

34 545 39E
Sec. Twp. Range

Pre-Application No.: N/A
Pre-Application Meeting Date: N/A

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

LIST ALL FOLIO #s: 30-4934-001-1240 Date Received

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).
Towercom VIII, LLC

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER, E-MAIL:

Mailing Address: One Independent Drive, Suite 1600
City: Jacksonville State: Florida Zip: 32202
Phone# 954.588.5327 Fax# N/A E-mail: jmoody@towercomenterprises.com

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): Branch Banking and Trust Company
Mailing Address: 2400 Reynolda Road
City: Winston-Salem State: NC Zip: 27106

4. CONTACT PERSON'S INFORMATION:

Name: Deborah L. Martohue, Esq. Company: Martohue Land Use Law PA
Mailing Address: 2422 54th Avenue S, #224
City: St. Petersburg State: Florida Zip: 33712
Phone# 727.460.8431 Fax# N/A E-mail: martohued@gmail.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on CD in Microsoft Word.)

See attached Ex. A



6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

8701 SW 137 Avenue, Miami, Florida 33183

7. SIZE OF PROPERTY 230' +/- ft x 450' +/- ft (in acres): 2.49 acres Parent Tract
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: 12/2015 (month & year)

9. Lease term: 5 yrs + Nine 5-yr options years

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)?

no yes If yes, provide complete legal description of said contiguous property.



11. Is there an option to purchase or lease the subject property or property contiguous thereto? no

yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form) ✓

Towercom VIII, LLC

12. PRESENT ZONING CLASSIFICATION: BU-2

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

District Boundary(zone) Changes [Zone(s) requested]: _____

(Provide a separate legal description for each zone requested)

Unusual Use: to permit a stealth 100' wireless communications facility (unipole)

Use Variance: _____

Non-Use Variance: 35' non-use setback variance from west property line abutting 110' ROW of SW 137 AVE

Alternative Site Development: Option: _____

Special Exception: _____

Modification of Previous Resolution/Plan: _____

Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the last year & a half? no yes

If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? no yes . If yes, give name to whom the violation notice was served: _____ and describe the violation: _____

16. Describe structures on the property: 2 EXISTING BANK/RETAIL/OFFICE BLDGS + WCF CLOCK TOWER TO BE DEMOLISHED

17. What is the project's P.M. peak hour trip generation? N/A trips - Please list all of the (ITE) Institute of Transportation Engineers code(s) that were used in determining the numbers of P.M. peak hour trips:

UNMANNED WIRELESS COMMUNICATIONS FACILITY

18. Please indicate whether this property was subject to a recent **Comprehensive Development Master Plan (CDMP) amendment**. If so, please indicate the ordinance #: NO

19. Is there any existing use on the property? no yes . If yes, what use and when established?

Use: SEE #16; ENTIRE SITE BEING REDEVELOPED; SITE REDEVELOPMENT SUBJECT TO BUILDING PERMIT ONLY Year: _____

20. Do you require a translator for the actual hearing? Yes No

If yes: Spanish Haitian Creole Other (Please specify which language) _____

EXHIBIT A-1



PARENT TRACT

(PER OFFICIAL RECORD BOOK 15767, PAGE 188 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA)

TRACT B, KENDALE LAKES SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 87, PAGE 55 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

LESS PARCEL 106, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT B, KENDALE LAKES SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 87, AT PAGE 55, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING IN THE SE 1/4 OF SECTION 34, TOWNSHIP 54 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT B;

THENCE RUN S87°42'55"W FOR A DISTANCE OF 209.18 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 89°58'50" AND A RADIUS OF 25.00 FEET;

THENCE RUN NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 39.26 FEET TO A POINT OF TANGENCY;

THENCE RUN N02°18'15"W FOR A DISTANCE OF 13.25 FEET TO A POINT ON A CIRCULAR CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 89°58'50" AND A RADIUS OF 25.00 FEET;

THENCE RUN SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 39.26 FEET TO A POINT OF TANGENCY;

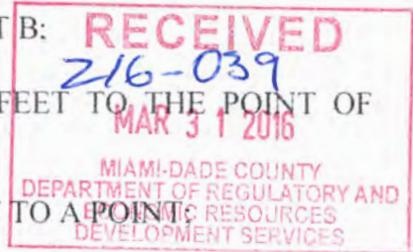
THENCE RUN N87°42'55"E, FOR A DISTANCE OF 209.13 FEET TO A POINT;

THENCE RUN S02°17'05"E FOR A DISTANCE OF 13.25 FEET TO THE POINT OF BEGINNING.

AND LESS PARCEL 817, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT B, KENDALE LAKES SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 87, AT PAGE 55, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING IN THE SE 1/4 OF SECTION 34, TOWNSHIP 54 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT B:



THENCE RUN N02°17'05"W, FOR A DISTANCE OF 13.25 FEET TO THE POINT OF BEGINNING;

THENCE RUN S87°42'55"W, FOR A DISTANCE OF 65.00 FEET TO A POINT;

THENCE RUN N02°17'15"W, FOR A DISTANCE OF 15.00 FEET TO A POINT;

THENCE RUN N87°42'55"E, FOR A DISTANCE OF 25.00 FEET TO A POINT;

THENCE RUN S02°17'15"E, FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE RUN N87°42'55"E, FOR A DISTANCE OF 40.00 FEET TO A POINT;

THENCE RUN S02°17'05"E, FOR A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

ACKNOWLEDGEMENT BY APPLICANT

RECEIVED
216-039
MARCH 1 2016
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATION AND
ECONOMIC RESOURCES
DEVELOPMENT SERVICES

1. RER Platting and Traffic Review Section, RER Division of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before the Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Platting and Traffic conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department on County forms, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Department must carry a cover letter indicating subject matter, application number and hearing date.



 (Applicant's Signature)
 George Davis, VP of Southcoast Capital Corp., MGR of TOWERCOM, LLC

 (Print Name of Applicant)

Sworn to and subscribed before me on the
29th Day of March 2016

Affiant is personally known to me or has produced
N/A as identification.



 (Notary Public's Signature)

My commission expires 5/16/16
 State of: North Carolina

Patricia Alemparte Glass

 Print Name

PATRICIA ALEMPARTE GLASS
 NOTARY PUBLIC
 WAKE COUNTY, NC
 My Commission Expires 5-16-2016

APPLICANT'S AFFIDAVIT

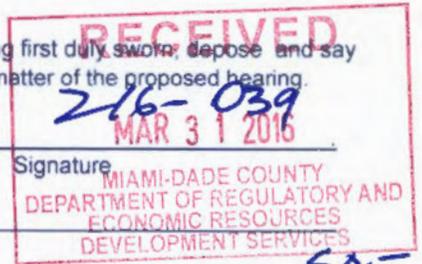
The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature
Notary Public: _____
Commission Expires: _____



Sworn to and subscribed to before me this ____ day of _____, _____.

CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

Office Held

(Corp. Seal)

Sworn to and subscribed to before me this ____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the aforesaid partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ % (Name of Partnership) _____ %
By _____ % By _____ %

Sworn to and subscribed to before me this ____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

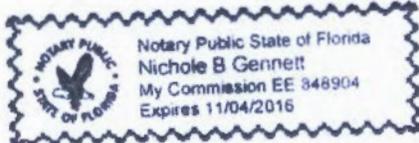
ATTORNEY AFFIDAVIT

I, Deborah L. Martohue, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Deborah L. Martohue
Signature

Sworn to and subscribed to before me this 29th day of March, 2016

Notary Public: Nichole B. Gennett
Commission Expires: 11/4/2016





(Space reserved for Clerk)

OWNERSHIP AFFIDAVIT FOR CORPORATION

STATE OF TEXAS Public Hearing No. _____
COUNTY OF COLLIN

Before me, the undersigned authority, personally appeared Terri Murray and _____, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

- Affiant is the president, ^{Senior} vice-president or CEO of the Branch Banking & Trust Company with the following address: 2400 Reynolda Road
Winston-Salem, NC 27106
- The Corporation owns the property, which is the subject of the proposed hearing.
- The subject property is legally described as: SEE ATTACHED EX. A LEGAL DESCRIPTION
- Affiant is legally authorized to file this application for public hearing.
- Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

[Signature]
Signature
BEN KIRKLAND
Print Name

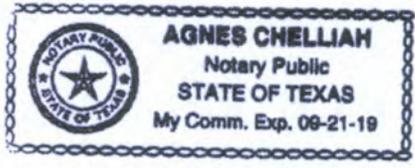
[Signature]
Signature
LORRA MAUNARD
Print Name

[Signature]
Affiant's signature
Terri Murray, Senior Vice President
Print Name *and*
Branch Banking & Trust Company

RECEIVED
216-039
(Space reserved for Clerk)
MAR 31 2016
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND
ECONOMIC RESOURCES
DEVELOPMENT SERVICES

Sworn to and subscribed before me on the 28 day of MARCH

Affiant is personally known to me or has produced _____ as SDE
identification.



Agnes Chelliah
Notary Public Signature
AGNES CHELLIAH
Print Name

State of TEXAS
My Commission Expires: 9.21.2016

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].



CORPORATION NAME: Branch Banking and Trust Company - Owner

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>publicly traded company on the DOW</u>	
<u>exempt from disclosure requirements</u>	

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: TOWERCOM VIII, LLC -Tenant/Lessee

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u>1 Independent Dr., Ste 1600, Jacksonville FL 32202</u>	
<u>Towercom LLC - Manager</u>	<u>70%</u>
<u>George Davis - Member</u>	<u>10%</u>
<u>John Moody - Member</u>	<u>20%</u>
<u>same address for all members listed above</u>	<u>TOTAL 100%</u>

DISCLOSURE OF INTEREST*



If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Southcoast Capital Corp - MGR Corp of Towercom LLC - Tenant

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>W Radford Lovett, II - President</u>	<u>25%</u>
<u>Philip H. Lovett - Vice President</u>	<u>25%</u>
<u>Kathanne L. Loeb - Vice President</u>	<u>25%</u>
<u>Lauren L. Fant - Vice President</u>	<u>25%</u>
<u>All persons listed above have the same address listed above</u>	
<u>TOTAL</u>	<u>100%</u>

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Towercom LLC - MGR of Towercom VIII, LLC - Tenant

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u>Southcoast Capital Corp - MGR of Towercom LLC</u>	<u>90%</u>
<u>William Scott Miller - Member</u>	<u>10%</u>
<u>All persons listed above have the same address listed above</u>	
<u>TOTAL</u>	<u>100%</u>

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: N/A

NAME, ADDRESS AND OFFICE (if applicable)



Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

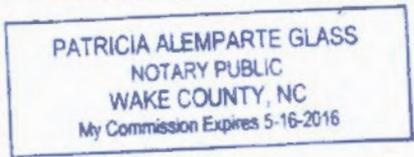
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Handwritten Signature]
(Applicant)

George Davis, VP of Southcoast Capital Corporation, MGR of Towercom LLC

Sworn to and subscribed before me this 17th day of March, 2016. Affiant is personally known to me or has produced N/A as identification.

[Handwritten Signature]
(Notary Public)



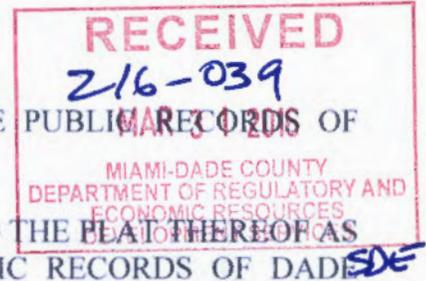
My commission expires 5/16/16

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

EXHIBIT A-1

PARENT TRACT

(PER OFFICIAL RECORD BOOK 15767, PAGE 188 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA)



TRACT B, KENDALE LAKES SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 87, PAGE 55 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

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BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT B;

THENCE RUN S87°42'55"W FOR A DISTANCE OF 209.18 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 89°58'50" AND A RADIUS OF 25.00 FEET;

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THENCE RUN S02°17'05"E, FOR A DISTANCE OF 5.00 FEET TO THE POINT OF
BEGINNING.





CFN 2013R0340175
 DR Bk 28607 Pgs 0394 - 400f (7pgs)
 RECORDED 04/30/2013 14:32:56
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

DOCUMENT COVER PAGE

For those documents not providing the required space on the first page, this cover page must be attached.

It must describe the document in sufficient detail to prohibit its transference to another document.

An additional recording fee for this page must be remitted.

RECEIVED
 216-039
 MAR 31 2016
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND
 ECONOMIC RESOURCES
 DEVELOPMENT SERVICES

SDE

(Space above this line reserved for recording office use)

Document Title: Affidavit
 (Mortgage, Deed, Construction Lien, Etc.)

Executing Party: Tanya N. Trivette

Legal Description:
 (If Applicable) See Doc
 As more fully described in above described document.

Return Document To / Prepared By:
See Doc

F.S. 695.26 Requirements for recording instruments affecting real property—
(Relevant excerpts of statute)

(1) No instrument by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of shall be recorded by the clerk of the circuit court unless:

(e) **A 3-inch by 3-inch space at the top right-hand corner on the first page and a 1-inch by 3-inch space at the top right-hand corner on each subsequent page are reserved for use by the clerk of the court...**

AFFIDAVIT OF PROPERTY ACQUISITION AND OWNERSHIP



The undersigned, being duly sworn, deposes and says that:

1. The undersigned is a Real Estate Associate of Branch Banking and Trust Company ("BB&T") responsible of the administration of real property used in the business of BB&T, and has personal knowledge of the matters set forth herein;
2. On August 2, 2012, BankAtlantic, a federal savings institution, merged with and into BB&T. A true and correct copy of the Articles of Merger evidencing said merger is attached hereto as Exhibit "A";
3. At the time of said merger, BankAtlantic owned certain real properties in Dade County, Florida. A true and correct listing of such properties, including the street address, Deed Book and Page Number of the recorded deed by which BankAtlantic took title, tax folio number, and legal description of such properties, is attached hereto as Exhibit "B";
4. By reason of the merger and by operation of law, BB&T became the owner of the properties set forth on Exhibit "B", and continues to own such properties as of the date of this Affidavit.

