EXHIBIT LIST

COMMUNITY ZONING APPEALS BOARD 14

APRIL 12, 2006

RESOLUTION #: CZAB14-**10**-06

ITEM#	HEARING#	APPLICANT'S NAME	SS-TT-RR
D	05-144	ROYD LEMUS & RAQUEL LAU	12-56-38

EX. #	EXHIBIT DESCRIPTION	IN FILE
✓D-1	**SPIRAL BOUND NOTEBOOK BY HOLLAND + KNIGHT**	**YES**
✓D-2	**LETTERS TO CZAB14 FROM LNB GROVES & GABY'S FARM, INC.**	**YES**
✓D-3	**PART OF P&Z REC DATED 9/2/99 & MISC. DOCUMENTS (7 PAGES)**	**YES**
✓D-4	**SCANNED PHOTO OF "FOR SALE" SIGN**	**YES**
D-5		
D-6		
D-7		
D-8	Exhibits	
D-9	Complete	
D-10		
D-11		
D-12		
D-13		
D-14		
D-15		
D-16		
D-17		
D-18		

RECEIVED BY CLERK
Item # 05-144
CZAB # 14 Exhibit # D-1
APR 12 2006
CLERK OF THE BOARD

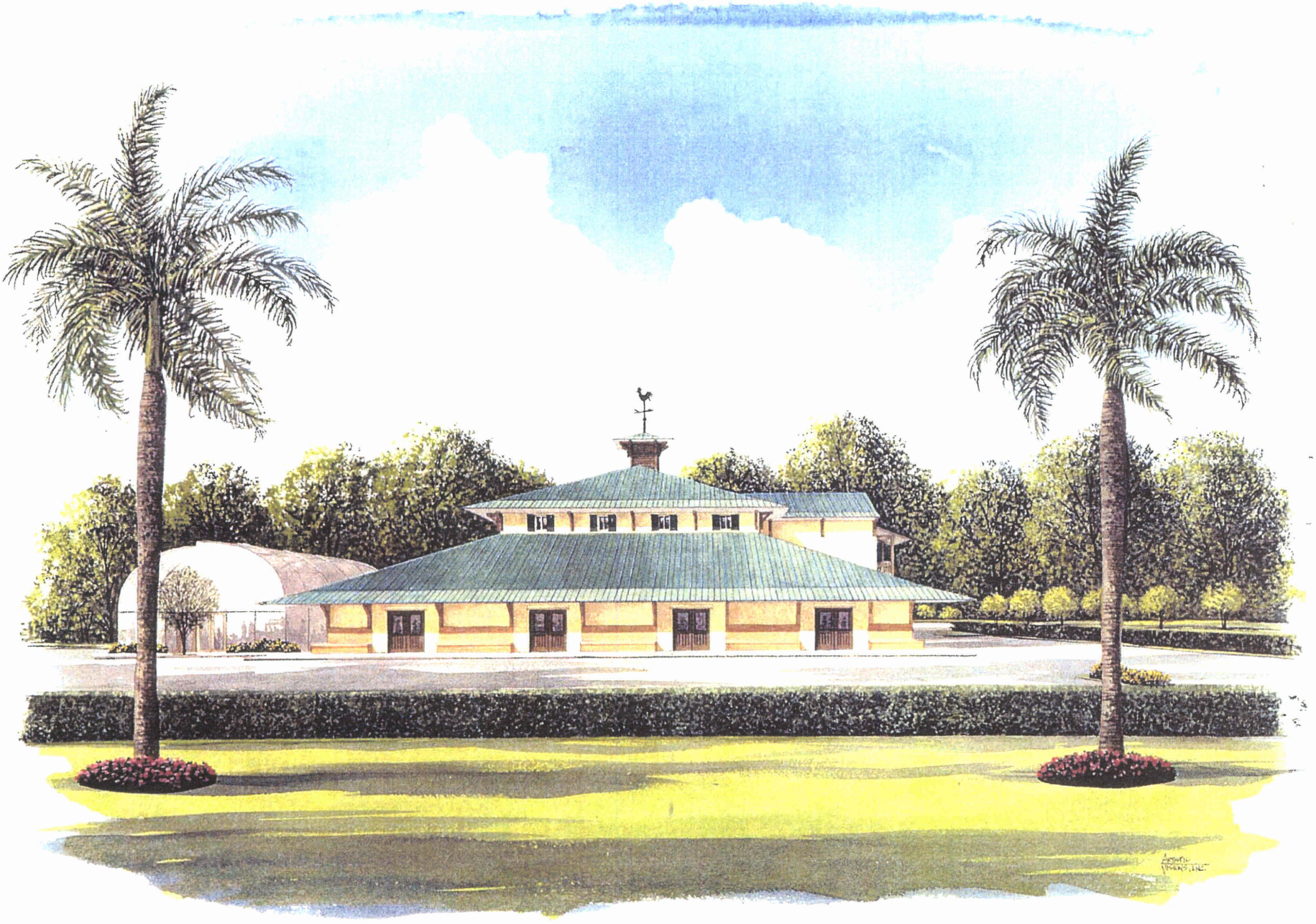
BEFORE COMMUNITY COUNCIL 14

ROYD LEMUS & RAQUEL LAU

Public Hearing 05-144
April 12, 2006

Holland+Knight

701 Brickell Avenue
Suite 3000
Miami, Florida 33131
(305) 374-5800 Phone
(305) 789-7799 Fax



Enterprise Zone and Federal Enterprise Community programs as tools to expand the economy in locally distressed areas.

1L. Miami-Dade County will maintain and enhance the housing assistance and public housing programs addressed in the Housing Element as a means to improve conditions of low and moderate income residents.

1M. Public facility and service providers shall give priority to eliminating any infrastructure deficiencies to facilitate rehabilitation or renewal of blighted areas.

1N. In formulating or amending development regulations, Miami-Dade County shall avoid creating disincentives to redevelopment of blighted areas. Where redevelopment occurs within the urban area, requirements for contributions toward provision of public facilities may be moderated where underutilized facilities or surplus capacities exist, and credit toward required infrastructure contributions may be given for the increment of development replaced by redevelopment.

1O. Miami-Dade County shall continue to support the Metro-Miami Action Plan to improve conditions of disadvantaged groups of the community.

1P. Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.

1Q. While continuing to protect and promote agriculture as a viable economic activity in the County, Miami-Dade County shall explore and may authorize alternative land uses in the South Dade agricultural area which would be compatible with agricultural activities and associated rural residential uses, and which would promote ecotourism related to the area's agricultural and natural resource base including Everglades and Biscayne National Parks.

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

beyond the time horizon of the CDMP. This study should be initiated in 1996 and concluded within 2 years after its commencement.

8E. The maintenance of internal consistency among all Elements of the CDMP shall be a prime consideration in evaluating all requests for amendment to any Element of the Plan. Among other considerations, the LUP map shall not be amended to provide for additional urban expansion unless traffic circulation, mass transit, water, sewer, solid waste, drainage and park and recreation facilities necessary to serve the area are included in the plan and the associated funding programs are demonstrated to be viable.

8F. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

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

8G. The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy 7F.

8H. When considering land areas to add to the UDB, after demonstrating that a countywide need exists,

i) The following areas shall not be considered:
   a) The Northwest Wellfield Protection Area located west of the Turnpike Extension between Okeechobee Road and NW 12 Street, and the West Wellfield Protection Area west of SW 157 Avenue between SW 8 Street and SW 42 Street;
   b) Water Conservation Areas, Biscayne Aquifer Recharge Areas, and Everglades Buffer Areas designated by the South Florida Water Management District;

c) The Redland area south of Eureka Drive; and

ii) The following areas shall be avoided:
a) Future Wetlands delineated in the Conservation and Land Use Element;
b) Land designated Agriculture on the Land Use Plan map;
c) Category 1 hurricane evacuation areas east of the Atlantic Coastal Ridge; and

iii) The following areas shall be given priority for inclusion, subject to conformance with Policy 8G and the foregoing provision of this policy:
a) Land within Planning Analysis Tiers having the earliest projected supply depletion year;
b) Land contiguous to the UDB;
c) Locations within one mile of a planned urban center or extraordinary transit service; and
d) Locations having projected surplus service capacity where necessary facilities and services can be readily extended.

Objective 9

Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well designed buildings.

Policies

9A. To maintain consistency between Miami-Dade County's development regulations and comprehensive plan, Miami-Dade County's land development regulation commission shall review proposals to amend Miami-Dade County's development regulations and shall report on the consistency between said proposals and the CDMP, as required by Chapter 163, F.S.

