Zoning Meeting
Board of County Commissioners
November 21, 2013

Prepared by:Nelson Diaz

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
		1	**LFR LAND FAMILY LP & TUSCANY PLACE ASSOC. 13-11-CC-1 (13-61)**
1	11/21/2013	**1-A**	LFR Land Family LP and Tuscany Place Associates (PH No. 13-061) Exhibits and Supporting Material.

The foregoing exhibits were submitted for the record on November 21, 2013 and transferred to the care, custody, and control of the Department of Regulatory and Economic Resources Planning & Zoning on November 22, 2013.

ATTEST:

COUNTY COMMISSIONERS MIAMI-DADE COUNTY FLORIDA

Received by
Zoning Agenda Coordinator
NOV 2 2 2013

PLANNING AND ZONING AGENDA OFFICE
2013 NOV 22 P 1:05

HARVEY RUVIN, Clerk of Courts
Clerk of Circuit and County Courts
Miami-Dade County, Florida

Deputy Clerk

RECEIVED BY: _____ _____ 11/22/2013
(SIGN) **(PRINT)** **(DATE)**

RECEIVED
By the Clerk for the record.
NOV 21 2013
Item 1
Exhibit 1-A (13-11-CC-1 (13-61)
Meeting BCC ZONING

LFR Land Family LP and Tuscany Place Associates

(PH No. 13-061)

Exhibits and Supporting Material

PLANNING AND ZONING
AGENDA OFFICE
2013 NOV 22 P 1:01

Received by
Zoning Agenda Coordinator
NOV 22 2013

	TAB
Exhibits	A
Photos of Property	B
Existing Resolution and Covenant	C

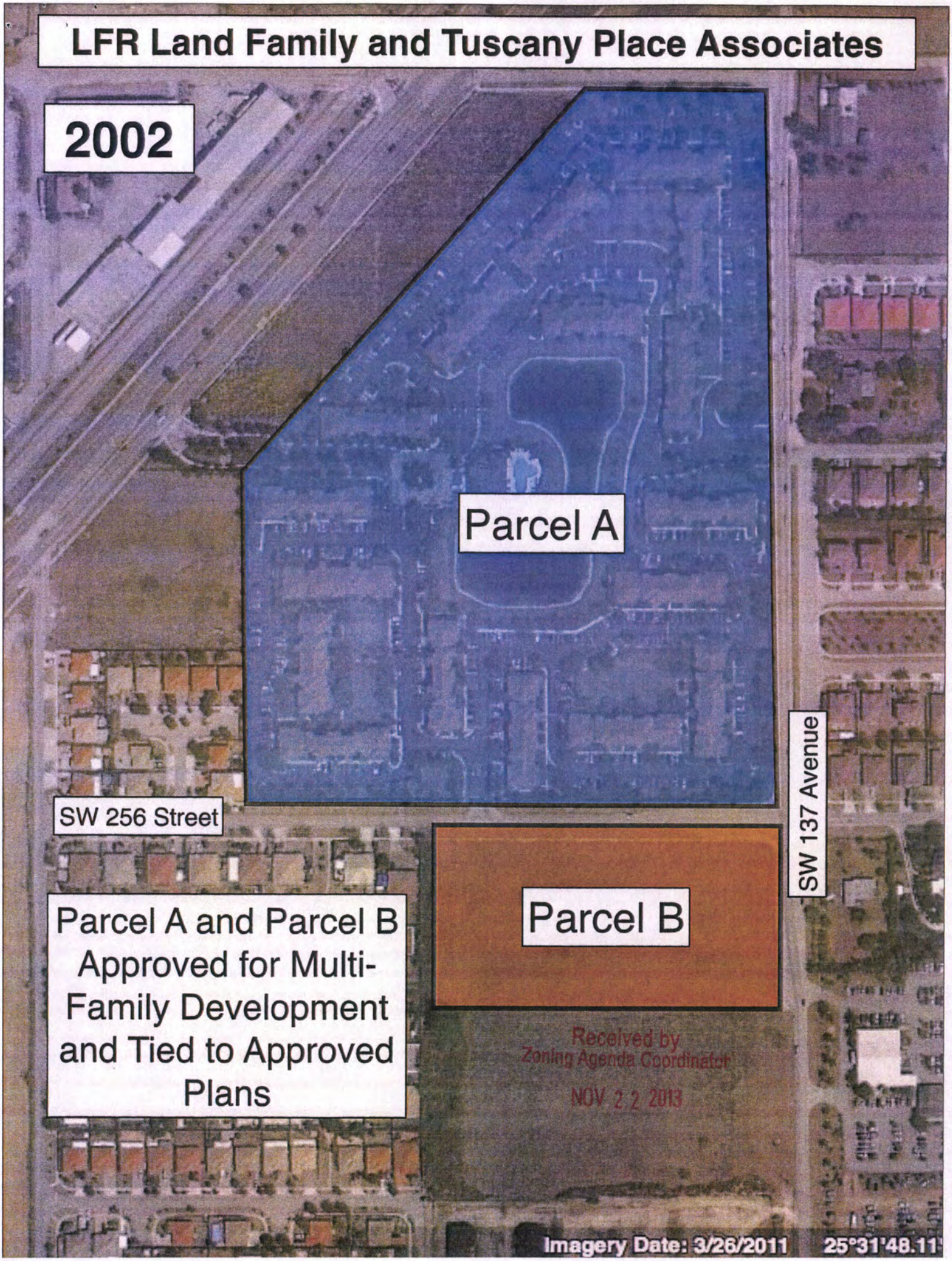
PLANNING AND ZONING
AGENDA OFFICE
2013 NOV 22 P 1:01