Dated this 26th day of April, 2013.

Tanya N. Trivette
Tanya N. Trivette

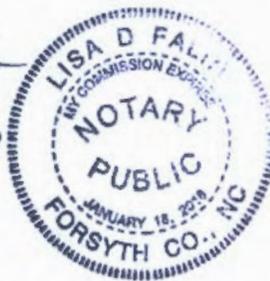
**STATE OF NORTH CAROLINA
COUNTY OF FORSYTH**

On this 26th day of April, 2013, before me personally came Tanya N. Trivette, known to me to be the individual described in and who executed the foregoing, and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Lisa D. Falin
Notary Public

My Commission Expires: 1-18-16

[Seal]



This instrument prepared by:

Timothy O. Shelburne
Timothy O. Shelburne
Branch Banking and Trust Company
200 W. Second St., 3rd Fl.
P.O. Box 1255
Winston-Salem, NC 27102-1255
MC 001-16-03-30

Exhibit A: Articles of Merger

SOSID: 0023695
Date Filed: 8/1/2012 11:12:00 AM
Effective: 8/2/2012
Elaine F. Marshall
North Carolina Secretary of State
C201221400040

State of North Carolina
Department of the Secretary of State

ARTICLES OF MERGER

Pursuant to North Carolina General Statute Sections 55-11-05(a), 55A-11-09(d), 55A-11-04, 57C-9A-22(a), 59-73.32(a) and 59-1072(a), as applicable, the undersigned entity does hereby submit the following Articles of Merger as the surviving business entity in a merger between two or more business entities.

RECEIVED

216-039
MAR 31 2016

MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND
ECONOMIC RESOURCES
DEVELOPMENT SERVICES

SDE

1. The name of the surviving entity is BRANCH BANKING AND TRUST COMPANY, a (check one) corporation, nonprofit corporation, professional corporation, limited liability company, limited partnership, partnership, limited liability partnership organized under the laws of North Carolina (state or country).

2. The address of the surviving entity is:

Street Address 200 West Second Street City Winston-Salem
State North Carolina Zip Code 27101 County Forsyth

(Complete only if the surviving business entity is a foreign business entity that is not authorized to transact business or conduct affairs in North Carolina.) The mailing address of the surviving foreign business entity is: _____

_____ The Surviving foreign business entity will file a statement of any subsequent change in its mailing address with the North Carolina Secretary of State.

3. For each merging entity: (if more than one, complete on separate sheet and attach.)
The name of the merged entity is BANKATLANTIC, a (check one) corporation, nonprofit corporation, professional corporation, limited liability company, limited partnership, partnership, limited liability partnership organized under the laws of the United States (state or country).

4. If the surviving business entity is a domestic business entity, the text of each amendment, if any, to the Articles of Incorporation, Articles of Organization, or Certificate of Limited Partnership within the Plan of Merger is attached. No Amendments

5. A Plan of Merger has been duly approved in the manner required by law by each of the business entities participating in the merger.

6. These articles will be effective upon filing unless a delayed date and/or time is specified 12:01 a.m. on August 2, 2012.

This the 31st day of July, 2012.

Branch Banking and Trust Company
Name of Entity

Daryl N. Bible
Signature

Daryl N. Bible, Senior Executive Vice President and Chief Financial Officer
Type or Print Name and Title

NOTES:

- 1. Filing fee is \$50 for For-profit entities.
- 2. Filing fee is \$25 for Non-profit entities.
- 3. This document must be filed with the Secretary of State. Certificate(s) of Merger must be registered pursuant to the requirements of N.C.G.S. Section 47-18.1

(Revised September 2005)
CORPORATIONS DIVISION

P. O. BOX 29622

(Form BE-15)
RALEIGH, NC 27636-0622

OFFICE OF THE COMMISSIONER OF BANKS



SAE

**CERTIFICATE OF AUTHORITY
FOR ARTICLES OF MERGER**

Branch Banking and Trust Company, Winston-Salem, Forsyth County, North Carolina, a North Carolina state-chartered commercial bank, and BankAtlantic, Fort Lauderdale, Florida, a federal savings bank, have submitted to me as Commissioner of Banks for the State of North Carolina, Articles of Merger between the said institutions for the purpose of merging BankAtlantic into Branch Banking and Trust Company with the surviving institution being Branch Banking and Trust Company.

I hereby certify that these Articles of Merger were duly approved by the North Carolina State Banking Commission on the 14th day of March, 2012, as appears in the official records of the Commission filed with me and kept under my direction and supervision. Authority to file the Articles of Merger is, therefore, granted.

This the 1st day of August, 2012.



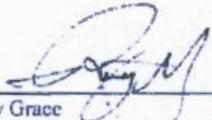
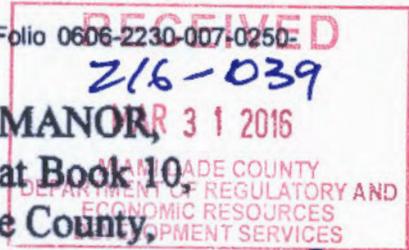

Ray Grace
Acting Commissioner of Banks

Exhibit B: Listing of Properties

1. 12655 NE 6 Ave, North Miami, FL; Deed Book 25111 Page 8851; Tax Folio 0606-2230-007-0250-2230-007-



Lot 8 through 18, inclusive, Block 3, IRONS MANOR, according to the plat thereof as recorded in Plat Book 10, Page 71, of the Public Records of Miami-Dade County, Florida, together with that portion of a 15 foot alley lying between said lots and South of Northwesterly extension of the Northerly line of said Lot 8.

0250

2. 1455 West 49 Street, Hialeah, FL; Deed Book 17012 Page 4112; Tax Folio 04-3002-000-0121 & 04-3002-000-0120

A portion of the N.E. 1/4 of Section 2, Township 53 South, Range 40 East described as follows:

Begin 1107.23 ft. South of the North line of Section 2, Township 53 South, Range 40 East, and 1585.07 ft. West of the East line of said Section 2; said Point of Beginning being situated on the North Right of Way line of West 49th St.; thence run West parallel with the North line of said Section 2, for a distance of 150.00 ft. to a point; thence run N. 1°21'35" W, parallel with the East line of said Section 2, for a distance of 150.00 ft. to a point; thence run East parallel with the North line of said Section 2, for a distance of 150.00 ft. to a point; thence run S 1°21'35" E, parallel with the East line of said Section 2, for a distance of 150.00 ft. to the Point of Beginning. Said Tract of land lying and being situated in Dade County, Florida.

