

RESOLUTION NO. 15-1335

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, SUPPORTING THE ESTABLISHMENT OF THE CENTRE LAKE COMMUNITY DEVELOPMENT DISTRICT FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTHWEST 87 AVENUE AND NORTHWEST 154 STREET AND BEING A PORTION OF MIAMI-DADE COUNTY TAX FOLIO NUMBER 32-2016-000-0020 (“DUNNWOODY LAKE”); PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, F71-1, LLC (the “Owner”) owns that certain parcel of land generally located at the northwest corner of Northwest 87 Avenue and Northwest 154 Street within the boundaries of the Town of Miami Lakes (the “Town”), which is a portion of Miami-Dade County Tax Folio No. 32-2016-000-0020 (“Dunnwoody Lake” or “Property”), the legal description of which is attached hereto as Exhibit A;

**WHEREAS**, the Owner has requested a resolution supporting the future establishment by Miami-Dade County Board of County Commissioners of the Centre Lake Community Development District for the Property (the “CDD”);

**WHEREAS**, Town finds that it is in the best interests of the Town and its residents to support the establishment of the CDD as a reasonable alternative to the financing, construction, delivery and long-term operation and management of basic infrastructure servicing the proposed development on the Property, pursuant to the County Code and Chapter 190, Florida Statutes.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1.** The above Recitals are true and correct and incorporated herein by this reference.

**Section 2.** The Town Council of the Town of Miami Lakes hereby supports the petition for the establishment of the CDD for the Property, a copy of which is attached to this resolution as Exhibit B.

**Section 3.** The Owner, or its successors and assigns, shall provide to the Town, after creation of the CDD, the names and addresses of the professional staff that will manage the CDD and will update such information, as necessary.

**Section 4.** This Resolution shall become effective upon its passage and adoption by the Town Council.

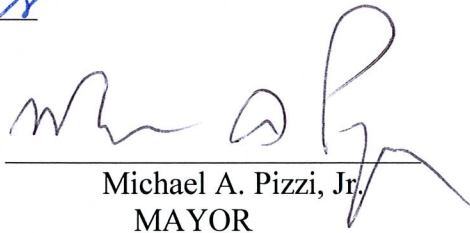
**PASSED AND ADOPTED** this 3rd day of November, 2015.

Motion to adopt by Tim Daubert, second by Cesar Mestre.

**FINAL VOTE AT ADOPTION**

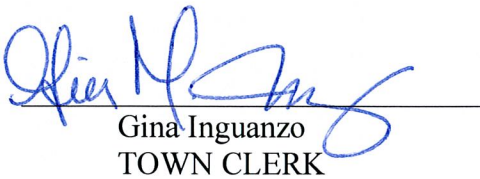
Mayor Michael A. Pizzi, Jr.  
Vice Mayor Manny Cid  
Councilmember Tim Daubert  
Councilmember Tony Lama  
Councilmember Cesar Mestre  
Councilmember Frank Mingo  
Councilmember Nelson Rodriguez

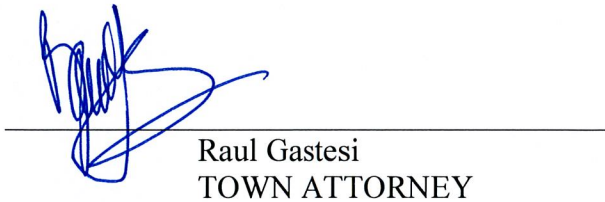
yes  
no  
yes  
absent  
yes  
yes  
yes

  
Michael A. Pizzi, Jr.  
MAYOR

Attest:

Approved as to Form and Legal Sufficiency

  
Gina Inguanzo  
TOWN CLERK

  
Raul Gastesi  
TOWN ATTORNEY

## EXHIBIT A

### LEGAL DESCRIPTION

Folio No. 32-2016-000-0020 (Partial)

The Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying and being in Miami-Dade County, Florida, LESS AND EXCEPT that portion thereof lying within the lands designated as part of Parcel No. 102 and conveyed to the State of Florida Department of Transportation, pursuant to that Deed recorded in Official Records Book 9942, Page 1740, of the Public Records of Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof acquired by Miami-Dade County, Florida pursuant to that Final Judgment recorded in Official Records Book 27731, Page 2513, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel No. 1: The East 40.00 feet of the South 1275.00 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida;

and,

Parcel No. 1A; The East 40 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida, LESS the South 1275.00 feet thereof.

FURTHER LESS AND EXCEPT that portion thereof conveyed to the Town of Miami Lakes pursuant to that Right-of-Way Deed recorded in Official Records Book 28429, Page 801, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel II: The South 50 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying East of Interstate 75 (State Road Number 93) Ramp Limited Access Right-of-Way line as shown on Florida Department of Transportation Right-of-Way Map for Section 87075-2401, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof conveyed to Miami-Dade County, Florida pursuant to that Quit-Claim Deed recorded in Official Records Book 28634, Page 307, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

The external area formed by a 25-foot radius arc concave to the Northwest and tangent to the West line of the East 40 feet of said Section 16 and tangent to the North line of the South 50 feet of said Section 16, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof described as follows:

A portion of land lying and being in the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, in Miami-Dade County, Florida; being more particularly described as follows:

Commencing at the Southeast corner of said Section 16; thence S 89° 34' 49" W along the South line of the Southeast 1/4 of said Section 16, for a distance of 67.90 feet to a point; thence N 00° 25' 11" E for 50.00 feet to the Point of Beginning; thence S 89° 34' 49" W along a line 50 feet North of and parallel with the South line of the Southeast 1/4 of said Section 16 a distance of 485.40 feet to a point ; thence N 00° 25' 11" W for 564.21 feet to a point; thence N 29° 56' 58" E for 375.94 feet to a point; thence N 87° 24' 00" E for 87.27 feet to a point; thence N 02° 36' 00" W for 20.00 feet to a point; thence N 87° 24' 00" E for 200.00 feet; thence S 02° 36' 00" E along a line 40 feet West of and parallel with the East line of the Southeast 1/4 of Section 16 a distance of 894.18 feet to a point of curvature of a circular curve concave to the Northwest and having for its elements a central angle of 92° 10' 49", a radius of 25.00 feet, an arc distance of 40.22 feet and a chord distance of 36.02 feet to the Point of Beginning.

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

**EXHIBIT B**

**DRAFT CDD PETITION**

**PETITION TO ESTABLISH  
CENTRE LAKE COMMUNITY DEVELOPMENT DISTRICT**

**October, 2015**

**PETITION TO ESTABLISH**  
**CENTRE LAKE COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Lennar Homes, LLC, a Florida limited liability company (“Petitioner”), petitions Miami-Dade County, Florida (“County”), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes and the Miami-Dade Home Rule Charter, to adopt an ordinance to establish a Uniform Community Development District (the “District”) and to designate the land area for which the District would manage and finance basic service delivery and states as follows:

1. **Petitioner and Authorized Agent:** Petitioner is a Florida limited liability company, which has principal offices at 700 N.W. 107<sup>th</sup> Avenue, Suite 500, Miami, Florida 33172. Copies of all correspondence and official notices should also be sent to the authorized agent for Petitioners:

Dennis E. Lyles, Esq.  
Billing, Cochran, Lyles, Mauro & Ramsey, P.A.  
515 E. Las Olas Boulevard, Sixth Floor  
Fort Lauderdale, Florida 33301  
Phone: 954-764-7150 / Fax: 954-764-7279  
Email: [dlyles@bclmr.com](mailto:dlyles@bclmr.com)

2. **District Location and Description:** The land area to be included in the District comprises approximately 146 +/- gross acres. A map showing the location of the land area to be included in the District is attached hereto as **Exhibit 1**. All of the land within the proposed District is located in the Town of Miami Lakes, Florida. A metes and bounds legal description of the external boundaries of the District is attached hereto as **Exhibit 2**.

3. **District Impact:** There is no property within the external boundaries of the District which will not be part of the District. The impact of creating the District on the parcels adjacent to the District should be positive, in that the facilities provided by the District and maintenance of same should result in an aesthetically pleasing surrounding area with beneficial

infrastructure while not detrimentally affecting anyone outside the District. In addition, any potential establishment costs to the Town of Miami Lakes or Miami-Dade County, the establishing entity, will be nominal.

4. **Property Owners Consent:** Attached hereto as **Exhibit 3** is documentation constituting written consent to the establishment of the District by the owner of the real property to be included in and serviced by the District.

5. **Initial Governing Board:** The five (5) persons designated to serve as the initial members of the board of supervisors of the District, who shall serve in that office until replaced by elected members, as provided in Section 190.006, Florida Statutes, are named in **Exhibit 4** attached hereto.

6. **District Name:** The proposed name of the District is Centre Lake Community Development District.

7. **Water and Sewer Lines:** The major trunk water mains, sewer interceptors and outfalls currently in existence to serve the District are identified on **Exhibit 5** attached hereto.

8. **Timetables and Construction Costs:** The proposed timetables and related estimates of cost to construct the District services and facilities, based upon available data, are attached hereto as **Exhibits 6** and **7**, respectively.

Petitioners intend that the District will finance (i) stormwater management system, (ii) water distribution system, (iii) wastewater collection system, (iv) off-site roadway improvements, and (v) perimeter landscaping. The stormwater management system will be owned and maintained by the District. The water distribution system and the wastewater collection will be owned and maintained by Miami-Dade County. The off-site roadway improvements will be owned and maintained by the Town of Miami Lakes or Miami-Dade County. The perimeter landscaping will be owned and maintained by the District.



9. **Zoning Designation; Future Land Use:** The land within the District is zoned RM-13, "Low Density Residential". The zoning approval for project within the District is attached hereto as **Exhibit 8**. The future general distribution, location and extent of the public and private land uses proposed within the District are shown on **Exhibit 9**. These proposed land uses are consistent with the state comprehensive plan and the Town of Miami Lakes Comprehensive Plan.

10. **Statement of Estimated Regulatory Costs:** The statement of estimated regulatory costs of the granting of this Petition and the establishment of the District pursuant thereto is attached hereto as **Exhibit 10**.

11. **Rights to be Granted the District:** Petitioners hereby request that the District be granted the right to exercise all powers provided for in Sections 190.012(1) and (2)(a) and (d), Florida Statutes.

12. **Resolution of Support from the Town of Miami Lakes:** A Resolution of the Town of Miami Lakes Town Council supporting the establishment of the District is attached hereto as **Exhibit 11**.

13. **Disclosure Requirements:** Petitioners undertake on behalf of the District that Petitioners and the District will provide full disclosure of information relating to the public financing and maintenance of improvements to real property to be undertaken by the District as required by Section 190.009, Florida Statutes, as amended and as required as a condition of the creation of the District by the Board of County Commissioners of Miami-Dade County.

14. **Responsibility for Landscape Maintenance in the Public-Rights-of-Way:** The maintenance of improved swales and medians in the public rights-of-way excluding swale maintenance by owners of property as defined by Chapter 19 of the Code of Miami-Dade County shall be provided by District, including but not limited to, irrigation, landscape lighting, payment of related utility bills, turf, trees, shrubs and any other landscaping improvements provided or

caused by this development, covenants associated with landscaping permitting in the public rights-of-way notwithstanding. In the event the District is dissolved or becomes defunct and fails to provide maintenance services within the public rights-of-way as specified herein, the required dormant multipurpose maintenance special taxing district shall be activated to provide any such maintenance services.

15. **Reasons for the Establishment of the District:** The property within the District is amenable to operating as an independent special district for the following reasons:

a) Establishment of the district and all land uses and services planned within the proposed District are consistent with applicable elements or portions of the effective Miami-Dade County Comprehensive Master Plan.

b) The area of land within the District is part of a unified plan of development. The land encompassing the District is of sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community.

c) The community development services of the District will be compatible with the capacity and use of the existing local and regional community development services and facilities.


d) The District will be the best alternative available for delivering community development services to the area to be served because the District provides a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside of the District.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

A. Schedule a public hearing to consider this Petition pursuant to the uniform procedures set forth in Section 190.005(2)(b) and (1)(d), Florida Statutes.

B. Grant the Petition and adopt an ordinance to establish the District and designate the land area to be serviced by the District, pursuant to Sections 190.005(2), Florida Statutes.

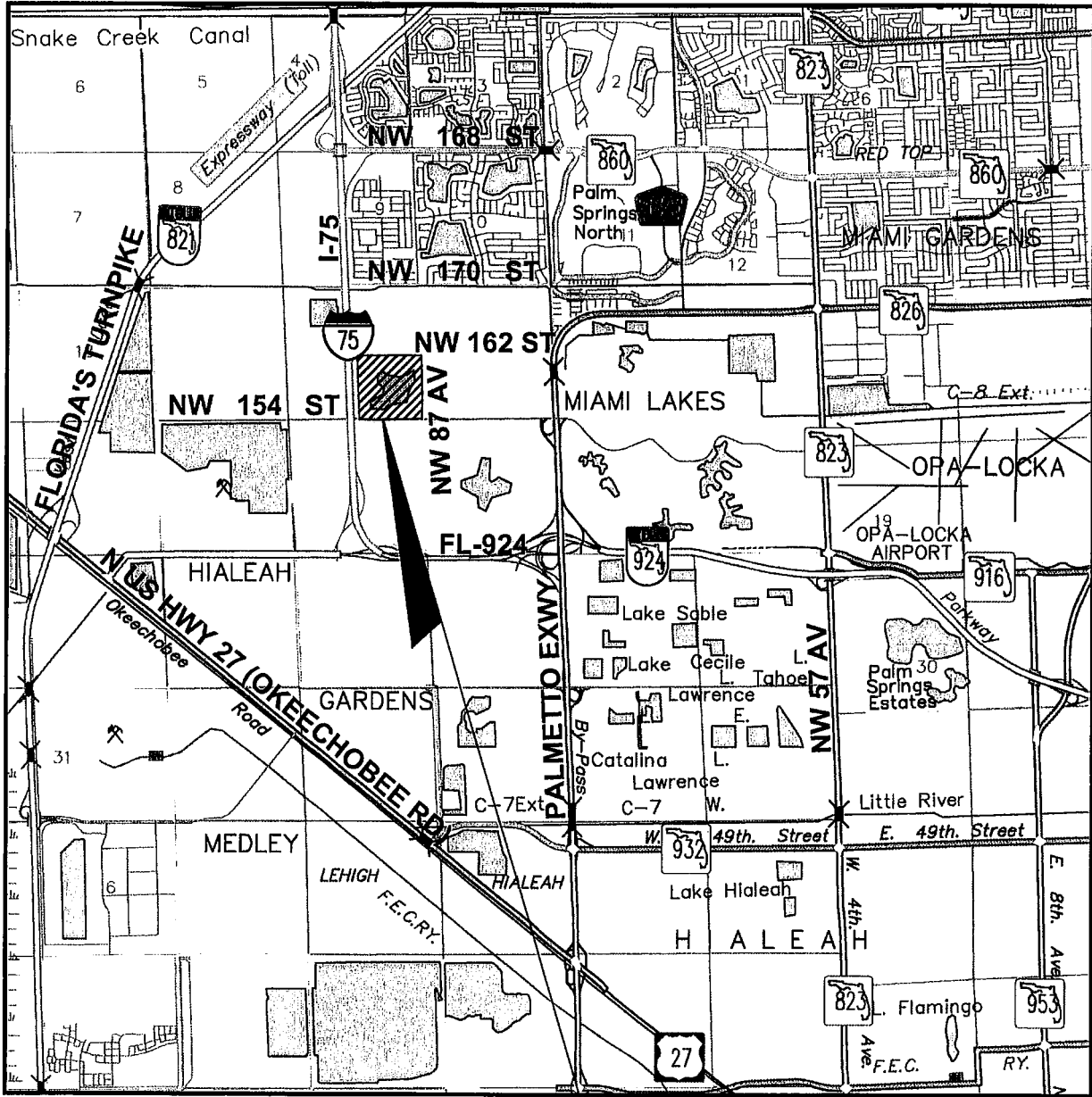
Respectfully submitted this 19 day of October, 2015.

  
\_\_\_\_\_  
Lemnar Homes, LLC

By:

Greg McPherson  
\_\_\_\_\_  
Title: VP

**EXHIBIT 1**  
**LOCATION SKETCH**

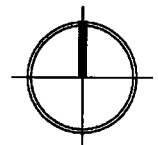



**LOCATION OF PROJECT**

**CITY OF MIAMI LAKES  
MIAMI-DADE COUNTY  
FLORIDA**

**ALVAREZ ENGINEERS, INC.**

**CENTRE LAKE C.D.D.  
LOCATION MAP**



1 MILE 

**EXHIBIT 2**  
**METES AND BOUNDS DESCRIPTION**

## LEGAL DESCRIPTION OF RU-3M PARCEL

DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH RANG 40 EAST:

LESS BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16, THENCE N89d34'49"E ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET, THENCE N00d25'14"W FOR A DISTANCE OF 140.00 FEET, THENCE S89d34'48"W FOR A DISTANCE OF 1197.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, THENCE S02d37'29"E FOR A DISTANCE OF 140.05 FEET TO THE POINT OF BEGINNING.

LESS A PORTION OF LAND LYING AND BEING AT THE SE ¼ OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 16; THENCE S89°34'49"W ALONG THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 16 FOR A DISTANCE 67.90 FEET TO A POINT; THENCE N00°25'11"E FOR 50.00 FEET TO THE POINT OF BEGINNING; THENCE S89°34'49"W ALONG A LINE 50 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 16 WITH A DISTANCE OF 485.40 FEET TO A POINT; THENCE N00°25'11"W FOR 564.21 FEET TO A POINT; THENCE N29°56'58"E FOR 375.94 FEET TO A POINT; THENCE N87°24'00"E FOR 87.27 FEET TO A POINT; THENCE N02°36'00"W FOR 20.00 FEET TO A POINT; THENCE N87°24'00"E FOR 200.00 FEET; THENCE S02°36'00"E ALONG A LINE 40 FEET WEST AND PARALLEL WITH THE EAST LINE OF THE SE ¼ OF SECTION 16 WITH A DISTANCE OF 894.18 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 92°10'49", A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 40.22 FEET AND A CHORD DISTANCE OF 36.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 146.70 ACRES MORE OR LESS.

**EXHIBIT 3**

**AFFIDAVIT OF OWNERSHIP AND CONSENT  
CENTRE LAKE COMMUNITY DEVELOPMENT DISTRICT**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

On this \_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared before me, Betty L. Dunn, an officer duly authorized to administer oaths and take acknowledgements, who, after being duly sworn, deposes and says:

1. Affiant is the managing member of F71-1, LLC, a Florida limited liability Company (the "Company").

2. The Company is the owner of the following described property, to wit:

See Exhibit "A" attached hereto (the "Property")

3. Affiant hereby represents that she has full authority to execute all documents and instruments on behalf of the Company, including the Petition before the Board of County Commissioners of Miami-Dade County, Florida, to adopt an ordinance to establish the Centre Lake Community Development District (the "Proposed CDD").

4. The Property constitutes all of the real property to be included in the Proposed CDD.

5. Affiant, on behalf of the Company, hereby consents to the establishment of the Proposed CDD.

F71-1, LLC, a Florida limited liability company

By: \_\_\_\_\_,  
Betty L. Dunn, managing member

STATE OF FLORIDA                    )  
COUNTY OF MIAMI-DADE         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_ . She is personally known to me [ ] or produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Typed, printed or stamped name of Notary Public



**Exhibit "A" to Affidavit**

**Legal description of Property**

## LEGAL DESCRIPTION OF RU-3M PARCEL

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LESS A PORTION OF LAND LYING AND BEING AT THE SE ¼ OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 146.70 ACRES MORE OR LESS.

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**EXHIBIT 4**

**INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS**

Carmen Rosa Martinez

Maria Carolina Herrera

Indira Jimenez

Teresa Baluja

Yadira Monzon

All of the initial members of the Board of Supervisors are residents of the State of Florida and citizens of the United States.

**Carmen Rosa Martinez**  
Senior Accountant  
SE Region at Lennar Homes  
730 NW 107 Ave, 3<sup>rd</sup> Floor  
Miami, Florida, 33172

**SUMMARY:**

Specialties:  
Accounting

**Current Employment:**

**Lennar Homes**

Staff Accountant, Homebuilding Industry

2013-Present

**Education:**

Florida International University- School of Business  
MBA

2010-2012

Florida International University-School of Accounting

2005-2009

Additional Information:

**Maria Carolina Herrera**  
Vice President Property management  
SE Region at Lennar Homes  
730 NW 107 Ave, 3<sup>rd</sup> Floor  
Miami, Florida, 33172

**SUMMARY:**

**Specialties:**

Property Management, Land Acquisition, Legal Settlements and Contracts, Industry Advocate, Real Estate.