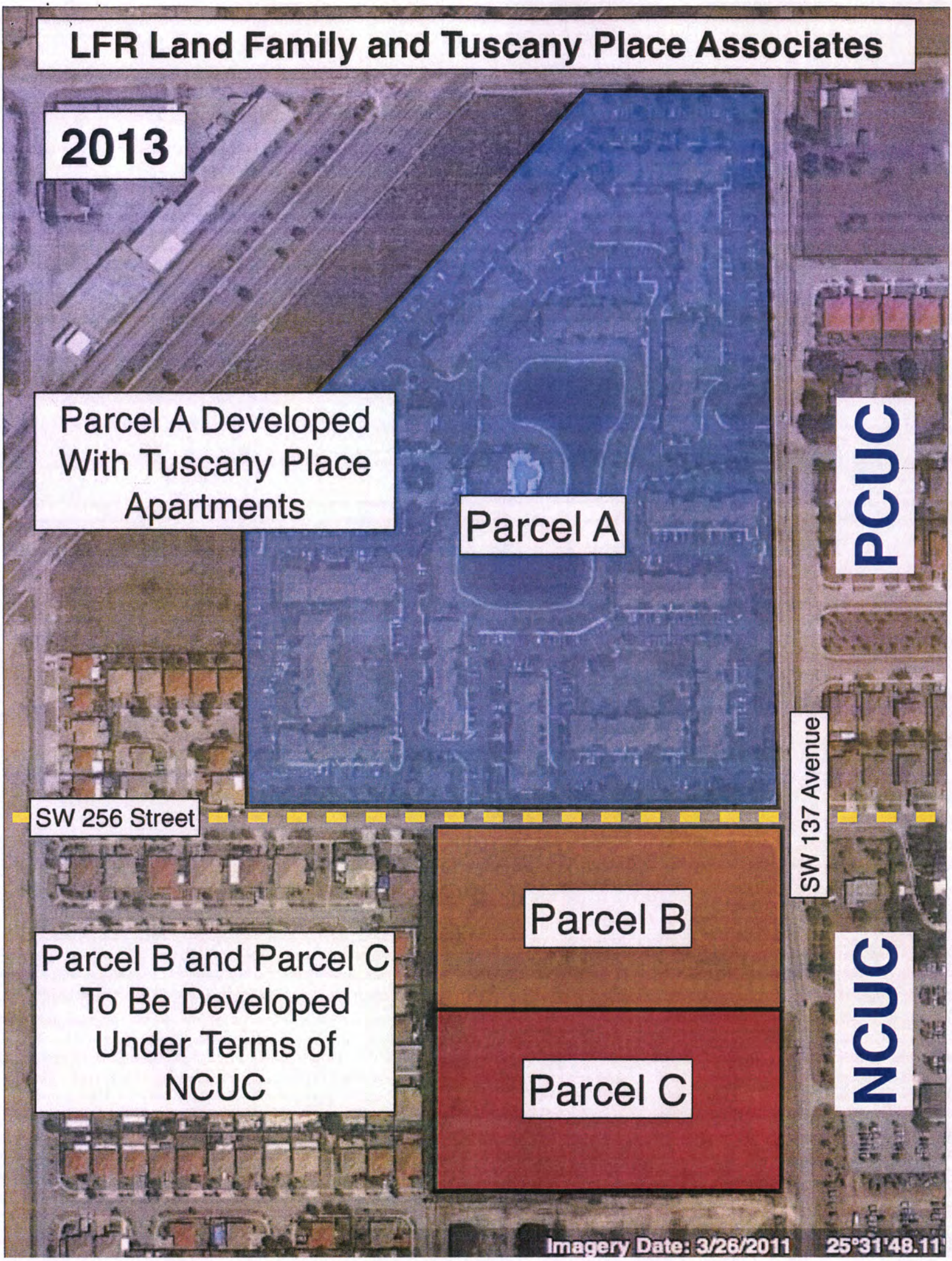
Received by
Zoning Agenda Coordinator
NOV 22 2013