3. 15725 South Dixie Highway, Miami, FL; Deed Book 24131 Page 3332; Tax Folio 33-5028-001-0360

A PARCEL OF LAND IN SECTION 28, TOWNSHIP 55 SOUTH, RANGE 40 EAST, COUNTY OF MIAMI-DADE, STATE OF FLORIDA, TOGETHER WITH A PORTION OF BLOCK 5 OF "CORAL REEF HOMESITES" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 45, AT PAGE 94 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE S.W. CORNER OF BLOCK 5, "CORAL REEF HOMESITES" AS RECORDED IN PLAT BOOK 45 AT PAGE 94 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE N24°18'31"E ALONG THE WESTERLY LINE OF SAID BLOCK 5 A DISTANCE OF 85.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00", FOR AN ARC DISTANCE OF 39.27 FEET TO A POINT OF TANGENCY, ALSO BEING A POINT ON THE NORTH LINE OF SAID BLOCK 5; THENCE S65°41'29"E ALONG THE NORTH LINE OF SAID BLOCK 5 FOR A DISTANCE OF 150.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTH; THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 04°35'19", FOR AN ARC DISTANCE OF 2.00 FEET TO A NON-TANGENT POINT ON A LINE 23.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID TRACT 5; THENCE S24°18'31"W ALONG SAID PARALLEL LINE FOR A DISTANCE OF 209.92 FEET; THENCE N65°41'29"W, PARALLEL TO THE NORTH LINE OF SAID BLOCK 5 A DISTANCE OF 177.00 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1); THENCE N24°18'31"E ALONG SAID RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 5 AND THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

4. 17930 NW 57 Ave., Miami, FL; Deed Book 23682 page 4168; Tax Folio 30-2012-041-0020

Parcel 1 (Fee Simple Parcel):

Lot 2, Block 1, WAL-MART AT MIAMI GARDENS PARK, according to the plat thereof, as recorded in Plat Book 161, page 90 of the public records of Miami-Dade County, Florida



Parcel 2 (Easement Parcel):

Together with a non-exclusive easement for pedestrian and vehicular ingress and egress over and across the property described in that certain Access Easement by and between Wal-Mart Stores East, Inc., an Arkansas corporation, as grantor, and SouthTrust Bank, an Alabama banking corporation, as grantee, as recorded in Official Records Book 22457, page 2436, public records of Miami-Dade County, Florida.

SDE

5. 7775 West 33 Ave., Hialeah, FL; Deed Book 24629 Page 107; Tax Folio 04-2028-103-0020

Tracts "B" and "C" of the plat of LAS FUENTES DEL PARAISO TWO, according to the plat thereof as recorded in Plat Book 163, Page 54 of the public records of Miami-Dade County, Florida.

Parcel Identification Number: 04-2028-103-0010
Parcel Identification Number: 04-2028-103-0020

6. 7900 West Flagler Street, Miami, FL; Deed Book 18713 Page 3671; Tax Folio 30-4003-001-0820

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 28 and 29, in Block 8, of FLAGAMI THIRD ADDITION, according to the Plat thereof recorded in Plat Book 17, at Page 59, of the Public Records of Miami-Dade County, Florida, also described as the North 200 feet of Tract 8 of Corrected Plat of FLAGAMI THIRD ADDITION, according to the Plat thereof recorded in Plat Book 34, at Page 16, of the Public Records of Miami-Dade County, Florida.

7. 8701 SW 137 Ave., Miami, FL; Deed Book 15829 Page 1517; Tax Folio 30-4934-001-1240

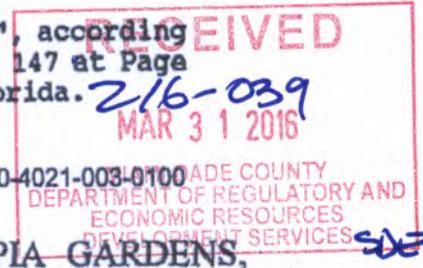
PARCEL 817

A portion of Tract B, KENDALE LAKES SECTION ONE, according to the Plat thereof as recorded in Plat Book 87, Page 55 of the Public Records of Dade County, Florida, lying in the Southeast one-quarter (SE 1/4) of Section 34, Township 54 South, Range 39 East, Dade County, Florida. Being more particularly described as follows:

COMMENCE at the Southeast corner of said Tract B; thence run N 02° 17' 05" W, for a distance of 13.25 feet to the Point of Beginning; thence run S 87° 42' 55" W, for a distance of 65.00 feet to a point; thence run N 02° 17' 05" W, for a distance of 15.00 feet to a point; thence run N 87° 42' 55" E, for a distance of 25.00 feet to a point; thence run S 02° 17' 05" E, for a distance of 10.00 feet to a point; thence run N 87° 42' 55" E, for a distance of 40.00 feet to a point; thence run S 02° 17' 05" E, for a distance of 5.00 feet to the Point of Beginning.

8. 8705 NW 35 Lane, Miami, FL; Deed Book 17206 Page 4107; Tax Folio 35-3028-018-0010

Lot 1, in Block 1, "WESTPOINTE BUSINESS PARK", according to the Plat thereof, as recorded in Plat Book 147 at Page 25 of the Public Records of Dade County, Florida.



9. 8994 SW 40 Street, Miami, FL; Deed Book 24536 Page 3965; Tax Folio 30-4021-003-0100

Lots 1, 2, 15 and 16 in Block 2 of OLYMPIA GARDENS, according to the plat thereof as recorded in Plat Book 41, Page 80, of the Public Records of Miami - Dade County, Florida. (hereinafter the "Property").

Subject to those matters listed on **Exhibit "A"** attached hereto and by reference made a part hereof without serving to reimpose same.

REC: 15767PG0188

RECEIVED
 216-039
 MAR 31 2016
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND
 ECONOMIC RESOURCES
 DEVELOPMENT SERVICES
 92R521002 1997 DEC 31 12:03
 DOCSTPOEE 15,000.00 SURTX 11,250.00
 MARSHALL ADER, CLERK DADE COUNTY, FL

Return to: William S. Spencer
 P.O. Box 6
 Hollywood, Florida 33022

Property Appraiser's
 Parcel ID No. 30 4934 001 1240

This instrument was prepared by:
 Name: William S. Spencer
 Address: P.O. Box 6
 Hollywood, Florida 33022

Grantee ID No. 65-0246061

WARRANTY DEED

THIS WARRANTY DEED made and executed the 30th day of December 1992, by KD-137 REALTY PARTNERS, LTD., a limited partnership existing under the laws of Florida, and having its principal place of business at 11880 Bird Road, Suite 101, Miami, Florida 33175, hereinafter called Grantor, to BANK OF NORTH AMERICA, N.A., a banking corporation existing under the laws of the State of Florida, with its permanent post office address at 2000 W. Commercial Boulevard, Ft. Lauderdale, Florida 33309, hereinafter called Grantee:

WITNESSETH that the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Dade County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

N.B. This conveyance is subject to restrictions and matters appearing in the plat and/or of record; encroachments or matters shown by survey, if any; utility easements; taxes and assessments from and after January 1, 1993, and/or matters set forth in the "Permitted Exceptions" attached hereto as Exhibit "B".

