] no [ ] yes.
If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing is as a result of a violation notice? [X] no [ ] yes. If yes, give name to whom the violation notice was served: and describe the violation:

16. Describe structures on the property: Vacant

17. Is there any existing use on the property? [X] no [ ] yes. If yes, what use and when established?

Use: \_\_\_\_\_ Year: \_\_\_\_\_

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), \_\_\_\_\_, 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 AFFIDAVIT

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

Attest \_\_\_\_\_ Authorized Signature  
Office Held \_\_\_\_\_

(Corp. Seal)

Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, 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.

By \_\_\_\_\_ % (Name of Partnership)  
By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

ATTORNEY AFFIDAVIT

I, Timothy Lincoln, 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.

Sworn to and subscribed to before me this 19 day of April, 2004.

Timothy J. Lincoln  
Signature  
Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_



OWNER OR TENANT AFFIDAVIT

(I)(WE), \_\_\_\_\_, 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 AFFIDAVIT

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

Attest: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Office Held

(Corp. Seal)

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, 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.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

\_\_\_\_\_  
(Name of Partnership)  
By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

ATTORNEY AFFIDAVIT

I, Guy Spiegelman, 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.

Sworn to and subscribed to before me  
this 19<sup>th</sup> day of April, 2004.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_



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.

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), \_\_\_\_\_, 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 AFFIDAVIT

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

Attest: \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Office Held \_\_\_\_\_

(Corp. Seal)

Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_

Notary Public: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, 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.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

(Name of Partnership) \_\_\_\_\_  
By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_

Notary Public: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

ATTORNEY AFFIDAVIT

I, Guy Spiegelman, 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

Sworn to and subscribed to before me this 19th day of April, 2004.

Signature \_\_\_\_\_  
Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_



### 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), \_\_\_\_\_, 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

\_\_\_\_\_  
Notary Public:  
Commission Expires:

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_

### CORPORATION AFFIDAVIT

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

Attest: \_\_\_\_\_  
Authorized Signature  
Office Held

(Corp. Seal)

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_  
Notary Public:  
Commission Expires:

### PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, 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.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %  
By \_\_\_\_\_ (Name of Partnership) %  
By \_\_\_\_\_ %

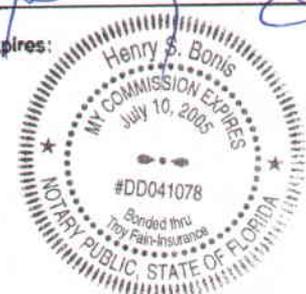
Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_  
Notary Public:  
Commission Expires:

### ATTORNEY AFFIDAVIT

I, Timothy Lincoln, 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.

Sworn to and subscribed to before me  
this 19 day of April, 2004

Timothy Lincoln  
Signature  
Notary Public:  
Commission Expires:



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 similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: Robert J. Shelley & Douglas F. Landsea

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Robert J. Shelley</u>	<u>50%</u>
<u>Douglas F. Landsea</u>	<u>50%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

Date of contract: 04/15/2004

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

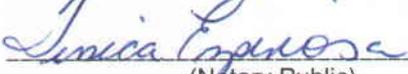
\_\_\_\_\_

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

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

Signature:   
(Applicant)  
**Jeffrey M. Flanagan**

Sworn to and subscribed before me this 16 day of April, \_\_\_\_\_ Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

  
(Notary Public)



My commission expires \_\_\_\_\_

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

**APPLICANT'S AFFIDAVIT**  
(SELECT APPROPRIATE AFFIDAVIT AND NOTARIZE BELOW)

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. (1)(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), \_\_\_\_\_, 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 (see notary below) Signature

CORPORATION AFFIDAVIT

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

Attest: \_\_\_\_\_  
(Corp. Seal) Authorized Signature  
\_\_\_\_\_  
Office Held

PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, 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.

**RECEIVED**  
204 255  
JAN 31 2007

\_\_\_\_\_  
(Name of Partnership)  
\_\_\_\_\_  
By \_\_\_\_\_ %  
BY \_\_\_\_\_ %

ATTORNEY AFFIDAVIT

I, Tracy R. Slavens, Esq., 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.

Tracy Slavens  
Signature

Sworn to and subscribed to be me  
this 9<sup>th</sup> day of may, 2006.