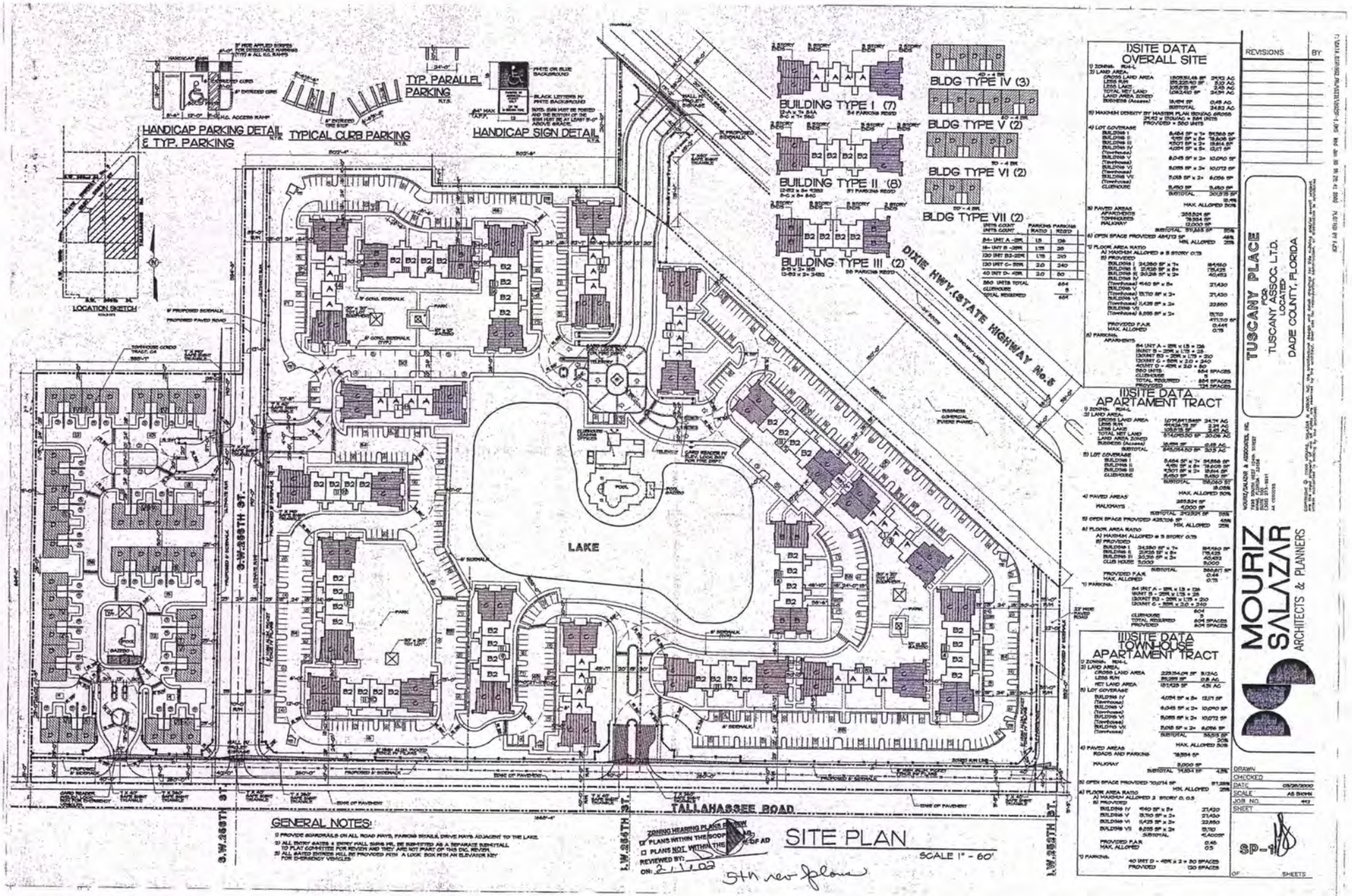
A

PLANNING AND ZONING
AGENDA OFFICE
2013 NOV 22 P 1:07

Received by
Zoning Agenda Coordinator
NOV 2 2 2013


LFR Land Family and Tuscany Place Associates
2002
Parcel A
SW 256 Street
SW 137 Avenue
Parcel B
Parcel A and Parcel B Approved for Multi-Family Development and Tied to Approved Plans
Received by
Zoning Agenda Coordinator
NOV 2 2 2013
Imagery Date: 3/26/2011
25°31'48.11


LFR Land Family and Tuscany Place Associates
2013
Parcel A Developed With Tuscany Place Apartments
Parcel A
PCUC
SW 256 Street
SW 137 Avenue
Parcel B
Parcel B and Parcel C To Be Developed Under Terms of NCUC
Parcel C
NCUC
Imagery Date: 3/26/2011
25°31'48.11