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with Grantee that it is lawfully seized of said land; that it hereby fully warrants title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF grantor has hereunto set its hand and seal the day and year first above written.

KD-137 REALTY PARTNERS, LTD.,
 a Florida limited partnership

By: BELL PARTNERS, INC.,
 a Florida corporation, as
 General Partner

Signed, sealed and delivered
 in the presence of:

Linda D. Elliott
 L.D. ELLIOTT
William S. Spencer
 W.S. SPENCER

By: Arnold Hantman
 ARNOLD HANTMAN, as
 President

11880 Bird Road, Suite 101
 Miami, Florida 33175

OFF. REC. 15767PG0189

RECEIVED

216-039

MAR 31 2016

MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND
ECONOMIC RESOURCES
DEVELOPMENT SERVICES

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me this 30th day of December, 1992, by ARNOLD HANTMAN, as President of BELL PARTNERS, INC., a Florida corporation, as General Partner, of KD-137 REALTY PARTNERS, LTD., a Florida limited partnership, on behalf of the corporation and the limited partnership, and he is personally known to me or who has produced N/A as identification and who did take an oath.

SD

Perish D. Elliott
Notary Public

L. A. D. ELLIOTT



My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JULY 3, 1993
BOLDED THRU GENERAL INS. CO.

REPRODUCTIONS
 Date 3/19/92 COURTHOUSE TOWER
 DATE MICROFILMED LOCATION
 Camera Charles
 CAMERA OPERATOR
 DEPUTY CLERK, CIRCUIT COURT

REF: 15767M0190

RECEIVED
 216-039
 MAR 31 2016
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND
 ECONOMIC RESOURCES
 DEVELOPMENT SERVICES SAE

EXHIBIT "A"

Tract B, KENDALE LAKES SECTION ONE, according to the plat thereof as recorded in Plat Book 87, Page 55 of the Public Records of Dade County, Florida.

LESS PARCEL 106, being more particularly described as follows:

A portion of Tract B, KENDALE LAKES SECTION ONE, according to the plat thereof as recorded in Plat Book 87, at Page 55, of the Public Records of Dade County, Florida, lying in the SE 1/4 of Section 34, Township 54 South, Range 39 East, Dade County, Florida, being more particularly described as follows:

BEGIN at the Southeast corner of said Tract B; thence run S 87° 42' 55" W for a distance of 209.18 feet to a point of curvature of a circular curve to the right, having for its elements a central angle of 89° 58' 50" and a radius of 25.00 feet; thence run Northwesterly and Northerly along the arc of said curve for a distance of 39.26 feet to a Point of Tangency; thence run N 02° 18' 15" W for a distance of 13.25 feet to a point on a circular curve to the left, having for its elements a central angle of 89° 58' 50" and a radius of 25.00 feet; thence run Southeasterly and Easterly along the arc of said curve for a distance of 39.26 feet to a point of tangency; thence run N 87° 42' 55" E, for a distance of 209.13 feet to a point; thence run S 02° 17' 05" E for a distance of 13.25 feet to the Point of Beginning.

AND LESS PARCEL 817, being more particularly described as follows:

A portion of Tract B, KENDALE LAKES SECTION ONE, according to the Plat thereof as recorded in Plat Book 87, Page 55 of the Public Records of Dade County, Florida, lying in the Southeast one-quarter (SE 1/4) of Section 34, Township 54 South, Range 39 East, Dade County, Florida. Being more particularly described as follows:

COMMENCE at the Southeast corner of said Tract B; thence run N 02° 17' 05" W, for a distance of 13.25 feet to the Point of Beginning; thence run S 87° 42' 55" W, for a distance of 65.00 feet to a point; thence run N 02° 17' 05" W, for a distance of 15.00 feet to a point; thence run N 87° 42' 55" E, for a distance of 25.00 feet to a point; thence run S 02° 17' 05" E, for a distance of 10.00 feet to a point; thence run N 87° 42' 55" E, for a distance of 40.00 feet to a point; thence run S 02° 17' 05" E, for a distance of 5.00 feet to the Point of Beginning.

REPRODUCTIONS
 DATE MICROFILMED: Dec 31 1992 COURTHOUSE TOWER LOCATION
 CAMERA OPERATOR: Charles Charles DEPUTY CLERK, CIRCUIT COURT

REF: 15767PG0191

EXHIBIT "B"
PERMITTED EXCEPTIONS

1. Taxes for the year 1993 and any taxes and assessments levied or assessed subsequent to the date hereof.
2. Agreement and Declaration of Restrictions between Arvida Corporation, Arvida Realty Co., Kendall Center, Inc., Westland Co., Westland, Inc., General Water Works Corporation and Peninsula Utilities Corporation, dated March 25, 1960, recorded in O.R. Book 2031, Page 682, of the Public Records of Dade County, Florida.
3. Covenant Running With The Land in Favor of Metropolitan Dade County, dated October 12, 1990, recorded November 14, 1990, in O.R. Book 14781, Page 2067, of the Public Records of Dade, County, Florida.
4. Covenant Running With The Land in Favor of Metropolitan Dade County, dated April 16, 1991, recorded in O.R. Book 15108, Page 796, of the Public Records of Dade County, Florida.
5. Declaration of Restrictions and Covenants For Kendale Lakes, Section One, Dade County, Florida, dated April 14, 1970, recorded under Clerk's File No. 7OR-161191, in O.R. Book 6970, Page 210, of the Public Records of Dade County, Florida.
6. Restrictions shown on Plat of Kendale Lakes, Section One, recorded in Plat Book 87, Page 55, of the Public Records of Dade County, Florida.
7. Easement(s) as shown on Plat of Kendale Lakes, Section One, recorded in Plat Book 87, Page 55, of the Public Records of Dade County, Florida.
8. Development Agreement by Janis-Kendall Corp., dated October 11, 1968, recorded in O.R. Book 6424, Page 87, of the Public Records of Dade County, Florida.
9. Dade County Ordinance No. 78-93 creating and establishing a special taxing district, dated December 12, 1978, recorded January 25, 1979, in O.R. Book 10282, Page 27, of the Public Records of Dade County, Florida.
10. "Order of Taking", in civil action 90-1429 CA 23 in the 11th Circuit Court of Florida, Dade County, dated February 23, 1990, recorded February 26, 1990, in O.R. Book 14490, Page 4170, of the Public Records of Dade County, Florida.

