



CFN 2014R0573391  
DR Bk 29272 Pgs 2128 - 2132 (5pgs)  
RECORDED 08/15/2014 11:10:58  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:

Name: Ryan D. Bailine, Esq.  
Greenberg Traurig  
333 Avenue of the Americas  
Suite 4400  
Miami, FL 33131

A/37

(Space reserved for Clerk)

**DECLARATION OF RESTRICTIONS**

WHEREAS, Tamiami Kendall Investments, Inc., (“Owner”), holds the fee simple title to the land in Miami-Dade County (the “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. 13-083 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) **Controlling Site Plan.** The Three Lakes Project shall be developed substantially in accordance with the plans entitled “Three Lakes For: The Richman Group of Florida, Inc.” as prepared by MSA Architects, consisting of 17 sheets. Sheets A-01 & A-1.1 dated stamped received 3/26/14 and the remaining 15 sheets dated stamped received 1/29/14 and landscape plans entitled “Three Lakes” as prepared by Bruce Howard & Associates, Inc., consisting of 2 sheets. Sheet LP-1 dated stamped received 3/26/14 and sheet LD-1 dated stamped received 1/29/14 for a total of 19 sheets.
- (2) **Residential Density Restriction.** The maximum number of dwelling units on the Three Lakes Project shall be a total of 240 multi-family residential units.
- (3) **Miscellaneous.**
  - a. **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.
  - b. **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.

- c. **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.
- d. **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) 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. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.
- e. **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.
- f. **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.
- g. **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.



- h. **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.
- i. **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
- j. **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of 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, 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 Regulatory and Economic Resources 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.
- k. **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.
- l. **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on the day and year first above written.





**EXHIBIT "A"**

**LEGAL DESCRIPTION OF THE PROPERTY**

The East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 14, Township 55 South, Range 19 East, lying and being in Miami-Dade County, Florida,

LESS AND EXCEPT THE FOLLOWING PARCELS A AND B, conveyed to Trail Walk, LLC, a Florida limited liability, by virtue of Special Warranty Deed recorded in Official Records Book 21277, Page 452, Public Records of Miami-Dade County, Florida, to wit:

**PARCEL A:**

The North 448.00 feet of the Southeast 1/4 of the Southeast 1/4 of Section 14, Township 55 South, Range 39 East, Miami-Dade County, Florida.

**PARCEL B:**

That portion of the Southeast 1/4 of the Southeast 1/4 of Section 14, Township 55 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows:

Commence at the Southeast corner of the Southeast 1/4 of the Southeast 1/4 of said Section 14; thence run South 87°47'04" West along the South line of the Southeast 1/4 of said Southeast 1/4, for a distance of 525.83 feet to the Point of Beginning of the parcel of land herein described; thence continue South 87°47'04" West along the South line of the Southeast 1/4 of said Southeast 1/4 of Section 14, for a distance of 791.82 feet to a point; thence run North 02°39'59" West along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 14, for a distance of 913.10 feet to a point; thence run North 87°39'09" East along a line 448.00 feet South of and parallel with the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 14, for a distance of 796.90 feet to a point; thence run South 02°20'51" East for a distance of 914.91 feet to the Point of Beginning.

STATE OF FLORIDA, COUNTY OF DADE  
HEREBY CERTIFY that this is a true copy of the  
original filed in this office on            day of  
AUG 15 2014, A.D. 20            
WITNESS my hand and Official Seal.  
Harvey Ruvins, CLERK, of Circuit and County Courts  
Mauro Malareso 196650



(Public Hearing)

**OPINION OF TITLE**

To: MIAMI-DADE COUNTY

With the understanding that this Opinion of Title is furnished to Miami-Dade County, Florida for acceptance of a Declaration of Restrictions, or in compliance with Chapter 28, and as inducement for acceptance of a proposed final subdivision plat covering the real property hereinafter described.

It is hereby certified that we have examined First American Title Insurance Commitment No. 5011612-2037-2965217 covering the period from the Beginning to April 11, 2014 at 11:00 PM, and Attorneys' Title Fund Services, LLC Certified Print-outs covering the period from April 11, 2004 to July 14, 2014, inclusive of the following described real property:

**See Exhibit "A" attached hereto**

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

Tamiami Kendall Investments, Inc., a Florida corporation

Raquel Carro, as President, is authorized to sign on behalf of the corporation

1. **RECORDED MORTGAGES:** NONE
2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:** NONE
3. **GENERAL EXCEPTIONS:**
  - A. All taxes for the year in which this Opinion is rendered and subsequent years.
  - B. Rights of parties in possession other than the above owners.
  - C. Facts that would be disclosed by an accurate survey.
  - D. Any unrecorded labor, mechanics or materialmen's liens.
  - E. Zoning and other restrictions imposed by governmental authority.

**4. SPECIAL EXCEPTIONS:**

- A. Notice Regarding Tamiami Executive Airport recorded on May 8, 2003, in Official Records Book 21237, at Page 2642, of the Public Records of Miami-Dade County, Florida.
- B. Declaration of Restrictions recorded on June 1, 2011, in Official Records Book 27707, at Page 685, of the Public Records of Miami-Dade County, Florida.
- C. Right-of-Way for SW 127<sup>th</sup> Avenue.
- D. Right-of-Way for SW 136<sup>th</sup> Street.
- E. Declaration of Restrictions recorded May 2, 2003, in Official Records Book 21213, at Page 3152, of the Public Records of Miami-Dade County, Florida.
- F. Declaration of Restrictions recorded on September 14, 2006, in Official Records Book 24909, at Page 1820, of the Public Records of Miami-Dade County, Florida.
- G. Agreement for Water and Sanitary Sewage Facilities recorded on November 21, 2013, in Official Records Book 28921, at Page 1065, of the Public Records of Miami-Dade County, Florida.

**I HEREBY CERTIFY** that I have reviewed all of the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictions.

Therefore, it is our 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 #</u> |
|-----------------------------------|-----------------|----------------------------|
| Tamiami Kendall Investments, Inc. | Fee Simple      | N/A                        |

The following is a description of the aforementioned Title Commitment.

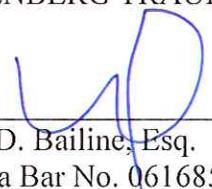
| <u>Number</u>        | <u>Company Certifying</u>  | <u>No. of Entries</u> | <u>Period Covered</u>           |
|----------------------|--|-----------------------|---------------------------------|
| 5011612-2037-2965217 | First American Title Insurance Company Attorneys' Fund Services Certified Print-outs | 13                    | Beginning to April 11, 2014     |
|                      |  | 0                     | April 11, 2014 to July 14, 2014 |

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 in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted this 23 day of July, 2014.

GREENBERG TRAUERIG

  
\_\_\_\_\_  
Ryan D. Bailine, Esq.  
Florida Bar No. 0616850  
333 Avenue of the Americas  
Suite 4400  
Miami, Florida 33131

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

The foregoing instrument was acknowledged before me this 23 day of July, 2014, by Ryan D. Bailine, who [] is personally known to me, or [] has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Notary Public, State of Florida

Print Name: LINDA CHRISTIAN  
My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA  
Linda Christian  
Commission # EE077204  
Expires: MAR. 24, 2015  
BONDED THRU ATLANTIC BONDING CO., INC.

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