**Current Employment:**

**Lennar Homes**

Vice President of Property Management SE Division  
Real Estate industry, Property Management, Contracts

2004-Present

**Education:**

University of Miami- School of Business  
MBA

2008-2009

Universidad del Rosario-Law School  
Attorney,  
Bogota, Colombia

1997-2002

**Additional Information:**

Builder Association of South Florida- Board Member

**Indira Jimenez**  
Cost Accountant  
SE Region at Lennar Homes  
730 NW 107 Ave, 3<sup>rd</sup> Floor  
Miami, Florida, 33172

**SUMMARY:**

Specialties:  
Accounting  
Business Administration  
Finance

**Current Employment:**

<b>Lennar Homes</b> Cost Accountant, Homebuilding Industry	2013-Present
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**Education:**

Florida International University- Bachelors in Business Administration, Finance	2011
Miami Dade College-Associate in Arts, Business Admin	2004

Additional Information:

**Teresa Baluja**  
HOA Manager for SE Region at Lennar Homes  
730 NW 107 Ave, 3<sup>rd</sup> Floor  
Miami, Florida, 33172  
Tel: 305-485-2080

**Current Employment:**

**Lennar Homes**

Director of Property Management 2013 – Present  
Real Estate Industry, Property Management, Contracts

HOA Manager for SE Region 2007-2013  
Real Estate Industry, Property Management, Contracts

**Education:**

FIU- Bachelors in Elementary Education 2006

CAM License 2010

**Yadira Monzon**  
21731 SW 99 CT Cutler Bay, FL 33190  
Phone: 786-516-6647  
E-mail: yadira5736@hotmail.com

### **Education**

Florida International University (FIU) Miami, FL  
Master of Business Administration May 2014 - Present

Florida International University (FIU) Miami, FL  
Bachelor of Accounting January 2011 - December 2013  
Dean's List  
GPA: 3.32

Miami Dade College (MDC) Homestead, FL  
Associate in Arts May 2007 - Dec 2010  
Accounting  
GPA: 3.19

### **Work Experience**

Lennar Homes Miami, FL  
Property Manager July 2013 - Present

- Oversee property managers
- Analyze advantages and disadvantages of alternative solutions to problems
- Develop and maintain an effective ongoing residents relations plan
- Ensure property improvement and other construction related projects are completed on time
- Budget to Actual Variance Analysis
- Prepare Homeowners Association Declarations

Advance America Cash Advance Homestead, FL  
Manager Oct 2007- July 2013

- Increased the percentage of new customers and revenues
- Reduced Account Receivable
- Handled bank deposits
- Built solid relationship to increase productivity
- Interacted with customers on daily basis
- Recon ciliated daily reports
- Budgeted to Actual Variance Analysis
- Prepared individual tax returns

### **Volunteer Experience**

- Volunteer Income Tax Assistance and Tax Counseling for the Elderly (VITA/TCE) Program

### **Other**

Languages: Spanish and English (including technical financial terms). Excellent verbal and writing communication skills

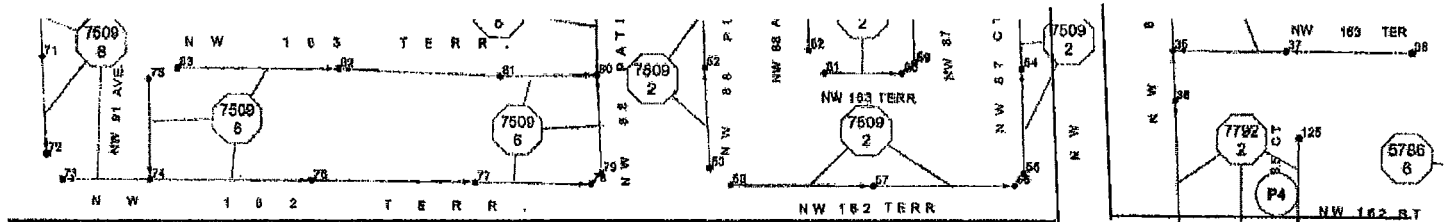
Computer skills: Power Point, Microsoft Word, Access, and with advance knowledge in Excel

Software programs: Peachtree and QuickBooks knowledge



**EXHIBIT 5**

**MAJOR TRUNK WATER MAINS, SEWER INTERCEPTORS AND OUTFALLS**

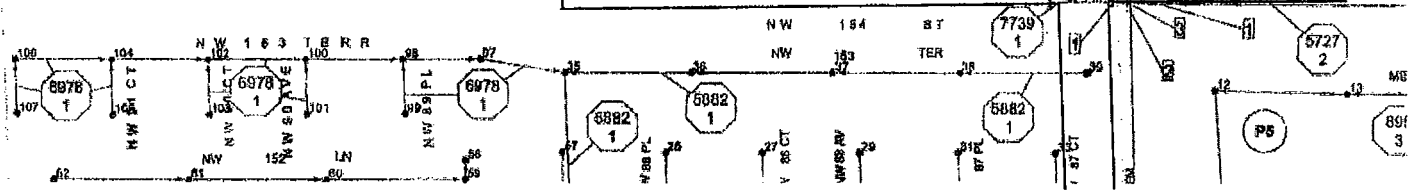


**THEORETICAL NW 162 ST**

**CENTRE LAKE C.D.D.  
SITE**

**NW 87 AV**

**12" EXISTING FORCE MAIN  
NW 154 ST**



**I-75**

**ALVAREZ ENGINEERS, INC**  
CENTRE LAKE C.D.D.  
**EXISTING SEWER MAINS**



**EXHIBIT 6**

**PROPOSED TIMETABLE FOR CONSTRUCTION OF DISTRICT IMPROVEMENTS**

	<b><u>Start Date</u></b>	<b><u>Completion Date</u></b>
Stormwater Management System	April, 2016	November, 2016
Water Distribution System	April, 2016	November, 2016
Wastewater Collection System	April, 2016	November, 2016
Offsite Roadway Improvements	October, 2016	December, 2016
Perimeter Landscaping	February, 2017	June, 2017

**EXHIBIT 7**

**ESTIMATED COSTS OF DISTRICT IMPROVEMENTS**

	<b><u>Costs:</u></b>
Stormwater Management System	\$2,085,900.00
Water Distribution System	\$1,628,502.00
Wastewater Collection System	\$3,891,626.24
Off-Site Roadway Improvements	\$2,941,982.18
Perimeter Landscaping	\$400,000.00

**Total Estimated Costs: \$10,948,010.42**

**EXHIBIT 8**

**ZONING APPROVAL**

**ORDINANCE No. 02-26**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; GRANTING THE REQUEST FOR A REZONING FROM AU TO RU-3M ON A 146.64± ACRE PARCEL LOCATED BETWEEN N.W. 154<sup>TH</sup> STREET AND 162<sup>ND</sup> STREET, WEST OF N.W. 87<sup>TH</sup> AVENUE; GRANTING THE REQUEST FOR A REZONING FROM AU TO BU-1A ON A 9.5± ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF N.W. 87<sup>TH</sup> AVENUE AND N.W. 154<sup>TH</sup> STREET; APPROVING THE SITE PLAN FOR A RESIDENTIAL DEVELOPMENT; APPROVING THE SITE PLAN FOR A COMMERCIAL DEVELOPMENT; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR RECORDING; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE.**

WHEREAS, pursuant to Section 33-304 of the Code of the Town of Miami Lakes ("Town Code"), Lowell S. Dunn and Betty L. Dunn (the "Applicants") have applied to the Town Council of the Town of Miami Lakes ("Town Council") for rezoning from AU (Agricultural District) to RU-3M (Minimum Apartment House District) on the 146.64± acre parcel legally described in Exhibit "A" attached hereto and incorporated by reference herein (Application No.1); and

WHEREAS, pursuant to Section 33-304 of the Code, the Applicants have applied to the Town Council for rezoning from AU to BU-1A (Limited Business District) on property legally described in Exhibit "B" attached hereto and incorporated by reference herein (Application No. 2); and

WHEREAS, the Applicants have provided maps depicting the properties to be re-zoned attached as Exhibit "C" and incorporated by reference herein; and

WHEREAS, pursuant to Section 33-311 (C) of the Code, the Applicants have provided the Town Council with site plans to be approved in conjunction with Applications No.1 ("Site Plan No. 1") and No. 2 ("Site Plan No. 2"), attached as Exhibits "D" and "E" and incorporated by reference herein; and

WHEREAS, the Applicants have voluntarily proffered a Declaration of Restrictions to the Town Council in order to guarantee compliance with self-imposed limitations on the development of the foregoing properties, attached as Exhibit "F" and incorporated by reference herein; and

WHEREAS, the Town of Miami Lakes Council, has by Ordinance adopted two small scale amendments to the Town of Miami Lakes Comprehensive Development Master Plan ("CDMP") for portions of the properties subject to this Ordinance (See Town of Miami Lakes Ordinance No.02-25, incorporated by reference herein) (the "CDMP Amendments"); and

WHEREAS, the Town Council has been designated as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Town Council acting in its capacity as the Local Planning Agency has reviewed Applications No.1, No.2 and Site Plans No.1 and No.2 in light of the CDMP Amendments and has determined that this Ordinance is consistent with the Town of Miami Lakes CDMP as amended; and

WHEREAS, the Town Council held a duly noticed first reading of this Ordinance on September 12, 2002, and held second reading of this Ordinance at a duly noticed quasi-judicial public hearing on September 24, 2002, continued to October 9, 2002;

WHEREAS, all interested persons have had the opportunity to be heard on the Applicant's requests.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, that:

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this ordinance.

Section 2. Findings. The Town Council finds that Applications No.1 and No.2, and Site Plans No.1 and No.2 are "compatible" with the community as defined by Section 33-302(d) of the Town Code. The Town Council further finds that Site Plans No.1 and No. 2 have satisfied the site plan criteria of Section 33-207.2.2 of the Town Code.

Section 3. Approval of Residential Rezoning. The Town Council hereby approves Application No.1-- a rezoning of the property legally described in Exhibit A from AU (Agricultural Use) to RU-3M (Minimum Apartment House District) subject to the conditions set forth in Section 7 below.

Section 4. Approval of Commercial Rezoning. The Town Council hereby approves Application No.2--a rezoning of property legally described in Exhibit B, from AU (Agricultural Use) to BU-1A (Limited Business District) subject to the conditions set forth in Section 7 below.

Section 5. Approval of Site Plan for Residential Development. The Town Council approves Site Plan No.1--a site plan for residential development attached as Exhibit D, in concert with the approval granted in Section 3 of this Ordinance, and subject to the conditions set forth in Section 7 below.



**Section 6. Approval of Site Plan for Commercial Development.** The Town Council approves Site Plan No.2--a site plan for commercial development attached as Exhibit E, in concert with the approval granted in Section 4 of this Ordinance, and subject to the conditions set forth in Section 7 below.

**Section 7. Conditions.** The approvals granted by this Ordinance to the proposed Site Plans are subject to the Applicants' compliance with the following, to which the Applicant stipulated at the public hearing:

1. No building permits for more than 150 residential units and no certificates of occupancy, use or completion for this project will be issued unless and until NW 87th Avenue is fully constructed and operational as a four-lane median divided roadway adjacent to the properties described in Exhibits A and B, consistent with all Town and Miami-Dade County Public Works Department requirements for such improvements.
2. No building permits shall be issued unless 154<sup>th</sup> Street is fully constructed and operational as a four-lane roadway adjacent to the properties described in Exhibits A and B, and from approximately N.W. 84<sup>th</sup> Avenue (from the west end of the current four land section) to approximately 60 feet west of N.W. 89<sup>th</sup> Avenue, consistent with all Town and Miami-Dade County Public Works Department requirements for such improvements. Approval of the site plans are based upon the recording of the Declaration of Restrictions attached as Exhibit F.
3. Approval of the site plans and issuance of building permits is dependent upon the owner, his successors or assigns maintaining all concurrency levels of service for traffic and other public facilities for the project in the event that future studies are performed and demonstrate that concurrency requirements could not be met.

**Section 8. Violation of Conditions.** Failure to adhere to the terms and conditions of this ordinance shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of this ordinance. The Applicants understand and acknowledge that they must comply with all other applicable requirements of the Town before they may commence construction or operation, and this ordinance may be revoked by the Town Council at any time upon a determination that Applicants are in non-compliance with the Town Code.

**Section 9. Recording.** The Applicants shall be responsible for recording this ordinance in the Public Records of Miami-Dade County, Florida at their sole cost.

**Section 10. Severability.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

**Section 11. Exclusion.** This Ordinance shall be excluded from the Town of Miami Lakes Code.

**Section 12. Effective Date.** This Ordinance shall become effective upon final approval by the State of Florida Department of Community Affairs of the CDMP Amendments adopted by the Town Council pursuant to Town of Miami Lakes Ordinance No.02-25, and after the expiration of any and all applicable appeal periods of the CDMP Amendments. This Ordinance shall not take effect in the event that an appeal of the CDMP Amendments is pending.

The foregoing Ordinance was offered by **Councilmember Collins**, who moved its adoption on first reading. The motion was seconded by **Mayor Slaton** and upon being put to a vote; the vote was as follows (6-1):

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	No
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on first reading this 12<sup>th</sup> day of September, 2002.

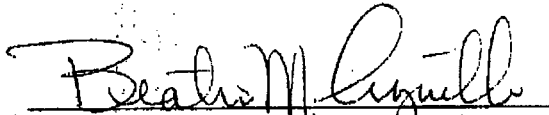
The foregoing Ordinance was offered by **Councilmember Collins**, who moved its adoption on second reading. The motion was seconded by **Councilmember Simon**, and upon being put to a vote, the vote was as follows (5-2):

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	No
Councilmember Michael Pizzi	No
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on second reading this 9<sup>th</sup> day of October, 2002.

  
\_\_\_\_\_  
WAYNE SLATON, MAYOR

ATTEST:



BEATRIS M. ARGUELLES, CMC  
TOWN CLERK

APPROVED AS TO FORM:



WEISS, SEROVA, HELFMAN, PASTORIZA & GUEDES, P.A.  
TOWN ATTORNEY

## EXHIBIT A

### LEGAL DESCRIPTION OF RU-3M PARCEL

DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH RANG 40 EAST:

LESS BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16, THENCE N89d34'49"E ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET, THENCE N00d25'14"W FOR A DISTANCE OF 140.00 FEET, THENCE S89d34'48"W FOR A DISTANCE OF 1197.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, THENCE S02d37'29"E FOR A DISTANCE OF 140.05 FEET TO THE POINT OF BEGINNING.

LESS A PORTION OF LAND LYING AND BEING AT THE SE ¼ OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 16; THENCE S89°34'49"W ALONG THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 16 FOR A DISTANCE 67.90 FEET TO A POINT; THENCE N00°25'11"E FOR 50.00 FEET TO THE POINT OF BEGINNING; THENCE S89°34'49"W ALONG A LINE 50 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 16 WITH A DISTANCE OF 485.40 FEET TO A POINT; THENCE N00°25'11"W FOR 564.21 FEET TO A POINT; THENCE N29°56'58"E FOR 375.94 FEET TO A POINT; THENCE N87°24'00"E FOR 87.27 FEET TO A POINT; THENCE N02°36'00"W FOR 20.00 FEET TO A POINT; THENCE N87°24'00"E FOR 200.00 FEET; THENCE S02°36'00"E ALONG A LINE 40 FEET WEST AND PARALLEL WITH THE EAST LINE OF THE SE ¼ OF SECTION 16 WITH A DISTANCE OF 894.18 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 92°10'49", A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 40.22 FEET AND A CHORD DISTANCE OF 36.02 FEET TO THE POINT OF BEGINNING.

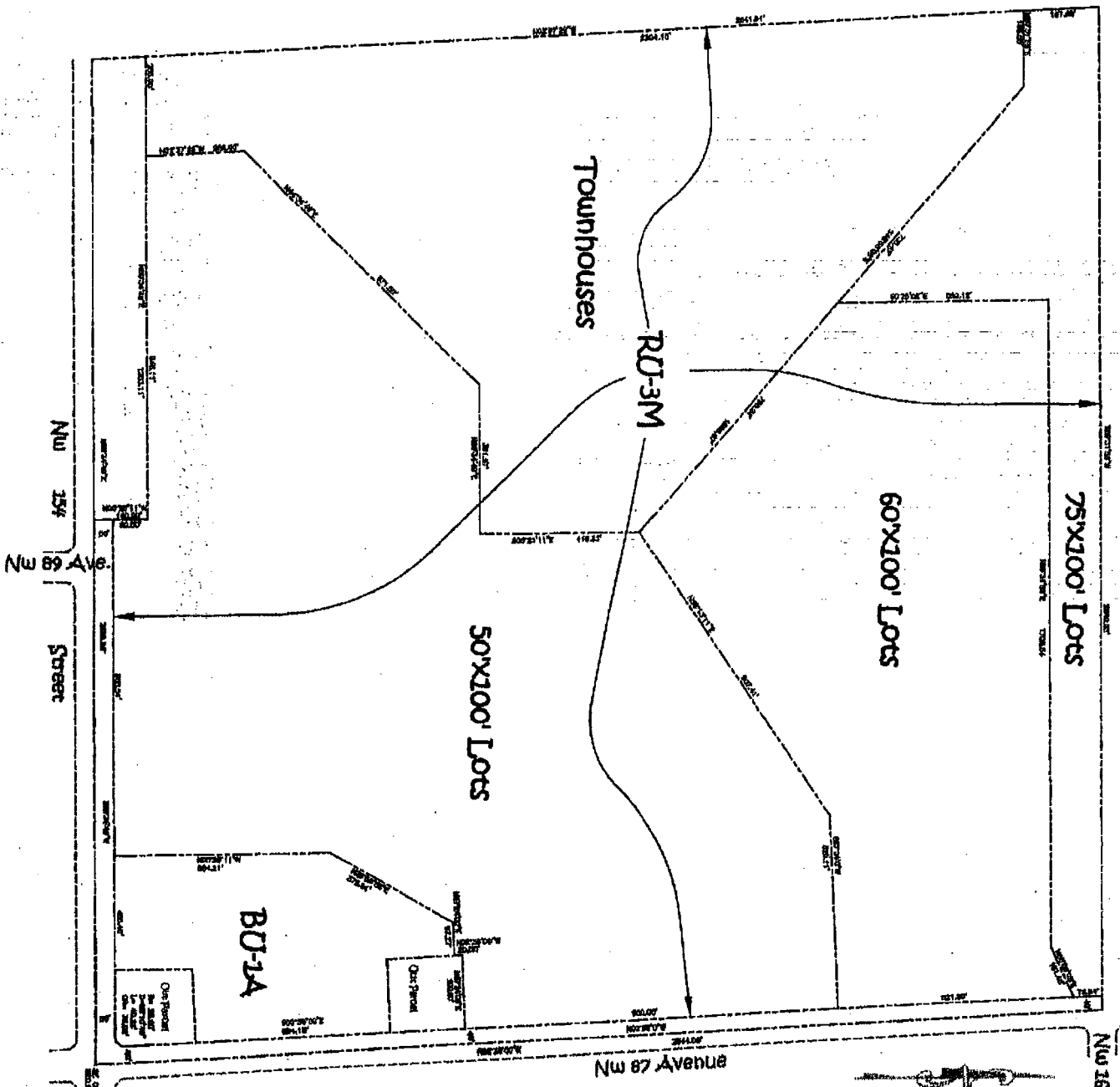
CONTAINING 146.70 ACRES MORE OR LESS.

## EXHIBIT B

### LEGAL DESCRIPTION PROPOSED BU-1A

A PORTION OF LAND LYING AND BEING AT THE SE  $\frac{1}{4}$  OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SE CORNER OF SAID SECTION 16; THENCE S89°34'49"W ALONG THE SOUTH LINE OF THE SE  $\frac{1}{4}$  OF SAID SECTION 16 FOR A DISTANCE 67.90 FEET TO A POINT; THENCE N00°25'11"E FOR 50.00 FEET TO THE POINT OF BEGINNING; THENCE S89°34'49"W ALONG A LINE 50 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF THE SE  $\frac{1}{4}$  OF SAID SECTION 16 WITH A DISTANCE OF 485.40 FEET TO A POINT; THENCE N00°25'11"W FOR 564.21 FEET TO A POINT; THENCE N29°56'58"E FOR 375.94 FEET TO A POINT; THENCE N87°24'00"E FOR 87.27 FEET TO A POINT; THENCE N02°36'00"W FOR 20.00 FEET TO A POINT; THENCE N87°24'00"E FOR 200.00 FEET; THENCE S02°36'00"E ALONG A LINE 40 FEET WEST AND PARALLEL WITH THE EAST LINE OF THE SE  $\frac{1}{4}$  OF SECTION 16 WITH A DISTANCE OF 894.18 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 92°10'49", A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 40.22 FEET AND A CHORD DISTANCE OF 36.02 FEET TO THE POINT OF BEGINNING. CONTAINING 9.50 ACRES MORE OR LESS.

# EXHIBIT C



**OVERALL LEGAL DESCRIPTION**

A portion of a portion of land being and lying in the County of Washington, State of Washington, more particularly described as follows: ...

**LEGAL DESCRIPTION OF RU-3M PARCEL**

A portion of a portion of land being and lying in the County of Washington, State of Washington, more particularly described as follows: ...