RECEIVED
 Clerk of Circuit & County Court
 216-039
 MAR 31 2016
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
 PERMIT SERVICES
 SDE

1993 COURT HOUSE TOWER
DATE MICROFILMED LOCATION

Chris Charles
CAMERA OPERATOR
DEPUTY CLERK, CIRCUIT COURT

OFF. REC. 1582961517

RAMCO FORM 42 Parcel I.D. No. 30 4934 001 1240

QUIT-CLAIM DEED FROM CORPORATION

GRANTEE I.D. NO.: Bank of North America, N.A. #65-0246081

This Quit-Claim Deed, Executed this day of February A.D. 1993, by KD-137 REALTY PARTNERS, LTD., a limited partnership existing under the laws of Florida

and having its principal place of business at 11880 Bird Road, Suite 101, Miami, Florida 33175

first party to BANK OF NORTH AMERICA, N.A., a banking corporation existing under the laws of the State of Florida

whose postoffice address is 2000 W. Commercial Boulevard Fort Lauderdale, FL 33309

second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$ 10.00

in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Dade State of Florida to wit:

See Exhibit "A" Attached Hereto.

N.B. This conveyance is subject to that certain Permanent Construction Easement to the State of Florida described in Order of Taking at Official Records Book 14490, Page 4170, in the Public Records of Dade County, Florida.

DOCSTPDEE 0.60 SURTX 0.65
HARVEY RUVIN, CLERK DADE COUNTY, FL

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof the said first party has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

(CORPORATE SEAL)

ATTEST: KD-137 REALTY PARTNERS, LTD., a Florida limited partnership

Signed, sealed and delivered in the presence of:

Joanne Inglis
Betsy Latiniette

By: BELL PARTNERS, INC., a Florida corporation, as General Partner

By: ARNOLD HANIMAN, as President

STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared ARNOLD HANIMAN, as President of BELL PARTNERS, INC., a Florida corporation, as General Partner of KD-137 REALTY PARTNERS, LTD., well known to me, of who furnished the following I.D.: [redacted] named as first party in the foregoing deed, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation, and who did (did not) take an oath.

My Commission Expires:

Joan M. Fossa
Notary Public, State of Florida

OFFICIAL NOTARY SEAL
JOAN M FOSSA
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC241172
MY COMMISSION EXP. NOV. 8, 1996

RETURN TO:
This instrument prepared by: LINDA D. ELLIOTT, ESQ.
P.O. Box 6
Address Hollywood, FL 33024

Print type or stamp name of Notary Public
Personally known [] OR Produced I.D. []
Type and number of I.D. produced:

DID take an oath, or
 DID NOT take an oath.

Joan M. Fossa

93R103117 1993 MAR 01 17:05

1993 COURTHOUSE TOWER
DATE MICROFILMED LOCATION CAMERA OPERATOR
DEPUTY CLERK, CIRCUIT COURT

OFF. REC. 15829M1518

EXHIBIT "A"

RECEIVED
216-039
MAR 31 2016
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND
ECONOMIC RESOURCES
DEVELOPMENT SERVICES

PARCEL 817

A portion of Tract B, KENDALE LAKES SECTION ~~ONE~~, according to the Plat thereof as recorded in Plat Book 87, Page 55 of the Public Records of Dade County, Florida, lying in the Southeast one-quarter (SE 1/4) of Section 34, Township 54 South, Range 39 East, Dade County, Florida. Being more particularly described as follows:

COMMENCE at the Southeast corner of said Tract B; thence run N 02° 17' 05" W, for a distance of 13.25 feet to the Point of Beginning; thence run S 87° 42' 55" W, for a distance of 65.00 feet to a point; thence run N 02° 17' 05" W, for a distance of 15.00 feet to a point; thence run N 87° 42' 55" E, for a distance of 25.00 feet to a point; thence run S 02° 17' 05" E, for a distance of 10.00 feet to a point; thence run N 87° 42' 55" E, for a distance of 40.00 feet to a point; thence run S 02° 17' 05" E, for a distance of 5.00 feet to the Point of Beginning.

RECORDED IN OFFICIAL RECORDS 1882
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

4957-00

WARRANTY DEED

NOV 23 11 10 22
12246 1518

84R260347

WARRANTY DEED

This Warranty Deed Made and executed the 27th day of July A.D. 1984 by ALOISE CORPORATION, a Delaware Corporation

a corporation existing under the laws of DELAWARE and having its principal place of business at hereinafter called the grantor, to

KD-137 REALTY PARTNERS, LTD., a Florida Limited Partnership whose postoffice address is Suite 201, 11880 Bird Road, Miami, FL. 33175 hereinafter called the grantee;

RECEIVED
216-039
MAR 31 2016
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
DEVELOPMENT SERVICES

SDE

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in DADE County, Florida, viz:

Tract "B" of KENDALE LAKES SECTION ONE, according to the Plat thereof, recorded in Plat Book 87, at Page 55, of the Public Records of Dade County, Florida.

SUBJECT TO easements, conditions, restrictions, ordinances, covenants and limitations of record and taxes for 1984 and subsequent years, and

SUBJECT TO existing Mortgages in favor of The Travelers Insurance Company and TYLER, N.V., a/k/a TYLER CORPORATION, N.V.

This conveyance represents a distribution of the subject property from the Grantor to its Shareholder in connection with Grantor's Dissolution and liquidation.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any-wise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances

4957-00
Jude County
Richard P. Brink
Clark, Cecil & County Officers
LV 64941 8 23 84

4957-00
State Department of State
LV 64941 8 23 84

In Witness Whereof the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:
Signed, sealed and delivered in the presence of
Richard P. Brink
Linda S. Melacchi

ALOISE CORPORATION, a Delaware Corporation
By John P. Mudd President

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOHN P. MUDD

well known to me to be the President and Secretary respectively of the corporation named as grantor in the foregoing deed, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of July A.D. 1984.