Notary Public: Siuby Fleites  
Commission expires \_\_\_\_\_



**OWNERSHIP AFFIDAVIT  
FOR  
LIMITED LIABILITY COMPANY**

STATE OF Florida

Public Hearing No. 04-255

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Douglas F. Landsea, Managing Member, hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

1. Affiant is the Manager of Coral Reef Drive Land Development, LLC, a Florida limited liability company with the following address: 9155 S. Dadeland Boulevard, Suite 1810, Miami, FL 33156
2. The Limited Liability Company 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:

Miriam Gomez  
Signature

Miriam Gomez  
Print Name

Aylen Pulido  
Signature

Aylen Pulido  
Print Name

Douglas F. Landsea  
Douglas F. Landsea, Managing Member

Coral Reef Drive Land Development, LLC  
a Florida limited liability company

Sworn to and subscribed before me on the 5 day of June, 2006. Affiant is personally known to me or has produced Drivers License as identification.

Miriam Gonzalez Gomez  
Notary Public-State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



RECEIVED  
204255  
JAN 31 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_



CFN 2005R1321982  
 DR Bk 24073 Pgs 2781 - 2784; (4pgs)  
 RECORDED 12/21/2005 10:34:32  
 DEED DOC TAX 37,650.00  
 SURTAX 28,237.50  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

2

Parcel ID Number:



04.255

**WARRANTY DEED**

**THIS INDENTURE**, made the 15 day of December, 2005, BETWEEN **IRWIN M. POTASH and LINDA S. POTASH, his wife; HARRY R. NATEMAN and JOAN NATEMAN, his wife; LORRAINE LEITMAN, a single woman** of the County of Miami-Dade, and State of Florida, of the first parties, and **CORAL REEF DRIVE LAND DEVELOPMENT, LLC., a Florida Limited Liability Company**, whose permanent address is 9155 South Dadeland Blvd., Suite 1810, Miami, Florida 33156 of the second part,

**WITNESSETH**, That, the said parties of the first part, for and in consideration of the sum of Ten Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, they granted, bargained, sold, aliened, remise, released, conveyed and confirmed, and by these presents do grant, bargain, sell alien, remise, release, convey and confirm unto the said parties of the second part, and their heirs and assigns forever, all the following piece, parcel or tract of land, situate, lying and being in the County of Dade, State of Florida and more particularly described as follows:

**LEGAL DESCRIPTION:**

The E 1/2 of the SW 1/4 of the SW 1/4 of the SW 1/4 of Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida, lying West and Southwest of Canal C-100, less the South 35 feet thereof.  
*Folio No. 30-5021-000-0261*

The W 1/2 of the SW 1/4 of the SW 1/4 of the SW 1/4 of Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida, less the South 35 feet, less the West 35, less that portion for R/W of Canal C-100.  
*Folio No. 30-5021-000-0252*

The NE 1/4 of the SE 1/4 of the SE 1/4 lying South of Canal C-100 R/W, Section 20, Township 55 South, Range 40 East, of the public records of Miami-Dade County, Florida.  
*Folio No. 30-5020-000-0740*

In Addition that portion of the SW 1/4 of the NW 1/4 of the SW 1/4 of the SW 1/4 of Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida, lying South

H

and West of canal C-100, less the West 35 feet thereof.  
Folio No. 30-5021-000-0252

SUBJECT TO taxes for 2006 and all subsequent years,  
and to easements, restrictions, applicable zoning, reservations and limitations of record, if  
any.

This Property constitutes vacant commercial land and is not now, nor has it been, the  
homestead property of the grantors.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or  
in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits  
thereof, and also all the estate, right, title, interest, dower and right of dower, separate estate, property,  
possession, claim and demand whatsoever, as well as in equity, of the said parties of the first part, of, in and  
to the same, and every part and parcel thereof, with the appurtenances.

To have and To hold the above granted, bargained and described premises, with the appurtenances,  
unto the said parties of the second party, their heirs and assigns, to their own proper use, benefit and behoof  
forever.

And the said parties of the first part, for them and for their heirs, executors and administrators, do  
covenant, promise and agree to and with the said parties of the second party, their heirs and assigns, that the  
said parties of the first part, at the time of the ensealing and delivery of these presents, they are lawfully  
seized of and in all and singular the above granted, bargained and described premises, with the  
appurtenances, and they have good right, full power and lawful authority to grant, bargain, sell and convey  
the same in manner and form aforesaid. And the said parties of the second part, their heirs and assigns, shall  
and may at all times hereafter peaceably and quietly have, hold, use occupy, possess and enjoy the above  
granted premises and every part and parcel thereof, with the appurtenances, without any let, suit, trouble,  
molestation, eviction or disturbance of the said parties of the first part, their heirs or assigns, or of any other  
person or persons lawfully claiming or to claim the same, by, through and under the grantors herein.