**LEGAL DESCRIPTION BU-1A PARCEL**

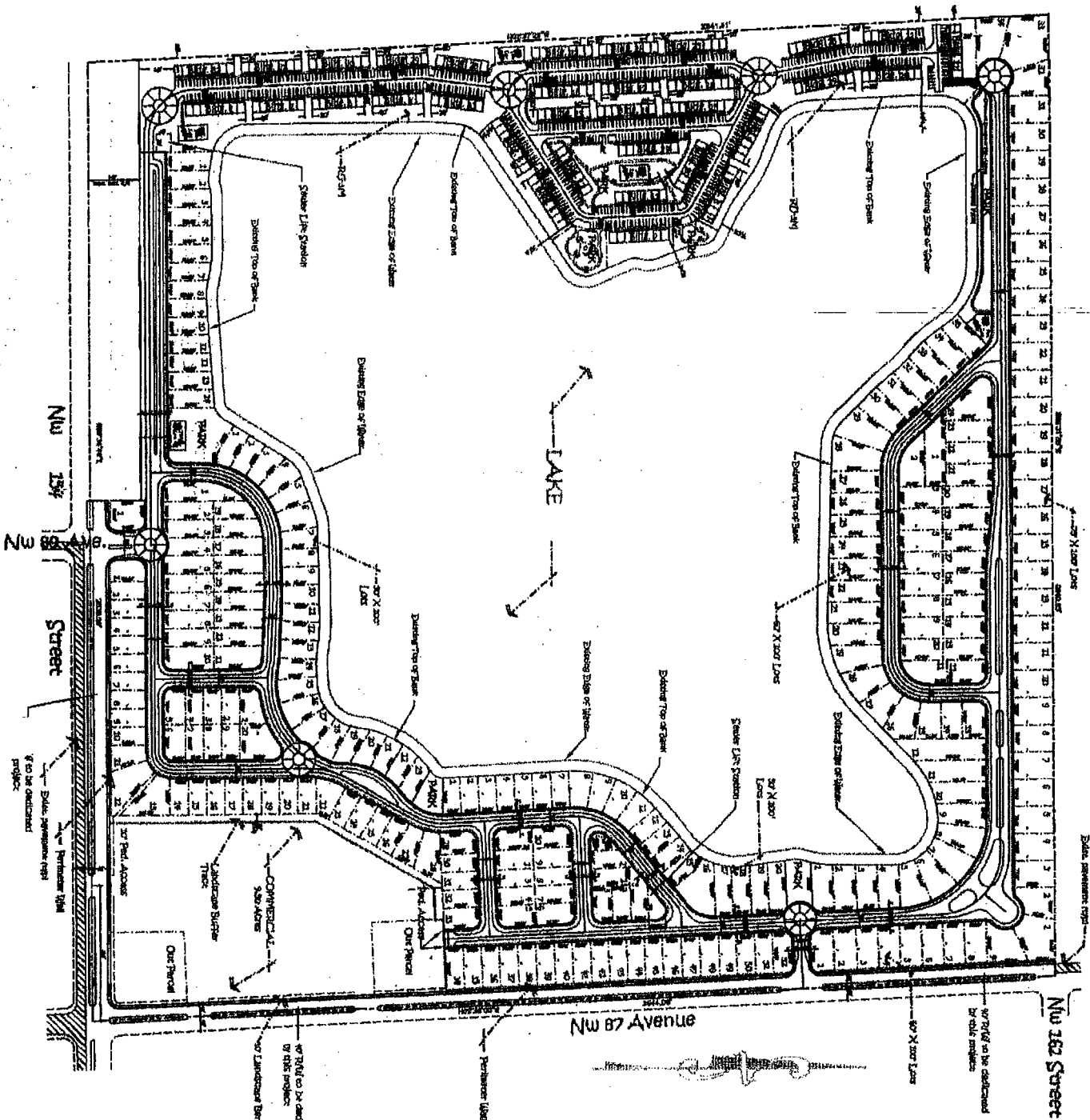
A portion of a portion of land being and lying in the County of Washington, State of Washington, more particularly described as follows: ...

<p><b>ZONING BOUNDARY MAP</b> DUNNWOODY LAKE</p> <p>BETTY &amp; LOWELL DUNN</p>	<p><b>ROBAYNA AND ASSOCIATES INC.</b> ENGINEERING ARCHITECTURE SURVEYING</p> <p>10-02-02</p>	<p>DATE: APR 1999</p> <p>BY: RLW</p> <p>SCALE: 1"=120'</p>	<p>PROJECT NO: 10-02-02</p>	<p>DATE: 10-02-02</p>	<p>SCALE: 1"=120'</p>
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EXHIBITS D&E

**REVISED  
SITE PLAN**

# EXHIBIT "D"



### LEGAL DESCRIPTION

DESCRIPTION OF A PORTION OF LAND BEING THE TRACT IN THE COUNTY OF HENRY, STATE OF GEORGIA, DESCRIBED AS FOLLOWS: ...

NO.	AREA	ACRES	PERCENT	TOTAL
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LOT NO.	AREA	ACRES	PERCENT	TOTAL
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99	...	...	...	...
100	...	...	...	...

**ROBAYNA AND ASSOCIATES INC.**  
 ENGINEERS ARCHITECTS  
 1010 N. WILSON ROAD, SUITE 100  
 WILSON, N.C. 27157  
 PHONE: 704/850-1111  
 FAX: 704/850-1112

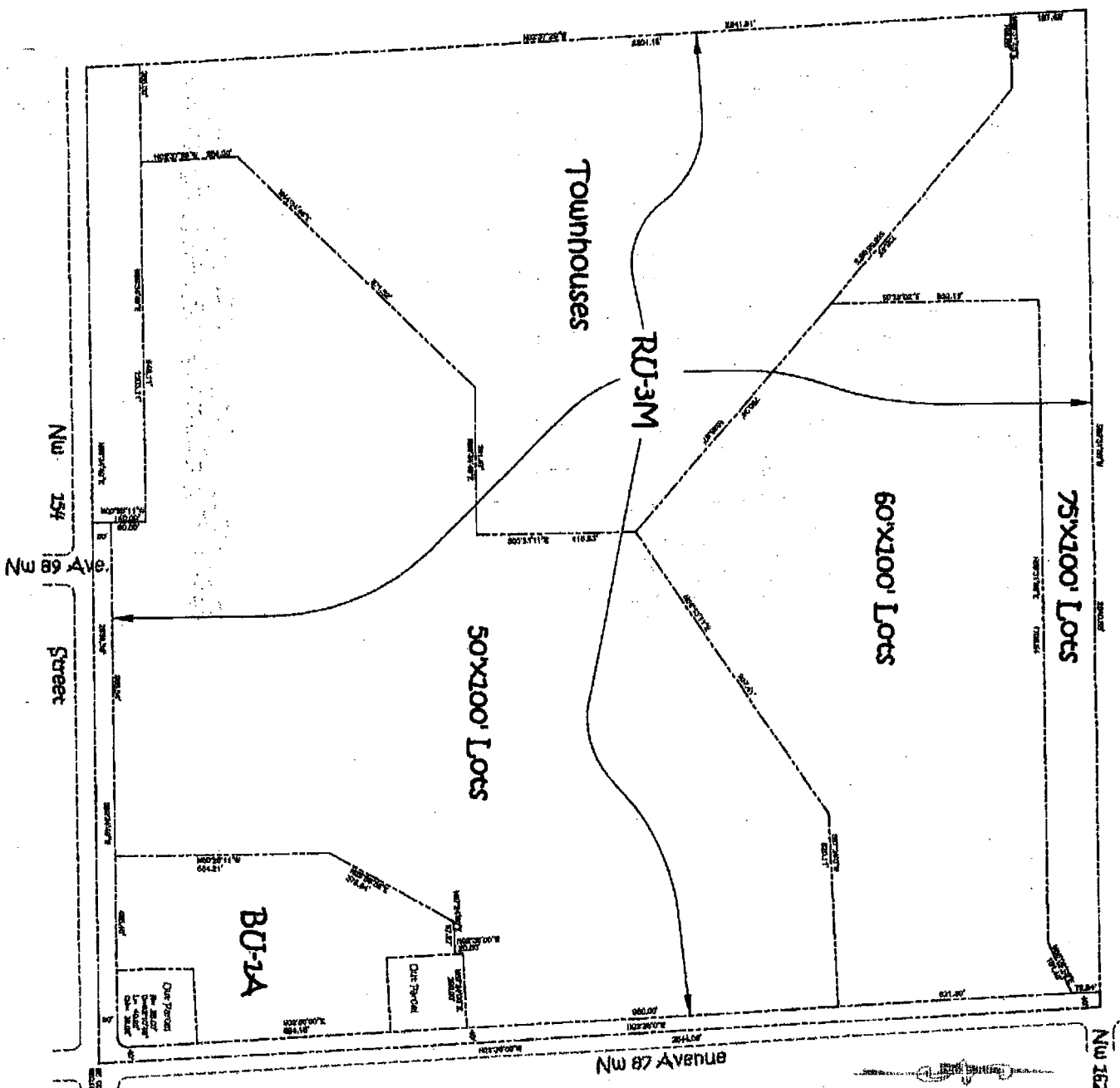
**SITE PLAN**  
**DUNNWOODY LAKE**  
**BETTY & LOWELL DUNN**

DATE: APR 10, 2001  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

SCALE: 1" = 50'

NO. 10-2-01





**OVERALL LEGAL DESCRIPTION**

DESCRIPTION OF A PORTION OF LOTS 3000 AND 3001 IN SECTION 16, TOWNSHIP 22 NORTH, RANGE 11 WEST, COUNTY OF DUNWOODY, GEORGIA, BEING MORE OR LESS THE CORRESPONDING ONE-HALF OF SECTION 16, TOGETHER AS SHOWN HEREON.

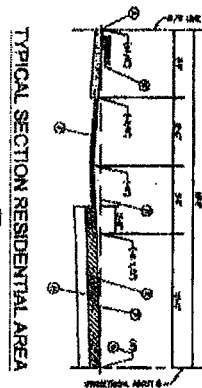
**LEGAL DESCRIPTION OF RU-3M PARCEL**

DESCRIPTION OF A PORTION OF LOTS 3000 AND 3001 IN SECTION 16, TOWNSHIP 22 NORTH, RANGE 11 WEST, COUNTY OF DUNWOODY, GEORGIA, BEING MORE OR LESS THE CORRESPONDING ONE-HALF OF SECTION 16, TOGETHER AS SHOWN HEREON.

**LEGAL DESCRIPTION BU-1A PARCEL**

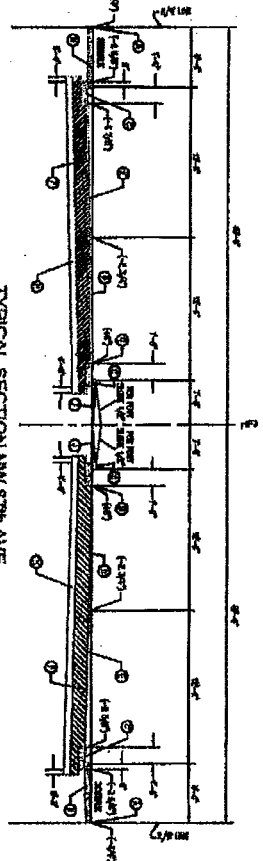
A PORTION OF LOTS 3000 AND 3001 IN SECTION 16, TOWNSHIP 22 NORTH, RANGE 11 WEST, COUNTY OF DUNWOODY, GEORGIA, BEING MORE OR LESS THE CORRESPONDING ONE-HALF OF SECTION 16, TOGETHER AS SHOWN HEREON.

<b>ZONING BOUNDARY MAP</b> DUNWOODY LAKE BETTY & LOWELL DUNN		<b>ROBAYNA AND ASSOCIATES INC.</b> ENGINEERS, ARCHITECTS AND SURVEYORS 2100 N. LINDEN RD., SUITE 100 DUNWOODY, GA 30328 (404) 470-4800		PROJECT: APRIL 2004 NUMBER: 10-02-02 DRAWN BY: [Signature] CHECKED BY: [Signature] SCALE: 1"=100' DATE: 10-02-02	SHEET: 1 OF 2 TOTAL SHEETS: 2	DATE: 10-02-02
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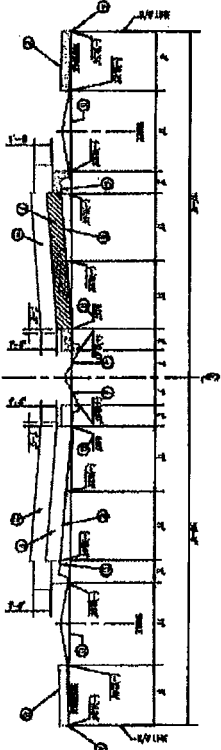


TYPICAL SECTION RESIDENTIAL AREA

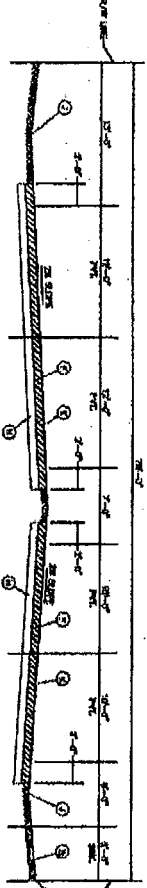
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- 2. 1/2" CONC. WHEEL STOP
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- 5. 1/2" CONC. WHEEL STOP
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- 20. 1/2" CONC. WHEEL STOP



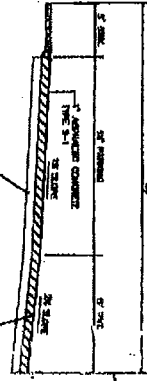
TYPICAL SECTION NW 87th AVE



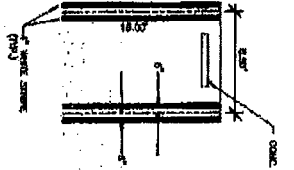
TYPICAL SECTION NW 154th ST



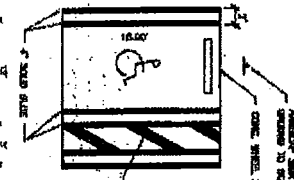
TYPICAL SECTION ENTRANCE TO RU-3M AREA



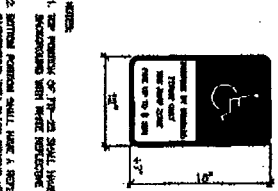
TYPICAL SECTION THRU RU-3M AREA



DOUBLE STRIPING DETAIL

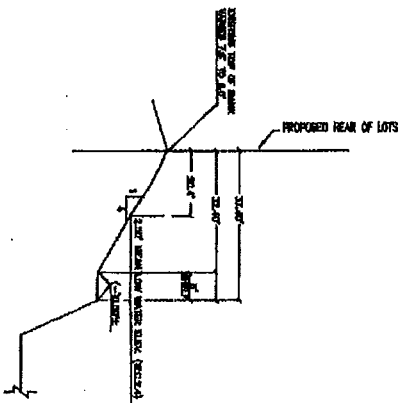


TYPICAL HANDICAP PARKING STALL DETAIL



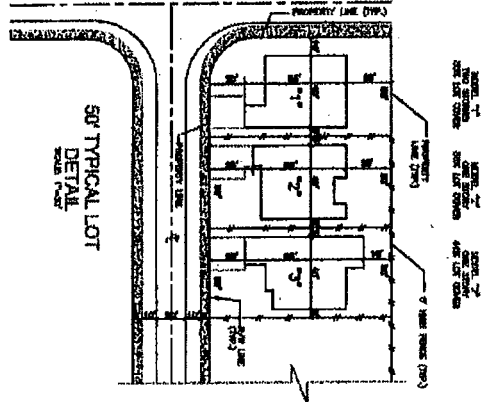
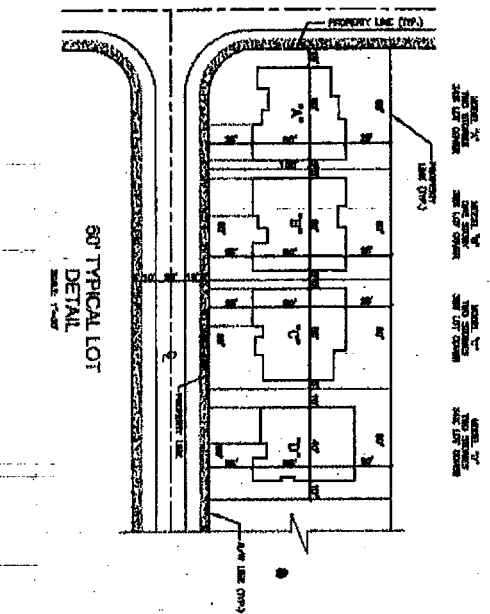
HANDICAP PARKING SIGN DETAIL

NOTES:  
 1. THE SIGNAGE OF THIS SIGN SHALL HAVE A REFLECTIVE GLAZE  
 AND BE ILLUMINATED WITH WHITE REFLECTIVE GLAZE.  
 2. SIGNALL FURNISH SHALL HAVE A REFLECTIVE WHITE  
 BACKGROUND WITH BLACK SYMBOL LETTERS AND NUMBER.



EXISTING LAKE SECTION ON BANKS NEXT TO PROPOSED LOTS

<p>DATE: 8-18-02</p> <p>NO. 02100209</p>	<p>CLIENT: DUNNWOODY LAKE</p> <p>DESIGNER: BETTY &amp; LOWELL DUNN</p>	<p>PROJECT: DUNNWOODY LAKE</p> <p>SCALE: AS SHOWN</p> <p>DATE: 8-18-02</p> <p>BY: B.L.D.</p> <p>CHECKED: L.S.D.</p>	<p>ROBOYNO AND ASSOCIATES INC.</p> <p>2101 W. 15th Street, Suite 101</p> <p>Minneapolis, MN 55411</p> <p>PHONE: 612-338-1111</p> <p>FAX: 612-338-1112</p>	<p>10-02-02</p>	<p>REVISIONS:</p> <p>NO. 1: REVISED AS PER NEW DEVELOPER</p> <p>NO. 2: REVISED AS PER NEW DEVELOPER</p> <p>NO. 3: REVISED AS PER NEW DEVELOPER</p>	<p>DATE:</p> <p>NO. 1: 08-18-02</p> <p>NO. 2: 08-18-02</p> <p>NO. 3: 08-18-02</p>
--	--	---	---	-----------------	--	---



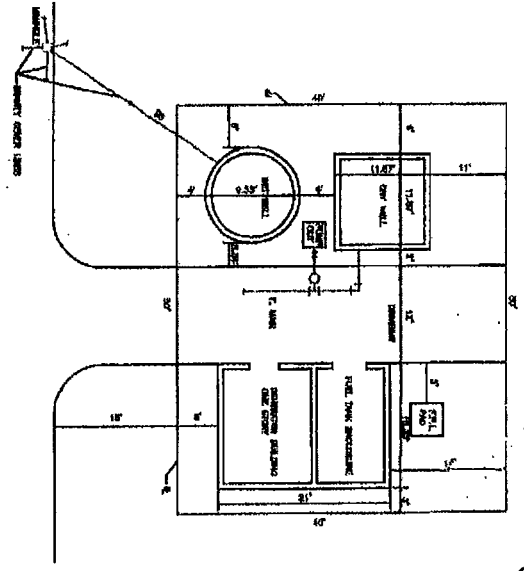
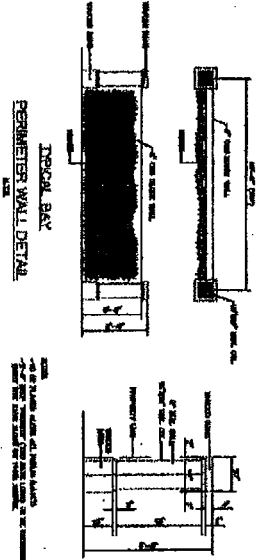
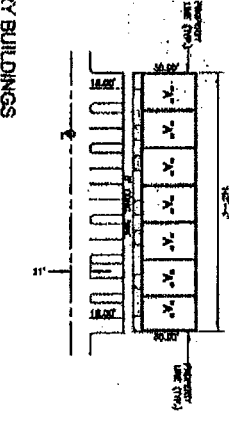
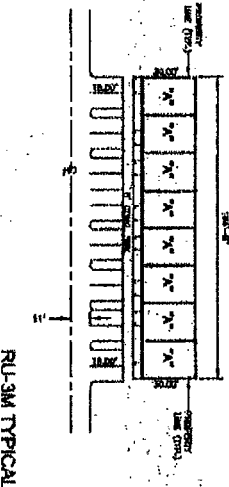
REARBACKS AND LOT COVERAGE TABLE

CATEGORY	FRONT		REAR		SIDE		ST. SIDE		LOT COVERAGE	
	REQ.	PROV.	REQ.	PROV.	REQ.	PROV.	REQ.	PROV.	ALLOTT.	PROV.
75' X 100' LOTS	15'-0"	15'-0"	15'-0"	15'-0"	5'-0"	5'-0"	5'-0"	5'-0"	40%	40%
50' X 100' LOTS	15'-0"	15'-0"	15'-0"	15'-0"	5'-0"	5'-0"	5'-0"	5'-0"	40%	40%
50' X 100' LOTS	15'-0"	15'-0"	15'-0"	15'-0"	5'-0"	5'-0"	5'-0"	5'-0"	40%	40%
TOWNHOUSE SITE	20'-0"	20'-0"	20'-0"	20'-0"	5'-0"	5'-0"	5'-0"	5'-0"	NA	NA
SETBACKS	20'	20'	20'	20'	5'	5'	5'	5'	NA	NA

\* 15' FOR 50% OF WIDTH AND 20' AT GARAGE  
 \*\* 15' FOR 50% OF WIDTH

SITE DATA FOR LEFT SEASON SITE

AREA	2000 SF	100.0K
BUILDING & TRAIL ENCLOSURE	322 SF	16.1K
PAVEMENT	420 SF	21.0K
OTHER CONCRETE PADS & TOPS	215 SF	10.7K
LANDSCAPE AREA	1045 SF	52.2K
SET BACKS FOR BUILDING	REQUIRED	REQUIRED
FRONT	NA	5'
REAR	NA	5'
SIZE	NA	14'