9B. Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:

i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;

ii) Subdivision of land;

iii) Protection of potable water wellfields;

iv) Areas subject to seasonal or periodic flooding;

i) Open space in the form of squares, plazas, or green areas in residential and commercial zoning categories;

ii) Diversity of uses in or adjacent to residential districts, including neighborhood designs that have a mixture of retail, residential, office, institutional and service business uses in close proximity;

iii) Diversity of housing and construction types;

iv) Parking requirements for all zoning districts to allow and retain on-street parking where appropriate, and to encourage off-street parking in the rear or on the sides of the developments;

v) A hierarchy of street types and designs, ranging from pedestrian and bike paths to boulevards that serve both neighborhood and areawide vehicular and pedestrian trip making needs by addressing cross sections, corner radii, connectivity and rationality of street and pathway networks, and balanced accommodation of automobiles, pedestrians, bicyclists, and landscaping.

9O. Miami-Dade County shall formulate and adopt zoning overlay or other regulations applicable to land outside the Urban Development Boundary to orient the uses allowed in business and industrial zoning districts to those which support the rural and agricultural economy of the area. Uses permitted by right would relate exclusively to agricultural or mining industries, and other uses would be approvable as special exceptions upon demonstration that the use supports the non-urban economy of that area or is required by residents of the immediate area.

9P. Building, zoning and housing codes will be vigorously enforced in all areas of Miami-Dade County.

9Q. By January 1, 2001, Miami-Dade County shall revise its Zoning regulation as necessary to prohibit the approval of new private schools and expansion of existing private schools outside the Urban Development Boundary (UDB) or which do not conform with the UDB setback standards enumerated in Educational Element Policy 2.1.

Objective 10

Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multimodal transportation systems.

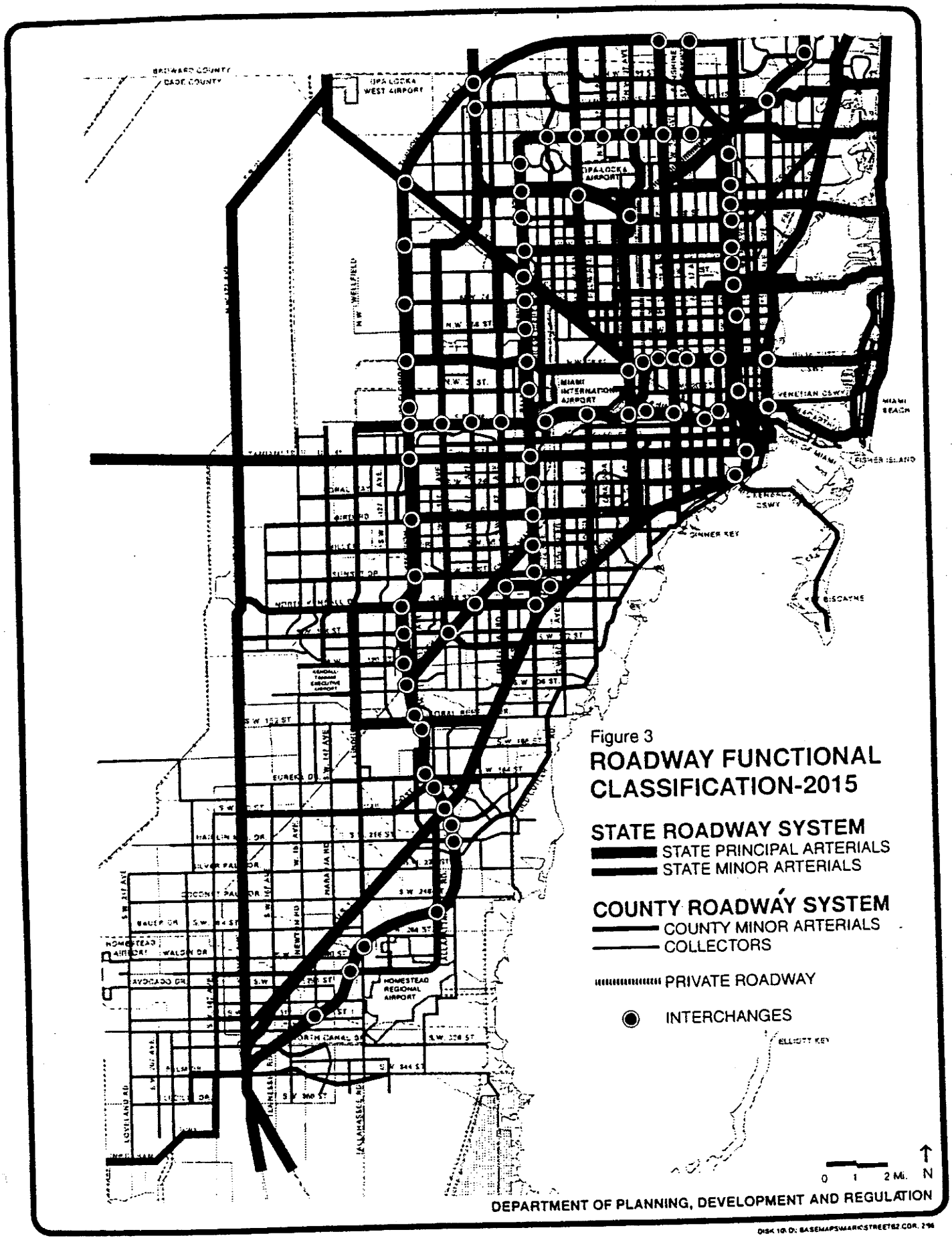
Agriculture

The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Education Element Policy 2.1.

In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

In an effort to enable compatible diversification of the economy of Agriculture areas and provide additional land use options for owners of properties that surround structures having historical significance, after such time as the County adopts procedures for the establishment of thematic Resource Districts (TRDs) pursuant to Land Use Element Policy No. 6L, and a TRD including architectural and landscape design guidelines is established in an area designated Agriculture, additional uses may be authorized in such TRDs established in Agriculture areas. Such additional uses must be designed and developed in accordance with TRD standards, must promote ecotourism activities in the Agriculture area, and must not be incompatible with nearby agricultural activities.

Also included in the Agriculture area are enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of Sections 33-196, 33-280, and 33-280.1 of the Dade County Code shall continue to apply in this area except that lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning: (a) is


BROWARD COUNTY
DADE COUNTY
OPA LOCKA WEST AIRPORT
OPA LOCKA AIRPORT
MIAMI INTERNATIONAL AIRPORT
MIAMI BEACH
FISHER ISLAND
DINNER KEY
BISCAYNE
HOMESTEAD REGIONAL AIRPORT
ELLIOTT KEY
Figure 3
ROADWAY FUNCTIONAL CLASSIFICATION-2015
STATE ROADWAY SYSTEM
STATE PRINCIPAL ARTERIALS
STATE MINOR ARTERIALS
COUNTY ROADWAY SYSTEM
COUNTY MINOR ARTERIALS
COLLECTORS
PRIVATE ROADWAY
INTERCHANGES
0 1 2 Mi.
N
DEPARTMENT OF PLANNING, DEVELOPMENT AND REGULATION

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE

DERM

ENVIRONMENTAL RESOURCES MANAGEMENT
OFFICE OF THE DIRECTOR
33 S.W. 2nd AVENUE
MIAMI, FLORIDA 33130-1540
(305) 372-6754
FAX (305) 372-6759

August 30, 1999

CERTIFIED MAIL NO. P 169 145 878
RETURN RECEIPT REQUESTED

Greenberg/Traurig
Mr. Juan Mayol
1221 Brickell Avenue
Miami, FL 33131

RE: Royd Lemus and Raquel Lau
Intersection of S.W. 177th Avenue and S.W. 208th Avenue

Dear Mr. Mayol:

Enclosed herewith is a copy of Board Order No. 99-35, adopted by the Miami-Dade County Environmental Quality Control Board, approving your application on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated.

If you have any questions regarding this matter, do not hesitate to contact me at (305) 372-6524.

Sincerely,

Enrique A. Cuellar, Chief
Code Coordination and
Public Hearings

cc: EQCB File

OFF. REC. 18739PG1815

99R424789 1999 AUG 13 11:28

BEFORE THE MIAMI-DADE COUNTY
ENVIRONMENTAL QUALITY CONTROL BOARD

IN RE: : **Board Order No.** 99-35

Royd Lemus and Raquel Lau :

THIS MATTER came before the Board as a request by Petitioners, Royd Lemus and Raquel Lau for [redacted] Dade County Florida. The request [redacted] in conjunction with a proposed farmer's market. The proposed farmer's market would be located on a property served by an [redacted]. The subject property is located at the intersection of S. W. 177th Avenue and S.W. 208th Street, Miami-Dade County, Florida, and is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

Section 24-13(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any [redacted].

