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HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:

Name: Tracy R. Slavens, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3300
Miami, Florida 33131

(Space reserved for Clerk of Court)

MODIFICATION OF DECLARATION OF RESTRICTIONS
RECORDED IN OFFICIAL RECORDS BOOK 16537 AT PAGE 691

THIS MODIFICATION OF DECLARATION OF RESTRICTIONS is made this 9th day of June, 2015, by **Children's Resource Fund, Inc.**, a Florida not for profit corporation (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner, holds the fee simple title to that certain parcel of land in legally described in Exhibit "A" attached hereto and hereinafter referred to as the "Property"; and

WHEREAS, a Declaration of Restrictions in favor of Miami-Dade County was recorded in Official Records Book 16537 at Page 691 of the Public Records of Miami-Dade County, Florida (the "Declaration"), which placed certain restrictions and conditions on the use of the Property; and

WHEREAS, the Declaration has been amended from time to time;

WHEREAS, an application for a zoning public hearing was filed with the County pursuant to Public Hearing Application No. Z2014000096 (the "Application") seeking to, in relevant part, modify Paragraphs 1, 3(c), and 3(d) of the Declaration, as amended; and

WHEREAS, the Application was approved by Community Zoning Appeals Board 12 on June 9th, 2015, at which public hearing Resolution No. CZAB12- 19-15 (the "Resolution") was approved and adopted;

WHEREAS, the Resolution approved the modification of Paragraph 1 of the Declaration, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264; Pages 0054 as recorded in Official Records Book 25649, pages 3897-3900, reading as follows:

FROM: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received July 03, 2006 consisting of four sheets.



AS

TO: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15."

WHEREAS, the Resolution approved the modification of a portion of Paragraph 3 of the Declaration, as last modified by a Declaration of Restrictions recorded in Official Records Book 22264, Pages 0054 thru 0058, reading as follows:

FROM:

"(3) Declaration of Use.

Notwithstanding the zoning classification of the Property, the use of the Property shall be restricted to a day nursery and school for developmentally disabled children. Furthermore, the Owner acknowledges and agrees to the following additional restrictions on the use of the Property:

- a) the use will be in compliance with applicable Federal, State, and Dade County laws and regulations;
- b) the use will be restricted to one hundred four (104) students;
- c) the use will be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m.;
- d) instruction will be limited to nursery and preschool age students;
- e) the number of classrooms shall not exceed six (6);
- f) the number of teachers and teacher assistants shall not exceed sixteen (16); and
- g) the transportation to be furnished in connection with the use, if any, will consist of a maximum of fourteen (14) vehicles comprised of twelve (12) car types and two (2) vans, which shall not be stored on the premises.

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; (iii) to change the age group of the students; or (iv) to operate on Sundays or after 6:00 p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evening."



TO:

“(3) Declaration of Use.

Notwithstanding the zoning classification of the Property, the use of the Property shall be restricted to a day nursery and school for developmentally disabled children. Furthermore, the Owner acknowledges and agrees to the following additional restrictions on the use of the Property:

- a) the use will be in compliance with applicable Federal, State, and Dade County laws and regulations;
- b) the use will be restricted to one hundred four (104) students;
- c) the use will be conducted on the premises Monday through Saturday from 7:30 a.m. to 6:00 p.m.;
- d) instruction will be limited to nursery, preschool, and elementary age students;
- e) the number of classrooms shall not exceed six (6);
- f) the number of teachers and teacher assistants shall not exceed sixteen (16); and
- g) the transportation to be furnished in connection with the use, if any, will consist of a maximum of fourteen (14) vehicles comprised of twelve (12) car types and two (2) vans, which shall not be stored on the premises.

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; or (iii) to operate on Sundays or after 6:00 p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evening.”

WHEREAS, since the date of the last amendment to this Declaration, Section 20-8.8 of the Code of Miami-Dade County has been added to provide:

The Board of County Commissioners shall require, as a condition of municipal boundary change, that the Board retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for modification or deletion by a successor governmental body. It is provided, however, that the Board of County Commissioners may not exercise such jurisdiction unless the applicable municipality has first approved the modification or deletion.



WHEREAS, since the date of the last amendment to this Declaration, Section 20-26 of the Code of Miami-Dade County has been amended to provide:

(h) As a condition of incorporation approved pursuant to Article VI of the Miami-Dade County Home Rule Charter, each new municipality shall provide, as a part of the charter, that the Board of County Commissioners retains jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board of County Commissioners or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for modification or deletion by a successor governmental body. It is provided, however, that the Board of County Commissioners may not exercise such jurisdiction unless the applicable municipality has first approved the modification or deletion.

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County (the "County") that the representations made by the Owner during its consideration of the Application and the approval of the Resolution will be abided by, the Owner freely, voluntarily, and without duress, hereby agrees as follows:

A. Paragraph 1 of the Declaration shall now read as follows:

1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15.

B. Paragraph 3 of the Declaration shall now read as follows:

(3) Declaration of Use.