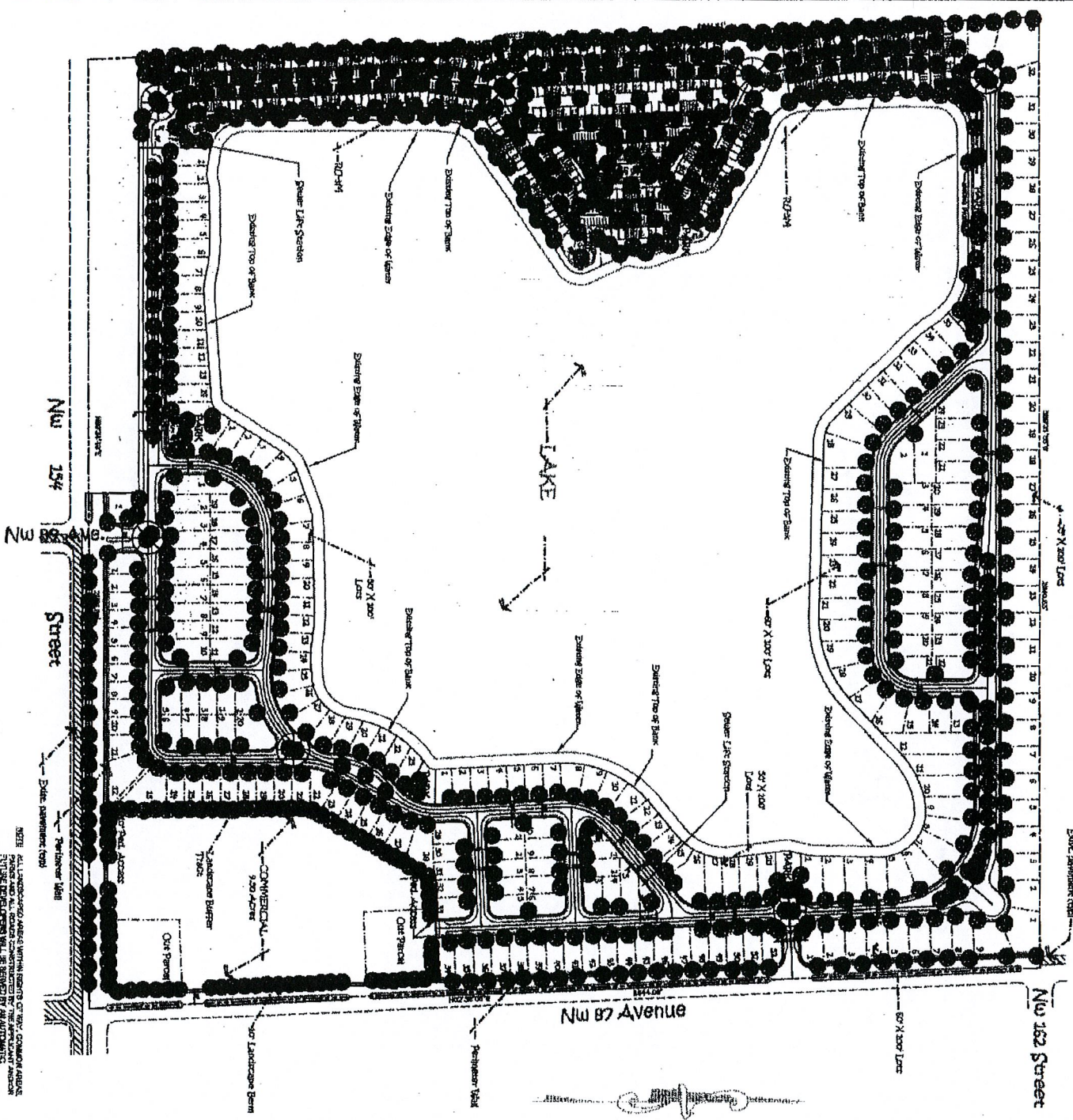


DETAILS  
 DUNNWOODY LAKE  
 BETTY & LOWELL DUNN

**ROBAYNA AND ASSOCIATES INC.**  
 10-02-02

DATE: APR 1998  
 DRAWN: ALM  
 CHECKED: RLK  
 SCALE: AS SHOWN

NO WORK TO BE DONE UNTIL PERMITS ARE OBTAINED FROM THE CITY ENGINEER.

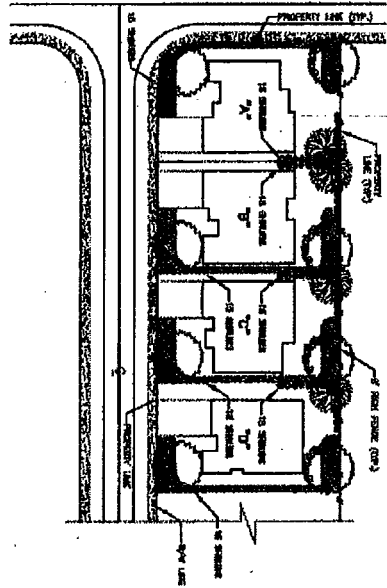


NOTE: ALL LANDSCAPING SHALL BE WITHIN BOUNDS OF WAY. COMMON AREAS FOR FUTURE DEVELOPMENT SHALL BE SERVED BY AN AUTOMATICALLY OPERATING IRRIGATION SYSTEM.

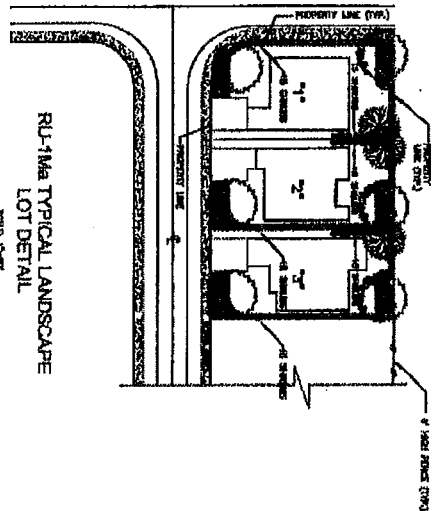
**LANDSCAPE DATA**

<b>EXISTING PLANTING</b>	400 TREES
<b>NEW PLANTING</b>	400 TREES
<b>TOTAL TREES</b>	800 TREES
<b>PLANTING MATERIAL</b>	400 TREES
<b>PLANTING COST</b>	400 TREES
<b>PLANTING LABOR</b>	400 TREES
<b>PLANTING TOTAL</b>	400 TREES
<b>PLANTING TOTAL COST</b>	400 TREES
<b>PLANTING TOTAL LABOR</b>	400 TREES
<b>PLANTING TOTAL MATERIAL</b>	400 TREES
<b>PLANTING TOTAL COST</b>	400 TREES
<b>PLANTING TOTAL LABOR</b>	400 TREES
<b>PLANTING TOTAL MATERIAL</b>	400 TREES
<b>PLANTING TOTAL COST</b>	400 TREES
<b>PLANTING TOTAL LABOR</b>	400 TREES
<b>PLANTING TOTAL MATERIAL</b>	400 TREES
<b>PLANTING TOTAL COST</b>	400 TREES
<b>PLANTING TOTAL LABOR</b>	400 TREES
<b>PLANTING TOTAL MATERIAL</b>	400 TREES
<b>PLANTING TOTAL COST</b>	400 TREES
<b>PLANTING TOTAL LABOR</b>	400 TREES
<b>PLANTING TOTAL MATERIAL</b>	400 TREES
<b>PLANTING TOTAL COST</b>	400 TREES
<b>PLANTING TOTAL LABOR</b>	400 TREES
<b>PLANTING TOTAL MATERIAL</b>	400 TREES
<b>PLANTING TOTAL COST</b>	400 TREES
<b>PLANTING TOTAL LABOR</b>	400 TREES
<b>PLANTING TOTAL MATERIAL</b>	400 TREES
<b>PLANTING TOTAL COST</b>	400 TREES

<p><b>LANDSCAPE PLAN</b></p> <p><b>DUNNWOODY LAKE</b></p> <p><b>BETTY &amp; LOWELL DUNN</b></p>	<p><b>ROBAYNA AND ASSOCIATES INC.</b></p> <p>ENGINEERS AND ARCHITECTS</p> <p>1000 W. 15th St. Suite 100</p> <p>Des Moines, IA 50319</p> <p>PH: 515-281-1111</p> <p>FAX: 515-281-1112</p> <p>WWW.ROBAYNA.COM</p>	<p><b>DATE:</b> 10-02-02</p> <p><b>SCALE:</b> 1" = 120'</p>	<p><b>PROJECT:</b></p> <p><b>NO:</b></p> <p><b>SHEET:</b></p>	<p><b>REVISIONS:</b></p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>ISSUED FOR PERMITS</td> <td>10-02-02</td> </tr> <tr> <td>2</td> <td>ISSUED FOR CONSTRUCTION</td> <td></td> </tr> <tr> <td>3</td> <td>ISSUED FOR RECORD</td> <td></td> </tr> </table>	NO.	DESCRIPTION	DATE	1	ISSUED FOR PERMITS	10-02-02	2	ISSUED FOR CONSTRUCTION		3	ISSUED FOR RECORD	
		NO.	DESCRIPTION	DATE												
		1	ISSUED FOR PERMITS	10-02-02												
2	ISSUED FOR CONSTRUCTION															
3	ISSUED FOR RECORD															
<p>10-02-02</p>																
<p>10-02-02</p>																



RU-1Mb TYPICAL LANDSCAPE LOT DETAIL  
SCALE: 1/8" = 1'-0"

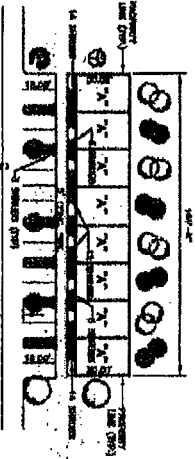
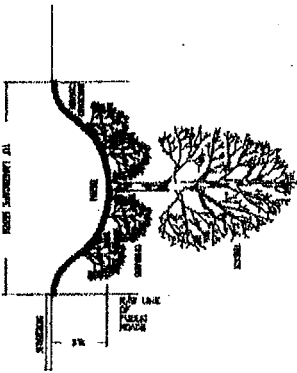


RU-1Ma TYPICAL LANDSCAPE LOT DETAIL  
SCALE: 1/8" = 1'-0"

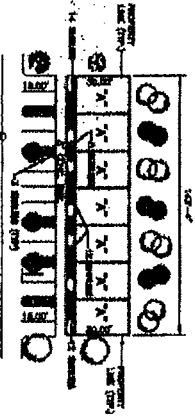
LANDSCAPE LEGEND

- SYMBOL TREE NAME
- QUINCE LARDO MATRIS-German Spruce 10' O.H.
  - LIVE OAK NATIVE-Oaktree Virginia 10' O.H.
  - SLAYER THURSTON-Texas Orange 12' O.H.
  - CASABLANCA PALM-NATIVE-Sand Palmetto 14' O.H.
  - SHRUBS (20 PER LOT)
  - BROAD COVERAGE REQUIRED

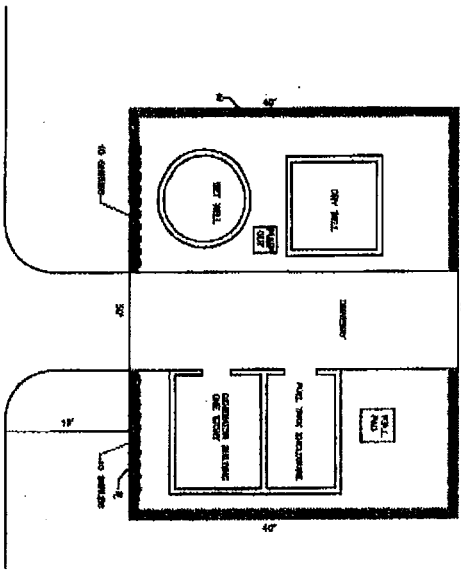
SECTION OF 10' LANDSCAPE BERM ON COMMERCIAL PARCEL  
NOTES



RU-3M TYPICAL TWO STORY BUILDINGS  
SCALE: 1/8" = 1'-0"

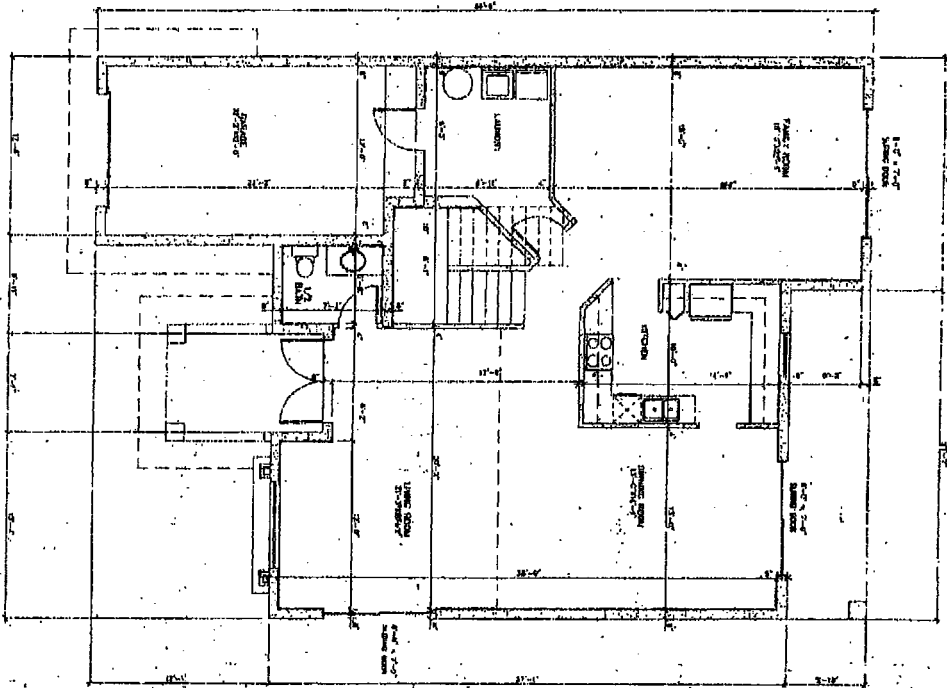


LIFT STATION LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"

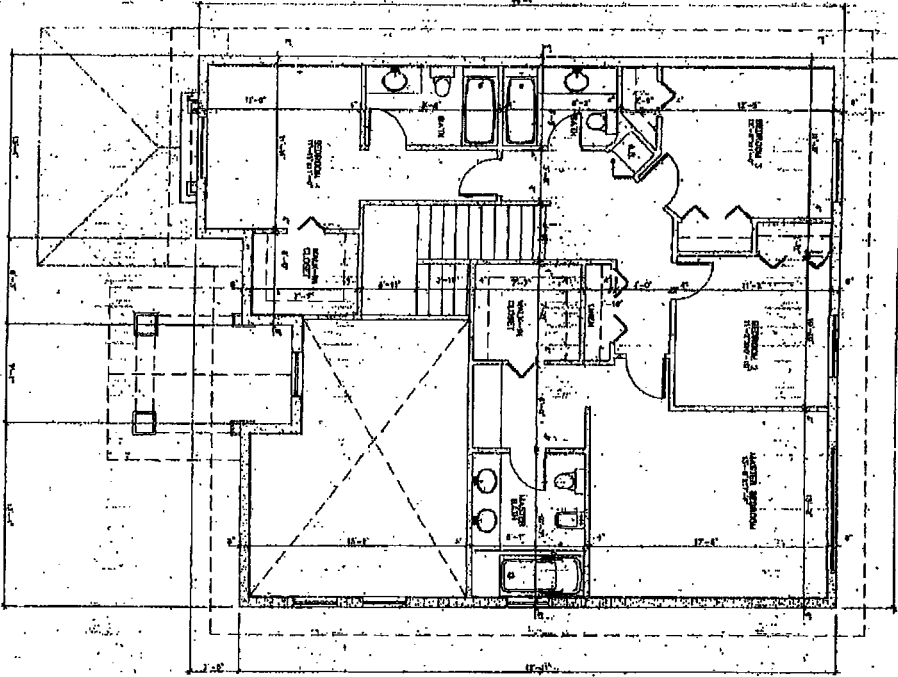


DRAWING NO. LANDSCAPE DETAILS SHEET NO. L-2 PROJECT NAME DUNNWOODY LAKE CLIENT NAME BETTY & LOWELL DUNN	<b>ROBAYNA</b> AND ASSOCIATES, INC. ARCHITECTS AND LANDSCAPE ARCHITECTS 1000 E. HIGHWAY 100, SUITE 100 DENVER, CO 80202 TEL: 303.733.8800 FAX: 303.733.8801 WWW.ROBAYNA.COM	PREPARED BY APR CHECKED BY RLM DESIGNED BY RLM DATE 10-02-08	APPROVED BY DATE 10-02-08	REVISIONS NO. DESCRIPTION DATE 10-02-08 10-02-08
--	--	---	---------------------------------	--

**MODEL 1**  
 2 FLOORS  
 4 BEDROOMS  
 3-1/2 BATH  
 GARAGE



**MODEL 1 - GROUND FLOOR**



**MODEL 1 - SECOND FLOOR**

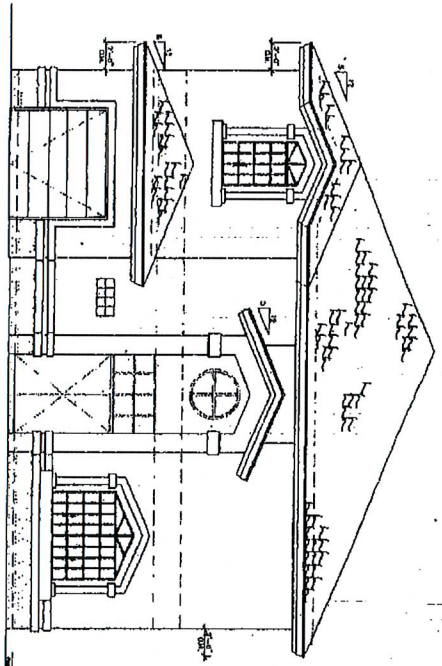
SEE GROUND FLOOR FOR  
 DIMENSIONS AND  
 FINISHES  
 ALL DIMENSIONS IN  
 FEET AND INCHES  
 UNLESS OTHERWISE  
 NOTED  
 1/8" = 1'-0"

A-1	DATE	1-20-84
	SCALE	1/8" = 1'-0"
A-1	NO.	1-20-84
	REV.	
A-1	DATE	1-20-84
	SCALE	1/8" = 1'-0"

**MODEL 1 - FLOOR PLANS**  
**DUNWOODY LAKE**

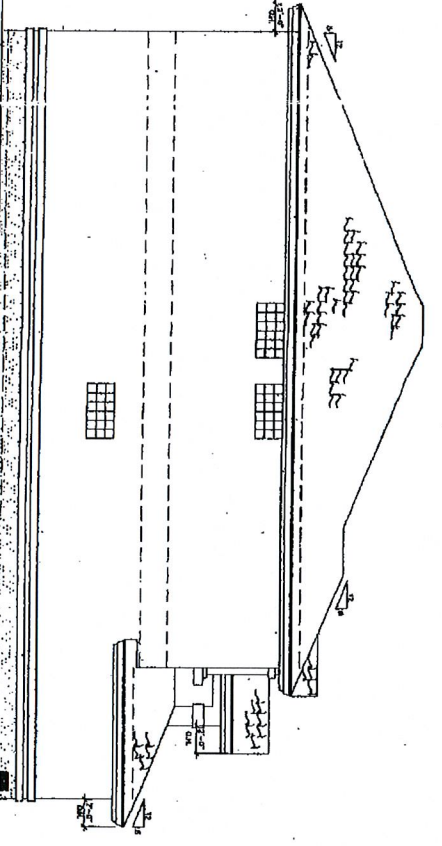
**arkidesign Inc.**  
 21804 West Dixie Highway  
 North Miami Beach, FL 33160  
 (305) 851-8383

meyer gorin  
 architects  
 P.A. #1920



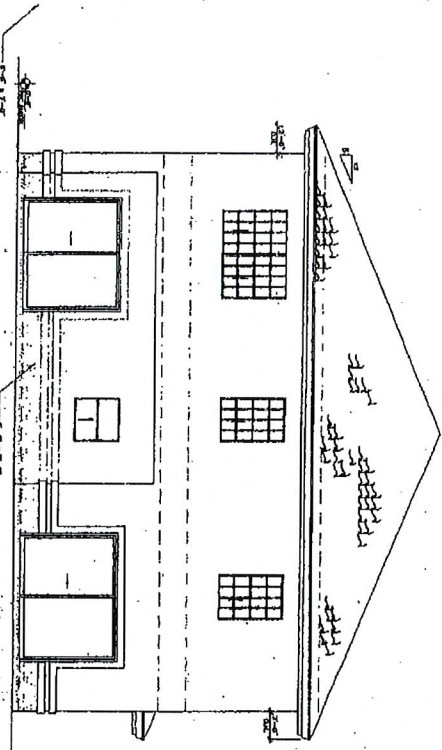
MODEL 1 - ELEVATION (FRONT)

SCALE 1/8"=1'-0"