SITE DATA OVERALL SITE

SITE DATA APARTAMENT TRACT

SITE DATA TOWNHOUSE APARTAMENT TRACT

REVISIONS | BY

TUSCANY PLACE
FOR
TUSCANY ASSOC. L.T.D.
LOCATED
DADE COUNTY, FLORIDA

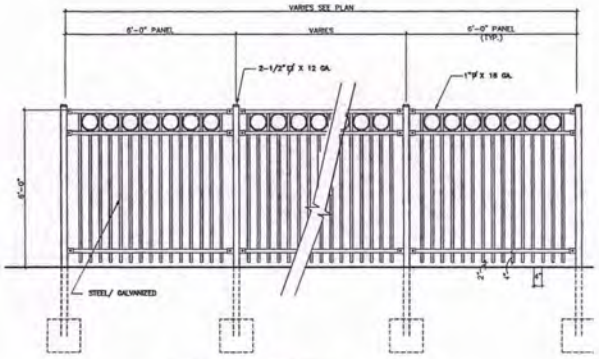
MOURIZ SALAZAR
ARCHITECTS & PLANNERS

DRAWN
CHECKED
DATE 09/26/2000
SCALE AS SHOWN
JOB NO. 412
SHEET
SP-1
OF SHEETS

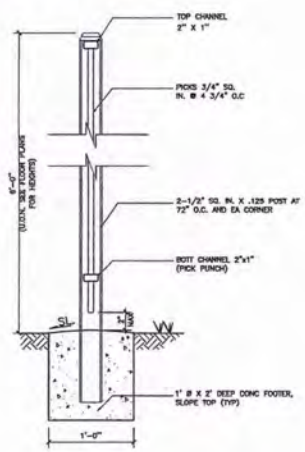
LEGAL DESCRIPTION

PARCEL B:
TRACT D, TUSCANY PLACE PLAT, ACCORDING TO THE PLAT THERE OF, AS RECORDED IN PLAT BOOK 159, PAGE 95, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

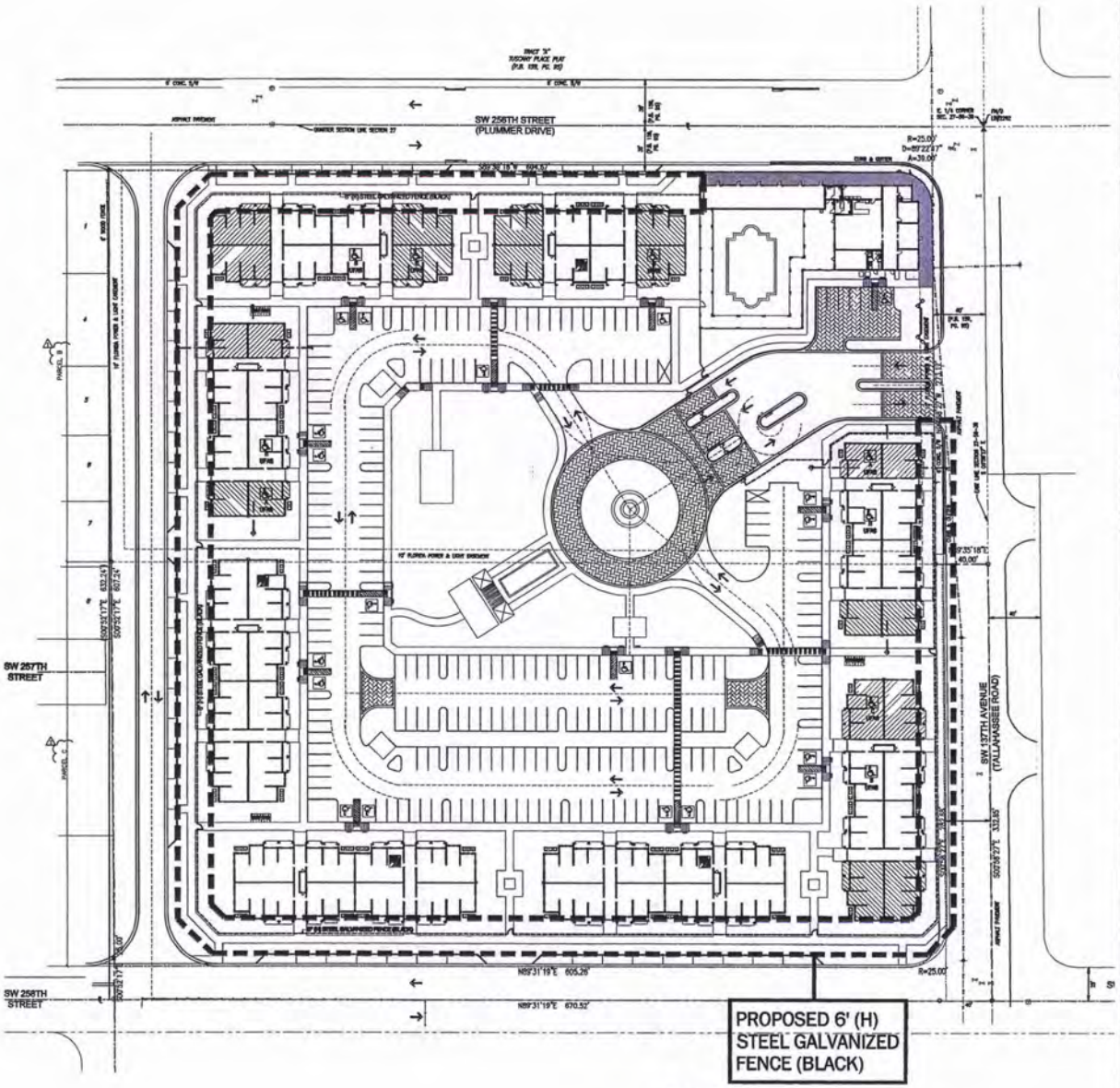
PARCEL C:
SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.



