

This instrument was prepared by:
Name: Jeffrey M. Flanagan, Esq.
Address: Flanagan & Williard, P.A.
1450 Madruga Avenue
Suite 407
Coral Gables, FL 33146



A/48



CFN 2011R0445495
OR Bk 27747 Pgs 3799 - 3803 (5pgs)
RECORDED 07/07/2011 13:26:03
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. 05-364 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 G.J.R. Architects entitled, "Proposed RU-5A Zoning for Rene Miguel Valdes," dated stamped received November 18, 2005, said plans being on file with the Miami-Dade County department of Planning and Zoning, and by reference made a part hereof ("Site Plan").
- (2) Parking space #10 in the Site Plan shall have 5 feet of aisle end back-out, and all landscaping and fences shall comply with safe-site distance triangle requirements.
- (3) The Property shall be used as an architect's office or for any uses allowed pursuant to the underlying RU-1 zoning regulations.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

(Public Hearing No. 05-364)

C.C.
J.H.

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.

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Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost to the Owner following the 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, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that 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 of the successor of said department, or in the absence of such director or 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 Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

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

Signed, witnessed, executed and acknowledged this 17 day of JUNE 2011.

Witnesses:


Print Name: Adam Rashap


Print Name: JEFFREY M. FLANAGAN


GUSTAVO JOSE RAMOS, as Personal Representative of the Estate of Maria Nela Valdes (a/k/a Maria Acosta Valdes, Marianela Valdes)


GUSTAVO JOSE RAMOS, Individually as the Sole beneficiary of the Estate of Maria Nela Valdes

[Notarization page follows]

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STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 17 day of June, 2011 by GUSTAVO JOSE RAMOS, as Personal Representative of the Estate of Maria Nela Valdes (a/k/a Maria Acosta Valdes, Marianela Valdes) and Individually as the Sole Beneficiary of the Estate of Maria Nela Valdes, who is personally known to me or who produced _____ as identification.

My Commission Expires:





Notary Public, State of Florida
at Large

EXHIBIT "A"

Lot 4, Block 8, Coral Way Homesites, according to the map or plat thereof as recorded in
Plat Book 46, Page 21 of the Public Records of Miami-Dade County, Florida.

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on _____ day of _____

JUL 07 2011

WITNESSED by hand and Official Seal
HARVEY RUVIN, CLERK, of Circuit and County Courts

Harvey Ruvin
D.C.



MIAMI-DADE COUNTY

OPINION OF TITLE

To: **MIAMI-DADE COUNTY**

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering, covering the real property, hereinafter described, it is hereby certified that I have examined a complete abstract of title covering the beginning to the 2nd day of June, 2011 at the hour of 11:00 P.M. inclusive, of the following described property:

Lot 4, Block 8, Coral Way Homesites, according to the map or plat thereof as recorded in Plat Book 46, Page 21, Public Records of Miami-Dade County, Florida.

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

Gustavo Jose Ramos, as the sole beneficiary of the Estate of Maria Nela Valdes.

Subject to the following liens, encumbrances, and other exceptions (if "none" please indicate)

1. **RECORDED MORTGAGES:**

NONE

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

NONE

3. **GENERAL EXCEPTIONS:**

- (a) All taxes for current and subsequent years.
- (b) Right of persons other than the above owners who are in possession.
- (c) Facts that would be disclosed upon accurate survey.
- (d) Any unrecorded labor, mechanics' or materialmen's liens.
- (e) Zoning and other restrictions imposed by governmental authority.

4. SPECIAL EXCEPTIONS:

- (a) All matters contained on the Plat of Coral Way Homesites, as recorded in Plat Book 46, Page 21, Public Records of Miami-Dade County, Florida.
- (b) Resolution Granting Petition to Close 25 foot Alley in Block 1, Coral Way Homesites recorded in O.R. Book 5262, Page 536, correction recorded in O.R. Book 5323, Page 199, Public Records of Miami-Dade County, Florida.
- (c) Easement recorded in O.R. book 8690, Page 670, Public Records of Miami-Dade County, Florida.
- (d) Resolution Granting Petition to Close an Alley recorded in O.R. Book 8759, Page 1599, Public Records of Miami-Dade County, Florida.
- (e) Covenant Running with the Land recorded in O.R. Book 14983, Page 3220, Public records of Miami-Dade County, Florida.
- (f) Covenant Running with the Land recorded in O.R. Book 24469, Page 4756, Public Records of Miami-Dade County, Florida.
- (g) Notice of Appeal recorded in O.R. Book 26054, Page 3753, Public Records of Miami-Dade County, Florida.
- (h) Probate of the Estate of Maria Nela Valdes, under Case No. 11-2047 CP 04.

ALL RECORDING INFORMATION REFERS TO THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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

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

<u>NAME</u>	<u>INTEREST</u>	<u>SPECIAL EXCEPTION NUMBER</u>
Gustavo Jose Ramos	Personal Representative (h)	

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

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

Respectfully submitted this 16th day of June, 2011.

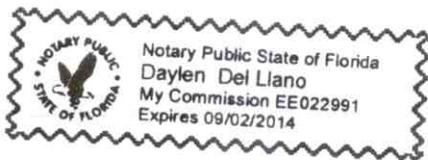
Very truly yours,

Gonzalez & Rodriguez, PL
999 Ponce De Leon Blvd.
Penthouse 1135
Coral Gables, FL 33134
(305) 461-4880

By: 
Humberto L. Rodriguez, Esq.
Florida Bar No.: 161489

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 16th day of June, 2011 by Humberto L Rodriguez, on behalf of Gonzalez & Rodriguez, PL, who is personally known to me or who has produced _____ as identification.





Notary Public
State of Florida
My Commission Expires: 09/02/2014