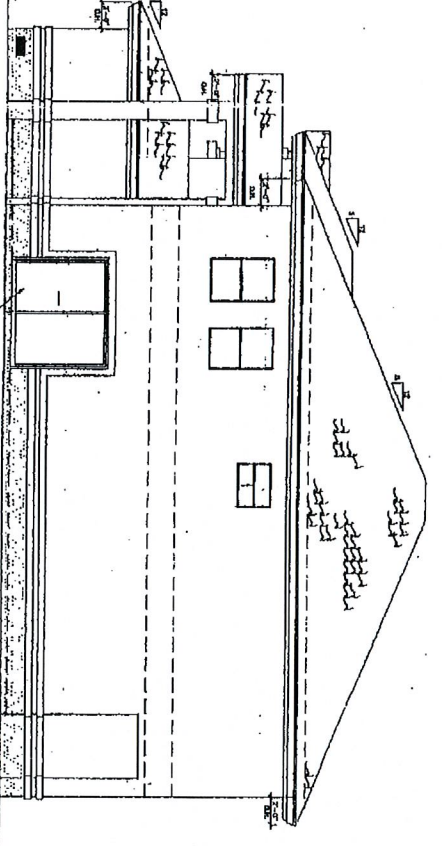
MODEL 1 - ELEVATION (SIDE)

SCALE 1/8"=1'-0"



MODEL 1 - ELEVATION (REAR)

SCALE 1/8"=1'-0"



MODEL 1 - ELEVATION (SIDE)

SCALE 1/8"=1'-0"

NOTES: 1-1/4"=1'-0"

DATE	BY	CHECKED	SCALE
11-27-84			1/8"=1'-0"
PROJECT: MODEL 1 - ELEVATIONS			
LOCATION: DUNNWOODY LAKE			
DRAWING NO: 840301			

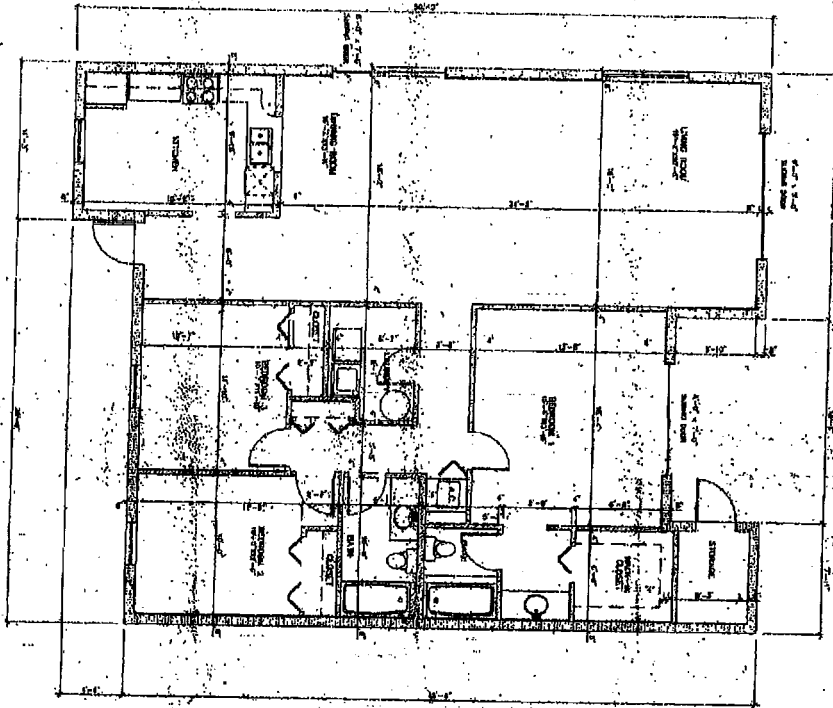


**arkidesign inc.**  
 21804 West Dixie Highway  
 North Miami Beach, FL 33160  
 (805) 851-5308

meyer gorin  
 architect  
 RA • 9700

MODEL 2

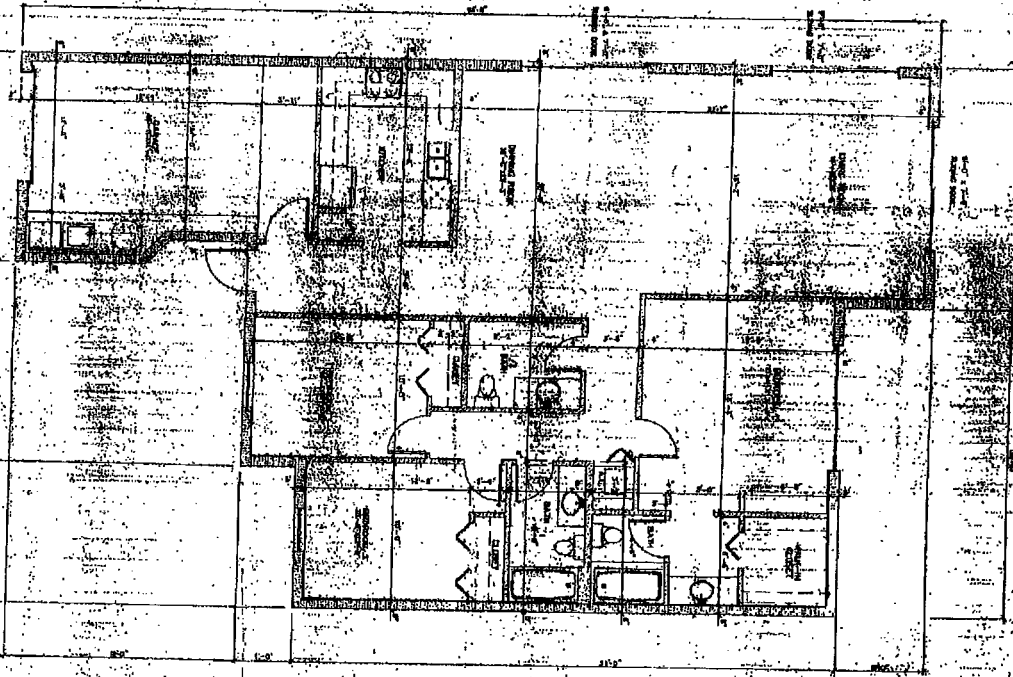
SCALE 1/8" = 1'-0"  
DATE 1/21/04



MODEL 2  
1 FLOOR  
3 BEDROOMS  
2 BATHS

MODEL 3

SCALE 1/8" = 1'-0"  
DATE 1/21/04



MODEL 3  
1 FLOOR  
3 BEDROOMS  
2 1/2 BATHS

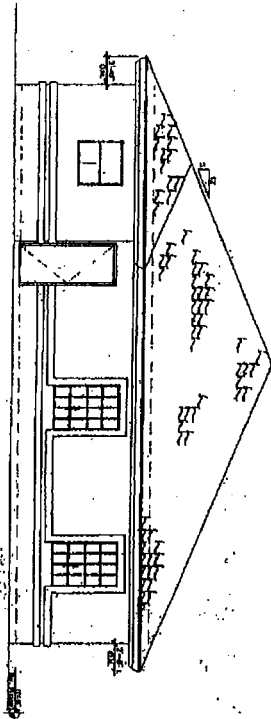
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2		
3		
4		
5		

MODEL 2 & 3 - FLOOR PLANS  
DUNNWOODY LAKE

**arkidesign inc.**  
21504 West Dixie Highway  
North Miami Beach, FL 33186  
(305) 831-5505

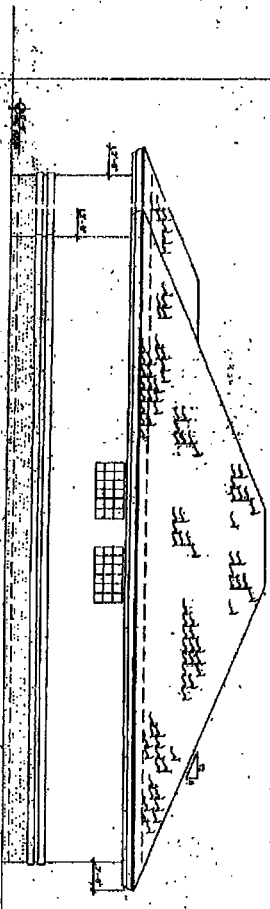
meyer goth  
architects  
141 WOOD





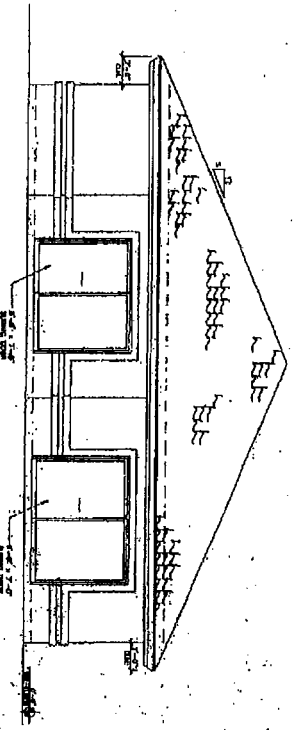
MODEL 2 - ELEVATION (FRONT)

SCALE 1/8"=1'-0"



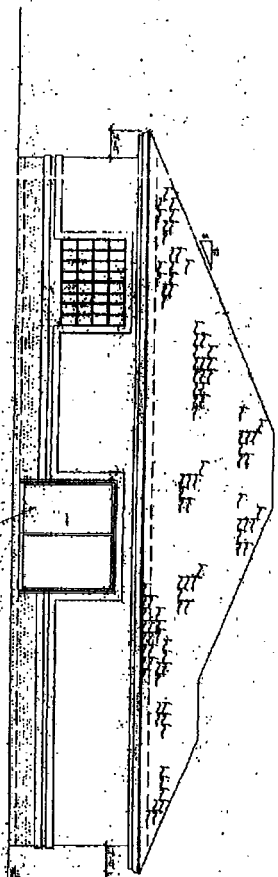
MODEL 2 - ELEVATION (SIDE)

SCALE 3/8"=1'-0"



MODEL 2 - ELEVATION (REAR)

SCALE 3/8"=1'-0"



MODEL 2 - ELEVATION (OTHER SIDE)

SCALE 3/8"=1'-0"

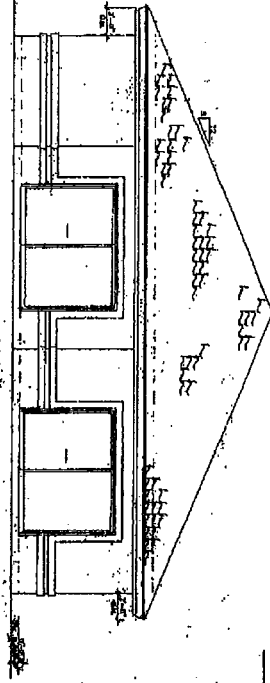
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1	11-20-84	PRELIMINARY
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3		
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6		
7		
8		
9		
10		

MODEL 2 - ELEVATIONS  
DUNNWOODY LAKE

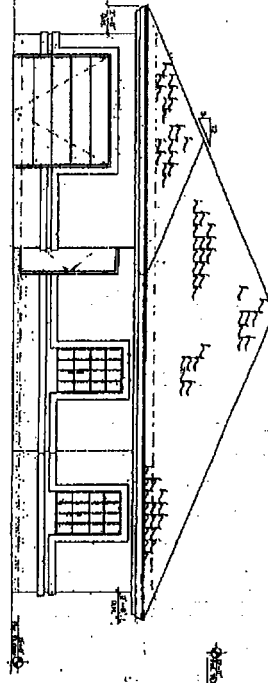
**arkidesign inc.**  
21804 West Dixie Highway  
North Miami Beach, FL 33160  
(305) 881-4388

meyer gerin  
architects  
EST. 1960

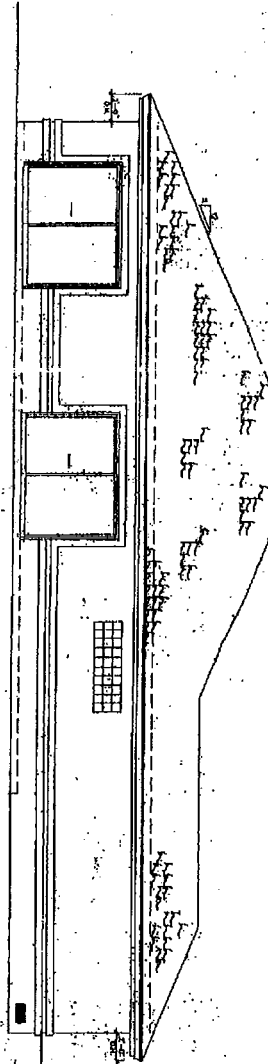
MODEL 3 - ELEVATION (REAR)



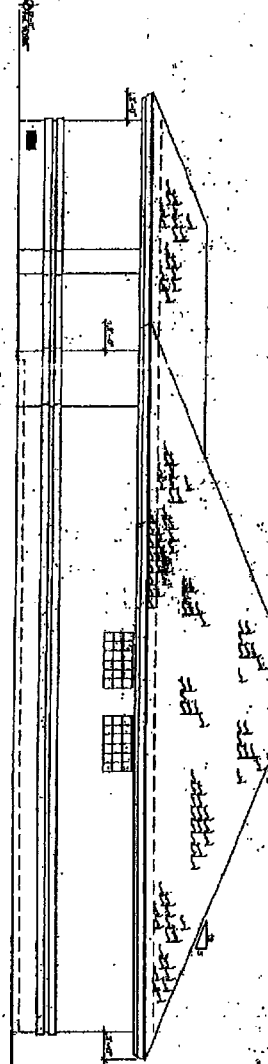
MODEL 3 - ELEVATION (FRONT)



MODEL 3 - ELEVATION (SIDE)



MODEL 3 - ELEVATION (SIDE)



DATE	1/17/74	BY	ep	CHECKED	ep
SCALE	1/4" = 1'-0"	PROJECT	2301-AE	NO.	1
LOCATION	DUNNWOODY LAKE				

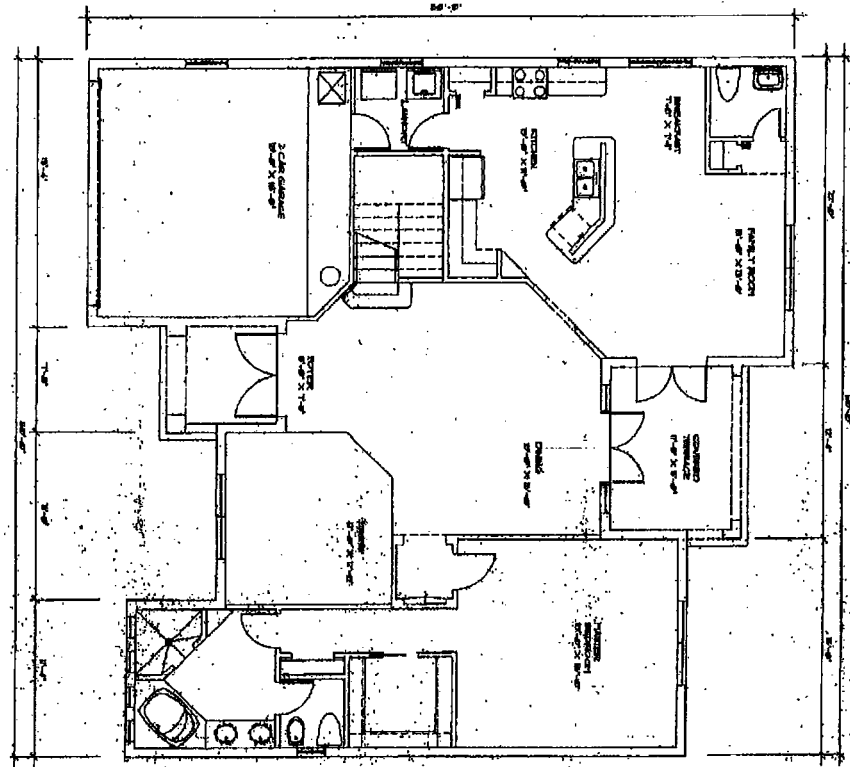
MODEL 3 - ELEVATIONS  
DUNNWOODY LAKE



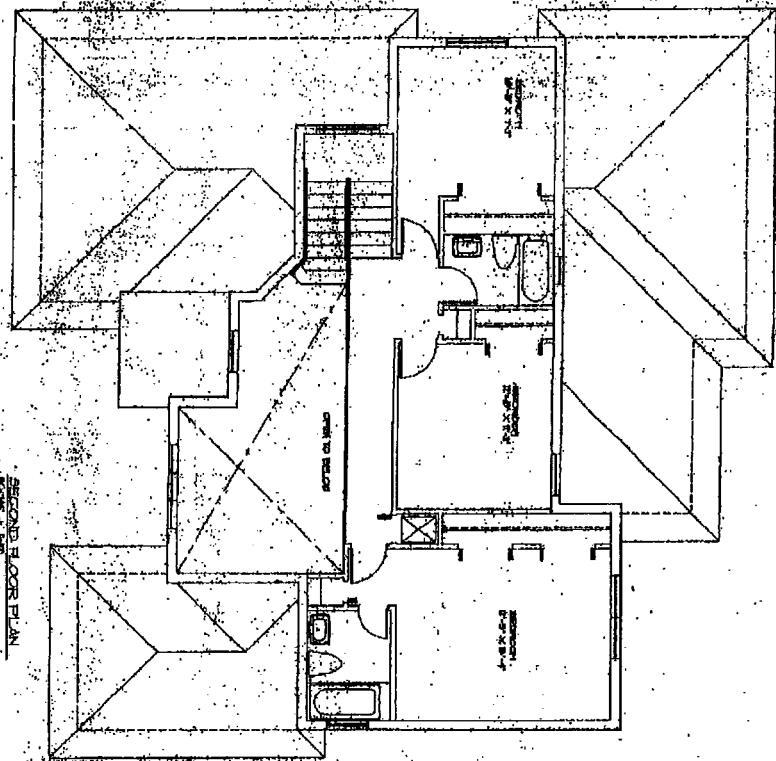
arkidesign inc.  
21804 West Dixie Highway  
North Miami Beach, FL 33162  
(305) 921-5525