① ALUM FENCE DETAIL
(STEEL/ GALVANIZED - SEPARATE PERMIT REQUIRED) 1/2" = 1'-0



② PICKET FENCE POST FOOTING DETAIL
(STEEL/ GALVANIZED - SEPARATE PERMIT REQUIRED) 1 1/2" = 1'-0



SITE PLAN
SCALE 1/40" = 1'-0"

REVISIONS:

REV.	REV. ISSUE
1	07/18/13

SAN MARINO
FOR:
LOCATED AT:
SW 256TH STREET
AND SW 137TH AVENUE

BURGOS LANZA
ARCHITECTS & PLANNERS
AA 26001519

BURGOS LANZA & ASSOCIATES
2750 SW 3 AVENUE
Miami, Florida 33129
(786) 554-9035

DATE	03/05/13
DRAWN	CR
PROJECT No.	13-319
SCALE	AS-SHOWN

SITE PLAN
SCALE 1/40" = 1'-0"

A0.03B

B

View of Tuscany Place Development

View of Parcel B Looking South

View of Parcel South of Property

View SW from Intersection of SW 137 Avenue and SW 256 Street

C

RESOLUTION NO. CZAB15-14-02

WHEREAS, **HUGO G. MORALES, TRUSTEE** applied for the following:

(1) AU, BU-1 & BU-1A to RU-4L

(2) SPECIAL EXCEPTION to permit site plan approval for a multi-family residential development.

(3) UNUSUAL USE to permit a lake excavation.

Plans are on file and may be examined in the Zoning Department entitled "Tuscany Place," as prepared by Mouriz Salazar, dated 5/28/00, 11/28/01 and 11/29/01 and consisting of 26 pages and landscape plans as prepared by Alex Knight, consisting of 7 pages; and proposed lake cross section entitled "Lake Plan & X-Sec. Tuscany Place," as prepared by Ludovici & Orange and dated Jan. 15, 2002. Plans may be modified at public hearing.

SUBJECT PROPERTY: Beginning at the Northeast corner of the SE ¼ of the NE ¼ of Section 27, Township 56 South, Range 39 East; thence run S89°22'41"W for a distance of 330.85' along the north line of said SE ¼ of the NE ¼ of said Section 27 to the Point of intersection with a line which is parallel to and 150' SE/ly from the SE/ly right-of-way line of State Highway No. 5; thence run S41°17'57"W along said parallel line for a distance of 975.37' to a point; thence run S0°54'13"E along a line which is parallel to and 27.3' east of the west line of the east ½ of the SW ¼ of the SE ¼ of the NE ¼ of said Section 27 for a distance of 365.5' to a point; thence run S89°31'0"W for 27.3' to said west line of said east ½ of the SW ¼ of the SE ¼ of the NE ¼ of said Section 27; thence continue S0°54'13"E along said west line for a distance of 302.5' to the Southwest corner of said east ½ of the SW ¼ of the SE ¼ of the NE ¼ of said Section 27; thence run along the south line of the aforesaid east ½ for a distance of 334.67' to the Southeast corner of said east ½; thence run S0°54'42"E along the west line of the north ½ of the NE ¼ of the NE ¼ of the SE ¼ of said Section 27 for a distance of 333.62' to the Southwest corner of said north ½; thence run N89°35'14"E along the south line of said north ½ for a distance of 669.93' to the Southeast corner of said north ½; thence run N0°58'27"W along the east line of said north ½ for a distance of 332.85' to the Southeast corner of the NE ¼ of said Section 27: thence run N0°53'44"W along the east line of said NE ¼ of said Section 27 for a distance of 1,335.54' to the Point of beginning. Subject to the east 40' thereof. Including an ingress and egress easement described as follows:
Commencing at the Southeast corner of the NW ¼ of the SW ¼ of the SE ¼ of the NE ¼ of Section 27, Township 56 South, Range 39 East; thence run N89°30'58"E for 27.3' to a point; thence run N0°54'13"W for a distance of 302.5' to the Point of beginning; thence run S89°30'58"W along a line for a distance of 210.86' to the Point of intersection with the SE/ly right-of-way line of State Road No. 5; thence run N41°17'57"E along said SE/ly right-of-way line for a distance of 171.16' to a point; thence at right angles to the last described course for a distance of 65.16' to a point; thence run N89°30'58"E along a line for a distance of 113.09' to the Point of intersection with a line which is parallel to and 150' SE/ly from the said SE/ly right-of-way line of said State Road No. 5; thence run S41°17'57"W along a line for 109.5'± to the Point of beginning.