Section 24-13(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any [redacted]. The same Code Section also provides that nonresidential land uses served by a septic tank and an on-site drinking water supply well, [redacted].

The Board finds that the Petitioners propose to establish and operate a farmer's market at the subject site. [redacted].

The Board also finds that the closest public water is located approximately 4.25 miles from the site, and the closest public sanitary sewer is located approximately 5 miles from the site. [redacted].

[redacted] The Board further finds that the results of the analysis of a water sample taken at the site indicate that [redacted]. Furthermore, the proposed land use [redacted].

Finally, the Board finds that based upon the foregoing, [redacted] not [redacted] not [redacted]y. *

ACCORDINGLY, IT IS

ORDERED AND ADJUDGED that based upon the evidence and testimony presented and the foregoing findings, Petitioners' requested variances be and the same are hereby granted, subject to the following conditions:

1. Prior to the approval of any zoning or platting action, building permit or certificate of use and occupancy for the proposed operation, the property owner shall submit to D[redacted]:

   a. The property shall only be used for a farmer's market and incidental restaurant and take out until such time as the property is connected to an operable public water main and an operable public sanitary sewer, unless a variance is granted by the Environmental Quality Control Board, pursuant to Chapter 24 of the Code of Miami-Dade County, Florida, and if so granted, the property shall be restricted to those uses permitted by any such variance from the Miami-Dade County Environmental Quality Control Board.

   b. The only liquid waste, which shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into a septic tank.

2. As part of any building permit process, plans for a public, non-community water supply system in compliance with the provisions of Section 24-12 of the Code of Miami-Dade County and Section 62-500, FAC shall be submitted to DERM for review and approval.

3. Prior to the issuance of a certificate of use and occupancy for the proposed operation, the Petitioners shall obtain all the required annual operating permits from DERM.

Done and Ordered this 22 day of July, 1999 in Miami-Dade County, Florida.

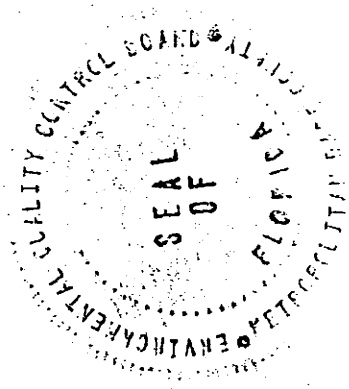
John Pistorino, P. E.
Chairman

FILING AND ACKNOWLEDGEMENT

Filed on this 22 day of July, 1999 with the Secretary of the Board as Clerk of the Environmental Quality Control Board, receipt of which is hereby acknowledged and the seal of the Board affixed below.

John W. Renfrow, P. E.
Secretary and Clerk

SEAL



Approved as to form and legal sufficiency:

Robert A. Ginsburg
County Attorney
Attorney for the Board

Peter S. Tell
Assistant County Attorney

Exhibit "A"

LEGAL DESCRIPTION

The North 330 feet of the East ¾ of the Southeast ¼ of Section 12, Township 56 South, Range 38 East, less the West 1,686.68 feet thereof, being subject to an ingress-egress easement across the North 35.00 feet thereof, containing approximately 2.41 acres.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

This Instrument was Prepared by:

Name: **Juan J. Mayol, Jr., Esq.**
Address: **Holland & Knight LLP**
701 Brickell Avenue, 30th Floor
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Royd Lemus and Raquel Lau (collectively, the "Owner"), holds the fee simple title to that certain parcel of land located 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. 05-144 (the "Application") will be abided by the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Site Plan**.

The Property shall be developed in accordance with the plans previously submitted, entitled "Redland Market," as prepared by Rocco J. Ceo, consisting of three (3) sheets, dated

Section-Township-Range 12-56-39
Folio No. 30-6812-000-0385

stamped received September 21, 2005, as may be modified at the public hearing on the Application (the "Plan").

2. **Use Restrictions.**

Notwithstanding the approval of the Application or the proposed BU-1A zoning classification of the Property, the use of the Property shall be restricted to a farmer's market, as depicted on the Plan. Further, the Owner agrees that (1) sixty-five percent (65%) of the total patron area, including the shade house, at the market shall be used for the display and sale of locally produced, raised or grown products, including, without limitation, fresh produce, flowers, foliage, and vinicultural and other agricultural products. The remaining patron area shall be used for the display and sale of products necessary to support the rural residential community, including, without limitation, agricultural products not available locally during the off-season and food products of any kind. For purposes of this paragraph, the term "locally produced, raised or grown" shall refer to items or products raised, grown or produced in the agricultural area of Miami-Dade County. The display and sale of lottery products, beauty products and personal hygiene/health care products shall be prohibited.

3. **Sign Restrictions.** To the extent that a detached point of sale sign is used in connection with the operation of the farmer's market, said sign shall be of a monument type and shall not exceed a height of twelve feet (12'), as measured from grade to the top of the sign.

4. **Miscellaneous.**

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 the 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 its 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 its heirs, successors and assigns, acknowledge that acceptance of this declaration does not in any way obligate or provide a limitation on the County.

Section-Township-Range: 12-56-39
Folio Number: 30-6812-000-0385

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 that 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, or other procedure permitted under the Miami-Dade County Code, 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 services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization 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 Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County

Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part, and to decline to accept any conveyance or dedication.

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

[Execution Pages Follow]

Section-Township-Range: 12-56-39
Folio Number: 30-6812-000-0385

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 15 day of March, 2006.

WITNESSES:

Signature Miguel Freire

Printed Name

Signature

Aida Lau

Printed Name

ROYD LEMUS

WITNESSES:

Signature Miguel Freire

Printed Name

Signature

Aida Lau

Printed Name

RAQUEL LAU

Section-Township-Range: 12-56-39
Folio Number: 30-6812-000-0385

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

The foregoing instrument was acknowledged before me by Royd Lemus for the purposes stated herein on his behalf. He is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 15 day of MARCH, 2006, in the County and State aforesaid.

My Commission Expires:

Notary Public - State of Florida

Printed Name

MIGUEL FREIRE
MY COMMISSION # DD 506141
EXPIRES: January 11, 2010
Bonded Thru Notary Public Underwriters

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

The foregoing instrument was acknowledged before me by Raquel Lau for the purposes stated herein on her behalf. She is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 15 day of MARCH, 2006, in the County and State aforesaid.

My Commission Expires:

Notary Public - State of Florida

Printed Name

MIGUEL FREIRE
MY COMMISSION # DD 506141
EXPIRES: January 11, 2010
Bonded Thru Notary Public Underwriters

3636321_v1

Section-Township-Range: 12-56-39
Folio Number: 30-6812-000-0385

Subject Property

EXHIBIT "A"
LEGAL DESCRIPTION

30-6812-000-0385

The North 330 feet of the East 3/4 of the South East 1/4 of Section 12, Township 56 South, Range 38 East, less the West 1,686.68 feet thereof, being subject to an ingress-egress easement across the North 35 feet thereof in Miami-Dade County, Florida;

RECEIVED
MAY 18 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

• *n.* (*pl.* **–plies**) 1 providing what is needed. 2 stock, store, amount, etc. 3 [in *pl.*] provisions; equipment. □□ **sup•pli'er** *n.*

■ *v.* 1, 2 give, endow, donate, present, purvey, deliver; stock, accommodate, afford, equip; victual. 3 satisfy, replenish, fill. • *n.* 1 provision, purveyance, distribution, delivery. 2 inventory, quantity, reservoir, reserve, cache. 3 see KIT[1] 1, PROVISION *n.* 2.

sup•port /səpáwrt/ • *v.tr.* 1 carry all or part of the weight of. 2 keep from falling or sinking or failing. 3 provide for (a family, etc.). 4 give strength to; encourage. 5 bear out; substantiate. 6 give help or countenance to; further. 7 speak in favor of. • *n.* 1 supporting or being supported. 2 person or thing that supports. □□ **sup•port'a•ble** *adj.* **sup•port'er** *n.*

■ *v.* 1, 2 bear, take, hold up, sustain; brace, prop (up); strengthen, shore up, reinforce, fortify, buttress. 3 maintain, keep, pay for, fund, finance. 4, 6 back (up), stand by, stick by, help, assist, aid, bolster; champion, promote, forward, second, advance, advocate. 5 verify, corroborate, authenticate, vouch for, endorse, confirm, affirm. 7 argue in favor of, recommend, advocate, favor. • *n.* 1 help, backing, backup, reinforcement, encouragement, assistance, aid; contribution, allegiance, patronage, sponsorship. 2 brace, prop, stay, frame, foundation, underpinning, substructure, shoring, staging, truss, beam; sustenance, (living) expenses, keep, maintenance. □□ **supportable** tolerable, bearable, endurable, acceptable, sufferable; defensible, confirmable, verifiable, demonstrable, enthusiast, champion, promoter, fan, aficionado, devotee, admirer, backer, follower, support, advocate.