mayer goftin  
architect  
LA • 1980

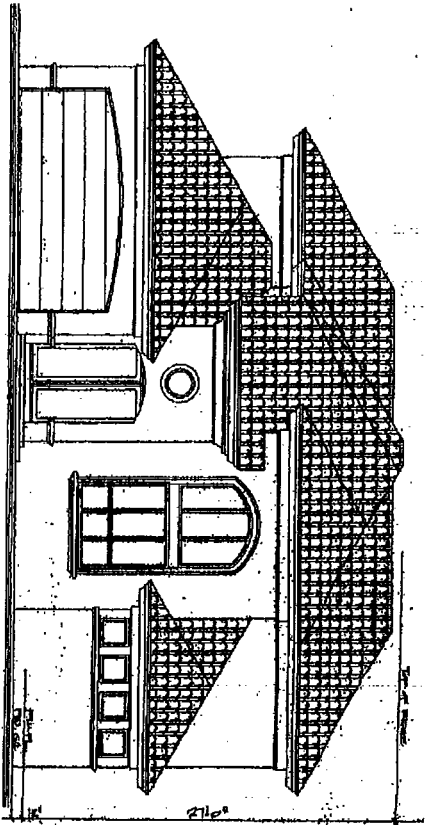
SECOND FLOOR PLAN



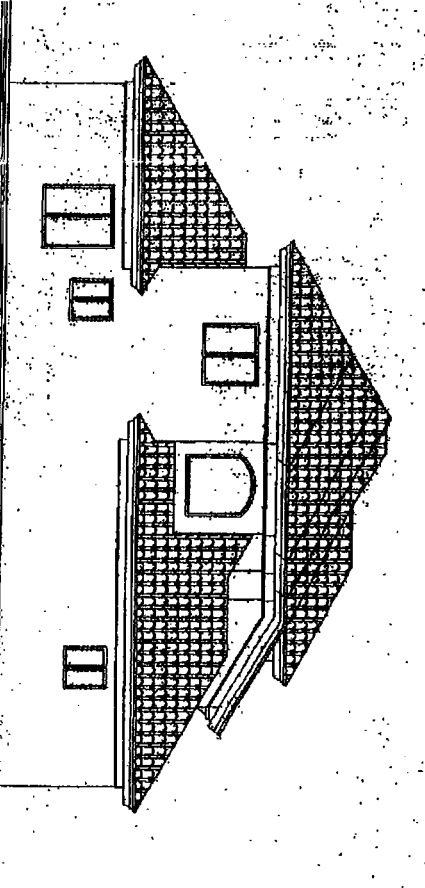
SECOND FLOOR PLAN



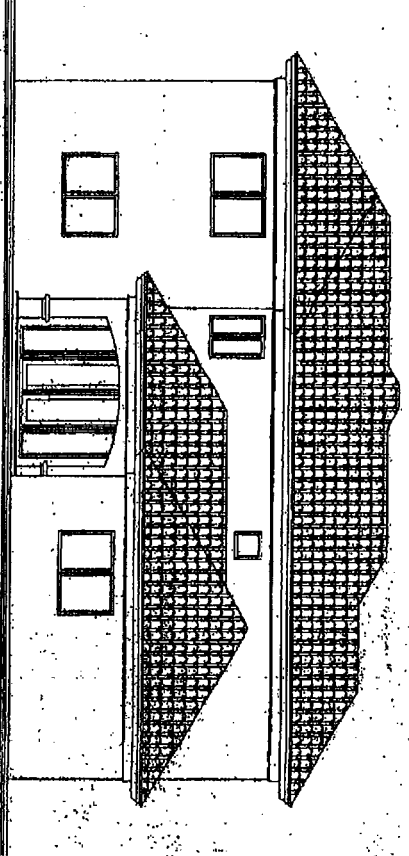
MODEL A



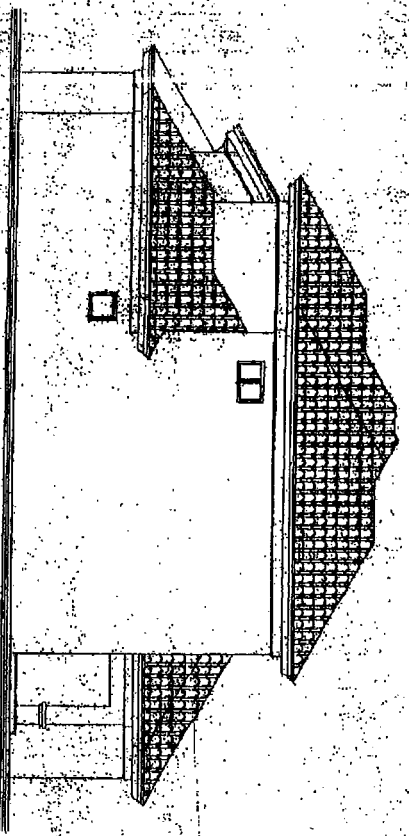
FRONT ELEVATION



LEFT-SIDE ELEVATION



REAR ELEVATION



RIGHT-SIDE ELEVATION

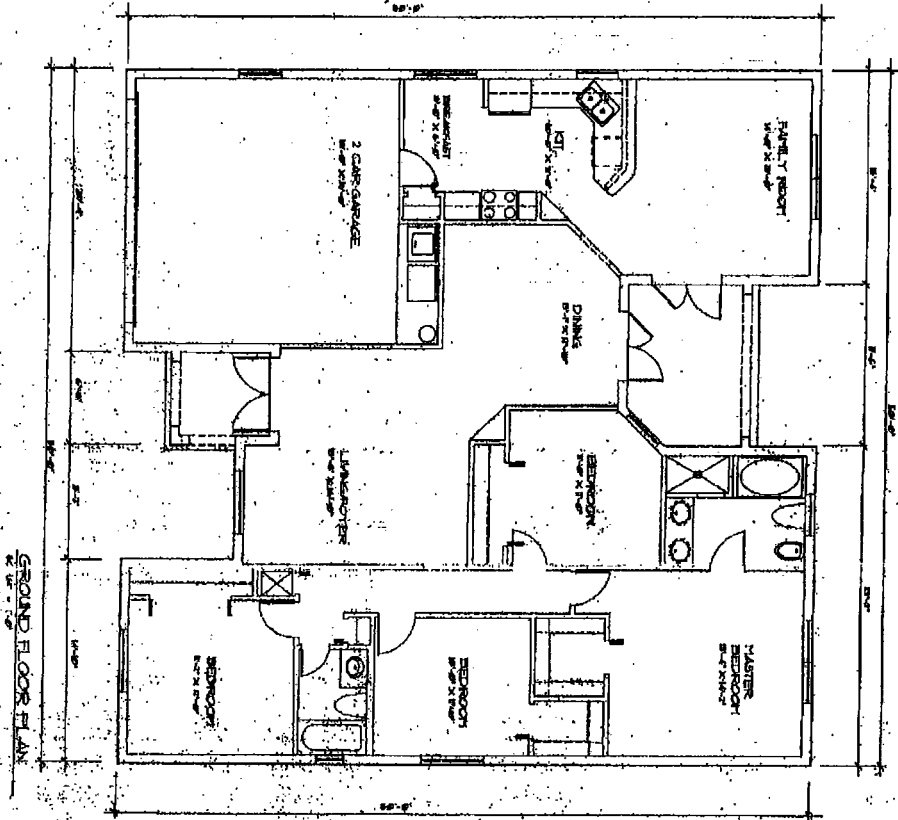
MODEL 'A'



DUNNWOODY LAKE

ALBERT O. GONZALEZ  
 ARCHITECT  
 1171 N.W. 146TH ST., PLEASANT LAKES, FLA. 33066  
 (305) 821-0233 FAX (305) 821-0231

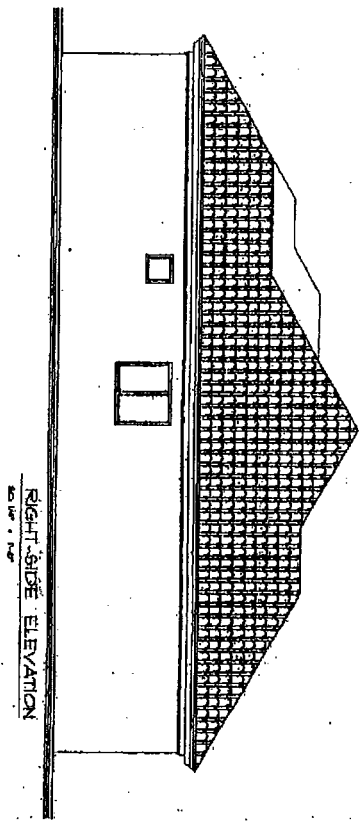
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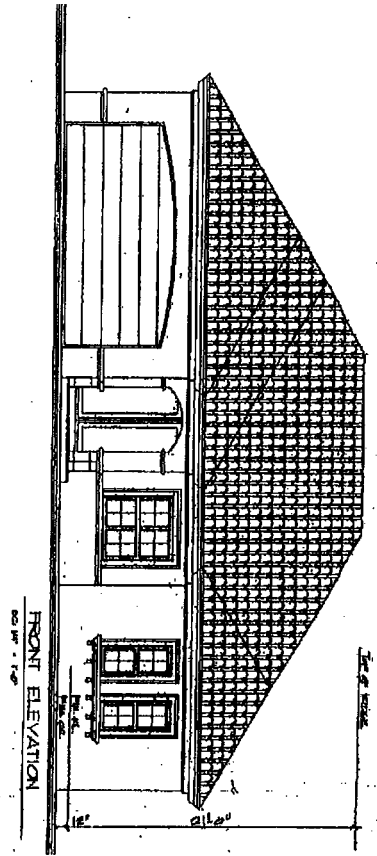
SECOND FLOOR PLAN

MODEL 'B'

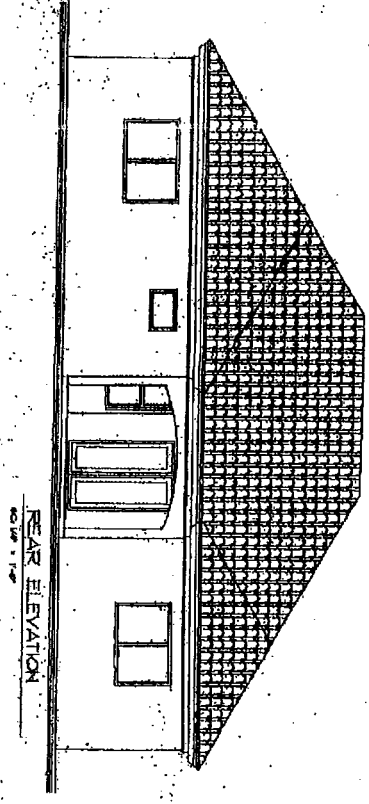
A-6	DUNNWOODY LAKE	<b>ALBERT O. GONZALEZ</b> ARCHITECT 1111 NW 14TH ST. MIAMI LAKES, FLA. 33016 (305) 671-6589 FAX (305) 671-6571	AR-001065
	DATE		
	SCALE		
	DRAWN BY		



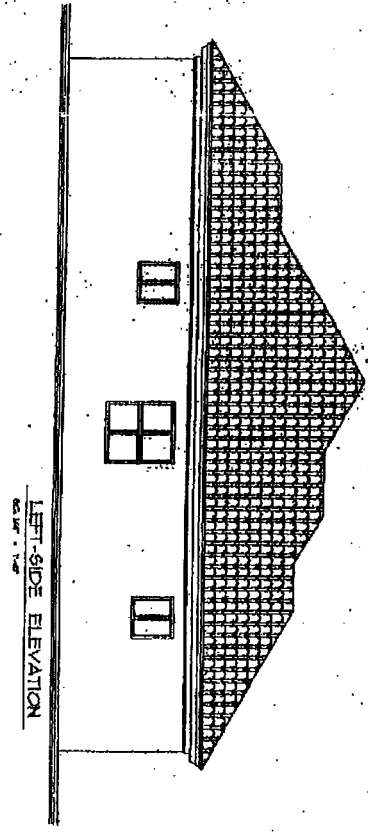
RIGHT-SIDE ELEVATION  
NO. 107 - 1/2" = 1'-0"



FRONT ELEVATION  
NO. 107 - 1/2" = 1'-0"



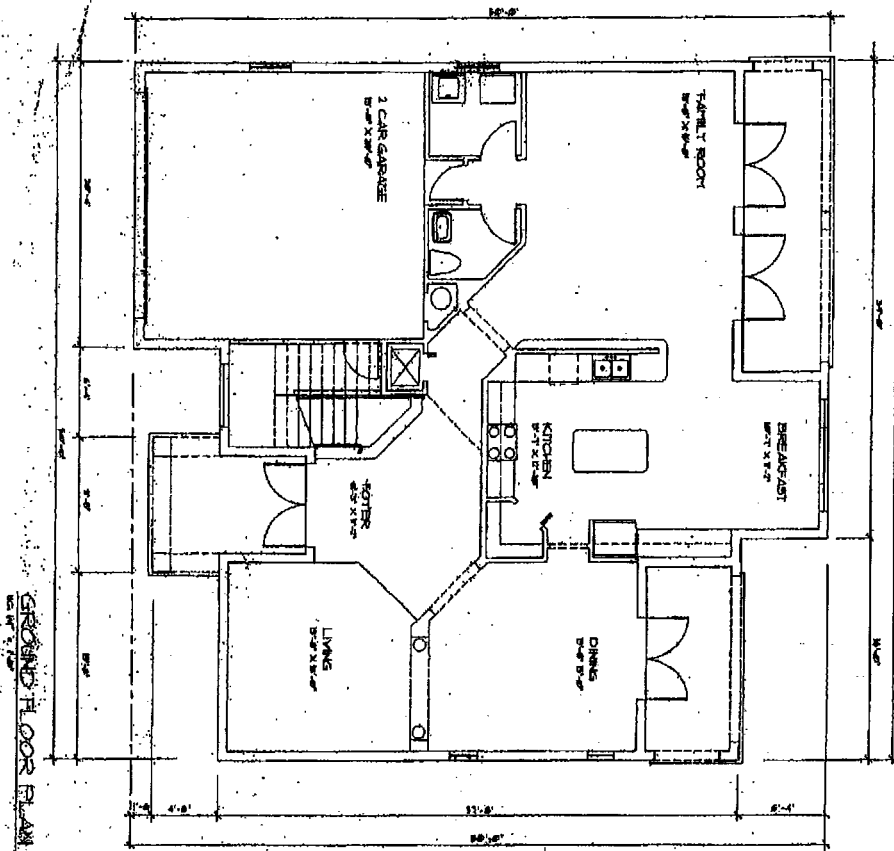
REAR ELEVATION  
NO. 107 - 1/2" = 1'-0"



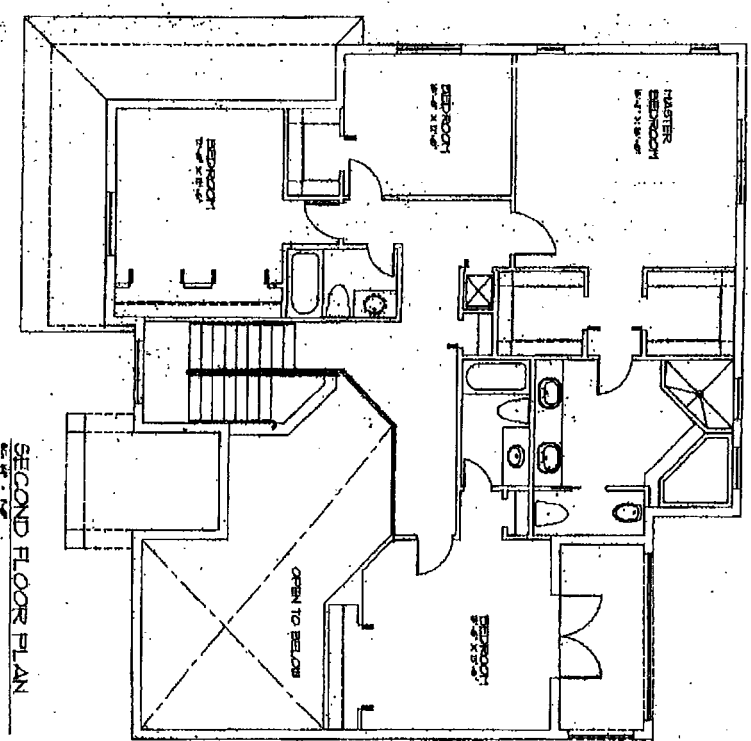
LEFT-SIDE ELEVATION  
NO. 107 - 1/2" = 1'-0"

MODEL B

A-1	DUNNWOODY LAKE	ALBERT O. GONZALEZ ARCHITECT 7111 NW 146TH ST. MIAMI LAKES, FLA. 33196 (305) 421-2022 FAX (305) 421-2072
-----	----------------	---



SECOND FLOOR PLAN



SECOND FLOOR PLAN

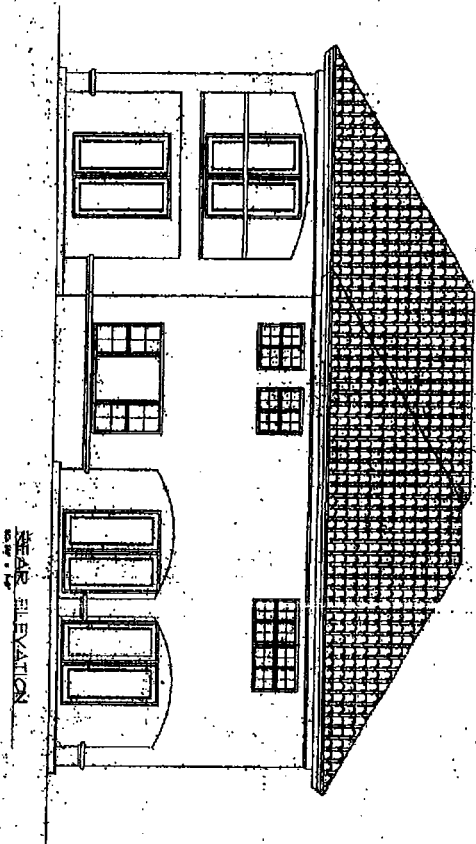
MODEL 'C'

NO.	DATE	BY	CHKD.

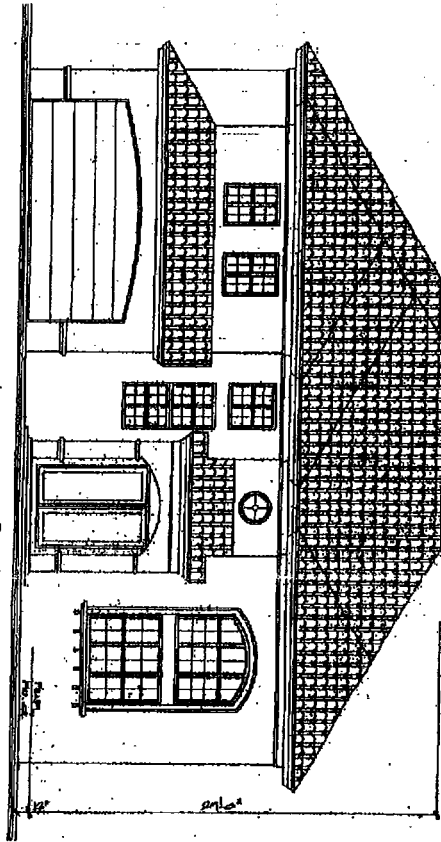
DUNNWOODY LAKE

ALBERT O. GONZALEZ  
 ARCHITECT  
 1171 N.W. 14TH ST., MIAMI LAKES, FLA. 33056  
 (305) 851-8553 FAX (305) 851-9511

AR-2601563



REAR ELEVATION



FRONT ELEVATION

MODEL 'C'

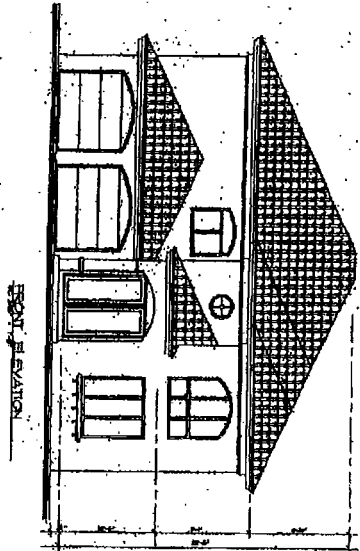
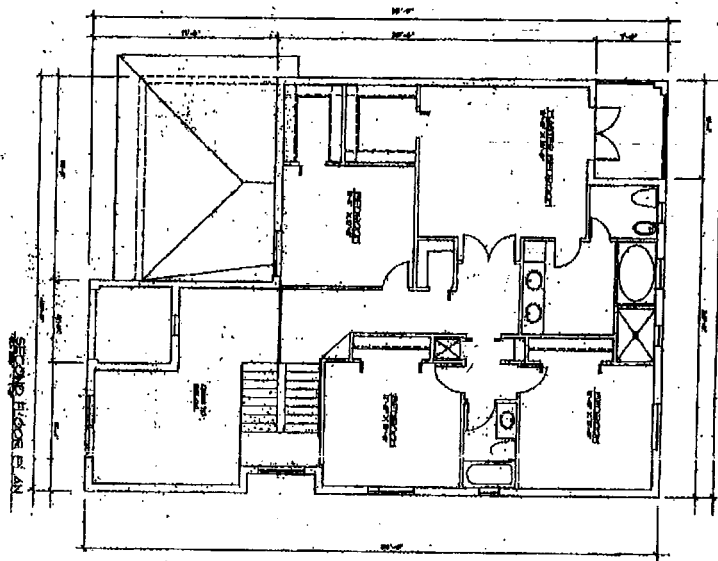
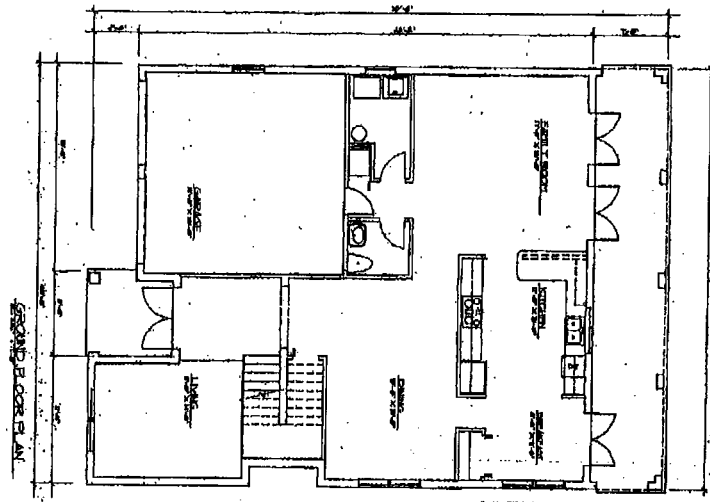
A-6

DUNNWOODY LAKE

ALBERT O. GONZALEZ  
 ARCHITECT  
 1111 N.W. 146TH ST., MIAMI LAKES, FLA. 33016  
 (305) 831-8339 FAX (305) 831-8371

AP-001062





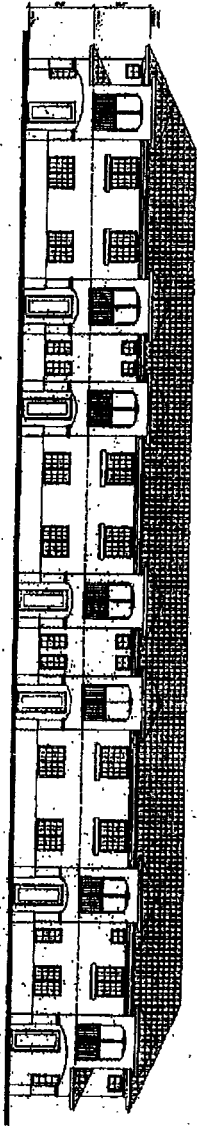
MODEL 'D'