This Instrument prepared by: RICHARDE BRINKER, HAROLD J. COOK, ESQ.
Address Suite 201, 11880 Bird Rd., Miami, FL. 33175 (305) 553-1174
Linda S. Melacchi Notary Public State of Florida
NOTARY PUBLIC
PUBLIC STATE OF FLORIDA AT LARGE
COMMISSION EXPIRES JULY 3, 1985

AFFIDAVIT OF AUTHORITY



505

STATE OF FLORIDA

COUNTY OF DUVAL

BEFORE ME, the undersigned authority, personally appeared Jeannine Mello (the "Affiant") who is personally known to me and who, being first duly sworn, did on oath depose and say as follows:

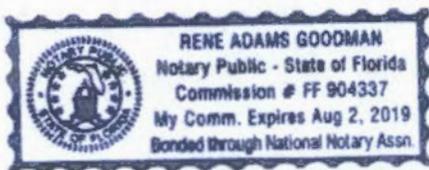
1. Affiant is the Secretary of Southcoast Capital Corporation, a Florida corporation, which is the managing member of TowerCom, LLC, a Florida limited liability company, which is the managing member of TowerCom VIII, LLC, a Florida limited liability company (the "Company").
2. Pursuant to Section 6.11 of the Operating Agreement of the Company, George Davis has been appointed Vice President of the Company and has the authority to bind the Company and to execute in the Company's name and on behalf of the Company all documents in furtherance of the Company's business.

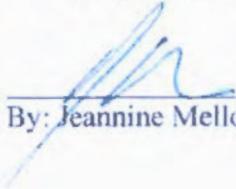
Dated as of 3/17/16

TowerCom VIII, LLC

By: TowerCom, LLC, its Managing Member

By: Southcoast Capital Corporation, its Managing Member




By: Jeannine Mello, Secretary

Sworn to and subscribed before me this 17th day of March

Rene Adams Goodman
Print Name: Rene Adams Goodman
Notary Public, State of Florida
My commission expires: 8/2/2019
My commission number is: FF 904337

**Miami-Dade County Regulatory and Economic Resources
Staff Report to Community Council No. 11**

PH: Z16-039 (16-9-CZ11-3)

September 22, 2016

Item No. 3

Recommendation Summary	
Commission District	10
Applicant	Towercom VIII, LLC
Summary of Request	The applicant is seeking to permit a 100' high wireless supported facility setback less than required from property lines.
Location	8701 SW 137 Avenue, Miami-Dade County, Florida.
Property Size	2.49 -acres
Existing Zoning	BU-2, Special Business District
Existing Land Use	Bank
2020-2030 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3)(a), Unusual Uses For Wireless Supported Service Facilities <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

1. UNUSUAL USE to permit a 100' high Wireless Supported Service Facility and ancillary equipment.
2. NON-USE VARIANCE to permit the wireless supported service facility setback 76.3' from the side street (111.11' required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Towercom VIII, and CVS Kendall", as prepared by Kimley Horne and Associates, Inc., dated stamped received 3/31/16 and Sheet C-2, dated stamped received 6/29/16 for a total of 9 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

Pursuant to resolution #CZAB11-51-00, the subject property was approved to permit a telecommunication facility consisting of multiple antennae on a clock tower and equipment on the building roof. Due to the demolition of the buildings on the site along with the clock tower, the applicant is now proposing a 100' high wireless supported monopole tower setback less than required from a property line.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2; bank	Medium-Density Residential (6 to 13 dua)
North	RU-4; multi-family condominiums	Medium-Density Residential (6 to 13 dua)

South	BU-1A; retail stores	Business and Office
East	RU-4M; multi-family condominiums	Medium-Density Residential (6 to 13 dua)
West	BU-2; bank, shopping center	Business and Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 2.49-acre tract containing an existing bank that is currently being renovated. The properties to the north and east are developed with multi-family condominium uses and the properties to the west and south contain ongoing retail and office uses. Additionally, the subject property abuts SW 88 Street and SW 137 Avenue, which are both section line roadways.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional wireless coverage in this area of the County. However, approval of the 100' high monopole antenna structure could have a negative visual impact on the surrounding residential uses.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The applicant is requesting approval to add a 100' high wireless supported facility to the existing retail facility located on the subject property. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Medium Density Residential Use** which allows a range in density of 13 to 25 dwelling units per gross acre. *The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* However, the subject property is currently zoned BU-2, Special Business District. The CDMP Land Use Element interpretative text states that "all such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map."

Further, said text states that *neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility.* Accordingly, a tower use is **consistent** with the CDMP, **Medium Density Residential** designation of the property on the LUP map, subject to the application satisfying the compatibility criteria set forth in Policy LU-4A of the Land Use Element interpretative text.

Policy LU-4A of the CDMP Land Use Element requires the County to among other things, consider height, bulk, scale of architectural elements, landscaping and buffering as applicable when evaluating compatibility among proximate land uses. For the reasons explained in the zoning analysis below, staff opines that the proposed 100' high unipole wireless supported facility that is now proposed by the applicant on a parcel immediately abutting residential uses, would be compatible with same, based on the criteria for compatibility outlined in **Policy LU-4A**.

ZONING ANALYSIS:

The submitted plans depict the proposed 100' high unipole tower, centrally located on the parcel to the north of a proposed pharmacy building and south of a proposed bank building. The proposed tower will be located within 76.3' of the side-street (west) property line, which abuts SW 137 Avenue, which is the subject of request #2. The plans also indicate a 1,400 sq. ft. leased area abutting the interior side (east) property line in which the ancillary equipment will be located. Additionally, the plans indicate the future locations on the site of a proposed CVS Pharmacy and bank buildings, which are not a part of this application and will be subject to a separate review.

When the application, to permit a proposed 100' high wireless supported service facility and ancillary facilities (request #1) is analyzed under Section 33-311(A)(3)(a), (Unusual Uses for Wireless Supported Service Facilities), staff opines that approval of the request would be **compatible** with the surrounding area. Staff opines that based on the memoranda submitted by the Departments concerned with reviewing this application, including the Platting and Traffic Review Section and the Division of Environmental Resource Management of the Department of Regulatory and Economic Resources (RER), approval with conditions of this application will not generate excessive noise or traffic, tend to create fire or other equally dangerous hazard, provoke excessive overcrowding of people, or provoke a nuisance. In addition, staff notes that the Miami-Dade Aviation Department (MDAD) does not object to the proposed 100' high wireless supported facility. Further, said memoranda indicate that the application meets the level of service standards for an initial development order.

Staff notes that the applicant has submitted elevation plans along with a line of sight simulation, which indicates that, with the installation of the landscaping indicated in the plans the proposed 100' high tower will not be easily visible from the residences to the north and east of the subject property. Further, staff notes that the base of the tower and the ancillary equipment located in proximity to the interior side (east) property line, will be adequately buffered by the continuous row of trees and hedges surrounding both facilities on the site. Therefore, staff opines that approval of same would be **compatible** with the area concerned, when considering the necessity and reasonableness of the applied for use in relation to the present and future development of the area concerned and the compatibility of the applied for use with such area and its development.

The proposed tower will be located on a 225 sq. ft. leased area and the ancillary equipment will be located within a separate 1,400 sq. ft. leased area of the 2.49-acre parcel, which will also contain a pharmacy and a bank buildings. The submitted plans indicate that the proposed unipole tower will be located between the proposed bank and pharmacy buildings and will be spaced a minimum of 150' from the residential property lines to the east and to the north.