sup•port•ive /səpáwrtiv/ *adj.* providing support or encouragement. □□ **sup•port'ive•ly** *adv.* **sup•port'ive•ness** *n.*

■ helpful, sustaining, supporting, encouraging, sympathetic, understanding, reassuring.

sup•pose /səpṓz/ *v.tr.* 1 assume, be inclined to think. 2 take as a possibility or hypothesis. 3 require as a condition (*design in creation supposes a creator*). 4 [in *passive*] **a** be expected or required (*was supposed to write to you*). **b** [with *neg.*] not have to; not be allowed to. □□ **sup•pos'a•ble** *adj.*

■ 1 presume, presuppose, surmise, take; believe, think; take it. 2 hypothesize, theorize, postulate, posit, assume. 3 presuppose, assume; see also INVOLVE 2. 4 **a** be obliged; be meant, be intended.

sup•pos•ed•ly /səpṓzidlee/ *adv.* as is generally supposed.

■ allegedly, reputedly, theoretically, hypothetically.

sup•po•si•tion /súpəzíshən/ *n.* 1 fact or idea, etc., supposed. 2 act or an instance of supposing. □□ **sup•po•si'tion•al** *adj.*

■ assumption, presumption, surmise, inference; belief, thought, fancy, idea, guess; postulation.

sup•pos•i•to•ry /səpózitawree/ *n.* (*pl.* **–ries**) medical preparation that is inserted in the rectum or vagina.

sup•press /səprés/ *v.tr.* 1 put an end to, esp. forcibly. 2 prevent from being done, seen, heard, or known. □□ **sup•pres•sion** /–préshən/ *n.* **sup•pres'sor** *n.*

■ 1 end, discontinue, cut off, cease, stop, terminate, halt, prohibit, preclude, prevent, repress, put down, quell, crush, squelch, quash. 2 keep down, control, keep under control, swallow, stifle, repress, cover up, censor, conceal, hide. □□ **suppression** end, discontinuation, cutoff, cessation, stop, termination, halt, check, extinction; control, restraint.

sup•pu•rate /súpyərayt/ *v.intr.* 1 form pus. 2 fester. □□ **sup•pu•ra•tion** /–ráyshən/ *n.* **sup•pu•ra•tive** /–rətiv/ *adj.*

supra- /sṓoprə/ *prefix* 1 above. 2 beyond; transcending.

su•pra•na•tion•al /sṓoprənáshənəl/ *adj.* transcending national limits.

su•prem•a•cy /sʊoprémməsee/ *n.* (*pl.* **–cies**) being supreme.

■ transcendency, preeminence, supremeness, superiority, ascendancy, predominance, excellence.

su•preme /sʊoprēem/ *adj.* 1 highest in authority or rank. 2 greatest; most important. 3 (of a penalty or sacrifice, etc.) involving death. □ **Supreme Court** highest judicial court in a nation, etc. □□ **su•preme'ly** *adv.* **su•preme'ness** *n.*

■ 1 loftiest, topmost, greatest, first, foremost, principal, unsurpassed, top, uppermost. 2 best, first, outstanding, preeminent, unexcelled, leading; superlative, matchless, peerless, incomparable. 3 greatest, maximum, extreme, uttermost, utmost, ultimate. □□ **supremely** very, extremely, exceedingly, completely; see also *preeminently* (PREEMINENT). **supremeness** see SUPREMACY.

Supt. *abbr.* Superintendent.

sur-[1] /sər/ *prefix* = SUPER- (*surcharge*, *surrealism*).

sur-[2] /sər/ *prefix* assim. form of SUB- before *r*.

sur•charge • *n.* /sórchaarj/ additional charge or payment. • *v.tr.* /sórchaarj, –chaárj/ exact a surcharge from.

surd /sərd/ • *adj. Math.* (of a number) irrational. • *n. Math.* surd number, esp. the root of an integer.

sure /shʊor/ • *adj.* 1 having or seeming to have adequate reason for a belief or assertion. 2 convinced. 3 confident. 4 reliable or unfailing (*there is one sure way to find out*). 5 certain. 6 undoubtedly true or truthful. • *adv. colloq.* certainly. □ **make sure** make or become certain; ensure. **sure-fire** *colloq.* certain to succeed. **sure-footed** never stumbling or making a mistake. **to be sure** 1 it is undeniable or admitted. 2 it must be admitted. □□ **sure'ness** *n.*

■ *adj.* 1, 2 certain, assured, persuaded, positive, definite; unwavering, unswerving, unflinching, steadfast. 3 satisfied, certain. 4 accurate, dependable, tried-and-true, unerring; established, firm, solid, stable; certain, inevitable, indubitable. 5 see CERTAIN *adj.* 2. 6 see CERTAIN *adj.* 1b. • *adv.* see SURELY 1.

sure•ly /shʊorlee/ *adv.* 1 with certainty. 2 as an appeal to likelihood or reason. 3 with safety; securely.

■ 1 certainly, to be sure, positively, absolutely, definitely, undoubtedly, indubitably, unquestionably. 3 firmly, solidly, confidently, unfalteringly, steadily.

sure•ty /shʊoritee/ *n.* (*pl.* –ties) 1 person who takes responsibility for another's debt, obligation, etc. 2 certainty.

surf /sərf/ • *n.* 1 swell of the sea breaking on the shore or reefs. 2 foam produced by this. • *v.intr.* ride the surf, with or as with a surfboard. □□ **surf'er** *n.*

sur•face /sórfis/ • *n.* 1 a outside of a material body. **b** area of this. 2 any of the limits terminating a solid. 3 upper boundary of a liquid or of the ground, etc. 4 outward or superficial aspect of anything. 5 *Geom.* set of points that has length and breadth but no thickness. • *v.* 1 *tr.* give the required surface to (a road, paper, etc.). 2 *intr. & tr.* rise or bring to the surface. 3 *intr.* become visible or known. □□ **sur•faced** *adj.* [usu. in *comb.*]. **sur'fac•er** *n.*

■ *n.* 1 exterior, covering, top, skin, integument, façade, face, boundary. 2 side, face; boundary, *Geom.* superficies. 3 top; surface film. 4 exterior, outside, top, skin, façade, face; (*on the surface*) superficially, at first glance. 5 plane, *Geom.* superficies. • *v.* 1 coat, finish, top; pave, concrete, tar. 2, 3 appear, show up, come up, pop up, crop up, emerge.

surf•board /sórfbawrd/ *n.* long narrow board used in surfing.

sur•feit /sórfit/ • *n.* 1 excess, esp. in eating or drinking. 2 feeling of satiety or disgust resulting from this. • *v.* 1 *tr.* overfeed. 2 *intr.* overeat. 3 *intr. & tr.* [foll. by *with*] be or cause to be wearied through excess.

■ *n.* 1 over-abundance, superabundance, plethora, glut, surplus, overdose, satiety. 2 nausea, sickness, disgust. • *v.* 1 gorge, satiate, sate, stuff. 3 sate, satiate, cloy, glut, pall.

surg. *abbr.* 1 surgeon. 2 surgery. 3 surgical.

surge /sərj/ • *n.* 1 sudden rush. 2 swell of the waves at sea. 3 heavy forward or upward motion. 4 rapid increase in price, activity, etc. 5 sudden marked increase in voltage. • *v.intr.* 1 (of the sea, etc.) swell. 2 move suddenly and powerfully forward. 3 increase suddenly.

■ *n.* 1 see OUTBURST. 2 surf, upsurge, eddy, rush, gush; see also WAVE *n.* 1, 2. 4 see SWELL *n.* 1. • *v.* 1 billow, bulge, heave, roll, undulate, well forth *or* up, rise and fall, ebb and flow. 2 rush, pour, flood, stream, flow.

sur•geon /sórjən/ *n.* medical practitioner qualified to practice surgery.

sur•ger•y /sórjəree/ *n.* (*pl.* –ies) medical treatment of injuries or disorders by incision, manipulation or alteration of organs, etc., with the hands or with instruments.

sur•gi•cal /sórjikəl/ *adj.* 1 of or used by surgeons or in surgery. 2 extremely precise. □□ **sur'gi•cal•ly** *adv.*

sur•ly /sórlee/ *adj.* (**sur•li•er**, **sur•li•est**) bad-tempered and unfriendly; churlish. See synonym study at BRUSQUE. □□ **sur'li•ness** *n.*

■ unpleasant, rude, crusty, cantankerous, curmudgeonly, crabby, crabbed, choleric, splenetic, dyspeptic, bilious, temperamental, cross, crotchety, sullen.

sur•mise /sərmíz/ • *n.* conjecture. • *v.* 1 *tr.* infer doubtfully. 2 *tr.* suspect the existence of. 3 *intr.* make a guess.