NO.	DESCRIPTION
1	PLAN
2	ELEVATION
3	SECTION
4	DETAIL
5	FINISH
6	MECHANICAL
7	ELECTRICAL
8	PAINT
9	LANDSCAPE
10	OTHER

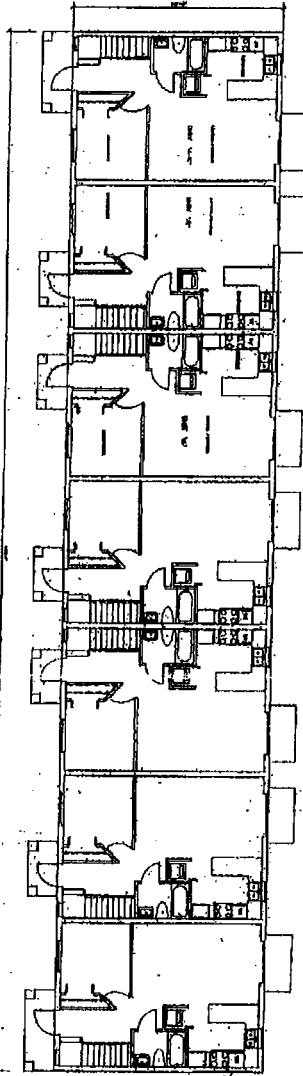
DUNNWOODY LAKE

ALBERT O. GONZALEZ  
 ARCHITECT  
 1111 NW 16TH ST. MIAMI LAKE, FLA. 33056  
 (305) 421-8888 FAX (305) 871-8811

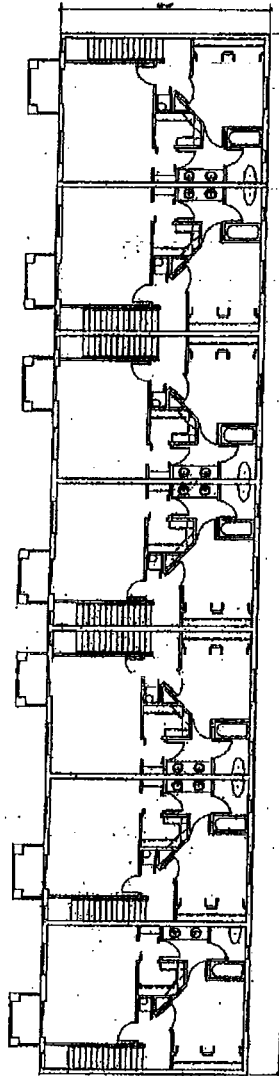
AP-007563



17. ELEVATION  
SOUTH SIDE



18. FLOOR PLAN  
SOUTH SIDE



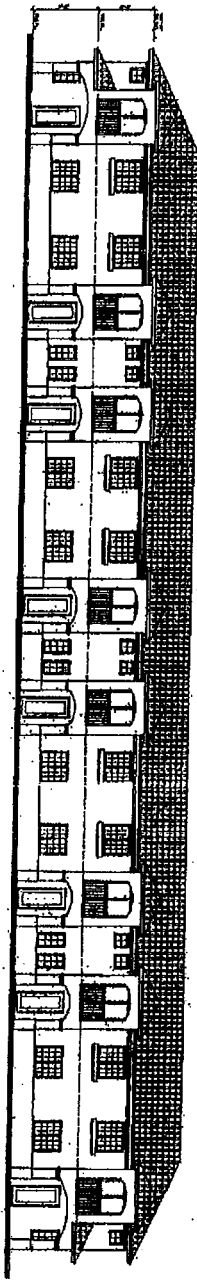
9-A

DATE	
SCALE	
PROJECT	
NO.	
BY	
CHECKED	
DATE	

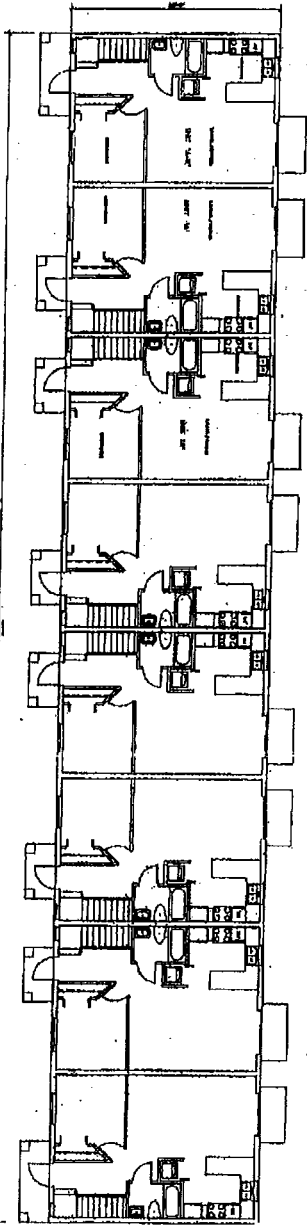
DUNNWOODY LAKE

ALBERT O. GONZALEZ  
ARCHITECT  
1111 NW 146TH ST. MIAMI LAKES, FLA 33016  
(305) 621-6933 FAX (305) 621-6211

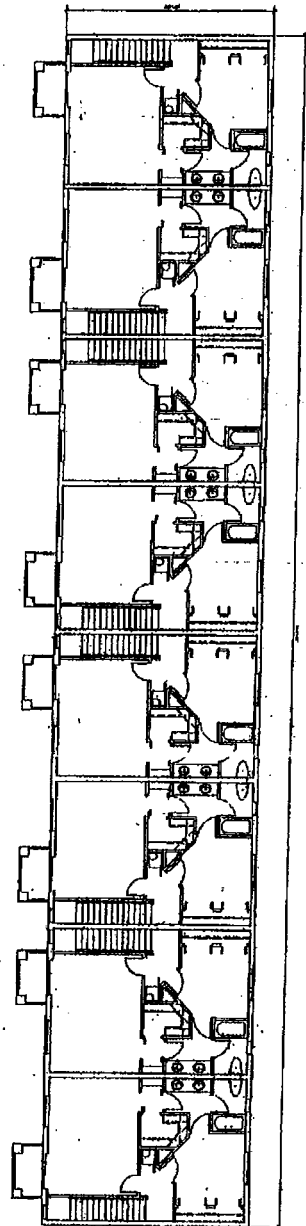
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DATE	
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DATE	



SECTION A-A



SECTION B-B  
PLAN  
SECTION CENTER



SECTION C-C

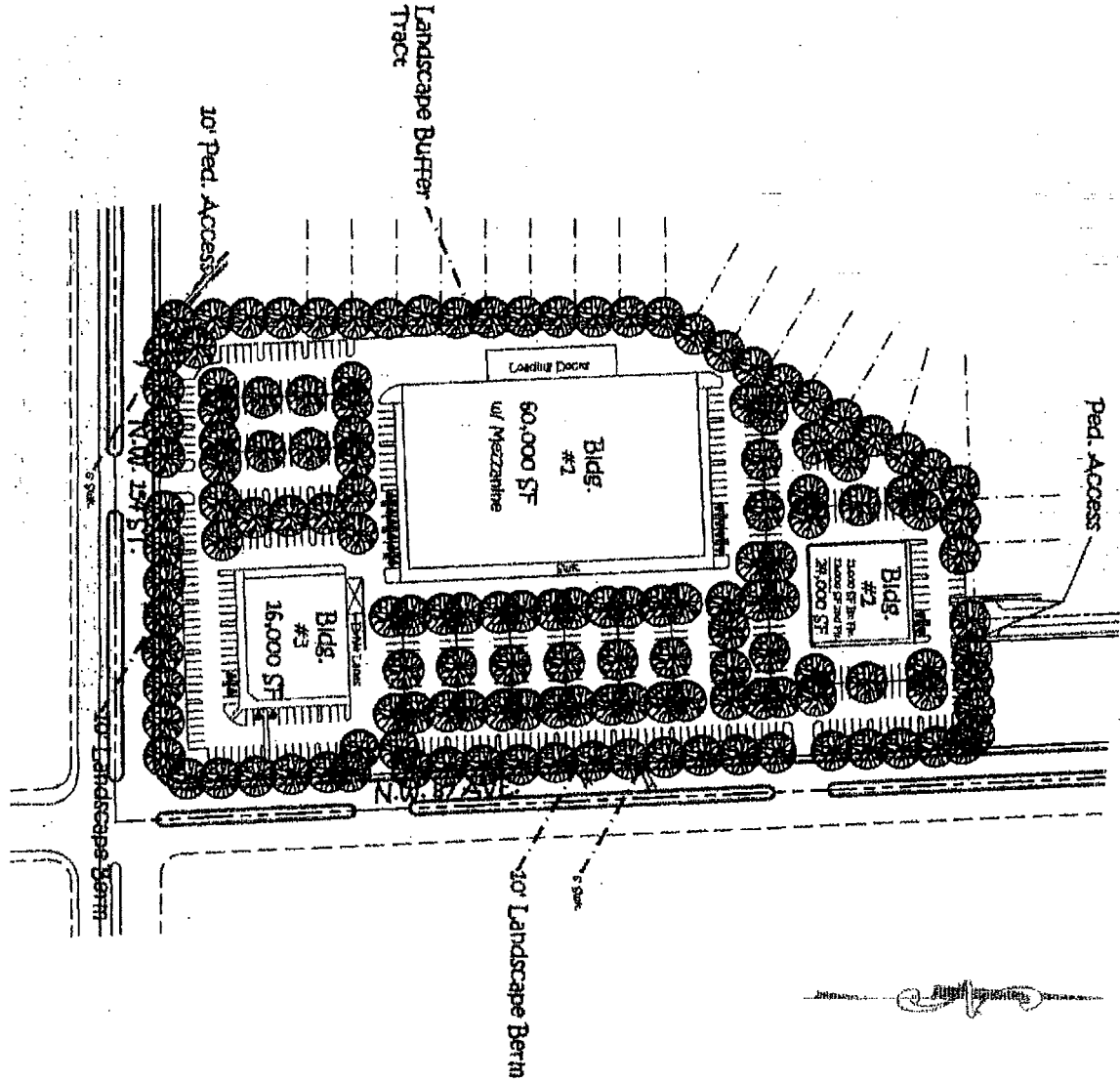
A-7

DUNNWOODY LAKE

ALBERT O. GONZALEZ  
ARCHITECT  
1711 NW 16TH ST. MIAMI LAKES, FLA. 33016  
(305) 827-9233 FAX (305) 637-8811

ARL-000865

NO.	DATE	DESCRIPTION

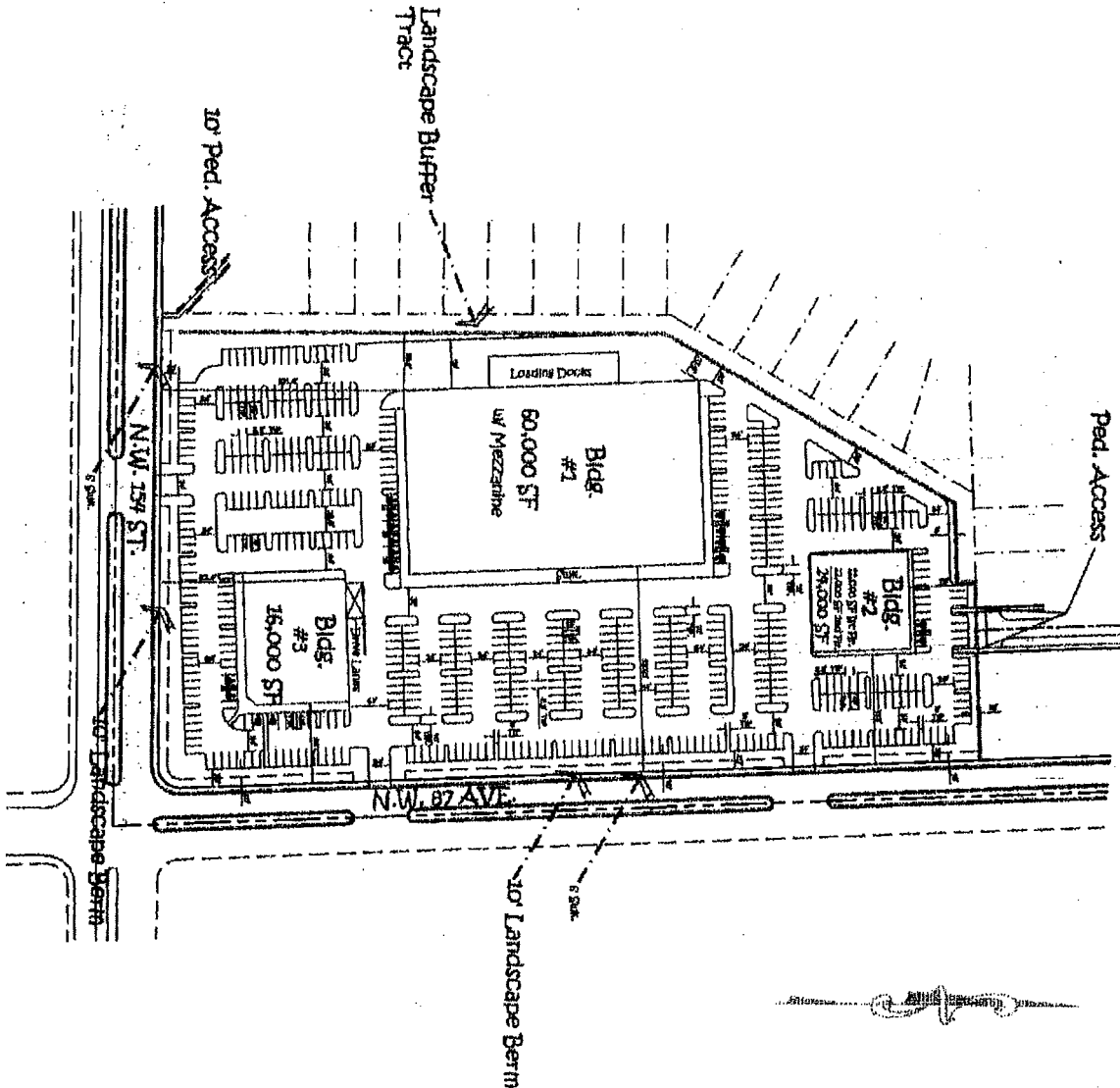


**LANDSCAPE/LANDSCAPING**

DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1. 3" x 6" x 12" concrete curb	100	2.00	200.00
2. 4" x 6" x 12" concrete curb	100	2.00	200.00
3. 6" x 6" x 12" concrete curb	100	2.00	200.00
4. 8" x 6" x 12" concrete curb	100	2.00	200.00
5. 10" x 6" x 12" concrete curb	100	2.00	200.00
6. 12" x 6" x 12" concrete curb	100	2.00	200.00
7. 14" x 6" x 12" concrete curb	100	2.00	200.00
8. 16" x 6" x 12" concrete curb	100	2.00	200.00
9. 18" x 6" x 12" concrete curb	100	2.00	200.00
10. 20" x 6" x 12" concrete curb	100	2.00	200.00
11. 22" x 6" x 12" concrete curb	100	2.00	200.00
12. 24" x 6" x 12" concrete curb	100	2.00	200.00
13. 26" x 6" x 12" concrete curb	100	2.00	200.00
14. 28" x 6" x 12" concrete curb	100	2.00	200.00
15. 30" x 6" x 12" concrete curb	100	2.00	200.00
<b>TOTAL</b>			<b>2000.00</b>

<p>PROJECT: COMMERCIAL TRACT LANDSCAPE PLAN          PLACE: DUNNWOODY LAKE          PREPARED BY: BETTY &amp; LOWELL DUNN</p>	<p><b>ROBAYNA AND ASSOCIATES INC.</b>          ENGINEERS PLUMBERS DRAINAGE          2100 VINE STREET SUITE 101          GAITHERSBURG, MD 20878          301.251.8218</p>	<p>DATE: APR 1 1991          SCALE: 1"=50'          SHEET NO. 10-02-02</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	DATE	BY								
NO.	DESCRIPTION	DATE	BY												

EXHIBIT 'E'



DATA

PROPOSED ZONING BU-1A

AREAS

NET SITE AREA	TOTAL BUILDING AREA	PARKING AREA	LANDSCAPE AREA	TOTAL FLOOR AREA	FAR	REQUIRED/ALLOWED
413,977 SF	88,000 SF	271,811 SF	18,168 SF	100,000 SF	100,000/413,977 = 0.24	100.00% 11.5%
2,102 AC	5.46 AC	0.44 AC	1.38 AC			

PARKING

REQUIRED	PROVIDED	REQUIRED/ALLOWED
100,000 SF / 250 SPACES	400 SPACES	12 SPACES

SETBACKS

REQUIRED/ALLOWED	PROVIDED (ACTUAL)
FRONT 20 FEET	90 FEET
REAR 15 FEET	75 FEET
SIDE 15 FEET	15 FEET
STREET SIDE 15 FEET	91 FEET
BUILDING HEIGHT 35 FEET	35 FEET (25'000)

LANDSCAPE BUFFERS

AN ADDITIONAL 20-FOOT LANDSCAPE BUFFER IS PROVIDED BETWEEN RESIDENTIAL AREA AND THE REAR OF THE BLDG. FACED. (AS SHOWN) A 10-FOOT LANDSCAPING BERM IS PROVIDED ALONG THE PUBLIC LIGHT OF W.A.T. PLUS AN ADDITIONAL 10' OF LANDSCAPING.

NOTES: LINES INDICATED AS PER RESTRICTIVE COVENANT.

PROJECT NO. <b>COMMERCIAL TRACT SITE PLAN</b> DUNNWOODY LAKE PREPARED BY <b>BETTY &amp; LOWELL DUNN</b>	<b>ROBAYNA</b> AND ASSOCIATES INC. ENGINEERING ARCHITECTS INTERIORS 2700 N. 17TH STREET, SUITE 100 DENVER, CO 80202 PHONE 353-1815	DATE: APR 1980 SCALE: AS SHOWN DRAWN BY: [Signature] CHECKED BY: [Signature] DATE: 10-02-80	SHEET NO. 5-5 TOTAL SHEETS 5-5
---	---	---	-----------------------------------

This instrument prepared by :  
Stanley B. Price, Esquire  
Bilzin Sumberg Dunn Baena Price & Axelrod LLP  
2500 First Union Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131-2336

(Space Above For Recorder's Use Only)

**DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owners hold the fee simple title to the land in the Town of Miami Lakes, Miami-Dade County, Florida, described in Exhibit "A" attached hereto and hereinafter called the "Property."

*WHEREAS*, Owners have filed a zoning application with the **Town of Miami Lakes** (sometimes referred to as the "Town") through the Miami-Dade County Department of Planning and Zoning referred to as Public Hearing Application No. 02-01 ("Application");

*IN ORDER TO ASSURE* the Town that the representations made to them by the Owners during consideration of Public Hearing No. 02-01 will be abided by the Owners, their successors or assigns freely, voluntarily and without duress, the Owners make the following Declaration of Restrictions covering and running with the Property:

- (1) That the Property shall be developed in substantial compliance with the plans entitled "Dunnwoody Lake" as prepared by Robayna and Associates, Inc., consisting of 8 sheets labeled S-1, S-4 and S-5 dated last revised October 2, 2002, sheets S-3, L-1 and L-3 dated last revised September 18, 2002, sheet S-2 dated last revised July 17, 2002, and sheet L-2 dated August 8, 2002.
- (2) That the residential development of the Property shall be limited to no more than 509 units. No zoning application to increase the density in excess of 509 residential units may be filed with the Town without the express written consent of the Royal Palm Homeowners Association or its successor thereto.
- (3) That notwithstanding the requested RU-3M zoning classification for the residential portion of the Property, the residential portion of the Property along the northern,

eastern and southern perimeters of the Property shall be limited to single-family detached homes as shown on the site plan described in paragraph one (1) herein.

- (4) The development of the residential portion of the site shall be phased such that there will be balanced and concurrent development of the represented housing types. Prior to the issuance of the first residential building permit, the Owners, their successors or assigns, shall submit to the Town for approval, a residential phasing plan in accordance with this paragraph.
- (5) The Owners, their successors or assigns, shall construct or cause to be constructed an automatically operated underground irrigation system to service all landscaped areas as shown on the site plan described in paragraph one (1). Prior to the issuance of the first residential building permit, the Owners, their successors or assigns, shall submit to the Town for approval, a residential landscaping and irrigation plan in accordance with this paragraph. Automatically operated irrigation will be provided in all parts of the development, including rights-of-way, parks, common areas and roads constructed by the Owners, their successors or assigns.
- (6) Prior to the submission of an application for the first building permit, Owners, their successors or assigns, will submit to the Town for approval a homeowners association document which will provide for high quality architectural controls, an architectural review committee and assurances that the maintenance of all properties within the subdivision will be maintained solely by the association and at no cost or liability to the Town. The homeowners association shall be fully responsible for the maintenance of the lake and landscaping within the subdivision.
- (7) At no cost to the Town, Owners, their successors or assigns, shall construct or cause to be constructed a wall along the residential portion of the east property line adjacent to N.W. 87th Avenue and the residential portion of the south property line adjacent to N.W. 154<sup>th</sup> Street, subject to approval of the Town. This wall shall also separate the commercial and residential properties. Maintenance and repair of the wall shall be the sole responsibility and obligation of the homeowners association as described in paragraph six (6) herein.
- (8) Recreational use of the lake as shown on the site plan described in paragraph one (1) herein shall exclude the operation of motorized vessels including, but not limited to, motorized boats and jet skis.
- (9) In order to help meet the future educational needs generated by this Application, the Owners, their successors or assigns, shall voluntarily contribute funds to the Town equal to Three Hundred Thousand Dollars (\$300,000) (the "Contribution"). However, this Contribution is intended to be used for educational purposes specifically serving the children of the Town. The total Contribution shall be made

**Declaration of Restrictions**

Page 3

in one (1) payment in the amount of \$300,000 prior to issuance of the first residential building permit for any portion of the Property or after the effective date of an executed interlocal agreement between the Town and the Miami-Dade County School Board, whichever is later. Once the interlocal agreement is in effect, the Contribution shall be transferred to the School Board pursuant to the interlocal agreement. The Owners, their successors or assigns, acknowledge and agree that the Contribution to the Town shall not entitle the Owners or their successors or assigns to a credit against the amount of the educational facilities impact fee that will be assessed against the future development of the Property under Chapter 33K of the Miami-Dade County Code. The Owners, their successors or assigns, intend to construct a total of 509 units and the amount of the contribution is based on this amount. To the extent that less than 509 units are approved by the Town Council of the Town, the amount of the Contribution shall be reduced on a pro rata basis.