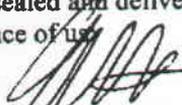
And the said parties of the first part, for them and for their heirs, warrants the above described and  
hereby granted and released premises, and every part and parcel thereof, with the appurtenances, unto the  
said parties of the second part, their heirs and assigns, against the said parties of the first part, their heirs, and  
against all and every person or persons whomsoever lawfully claiming or to claim the same, by, through and  
under the grantors herein, shall and will warrant and by these presents forever defend.

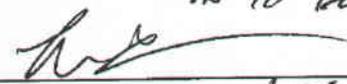
IN WITNESS WHEREOF, The said party of the first part does hereunto set his hands and seal the  
day and year first above written.

Signed, sealed and delivered  
in presence of us

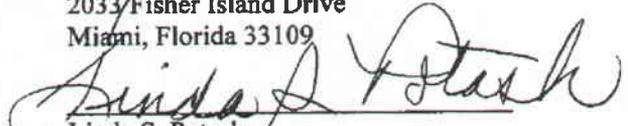
Typed Name:

Typed Name:

  
\_\_\_\_\_  
Roy Spitz  
AS TO BOTH

  
\_\_\_\_\_  
Lora Leibman  
AS TO BOTH

  
\_\_\_\_\_  
Irwin M. Potash  
2033 Fisher Island Drive  
Miami, Florida 33109

  
\_\_\_\_\_  
Linda S. Potash  
2033 Fisher Island Drive  
Miami, Florida 33109

[Signature]  
Typed Name:

[Signature]  
LORNA LEITMAN

[Signature]  
Typed Name: Kevin Nateman  
Gilbert Sanchez

[Signature]  
Typed Name: KEVIN Nateman

[Signature]  
Typed Name: Gilbert Sanchez

[Signature]  
Harry R. Nateman  
9700 Calusa Club East  
Miami, Florida 33186

[Signature]  
Joan Nateman  
9700 Calusa Club East  
Miami, Florida 33186

[Signature]  
Lorraine Leitman  
12905 S.W. 108<sup>th</sup> Avenue  
Miami, Florida 33176

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

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **IRWIN M. POTASH, LINDA S. POTASH, and HARRY R. NATEMAN**, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, that I relied upon the following form of identification of the above-named persons: driver's license and that an oath was not taken.

Witness my hand and official seal in the County and State last aforesaid this 15 day of December, 2005.

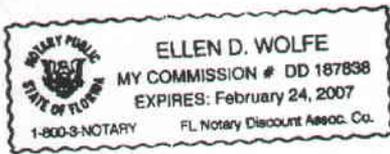


[Signature]  
Notary Name:  
State of Florida at Large

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

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **JOAN NATEMAN** known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, that I relied upon the following form of identification of the above-named persons: driver's license and that an oath was not taken.

Witness my hand and official seal in the County and State last aforesaid this 15 day of December, 2005.



*Ellen D. Wolfe*  
Notary Name:  
State of Florida at Large

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

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **LORRAINE LEITMAN** known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, that I relied upon the following form of identification of the above-named person: driver's license and that an oath was not taken.

Witness my hand and official seal in the County and State last aforesaid this 15 day of December, 2005.

*Lorraine M. D.*  
Notary Name:  
State of Florida at Large



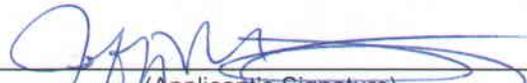
LEANNE M. DAVERN  
MY COMMISSION # DD 407834  
EXPIRES: March 21, 2009  
Bonded Thru Budget Notary Services

This instrument prepared by:  
Guy Speigelman, Esquire  
28 West Flagler Street, Suite 400  
Miami, Florida 33130-1817

## RESPONSIBILITIES OF THE APPLICANT

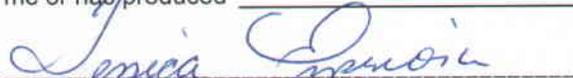
I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075

  
(Applicant's Signature)  
**Jeffrey M. Flanagan**

(Print Name)

Sworn to and subscribed before me this 16 day of April, \_\_\_\_\_, Affiant is personally known to  
me or has produced \_\_\_\_\_ as identification.

  
(Notary Public)

My commission expires \_\_\_\_\_



**Jessica Espinosa**  
Commission # DD273053  
Expires: Dec. 7, 2007  
Aaron Notary  
1-800-350-5161