■ *n.* guess, speculation, notion, hypothesis, theory, supposition, assumption, presumption. • *v.* 1 imagine, guess, conjecture, speculate, suppose, hypothesize, theorize, assume, presume, conclude, gather. 3 guess, conjecture, speculate.

sur•mount /sərmównt/ *v.tr.* 1 overcome or get over (a difficulty or obstacle). 2 cap or crown. □□ **sur•mount'a•ble** *adj.*

sur•name /sórnaym/ *n.* family or last name.

sur•pass /sərpás/ *v.tr.* 1 outdo; be greater or better than. 2 (as **surpassing** *adj.*) preeminent. □□ **sur•pass'ing•ly** *adv.*

■ 1 exceed, excel, go *or* pass beyond, beat, worst, better, outstrip, outdistance, outperform, outclass. 2 (**surpassing**) excessive, extraordinary, great, enormous, incomparable, unrivaled, unparalleled. □□ **surpassingly** exceedingly, extraordinarily, incomparably.

sur•plice /sórplis/ *n.* loose white linen vestment worn over a cassock by clergy and choristers. □□ **sur'pliced** *adj.*

sur•plus /sórpləs, –plus/ • *n.* 1 amount left over. 2 excess of revenue over expenditure. • *adj.* exceeding what is needed or used.

■ *n.* 1 overage, excess, superfluity, surfeit, overabundance; remainder, residue, balance. • *adj.* leftover, extra, spare, overabundant, superfluous.

sur•prise /sərprīz/ • *n.* 1 unexpected or astonishing event or circumstance. 2 emotion caused by this. 3 catching or being caught unawares. • *v.tr.* 1 turn out contrary to the expectations of (*your answer surprised me*). 2 [usu. in *passive*] shock; scandalize (*I am surprised at you*). 3 capture or attack by surprise. 4 come upon (a person) unawares. □□ **sur•pris•ed•ly** /–prízidlee/ *adv.* **sur•pris'ing** *adj.* **sur•pris'ing•ly** *adv.*

■ *n.* 1 blow, jolt, bombshell, *colloq.* shocker, eye-opener. 2 shock, astonishment, amazement, stupefaction, wonder. • *v.* 1 shock, astound, astonish, amaze, take by surprise, disconcert, nonplus, dumbfound. 2 appall, dismay, horrify, outrage. 3, 4 ambush, ambuscade, pounce on, swoop on, startle; catch off guard, discover, detect, catch out.

sur•re•al /sərée əl/ *adj.* 1 having the qualities of surrealism. 2 strange; bizarre. □□ **sur•re'al•ly** *adv.*

sur•re•al•ism /sərée əlizəm/ *n.* 20th-c. movement in art and literature aiming at expressing the subconscious mind, e.g., by the irrational juxtaposition of images. □□ **sur're•al•ist** *n. & adj.* **sur•re•al•is'tic** *adj.* **sur•re•al•is'ti•cal•ly** *adv.*

sur•ren•der /səréndər/ • *v.* 1 *tr.* hand over; relinquish. 2 *intr.* submit, esp. to an enemy. 3 *intr. & refl.* [foll. by *to*] give oneself over to a habit, emotion, influence, etc. 4 *tr.* abandon (hope, etc.). See synonym study at

FOUR JUSTIN RANCH
Elk Summit Reserve
San Miguel County
Telluride, CO 81430

FOUR JUSTIN FARMS, INC.
25525 Tennessee Road
Redlands, FL 33031

March 13, 2006

Dr. Pat Wade, Chairwoman
Mr. Curtis Lawrence, Vice Chairman
Mr. Samuel L. Ballinger, Member
Mr. Wilbur B. Bell, Member
Ms. Dawn Lee Blakeslee, Member
Ms. Rose L. Evans-Coleman, Member
Mr. Don Jones, Member
Community Zoning Appeals Board for Area 14
c/o Department of Planning and Zoning
111 NW 1st Street
Miami, Florida 33131

RE: Royd Lemus & Raquel Lau (Public Hearing No. 05-144)

Dear Chairwoman Wade and Members of the Board:

We own 28 acres at 25555 S.W. 167 Avenue where we grow seasonal vegetables and flowers.

I support the establishment of a farmer's market in the Redland. I look forward to the day when I can transport my vegetables and flowers for sale at the market. I have visited many of the important agricultural and farming areas of the County. I have enjoyed visiting farmer's markets in California, Colorado and New York and have often lamented the lack of similar markets in the Redland. The proposed farmer's market will fill a huge void and will help us put the Redland on the same plane as other agricultural communities.

Sincerely,

Antonio J. Cabrera

3647283_v1

Mailing Address: 782 North Le Jeune Road, Suite 555
Miami, Florida 33126
Tel: 305.445.2800 Fax: 305.445.2832

TEMPLETON AND FRANKLIN VETERINARY ASSOCIATES

March 14, 2006

Dr. Pat Wade, Chairwoman
Mr. Curtis Lawrence, Vice Chairman
Mr. Samuel L. Bellinger, Member
Mr. Wilbur B. Bell, Member
Ms. Dawn Lee Blakeslee, Member
Ms. Rose L. Evans-Coleman, Member
Mr. Don Jones, Member
Community Zoning Appeals Board for Area 14
c/o Department of Planning and Zoning
111 N.W. 1 Street
Miami, Florida 33131

RE: Royd Lemus & Raquel Lau (Public Hearing No.05-144)

Dear Chairwoman Wade and Members of the Board:

I am a veterinarian whose practice is limited to horses and work extensively throughout the Redland community.

I have known the Lemus family for many years and am familiar with their strong ties to the agricultural community.

I have reviewed their proposal to build a farmers market along Krome Avenue and am in support of their proposal. The market will be an outlet for the local producers and an asset to the local population.

I urge your approval of this application.

Sincerely,

Richard S. Templeton, D.V.M.

P.O. Box 160303 • MIAMI, FL 33116 • (305) 595-6680 • FAX: (305) 595-6853

March 10, 2006

Dr. Pat Wade, Chairwoman
Mr. Curtis Lawrence, Vice Chairman
Mr. Samuel L. Ballinger, Member
Mr. Wilbur B. Bell, Member
Ms. Dawn Lee Blakeslee, Member
Ms. Rose L. Evans-Coleman, Member
Mr. Don Jones, Member
Community Zoning Appeals Board for Area 14
c/o Department of Planning and Zoning
111 NW 1st Street
Miami, Florida 33131

RE: Royd Lemus & Raquel Lau (Public Hearing No. 05-144)

Dear Chairwoman Wade and Members of the Board:

My wife and I have resided at 19005 SW 188 Street for 13 years. We enjoy the wide open spaces and the rural lifestyle. The proposed farmer's market will provide much needed services to all of us who call the Redland home. We presently travel to the urban areas of the county to fulfill our daily food needs. The close proximity of the farmer's market to our home will be very convenient since we are an older couple and do not like driving into the city. We look forward to shopping at the farmer's market for locally grown and fresh agricultural produce as well as other necessary food items.

I applaud and support the applicant's proposal which in no way compromises the character of the Redland or our rural way of life. Please support our way of life by approving the farmer's market.

Sincerely,

Minervino Rodriguez

Minervino Rodriguez, Sr. and
Haydee Rodriguez
19005 SW 188 Street
Miami, Florida 33187
305-232-5775

Minervino and Marcia Rodriguez
21825 Southwest 207th Avenue
Miami, Florida 33170
305-248-0333

March 10, 2006

Dr. Pat Wade, Chairwoman
Mr. Curtis Lawrence, Vice Chairman
Mr. Samuel L. Ballinger, Member
Mr. Wilbur B. Bell, Member
Ms. Dawn Lee Blakeslee, Member
Ms. Rose L. Evans-Coleman, Member
Mr. Don Jones, Member
Community Zoning Appeals Board for Area 14
c/o Department of Planning and Zoning
111 NW 1st Street
Miami, Florida 33131

RE: Royd Lemus & Raquel Lau (Public Hearing No. 05-144)

Dear Chairwoman Wade and Members of the Board:

My family and I have resided at 21825 SW 207 Avenue for 10 years. We enjoy the wide open spaces and the rural lifestyle. The proposed farmer's market will provide much needed services to all of us who call the Redland home. We presently travel to the urban areas of the county to fulfill our daily food needs. We look forward to shopping at the farmer's market for locally grown and fresh agricultural produce as well as other necessary food items.