The applicants have indicated in their letter of intent that the purpose of the application is to address reliable **wireless coverage and capacity** in this area. *Section 33-311(A)(3)(a)(i)* of the Code requires the applicant to *demonstrate that the proposed tower will cure signal interference problems, or the applicant's lack of wireless service coverage or capacity in the area intended to be served by the proposed wireless supported service facility.* The applicant has provided staff with coverage maps that indicate existing coverage in the area of the proposed site as well as the projected coverage of the proposed facility. Said maps indicate the areas of marginal or poor in-building coverage which the applicants' letter of intent indicates will be improved by the

proposed telecommunication facility. As such, staff opines that the applicant has provided the necessary documentation to demonstrate *the applicant's lack of wireless service coverage or capacity in the area intended to be served by the proposed wireless supported service facility*. In summary, the applicant's Letter of Intent attested that the application meets all applicable Code requirements based on the aforementioned and the supporting documentation. Further, the County's Information Technology Department (ITD) has reviewed the documents submitted and confirmed that they meet the technical standards to continue the process of permitting the site. **Therefore, staff recommends approval with conditions of request #1 under Section 33-311(A)(3)(a), Unusual Uses for Wireless Supported Service Facilities.**

The applicant also seeks approval of a request to permit the proposed wireless supported facility setback 76.3' (111.11' required) from the side street (west) property line (request #2). When this request is analyzed under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations standards, staff opines that approval of this request is contingent on the approval of request #1 to allow the proposed facility. For the reasons that were explained in the foregoing analysis, staff opines that as proposed, the monopole facility and ancillary equipment, will not be visually intrusive to the abutting residential uses to the north and east, and therefore, will maintain the *basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community* with same. As such, staff opines that approval of the request to allow the 34.81' encroachment into the setback area along the side street (east) property line will be **compatible** with the surrounding area. **Therefore, staff recommends approval with conditions of request #2, under the NUV standards, Section 33-311(A)(4)(b).**

ACCESS, CIRCULATION AND PARKING: The submitted site plans indicate access to the site from SW 137 Avenue to the proposed facility for service vehicles.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval with conditions.

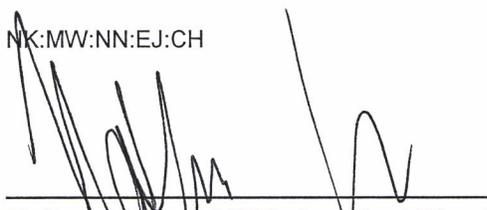
CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Towercom VIII, and CVS Kendall", as prepared by Kimley Horne and Associates, Inc., dated stamped received 3/31/16 and consisting of 9 sheets.
3. That the applicant submits to the Department of Regulatory and Economic Resources 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.

4. That the landscaping and fence indicated on the submitted plans be installed prior to the issuance of a Certificate of Use for the proposed facility and be maintained as a visual buffer.
5. That the applicants obtain a Certificate of Use for the wireless supported service facility from the Department of Regulatory and Economic Resources upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the use be established and maintained in accordance with the approved plan.
7. That the wireless supported service facility comply with all FAA and FCC lighting requirements.
8. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resource Management of the RER Department as contained in their memorandum dated April 27, 2016, that is part of the record and is incorporated herein by reference
9. Except as may be specified by any zoning resolution applicable to the subject property, any future modifications on the property for the proposed CVS and bank portions of the property, which conform to Zoning Code requirements, will not require further public hearing action.

NK:MW:NN:EJ:CH



Nathan Kogon, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

NDW

ZONING RECOMMENDATION ADDENDUM

Towercom VIII, LLC
PH: Z16-039

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Aviation</i>	<i>No objection*</i>
<i>Information Technology</i>	<i>No objection</i>
<i>Schools</i>	<i>No comment</i>
<i>*Subject to conditions in their memorandum.</i>	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Medium Density Residential <i>(Page I-30)</i>	<i>This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.</i>
Uses and Zoning Not Specifically Depicted <i>(Pg. I-33)</i>	<i>Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the parcel exists, including all the provisions for density averaging and definition of gross density.</i>
Institutions, Utilities and Communications <i>(Pg. I-56)</i>	<i>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.</i>
Policy LU-4A <i>(Page I-9)</i>	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

ZONING RECOMMENDATION ADDENDUM

Towercom VIII, LLC
PH: Z16-039

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(3)(a) Unusual uses for Wireless Supported Facilities</p>	<p><i>Hear application for and grant or deny unusual uses for Wireless Supported Service Facilities, which by the regulations are only permitted upon approval after public hearing; provided the applied for use, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area concerned and the compatibility of the applied for use with such area and its development, provided that:</i></p> <ul style="list-style-type: none"><i>i. The applicant shall demonstrate that the proposed Wireless Supported Service Facility will cure:<ul style="list-style-type: none"><i>a. signal interference problems; or</i><i>b. the applicant's lack of wireless service coverage or capacity in the area intended to be served by the proposed Wireless Supported Service Facility</i></i> <i>ii. The applicant shall provide information to permit independent verification of factual data relied upon by the applicant to establish 3(a)(i) above, including, but not limited to the following:<ul style="list-style-type: none"><i>a. the purpose for the proposed Wireless Supported Service Facility; and</i><i>b. the following technical data for the proposed Wireless Supported Service Facility and for each existing, authorized, pending and proposed adjacent facility:<ul style="list-style-type: none"><i>i. site name or other reference;</i><i>ii. facility latitude and longitude;</i><i>iii. site elevation;</i><i>iv. for each antenna at each of the included facilities:<ul style="list-style-type: none"><i>1. height of antenna radiation center;</i><i>2. antenna type and manufacturer;</i><i>3. maximum effective radiated output power, including the maximum total power radiated from all channels;</i><i>4. azimuth of main antenna lobe; and</i><i>5. beam tilt and null-fill of each antenna.</i></i></i><i>c. a complete up- and down-link power budget for the proposed Wireless Supported Service Facility, including any differences that may exist with the power budgets of the adjacent facilities, to ensure that all of the gain and loss factors used by the applicant are included in a verification analysis.</i><i>d. complete descriptions of methodology, formulas, data presented in appropriate</i></i>
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ZONING RECOMMENDATION ADDENDUM

Towercom VIII, LLC
PH: Z16-039

	<p><i>parameter data units (e.g., Erlangs, Watts, dBm, ft.), existing traffic studies and trend analyses if the proposed facility is intended to cure a lack of capacity, and any other information necessary for an independent engineer to verify statements concerning signal interference or lack of capacity or coverage; and</i></p> <p><i>e. identification of any equipment that differs from industry standards.</i></p> <p><i>iii. that the applicant shall reimburse the department for fees charged to the department for independent verification of factual data relied upon by the applicant, as required pursuant to paragraph 3 a ii above.</i></p>
<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required</i></p>