LOCATION: Between South Dixie Highway (State Road #5) and S.W. 137 Avenue (Tallahassee Road) and theoretical S.W. 252 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time, the applicant proffered a covenant which, among other things, provided for:

1. That development of the subject site be limited to a total of 380 residential units and a 12.7 units per acre density cap.

2. That the clubhouse, gazebo and pools obtain a final Certificate of Use and Occupancy prior to the issuance of a Certificate of Completion for the 8th building within the apartment portion of the subject property.

3. That the lake be excavated in its entirety and that no apartment and townhouse building on the subject property may obtain a final Certificate of Completion until such time as –built drawings of the entire lake (not portions of the lake) are approved and the proposed 5' wide walk around the lake is completed.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to RU-4L (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and the requested special exception (Item #2), and unusual use (Item #3) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception

(Item #2) and unusual use (Item #3) would not have an adverse impact upon the public interest and should be approved, and that the proffered covenant should be accepted, and

WHEREAS, a motion to approve Items #1-3 and to accept the proffered covenant was offered by Paul S. Vrooman, seconded by Nancy McCue, and upon a poll of the members present the vote was as follows:

Daniel L. Adams	nay	Nancy McCue	aye
Leonard Anthony	nay	Paul S. Vrooman	aye
Nina Betancourt	absent		

Timothy G. Sander aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15, that the requested district boundary change to RU-4L (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the requested special exception (Item #2), and unusual use (Item #3) be and the same are hereby approved, subject to the following conditions:

1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Tuscany Place," as prepared by Mouriz Salazar, dated 5/28/00, 11/28/01 and 11/29/01 and consisting of 26 pages and landscape plans as prepared by Alex Knight, consisting of 7 pages; and proposed lake cross section entitled "Lake Plan & X-Sec. Tuscany Place," as prepared by Ludovici & Orange and dated Jan. 15, 2002.

2. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.

5. That a recordable agreement be submitted to and meet with the approval of the Director providing for permanent and safe access for pedestrian and vehicular traffic within the development and particularly for right of access for fire, police, health, and sanitation and other public service personnel and vehicles. The agreement, which shall be a covenant running with the land, shall also include a stipulation that the streets, or access ways, shall be installed and maintained by the applicant, including, but not limited to, sidewalks, drainage facilities, water, sewers and fire hydrants, meeting with the approval of the Director and the Director of the Public Works Department. Such agreement shall be executed by the property owner and any and all parties having an interest in the land, such as mortgagees, etc., and its improvements.

6. That in the event of multiple ownership, a homeowners' association (or special taxing district) be established in accordance with applicable regulations to assure that all common areas and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time of the recording of the subdivision plat.

7. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).

8. That the applicant comply with all applicable conditions and requirements of the Public Works Department.

9. That the lake tract be platted; no building permit shall be issued for lots contiguous to the lake tract until the lake excavation is completed and lake as-built drawings submitted to and approved by the Department.

10. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Lake Plan & X-Sec. Tuscany Place," as prepared by Ludovici & Orange and dated Jan. 15, 2002.

11. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the applicant will submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer at one-fourth, one-half, three-fourths and final completion of the excavation or at six month intervals, whichever is of a lesser duration, or upon request of the Director or the Director of Environmental Resources Management.

12. That the property shall be staked to meet with the approval of the Director and the Director of Environmental Resources Management; said stakes shall be maintained

in proper position so that the limits of the excavation, slopes and grade levels may be easily determined.

13. That the property shall be suitably posted to meet with the approval of the Director and the Director of Environmental Resources Management; said posting shall denote the lake excavation operation and warn the public concerning possible hazards, prior to commencement of the excavation.

14. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director and the Director of Environmental Resources Management.

15. No material shall be removed from the premises and all excavated material shall be used to improve the property described in the application.

16. That the use of explosives shall be strictly prohibited in connection with the lake excavation operation.

17. That the hours of the lake excavation operation shall be controlled by the Director, except that the applicant shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays, Sunday operation and/or other hours of operation than 7:00 A.M. to 5:00 P.M., may be permitted by the Director only if the same does not become a nuisance to the surrounding area.