I applaud and support the applicant's proposal which in no way compromises the character of the Redland or our rural way of life. Please support our way of life by approving the farmer's market.

Sincerely,

Minervino Rodriguez, Jr.

Budweiser

BUD LIGHT
1.00

This instrument was prepared by:
Name: Juan J. Mayol, Jr., Esq.
Address:

DRAFT

Folio No.: 30-6812-000-0385

(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 attached as Exhibit "B," and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 99-188 (the "Application") will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Rocco J. Ceo, A.I.A., entitled, "Redland Market", dated the 1st day of June, 1999, last revised June 20, 1999 and consisting of three (3) sheets, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement, which plans may be modified by the Community Zoning Appeals Board during its consideration of the Application (the "Plans").

(2) That the use of the Property shall be restricted to a community market and accessory uses and structures, all as depicted on the Plans. Furthermore, at least fifty percent (50%) of the total patron area at said market shall be used for the display and sale of fresh produce and foliage. 51% LOCALLY GROWN ADDED LATER

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 public welfare.

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 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.

DRAFT

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.

DRAFT

Signed, witnessed, executed and acknowledged on this 28 day of AUGUST, 1999.

WITNESSES:

Signature

CARLA SANCHEZ

Print Name

Signature

JUAN J. MAYOL, JR.

Print Name

Royd Lemus

Address:

8700 SW 100 ST

Miami FL 33176

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Royd Lemus, who is personally known to me or has produced FL Drivers License, as identification.

Witness my signature and official seal this 28 day of AUGUST, 1999 in the County and State aforesaid.

Notary Public-State of

Print Name

OFFICIAL NOTARY SEAL
MIGUEL FREIRE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC702895
MY COMMISSION EXP. DEC. 15 2001

My Commission Expires:

DRAFT

WITNESSES:

Signature

CARLA SANCHEZ
Print Name

Signature

JUAN T. MAYA, JR.
Print Name

Raquel Lau

Address:
8700 SW 100 ST
Miami, FL 33176

STATE OF FLORIDA

COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by Raquel Lau, who is personally known to me or has produced FL Drivers License, as identification.

Witness my signature and official seal this 28 day of AUGUST, 1999 in the County and State aforesaid.

Notary Public-State of

Print Name

OFFICIAL NOTARY SEAL
MIGUEL FREIRE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC702895
MY COMMISSION EXP. DEC. 15,2001

My Commission Expires:

DRAFT

EXHIBIT "A"

The North 330 feet of the East ¾ of the Southeast ¼ of Section 12, Township 56 South, Range 38 East, less the West 1,686.68 feet thereof, being subject to an ingress-egress easement across the North 35.00 feet thereof.

DRAFT

OPINION OF TITLE

TO: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, Florida, as inducement for acceptance of a Declaration for Use/Unity of Title Development Agreement covering the real property described on Exhibit "A" attached hereto and made a part hereof, it is hereby certified that we have examined that certain Attorneys' Title Insurance Policy number OPM-1404726 issued by Attorneys' Title Insurance Company, having an effective Date of March 12, 1999 at 11:05 a.m., and computer title updates provided by Attorneys' Title Services, Inc., covering the period from March 12, 1999 at 11:05 a.m. through August 5, 1999 at 11:00 p.m., inclusive.

Basing our opinion on the above-referenced title information, we are of the opinion that, on the last mentioned date, the fee simple title to the above-described real property was vested in:

Royd Lemus and Raquel Lemus

Subject to the following encumbrances, liens and other exceptions:

A. RECORDED MORTGAGES:

None.

B. RECORDED MECHANICS LIENS, CONTRACT LIENS AND JUDGMENTS:

None.

C. GENERAL EXCEPTIONS:

1. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.

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

3. Facts that would be disclosed upon accurate survey.

4. Any unrecorded labor, mechanics', materialmen's or municipal liens.

5. Zoning and other restrictions imposed by governmental authority.

GTHFREIREIA429298 1/08/25/99

DRAFT

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 31 day of August, 1999 by Juan J. Mayol, Jr. He personally appeared before me, is personally known to me or produced _____ as identification.

[NOTARIAL SEAL]

Notary: _____
Print Name: _____
Notary Public, State of _____
My commission expires: _____

OFFICIAL NOTARY SEAL
MIGUEL FREIRE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC702895
MY COMMISSION EXP. DEC. 15,2001

GTNFREIRE#42236 10/25/99

EXHIBIT "A"

DRAFT

Lots 8 and 9, Block 7, POINT WEST FIFTH ADDITION, according to the Plat thereof, as recorded in Plat Book 110, Page 15, of the Public Records of Dade County, Florida, together with all of Grantor's right, title and interest in that certain Non-Exclusive Easement, dated February 21, 1979 and recorded February 22, 1979, in Official Records Book 10309, Page 1390 of the Public Records of Dade County, Florida.

GTHFREREM42928.1108/25/99

(1/S1) PROPOSED SITE PLAN
SCALE: 1" = 20'-0"

LANDSCAPE LEGEND - Information Required to be Permanently Affixed to Plan

Zoning District: BU-1A   Net Lot Area 1.81 acres 79,200 s.f.

OPEN SPACE	REQUIRED	PROVIDED
A. Square Feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 79,200 s.f. x 10.5 % = 8,660 s.f.	8,660	10,668
B. Square Feet of parking lot open space required by Chapter 18A, as indicated on site plan: No. parking spaces 78 x 10 s.f. per parking space =	690	780
C. Total s.f. of landscaped open space required by Chapter 33: A+B =	14,958	11,668
LAWN AREA CALCULATION		
A. 14,958 total s.f. of landscaped open space required by Chapter 33	14,958	10,668
B. Maximum lawn area (sod) permitted = 40 % x 14,958 s.f. =	5,983	7,128
TREES		
A. No. trees required per net lot area	62	56
Less existing number of trees meeting minimum requirements = 62 trees x net lot acres =	40	40
B. % Palms Allowed: No. trees provided x 30% =	14	12
% Palms permitted to count as street trees on 1:1 basis x 30%	14	12
C. % Natives Required: No. trees provided x 30% =	14	49
D. Street trees (maximum average spacing of 35' o.c.): 566 linear feet along street / 35 =	16	25
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): 348 linear feet along street / 25 =	11	12
SHRUBS		
A. No. trees required x 10 = No. of shrubs allowed	400	474
B. No. shrubs allowed x 30% = No. of native shrubs required	120	474

IRRIGATION PLAN: If required by Chapter 33
TABLE: Containing information as indicated in sample below:

**Excluded lawn area as provided in Chapter 18A shall be subtracted from net lawn area when calculating number of trees

PLANT SCHEDULE:				
KEY	QTY	BOTANICAL NAME/COMMON NAME	SIZE	REMARKS
RE	12	ROYSTONEA ELATA / FLORIDA ROYAL PALM	14' H, 4" CAL.	STREET TREES
QV	21	QUERCUS VIRGINIANA / LIVE OAK	10' H, 2" MIN. CAL.	
SM	6	SWIETENIA MAHAGONI / MAHOGANY	12' H, 2" MIN. CAL.	
LL	13	LIGUSTRUM LUCIDUM / GLOSSY PRIVET	12' H, 2" MIN. CAL.	4'-6" OF CLEAR TRUNK
SHRUBS & GROUNDCOVERS / LAWN				
CI	478	CHRYSOBALANUS ICACO / RED TIP COCOPLUM	[illegible]	
MC	3202	MUHLENBERGIA CAPILLARIS / MUHLY GRASS	1 GAL.	1'-6" O.C.
SA	16 PAL.	ST. AUGUSTINE GRASS (1 PAL. = 500 SQ. FT.)		MOWING HT. 2½"-3"

LEGAL DESCRIPTION

THE NORTH 330.00 FEET OF THE EAST 1/4 OF THE SOUTHEAST 1/4, LESS THE WEST [illegible] FEET IN SECTION 12, TOWNSHIP 57 SOUTH, RANGE 38 EAST, DADE COUNTY, FLORIDA.

ZONING

BU-1A. SETBACKS: FRONT 25'-0"
REAR 0'-0"
INTERIOR SIDE 15'-0"
SIDE STREET 15'-0"
LOT COVERAGE: 40% MAX.
AREA 79,200 x = 31,680 SQ. FT.
PROPOSED BLDG. = 17,434 SQ. FT.