Notwithstanding the zoning classification of the Property, the use of the Property shall be restricted to a day nursery and school for developmentally disabled children. Furthermore, the Owner acknowledges and agrees to the following additional restrictions on the use of the Property:

- a) the use will be in compliance with applicable Federal, State, and Dade County laws and regulations;
- b) the use will be restricted to one hundred four (104) students;
- c) the use will be conducted on the premises Monday through Saturday from 7:30 a.m. to 6:00 p.m.;
- d) instruction will be limited to nursery, preschool, and elementary age students;
- e) the number of classrooms shall not exceed six (6);



- f) the number of teachers and teacher assistants shall not exceed sixteen (16); and
- g) the transportation to be furnished in connection with the use, if any, will consist of a maximum of fourteen (14) vehicles comprised of twelve (12) car types and two (2) vans, which shall not be stored on the premises.

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; or (iii) to operate on Sundays or after 6:00 p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evening.

- C. The Declaration and any future amendments thereto shall be subject to Sections 20-8.8 and 20-26 of the Miami-Dade Code, as they may be amended from time to time.
- D. Except as hereby amended, all other restrictions in the Declaration, as amended, shall remain in full force and effect.

[Execution Pages Follow]



EXHIBIT "A"

LEGAL DESCRIPTION:

Tract 21 of "Kendall Greens Homesites," according to the Plat thereof, as recorded in Plat Book 40 at Page 52 of the Public Records of Miami-Dade County, Florida.

STATE OF FLORIDA, COUNTY OF DADE
HEREBY CERTIFY that this is a true copy of the
instrument filed in this office on Aug 03 2015 day of _____
_____, A D 20_____

WITNESS my hand and Official Seal.
Harvey Ruvim, CLERK, of Circuit and County Courts
by Mauro Mahero 11/11/15 D.C.



OPINION OF TITLE

To: MIAMI-DADE COUNTY, a political subdivision of the State of Florida

With the understanding that this Opinion of Title is furnished to the Department of Regulatory and Economic Resources as inducement for acceptance of the Modification of Declaration of Restrictions Recorded At Official Records Book 25649, At Pages 3897 - 3900 ("Modification") covering the real property hereinafter described, it is hereby certified that I have examined the Lawyers Title Insurance Company Policy Number 52320498LA (the "Policy") covering the period from the beginning to April 10, 2007 at 8:00 a.m., and an Attorneys' Title title update from the date of the Policy through June 11, 2015 at 11:00 p.m., inclusive of the following described real property, located and situated in Miami-Dade County, Florida:

**Tract 21, of KENDALL GREEN HOME ESTATES, according to
the Plat thereof, as recorded in Plat Book 40, Page 52, of the
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:

Children's Resource Fund, Inc., a Florida not for profit corporation

Subject to the following liens, encumbrances, and other exceptions:

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, unless noted below that such taxes have been paid.
- b. Rights 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.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

4. SPECIAL EXCEPTIONS:

- a. Covenant Running With The Land in favor of Miami-Dade County recorded in Official Records Book 14605, Page 2610.
- b. Covenant Running With The Land in favor of Miami-Dade County recorded in Official Records Book 16410, Page 837.
- c. Declaration of Restrictions recorded in Official Records Book 16537, Page 691, as affected by Modification recorded in Official Records Book 22264, Page 54 and Modification recorded in Official Records Book 25649, Page 3897.
- d. Agreement for Water and Sanitary Sewage Facility recorded in Official Records Book 25907, Page 3328.
- e. Unity of Title recorded in Official Records Book 25907, Page 3358.
- f. Covenant Running with the Land recorded in Official Records Book 25907, Page 3362.

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 and that none of them hinder or affect the recording or enforcement of the Modification of Declaration of Restrictions.

It is my opinion that the following parties must join in the Modification in order to make the Modification a valid and binding covenant on the lands described herein:

<u>Name</u>	<u>Interest</u>
Children's Resource Fund, Inc., a Florida not for profit	Owner

Further, I am of the opinion that Peggy Armaly is authorized to execute all documents on behalf of the Children's Resource Fund., Inc., a non-profit corporation, existing under the laws of the State of Florida, the Chairwomen member of Children's Resource Fund.

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 Modification.

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

Respectfully submitted this 24 day of June, 2015.

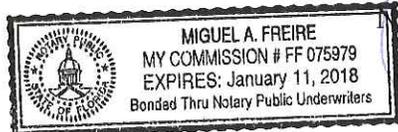


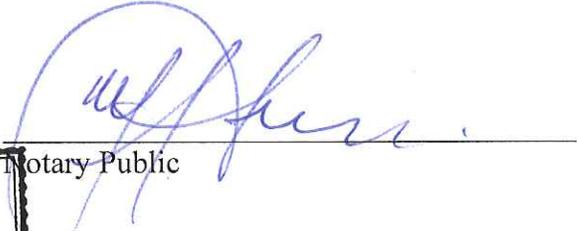
Tracy R. Slavens, Esq.
Florida Bar No. 678031
Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, Florida 33131
Telephone: 305-789-7642

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 24 day of June, 2015, by Tracy R. Slavens, who is personally known to me.





Notary Public