18. That the time for the completion of the project including the lake excavation, grading, etc., shall be determined by the Director and the work shall be carried on continuously and expeditiously so that the same will be completed within the allocated time.

19. If the lake excavation operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the approved plans and the entire operation shall be removed from the premises.

20. That in order to insure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department, payable to Miami-Dade County, in an amount as may be determined and established by the Director; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount shall be based on the volume of cut required to create the approved slope configuration.

21. Upon the issuance of a lake excavation permit, that the title of the property in question shall not be transferred without the approval of the Director unless the excavation of the subject property has been completed and/or unless the bond has been released.

22. That the applicant obtain an excavation use permit from and promptly renew the same annually with the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

23. All excavations shall be completely enclosed by a safety barrier, minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every 10 feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of excavating and shall remain in place until work is complete and the performance bond is released.

24. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 26th day of March, 2002.

Hearing No. 02-3-CZ15-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-14-02 adopted by said Community Zoning Appeals Board at its meeting held on the 26th day of March, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand on this 18h day of April, 2002.

Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE

STEPHEN P. CLARK CENTER

DP&Z

DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1ST STREET
SUITE 1210
MIAMI, FLORIDA 33128-1972
(305) 375-2800

April 18, 2002

Hugo G. Morales, Trustee
C/o Phil Ward, Esq.
2525 SW 3rd Avenue
Miami, Florida 33129

Re: Hearing No. 02-3-CZ15-1
Location: Between South Dixie Highway (State Road #5) and S.W. 137 Avenue (Tallahassee Road) and theoretical S.W. 252 Street, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB15-14-02, adopted by the Miami-Dade County Community Zoning Appeals Board 15, which approved 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. Each ticket issued will require payment of a daily monetary fine in the amount of $500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and/or Certificate of Use and Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. Additionally, please be advised that pursuant to Section 307 of the South Florida Building Code, construction permits must be obtained and final inspection approvals received for all construction work done or required prior to issuance of the Certificate of Use and Occupancy. This is required pursuant to Section 33-8 of the Zoning Code and may also appear as a condition of the Resolution. Payment of the Certificate of Use and Occupancy may also be subject to annual renewal by this Department.

You are hereby advised that the decision of the Miami-Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Elizabeth N. Owens
Deputy Clerk

Enclosures

20749PG3683

This instrument was prepared by:
Shamira Klein, Esq.
BERMAN RENNERT VOGEL & MANDLER, P.A.
NationsBank Tower at International Place
100 Southeast Second Street, Suite 3500
Miami, Florida 33131-2130

02R660779 2002 OCT 24 15:13

(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";

WHEREAS, Owner is presently under contract to sell the property to Cornerstone Group Associates, Inc., a Florida corporation ("Cornerstone") who proposes to construct a 380 -unit residential development on the Property to be known as Tuscany Place Apartments;

WHEREAS, in order to assure County that the representations made to it by Cornerstone during consideration of Public Hearing No. 01-203 will abide by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property;

1. Recitals. The recitals set forth above are true and correct and are incorporated herein by this reference.

2. Restriction. Notwithstanding the proposed RU-4L zoning classification of the Property, Cornerstone shall not build more than 380 multi-family units on the Property. The maximum density of the Property shall be limited to (12.7) units per acre.

3. Governing Law. This Declaration shall be construed according to and governed by the laws of the State of Florida.

4. Term of Covenant. This Declaration shall constitute a covenant running with the land and shall remain in full force and effect until such time as the same is modified or released as provided hereunder. This Declaration shall be recorded in the Public Records of Miami-Dade County, Florida at the cost of Cornerstone following adoption by the Miami-Dade County Board of County Commissioners of a resolution approving the Application.

5. 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

NR

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entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the condition herein are being met.

6. Amenities. That the clubhouse, gazebo, and pool obtain a final Certificate of Use and Occupancy prior to issuance of a Certificate of Completion for the 8th building within the apartment portion of the subject property.

7. Lake Excavation. That the lake be excavated in its entirety and that no apartment or townhouse building on the subject property may obtain a final Certificate of Completion until such time as as-built drawings of the entire lake (not portions of the lake) are approved and the proposed 5' wide sidewalk around the lake is completed.

8. Modification/Release. This Declaration may be modified or released as to the land described herein or any portion thereof by a written instrument executed by the then owner(s) of the Property provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing. Should this Declaration be so modified or released, the Director of the Miami-Dade County Department of Planning, Development and Regulation, 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 or release.

9. 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.

10. Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being substantially 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.

IN WITNESS WHEREOF, the parties have executed this Declaration this 19th day of March, 2002.