PARKING REQ. = 1 SPACE PER 250 SQ. FT. OF GROSS FLOOR AREA

GROSS FLOOR AREAS: MARKET = 14,[illegible] SQ. FT.
SHADE HOUSE = 4,[illegible] SQ. FT.
TOTAL = 17,434 SQ. FT.

PARKING: 17,434 SQ. FT. ÷ 250 = [illegible] SPACES REQ.
PROPOSED PARKING SPACES = 78.
FLOOD ZONE: [illegible]

BUILDING HEIGHTS ALLOWED 45'-0"
PROPOSED 38'-0"

ARCH. FL.	[illegible]
2ND FL. / DORMER	[illegible]
WINDOW DORMER	[illegible]
TOP OF RIDGE	30'-0"
TOP OF CUPOLA	[illegible]
TOP OF WEATHERCOCK	[illegible]

SCALE

SECOND FLOOR

ROCCO J. CEO, AIA
AR0016052

219 ALESIO AVE
CORAL GABLES, FL 33134
(305) 444-0451

PROJECT TITLE:

REDLAND MARKET
S.W. CORNER OF KROME AVENUE AND S.W. 288 TH STREET

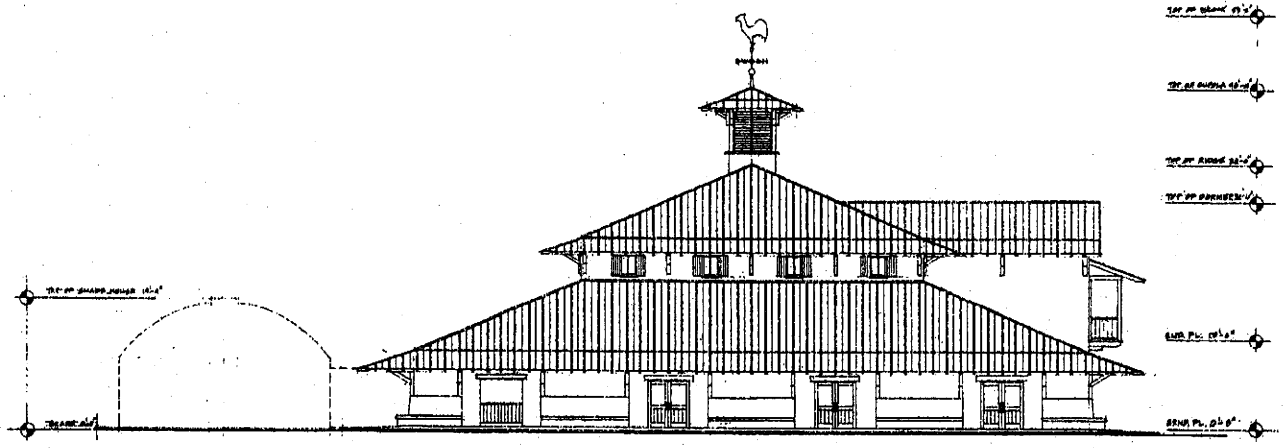
PROJECT NO.	9803
DATE:	8.01.99
SCALE:	AS NOTED
DRAWN BY:	RJC
CHECKED BY:	
REVISED BY:	RJC 7.22.05

DRAWING TITLE

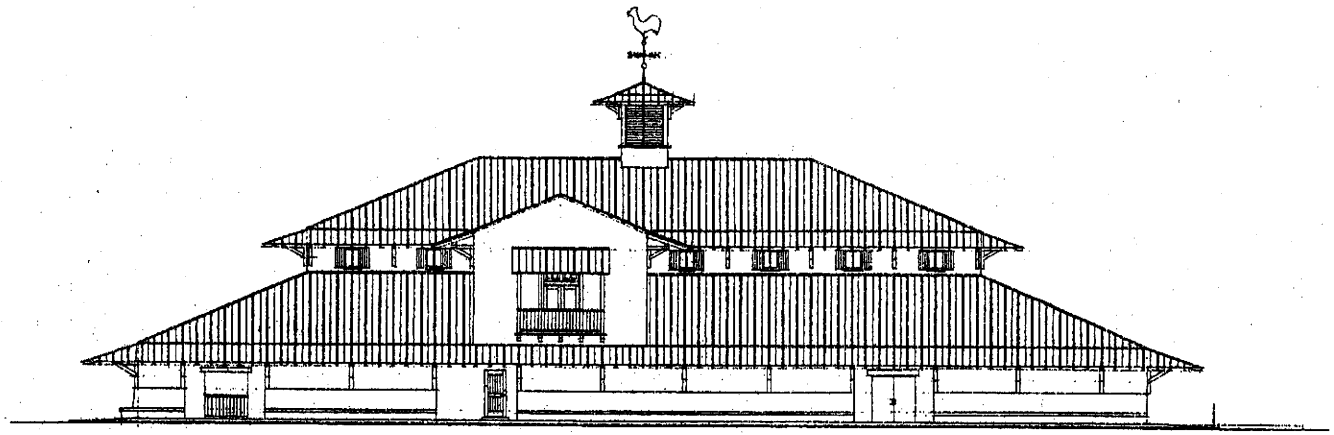
SITE PLAN

DRAWING NUMBER

S1



1 / A1 PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 / A1 PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"

ROCCO J CEO, AIA
FAR0016832

250 ALBERIO AVE
CORAL GABLES, FL 33134
(305) 444-0451

PROJECT TITLE:

REDLAND MARKET
SW CORNER OF KROME AVENUE AND SW 232TH STREET

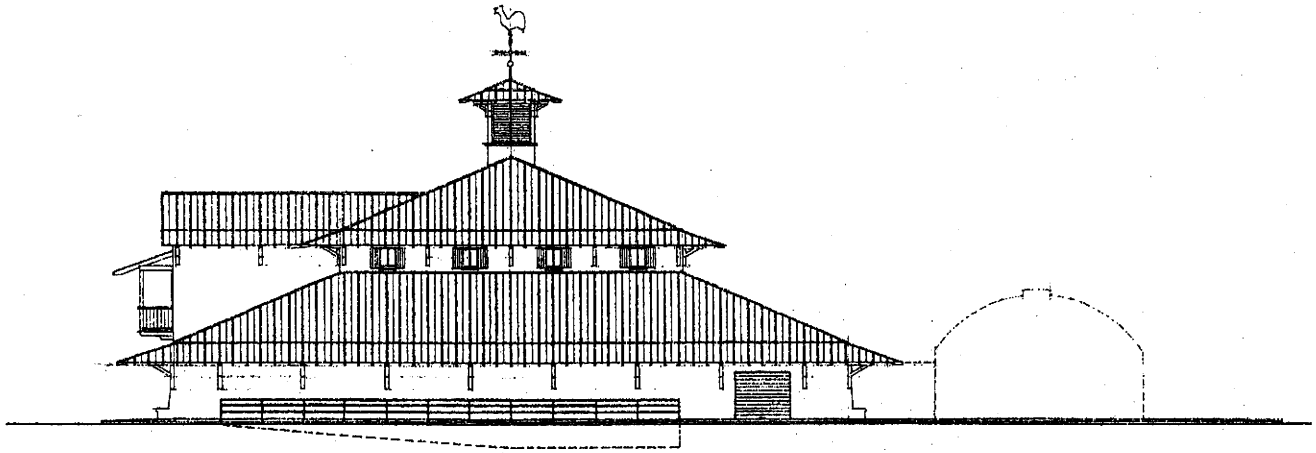
PROJECT NO.	9905
DATE:	6.01.98
SCALE:	AS NOTED
DRAWN BY:	RJC
CHECKED BY:	
REVISED BY:	RJC 1.22.05

DRAWING TITLE:

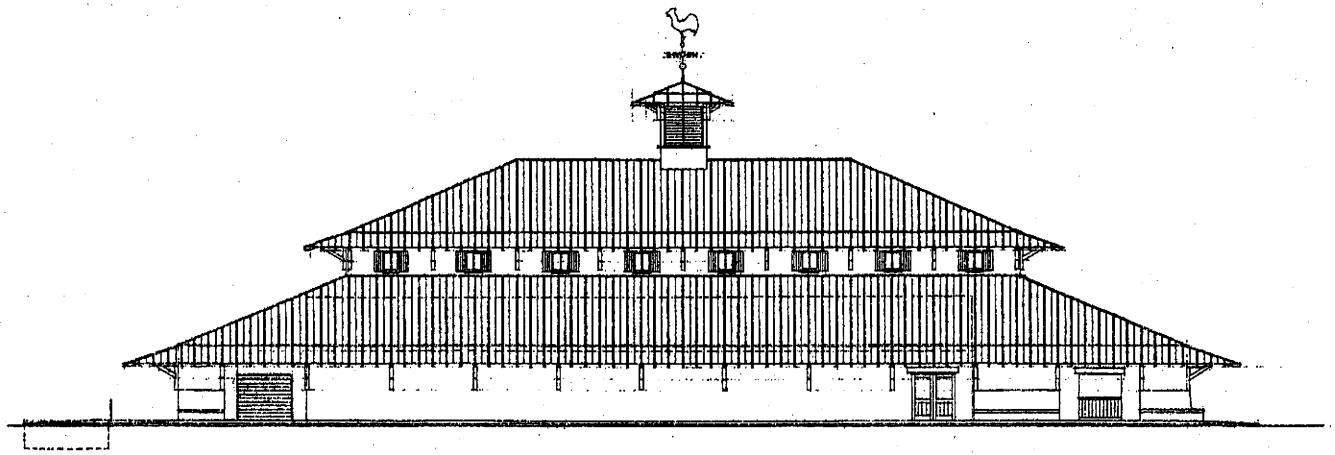
SCHEMATIC ELEVATIONS

DRAWING NUMBER

A1



1 / A2 PROPOSED WEST ELEVATION
SCALE: 1/8"=1'-0"



2 / A2 PROPOSED SOUTH ELEVATION
SCALE: 1/8"=1'-0"

ROCCO J. CEO, AIA
[illegible]

[illegible] AVE
[illegible], FL [illegible]
([illegible]) [illegible]

PROJECT TITLE:

REDLAND MARKET
[illegible]

PROJECT NO.	[illegible]
DATE:	[illegible]
SCALE:	AS NOTED
DRAWN BY:	[illegible]
CHECKED BY:	
REVISED BY:	[illegible]

DRAWING TITLE:

SCHEMATIC ELEVATIONS

DRAWING NUMBER

A2

LNB Groves
25250 SW 194th Ave
Homestead, Florida 33031

April 10, 2006

To the Redland Community Council,

This letter is written in support of the proposed fruit stand and market on the Krome Avenue property belonging to the Royd's

This seems to be a viable business venture, and it certainly appears to have well-planned design features. This is the type of agri-business concept that will enhance the surrounding Redland area.

The opportunity to market directly to a willing public in a setting with pleasant ambiance is always attractive.

We have been fruit growers in the Redland since planting our first grove in 1980. We planted tropical fruits in the 1980's and then re-planted and became beginning farmers after Hurricane Andrew in 1992. We have tried to use our early experience as we have come back into production in the last several years. Our economic survival at this point in time, after last year's hurricane season, is intimately tied to both our production levels and price points.

Although I don't fool myself into believing that a market such as this is the answer to growing our customer base and crossing over to Americans not yet familiar with our products, I do feel the proposed retail market concept itself is worth pursuing.

Sincerely,

Marc Ellenby
Owner, LNB Groves

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Item # 05-144
CZAB # 14 Exhibit # D-2
APR 12 2006
CLERK OF THE BOARD

Gaby's Farm, Inc.

25905 S. W. 97th Avenue, Homestead, FL 33031 305-246-7702

April 10, 2006

To the Redland Community Council

This letter is written to give support to Royd Lemus and Raquel Lau in their proposal to have a fruit stand or farmer's market on their property on Krome Avenue.

I have been a resident of the Redland in the past six years. I have enjoyed the hard work of becoming a farmer and working with the land, I have loved every moment of peace and serenity I have lived in this agricultural area. I have cherished the friendships I have made, the support I have received from the community. I share with the other growers their need to keep their land agricultural and to be able to survive from the fruits of their work. For this reason I believe a farmer's market in the Redland needs our support. It would provide the growers with an outlet for their fresh produce. Hopefully, they would not give up and be forced to sell their land.

A fruit stand or market also would provide our urban friends the opportunity to enjoy our community. It would be a good place for them to stop by, to become familiar with and buy our produce, to sit down and enjoy with us a part of the Redland's lifestyle.

I hope that the Redland Community Council will support this project, which could only benefit our community.

Sincerely,

Gabrielle M. Berryer
Owner
Gaby's Farm, Inc.

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14

APPLICANT: Royd Lemus & Raquel Lau **PH:** Z99-188 (99-9-CZ14-4)

SECTION: 12-56-38 **DATE:** September 2, 1999

COMMISSION DISTRICT: 9 **ITEM NO.:** 4

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Item # 05-144
CZAB # 14 Exhibit # D-3
APR 12 2006
CLERK OF THE BOARD

A. INTRODUCTION

- **REQUESTS:**

(1) AU to BU-1A

(2) SPECIAL EXCEPTION to permit site plan approval for a proposed commercial development.

(3) NON-USE VARIANCE OF ZONING REGULATIONS requiring a 5' high decorative masonry wall where a business lot abuts AU and EU zoned property; to waive same to omit the wall along the rear (west) and interior side (south) property lines.

(4) NON-USE VARIANCE OF PARKING REGULATIONS to permit parking spaces on natural terrain, excluding handicap parking spaces (not permitted).

(5) NON-USE VARIANCE OF ZONING SUBDIVISION REGULATIONS requiring the section line right-of-way of S.W. 177th Avenue (Krome Avenue) to be 180' wide; to vary same to permit a right-of-way of 50' (90' required) on the west side of S.W. 177 Avenue (Krome Avenue).

OR IN THE ALTERNATIVE TO REQUEST #5, THE FOLLOWING:

(6) NON-USE VARIANCE OF PARKING REGULATIONS to permit 48 parking spaces (72 spaces required).

Plans are on file and may be examined in the Zoning Department entitled "Redland Market," as prepared by Rocco J. Ceo, AIA, dated 6-1-99, last revised 6-20-99 and consisting of 3 sheets.

- **SUMMARY OF REQUESTS:**

This application will allow the rezoning of the site from agricultural to business zoning in order to establish a community market on the subject site. Thenon-use variance requests will allow the elimination of the required wall along the west and south property lines; will permit parking spaces on natural terrain (with the exception of the handicap parking spaces); and will permit a narrower right-of-way than required for the west side of SW 177 Avenue, or, in the alternative, will allow fewer parking spaces than required.

JULY 1999

PH# 99-188
CZAB-14
REV. 1

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Royd Lemus & Raquel Lau

This Department has no objections to this application.

This Department has no objections to permit 50 feet of right-of-way for Krome Ave., 90 feet required, however all structures must set-back from the 90 foot right-of-way line.

We have no objections to the variance of Zoning and Subdivision Regulations to permit parking spaces within he zoned right-of-way of SW 177 Ave.

The property owner must dedicate 50 feet for SW 177 Ave. (1/2 R/W).

The property owner must dedicate 35 feet for SW 208 St. (1/2 R/W).

Dedication of 25 foot radius corner at SW 177 Ave. and SW 208 St.

ADDITIONAL REQUIREMENTS:
This land must be platted. The road improvements will be accomplished thru the recording of a plat.

Driveways to SW 177 Ave. must meet current F.D.O.T. access management requirements contact the district office at 470-5367 for driveway and drainage permits.

We have no objections to the variance to permit parking spaces on natural terrain, however all driveways must be paved.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **219 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9208	Krome Ave. s/o SW 184 St.	A	A
F-1117	SW 200 St. e/o SW 177 Ave.	C	C
9902	SW 216 St. e/o Krome Ave.	B	C
9210	Krome Ave. s/o SW 216 St.	A	A

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Raul A. Pino

JUL 14 1999
Date

13

August 30, 2005

JUAN MAYOL JR.
701 BRICKELL AVE 3000
MIAMI , FL 33131

RE: **Public Hearing Application #Z2005000144**
ROYD LEMUS & RAQUEL LAU JTRS

Dear JUAN MAYOL JR. :

In order to process the aforementioned public hearing application, the following items must be submitted to this office as soon as possible. Processing of this application will be withheld until the comments and deficiencies listed below have been addressed.

1. As stated in the previously deficiency letter sent on August 8, 2005, the following items are still pending:

2. Provide a detail floor plan of the second floor.

3. All uses must be conducted within completely enclosed building; therefore you must revise you letter of intent to include outdoor plant sales.

4. No parking is allowed within 25' of an official right-of-way. Revise your letter of intent to include this as an additional variance request.

5. A boudary surbey is requried; cannot be more than a year old.

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Item # 05-144
CZAB # 14 Exhibit # D-4
APR 12 2006
CLERK OF THE BOARD