Witnesses:

Print Name: Gary Bodzin

By: _____
HUGO G. MORALES, as Trustee

Print Name: Jennifer McMinn

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instruments was sworn to, subscribed and acknowledged before me this 19 day of March 2002, by HUGO G. MORALES, who is personally known to me or has produced Florida Driver's License No. (personally known) as identification.

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

OFFICIAL NOTARY SEAL
GARY A BODZIN
COMMISSION NUMBER
CC723688
MY COMMISSION EXPIRES
MAR. 31, 2002

G:\Shamira\C\Cornerstone\Tuscany Place (Morales)\Documents\Declaration of Covenants.Density.v2.doc

OFF. REC BK.

20749PG3686

CONSENT AND JOINDER OF MORTGAGEE

The undersigned, David Levine, as Trustee under that certain Mortgage and Security Agreement dated the 29th day of January, 1999 and recorded at Official Records Book 18457 at Page 149, as modified by Mortgage Modification Agreement recorded March 1, 2001 in Official Records Book 19523, Page 2649 of the Public Records of Miami-Dade County, Florida, hereby consents and joins in the foregoing Declaration of Restrictions, and subordinates its mortgage lien encumbering all or any part of the Property to the Declaration of Restrictions.

IN WITNESS WHEREOF, this Consent and Joinder is executed by the undersigned this 19 day of March, 2002.

Witnesses:

Name: Gary Bodzin

DAVID LEVINE, as Trustee

By: _____
Name: DAVID LEVINE
Title: _____

Name: Jennifer McMinn

STATE OF FLORIDA
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 19 day of March, 2002, by David Levine, who did not take an oath.

Notary Public, State of Florida at Large

OFFICIAL NOTARY SEAL
GARY A BODZIN
COMMISSION NUMBER
CC723585
MY COMMISSION EXPIRES
MAR. 31, 2002

My Commission Expires: _____

Serial No. _____

Personally known to me OR produced _____ as identification.

G:\Shamira\C\Cornerstone\Tuscany Place (Morales)\Documents\CONSENT AND JOINDER OF MORTGAGEE.cons.doc

OFF. REC. INS.

20749PG3687

EXHIBIT "A"

VERIFIED
By

Beginning at the Northeast corner of the SE ¼ of the NE ¼ of Section 27, Township 56 South, Range 39 East; thence run S89°22'41"W for a distance of 330.85' along the north line of said SE ¼ of the NE ¼ of said Section 27 to the Point of intersection with a line which is parallel to and 150' SE/ly from the SE/ly right-of-way line of State Highway No. 5; thence run S41°17'57"W along said parallel line for a distance of 975.37' to a point; thence run S0°54'13"E along a line which is parallel to and 27.3' east of the west line of the east ½ of the SW ¼ of the SE ¼ of the NE ¼ of said Section 27 for a distance of 365.5' to a point; thence run S89°31'0"W for 27.3' to said west line of said east ½ of the SW ¼ of the SE ¼ of the NE ¼ of said Section 27; thence continue S0°54'13"E along said west line for a distance of 302.5' to the Southwest corner of said east ½ of the SW ¼ of the SE ¼ of the NE ¼ of said Section 27; thence run along the south line of the aforesaid east ½ for a distance of 334.67' to the Southeast corner of said east ½; thence run S0°54'42"E along the west line of the north ½ of the NE ¼ of the NE ¼ of the SE ¼ of said Section 27 for a distance of 333.62' to the Southwest corner of said north ½; thence run N89°35'14"E along the south line of said north ½ for a distance of 669.93' to the Southeast corner of said north ½; thence run N0°58'27"W along the east line of said north ½ for a distance of 332.85' to the Southeast corner of the NE ¼ of said Section 27: thence run N0°53'44"W along the east line of said NE ¼ of said Section 27 for a distance of 1,335.54' to the Point of beginning. Subject to the east 40' thereof. Including an ingress and egress easement described as follows:

Commencing at the Southeast corner of the NW ¼ of the SW ¼ of the SE ¼ of the NE ¼ of Section 27, Township 56 South, Range 39 East; thence run N89°30'58"E for 27.3' to a point; thence run N0°54'13"W for a distance of 302.5' to the Point of beginning; thence run S89°30'58"W along a line for a distance of 210.86' to the Point of intersection with the SE/ly right-of-way line of State Road No. 5; thence run N41°17'57"E along said SE/ly right-of-way line for a distance of 171.16' to a point; thence at right angles to the last described course for a distance of 65.16' to a point; thence run N89°30'58"E along a line for a distance of 113.09' to the Point of intersection with a line which is parallel to and 150' SE/ly from the said SE/ly right-of-way line of said State Road No. 5; thence run S41°17'57"W along a line for 109.5'± to the Point of beginning.

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

PLANNING AND ZONING
AGENDA OFFICE
2013 NOV 22 P 1:01

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Zoning Agenda Coordinator
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