- (10) Development of the commercial portion of the Property shall not commence until such time as the Owners, their successors or assigns, have presented the Town with a final site plan detailing the proposed commercial development(s) and the same has been approved by the Town after public hearing.
- (11) Despite the commercial zoning on a portion of the Property as depicted on the site plan referenced in paragraph one (1), the commercial uses shall be limited to:
  - (a) Grocery stores;
  - (b) Drugstores, including drive-thru facilities;
  - (c) Restaurants and drive-thru restaurants;
  - (d) Office buildings and related uses;
  - (e) Banking and financial institutions, including drive-thru facilities; and
  - (f) Other neighborhood retail and service uses.
- (12) The commercial portion of the Property shall not be developed with gasoline service stations, free-standing convenience stores, pawn shops, liquor stores, adult entertainment uses, or other uses specifically prohibited by the Town's Code of Ordinances.
- (13) That prior to the issuance of the first building permit, Owners, their successors or assigns, shall, at no cost to the Town, dedicate (a) to Miami-Dade County its portion of the required right-of-way for N.W. 87<sup>th</sup> Avenue in Section 16, Township 52 South, Range 40 East, and (b) to the Town its portion of the required right-of-way for N.W. 154<sup>th</sup> Street in Section 16, Township 52 South, Range 40 East.



- (14) Prior to issuance of the first residential building permit, Owners, their successors or assigns, shall construct or cause to be constructed N.W. 154<sup>th</sup> Street at no cost to the Town. Said construction shall be in accordance with the applicable standards of the Town and Miami-Dade County. Construction of N.W. 154<sup>th</sup> Street shall consist of constructing a four-lane roadway adjacent to N.W. 87<sup>th</sup> Avenue, from approximately N.W. 84<sup>th</sup> Avenue (from the west end of the current four lane section) to approximately 60 feet west of N.W. 89<sup>th</sup> Avenue, as illustrated on the plans described in paragraph one (1). The proposed construction of N.W. 154<sup>th</sup> Street shall connect to the ending paved roadway located west of N.W. 84<sup>th</sup> Avenue.
- (15) At no cost to the Town, Owners, their successors or assigns, shall construct or cause to be constructed lighted, landscaped, and irrigated roadway medians and swales along those portions of the roads adjacent to the Property which are constructed by them, including as applicable, N.W. 154<sup>th</sup> Street or the portion of N.W. 87<sup>th</sup> Avenue located in Section 16, Township 52 South, Range 40 East. Said lighting fixtures and landscaping design shall be comparable or higher than the aesthetic quality of roadway medians and swales existing in the immediate surrounding area, as acceptable to the Town.
- (16) Owners, their successors or assigns, agree that prior to the submission of an application for the first building permit, it will submit to the Town for approval a detailed plan illustrating all tot lots and parks as shown on the plans detailed in paragraph one (1). The Property shall contain at least 3.85± acres of parks or Owners, their successors or assigns shall provide to the Town the fair market value cash contribution on a pro rata basis for any deficiency for park land as amended by the Town's Comprehensive Plan. The Owners, their successors or assigns agree that such park acreage or cash contribution in lieu of park acreage shall not entitle the Owners, their successors or assigns to a credit against the amount of park impact fees that will be assessed against the future development of the Property under the park impact fee ordinance.
- (17) **Sale of Property to Fire Department.**
- (a) In order to further address the impact of the development of the Property on the Miami-Dade County Fire Rescue Department (the "Fire Department"), and to help meet the future Fire Department needs generated by this application and other development in the Town, the Owners, their successors or assigns, hereby agree to offer to the Fire Department for the construction of a fire rescue station that certain site consisting of approximately 200' x 200' located due west of the commercial property as depicted on the plans

referenced in paragraph one (1) and fronting on N.W. 154<sup>th</sup> Street. A copy of the proposed area is attached as Exhibit "B" to this Agreement ("Fire Department Site").

- (b) The Fire Department shall have, until April 9, 2003, an irrevocable option to purchase the Fire Department Site. The Fire Department must exercise this option in writing, to the Owners, their successors or assigns, within this period, or the option automatically expires at which time the Owners, their successors or assigns, are under no obligation whatsoever to sell the Fire Department Site to the Fire Department and the Fire Department Site will be developed with residential units substantially in accordance with the site plans referenced in paragraph one (1). However, if the Fire Department exercises its option, the Fire Department shall have until October 9, 2003 to close on the Fire Station Site.

If the Fire Department exercises its option referenced in this paragraph 17, the Owners must provide a legal description of the Fire Department Site. The Fire Department shall, at its own expense, secure an appraisal for the Property to determine the fair market value of the Property. In the event the Owners, their successors or assigns dispute the appraisal amount, Owner shall be entitled to obtain an additional appraisal at its own expense. If the two appraisals differ by less than 5 %, the Fire Department appraisal shall govern. In the event the appraisals differ by greater than 5%, the Fire Department and Owners shall agree on a third appraisal. The Fire Department and Owners, their successors or assigns shall be bound by either the original Fire Department appraisal or the third appraisal, whichever is greater.

- (c) Should the Fire Department elect to purchase the Fire Department Site, it shall be responsible for their costs associated with rezoning the Fire Department Site with the Town of Miami Lakes, and for all costs associated with replatting the Fire Department Site to create a separate platted parcel. The Owners, their successors or assigns agree to fully cooperate and execute all documents necessary to effectuate the change in the approved site plan.
- (d) In the event the Fire Department elects to exercise its option, final transfer of the Property shall occur by a warranty deed free of all encumbrances and liens.
- (e) The Owners, its successors or assigns agree that the sale of the Fire Department Site to the Fire Department shall not entitle the Owners, their successors or assigns to a credit against the amount of fire impact fees that

will be assessed against the future development of the Property under Chapter 33J of the Code of Miami-Dade County.

- (f) Owners, their successors or assigns shall provide all utilities including water lines, sewer lines, electric service, and telephone service at the perimeter of the Fire Department Site in a sufficient operational state to meet all applicable building and zoning codes and support full development of a fire station. The Owners, their successors or assigns shall provide, at their expense, paved road access along N.W. 154<sup>th</sup> Street to the fire station site.
  - (g) Nothing contained in this paragraph 17 of this Agreement shall be interpreted to preclude Owners, their successors or assigns from proceeding with the development of the remainder of the Property during the above-described option period, except for the Fire Department Site.
- (18) **Town Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the Town of Miami Lakes, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
- (19) **Covenant Running with the Land.** This Declaration on the part of the Owners shall constitute a covenant running with the land and shall be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors or assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.
- (20) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by a majority of the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by the Town of Miami Lakes.

(21) **Modification, Amendment, Release.**

- (a) This Declaration may be modified, amended or released as to the residential portion of the Property herein described, or any portion thereof, by a written instrument, including joinders of all mortgagees, if any, executed by the then owner(s) of all of the residential portion of the Property provided that the same is also approved by the Town Council after public hearing.
- (b) This Declaration may be modified, amended or released as to the commercial portion of the Property herein described, or any portion thereof, by a written instrument, including joinders of all mortgagees, if any, executed by the then owner(s) of all of the commercial portion of the Property provided that the same is also approved by the Town Council after public hearing.
- (c) Should this Declaration be so modified, amended or released, the Town Manager or the executive officer of the successor of such Town Manager, or in the absence of such Manager or executive officer, by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

(22) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his or her attorney. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

(23) **Authorization for Town of Miami Lakes to Withhold Permits and Inspections.** In the event payments or improvements or donations are not made in accordance with the terms of this Declaration, in addition to any other remedies available, the Town is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

(24) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Declaration of Restrictions**

Page 8

- (25) **Severability.** Invalidation of any one of these covenants, by judgment of Court, in no way shall affect any of the other provisions which shall remain in full force and effect.
  
- (26) **Recording.** This Declaration shall become final and shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the adoption by the Town Council of a final ordinance approving the application and expiration of all appellate time frames.

[SIGNATURE PAGES FOLLOW]

Declaration of Restrictions

Page 9

Signed, witnessed, executed and acknowledged this \_\_\_ day of \_\_\_\_\_, 2002.

Witnesses:

*[Handwritten Signature]*  
\_\_\_\_\_  
Lowell S. Dunn

Print Name: *[Handwritten Signature]*  
\_\_\_\_\_  
Jhanna Moreno

Print Name: *[Handwritten Signature]*  
\_\_\_\_\_  
Mercy CANOURA

*[Handwritten Signature]*  
\_\_\_\_\_  
Betty L. Dunn

Print Name: *[Handwritten Signature]*  
\_\_\_\_\_  
Jhanna Moreno

Print Name: *[Handwritten Signature]*  
\_\_\_\_\_  
Mercy CANOURA

STATE OF FLORIDA }  
COUNTY OF MIAMI-DADE } ss.

The foregoing instrument was acknowledged before me this 4 day of OCTOBER, 2002 by LOWELL S. DUNN who is personally known to me or produced a valid driver's license as identification.

Notary Public  
Sign Name: *[Handwritten Signature]*  
Print Name: KATHY M RANGEL  
My Commission Expires: 7-8-03  
Serial No. (None, if blank): CC852844

[NOTARIAL SEAL]

OFFICIAL NOTARY SEAL  
KATHY M RANGEL  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC852844  
MY COMMISSION EXP. JULY 8, 2003

STATE OF FLORIDA }  
COUNTY OF MIAMI-DADE } ss:

The foregoing instrument was acknowledged before me this 4 day of OCTOBER, 2002 by BETTY L. DUNN who is personally known to me or produced a valid driver's license as identification.

Notary Public

Sign Name: Kathy M Rangel

Print Name: KATHY M RANGEL

My Commission Expires: 7-8-2003

Serial No. (None, if blank): CC852844

[NOTARIAL SEAL]

OFFICIAL NOTARY SEAL  
KATHY M RANGEL  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC852844  
MY COMMISSION EXP. JULY 8, 2003

EXHIBIT A

## LEGAL DESCRIPTION

DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH RANGE 40 EAST:

LESS  
BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16, THENCE N89°34'49"E ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET, THENCE N00°25'14"W FOR A DISTANCE OF 140.00 FEET, THENCE S89°34'48"W FOR A DISTANCE OF 1197.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, THENCE S02°37'29"E FOR A DISTANCE OF 140.05 FEET TO THE POINT OF BEGINNING.  
CONTAINING 156.20 ACRES MORE OR LESS.



EXHIBIT "B"

LEGAL DESCRIPTION OF THE PROPOSED FIRE STATION SITE

A PORTION OF LAND LYING AND BEING AT THE SE ¼ OF SECTION 16,  
TOWNSHIP 52 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA;  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SE CORNER OF SAID SECTION 16; THENCE S89°34'49"W,  
ALONG THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 16 FOR A  
DISTANCE OF 553.30 FEET TO A POINT; THENCE N00°25'11"W FOR 50.00 FEET  
TO THE POINT OF BEGINNING; THENCE CONTINUE N00°25'11"W FOR 205.00  
FEET; THENCE S89°34'49"W FOR 183.65 FEET; THENCE S 29°27'42"W FOR 32.70  
FEET; THENCE S00°25'11"E FOR 176.55 FEET TO A POINT ON A LINE 40 FEET  
NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SE ¼ OF  
SECTION 16; THENCE N89°34'49"E ALONG THE PREVIOUSLY DESCRIBED  
LINE FOR 200.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.94  
ACRES MORE OR LESS.

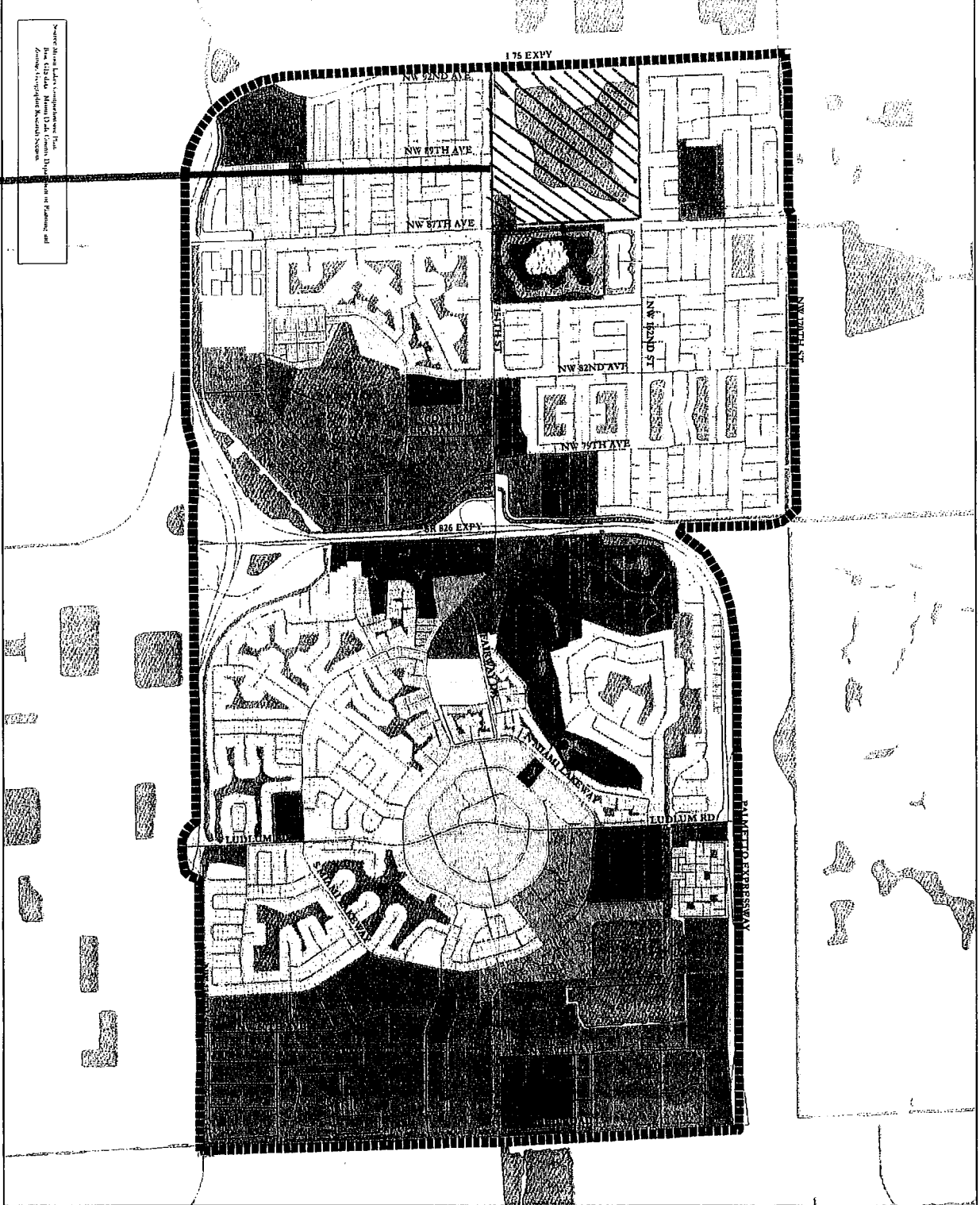
**EXHIBIT 9**

**FUTURE LAND USE**



# Town of Miami Lakes Future Land Use Element Data Inventory and Analysis

Figure 1-3:  
Future Land Use Map



**Legend**

- Low-Density Residential
- Low-Medium Density Residential
- Medium Density Residential
- Medium-High Density Residential
- Town Center Mixed-Use
- Office/Residential
- Institutional and Public Facility
- Business and Office
- Industrial and Office
- Parks and Recreation
- Environmentally Protected Parks
- Transportation
- Lakes and Canals
- Town of Miami Lakes Boundary
- Roads

0 0.5 1  
Miles

W N  
S E

**Kimley-Horn  
and Associates, Inc.**  
04453141

Boundaries of the District

**EXHIBIT 10**

**STATEMENT OF ESTIMATED REGULATORY COSTS**

**STATEMENT OF ESTIMATED REGULATORY COSTS**  
**Centre Lake Community Development District**

**1.0 Introduction**

**1.1 Purpose**

This statement of estimated regulatory costs (“SERC”) supports the petition to form the Centre Lake Community Development District (“District” or “CDD”), and other affiliated and participating companies (“Petitioners”) are planning a 146 +/- acre residential community, (“Project”), located west of NW 87<sup>th</sup> Avenue, south of NW 162 Street and north of NW 154<sup>th</sup> Street in the Town of Miami Lakes (“Town”), Miami-Dade County (“County”), Florida.

The District will provide community infrastructure that will serve all the land in the proposed District. The District plans to provide community infrastructure including, but not necessarily limited to, stormwater management system, water distribution system, wastewater collection system, off-site roadway improvements, and perimeter landscaping (the “Infrastructure”). The District plans to finance the Infrastructure by issuing bonds (“Bonds”) secured by, among other things, proceeds of non-ad valorem special assessments (the “Assessments”) levied on land within the District that will specially benefit from the Infrastructure all as discussed more fully below.

**1.2 Scope of the Analysis**

The limitations on the scope of this SERC are explicitly set out in Section 190.002(2) (d), Fla.Stat. (governing District formation or alteration) as follows:

“That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added).”

As noted above, the proposed District will provide Infrastructure and related services with operation and maintenance, to the 146 +/- acres comprising the Project. The current development plan for the land contained in the District is shown in Table 1 below. These plans are subject to change as market conditions may dictate in the future.

**Table 1. Centre Lake Community Development District  
Development Program**

<i>Land Uses</i>	<i>Number of units</i>
Single Family Homes	256
Townhomes	253

**1.3 Requirements for Statement of Estimated Regulatory Costs.**

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;
2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after implementation of the rule; or
3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

(e) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, Fla.Stat. The Town is not defined as a small city for purposes of this requirement.

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a)[of Section 120.541, Fla.Stat.] and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

- 2.0 (a) An economic analysis showing whether the rule directly or indirectly is likely to (1) have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; (2) have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after implementation of the rule; or (3) increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.**

It is unlikely the establishment/creation of the District will meet any of the triggers in Section 120.541(2)(a), Fla.Stat. The basis for this determination is provided in the discussions in Section 3.0 through Section 6.0 herein.

- 3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.**

As noted above, the proposed District will provide Infrastructure and related services to the 146 +/- acres of land planned for the Project as outlined in Table 1. All of the ultimate property owners in the District will be required to comply with District rules and their properties will be encumbered with District obligations to pay for Infrastructure and operation and maintenance expenses incurred by the District. Based on the current development program the following entities and individuals would be affected by the formation of the District: the owners and occupants of (a) 256 single-family units; and (b) 253 townhome units. All owners of the undeveloped land within the District boundaries will also be under the jurisdiction of the District.

- 4.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state and local revenues.**

## **4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

### State Governmental Entities

The cost to State entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 1,000 acres. Therefore, the County will review and act upon the petition to establish the District.

There are minimal additional ongoing costs to various State entities to implement and enforce the proposed ordinance. The District is a special purpose unit of local government, and it is required to file various reports to the State of Florida, the Department of Economic Opportunity and other agencies of the State. The filing requirements are outlined in Appendix A. However, the additional costs to the State and its various departments to process the additional filings from the District are very low, since the State routinely processes filings from over 500 similar districts. Finally, the filing fees paid by the District are designed to offset any additional costs to the State.

### Miami-Dade County and the Town of Miami Lakes

This petition to establish the District will require the County to review the petition and its supporting exhibits. In addition, the County will hold public hearings to discuss the petition and to take public input. These activities will absorb staff time and time of the County Commission. The Town will also be requested to review the petition and adopt a resolution approving establishment of the District.

However, the costs of these activities are very modest at most for the following reasons. First, the review of this petition to form the District does not include an analysis of the Project itself. In fact, such a review of the Project is prohibited by statute. Second, the petition contains all of the information necessary for its review. Third, the Town and the County already has all of the staff necessary to review the petition. Fourth, no capital costs are involved in the review. Fifth, the Town and the County routinely processes similar petitions for land use and zoning changes that are far more complicated than this petition to form the District. Finally, Petitioners will pay all statutorily prescribed filing fees.

The Town and the County will incur only a small additional annual cost if this petition is approved. The proposed District is an independent unit of local government, so the District is responsible for its own budget, reporting, and the full conduct of its powers within its boundaries. The District will provide the Town and the County with its budget each year, but no Town or County action is required.

## **4.2 Impact on State and Local Revenues**

Adoption of the proposed ordinance will have no negative impact on State or local revenues. The District is an independent unit of local government. It is



designed to provide community facilities and services to serve the development. It has its own sources of revenue. No State or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any other unit of local government except the District. By State law, debts of the District are strictly its own responsibility.

**5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance**

The District will provide Infrastructure and related services to the land in the District, as outlined in Table 2 below. The District will fund, own, operate and maintain the stormwater management system and perimeter landscaping. The District will also fund the water distribution system, wastewater collection system and off-site public roadways, all of which will be owned by the County or Town, and the County or Town will operate and maintain these public infrastructure facilities.

**Table 2. Proposed Facilities and Services**

<i>Facility</i>	<i>Funded By</i>	<i>O&amp;M By</i>	<i>Ownership</i>
Stormwater Management System	CDD	CDD	CDD
Water Distribution System	CDD	County	County
Wastewater Collection System	CDD	County	County
Off-site Roadway Improvements	CDD	County/Town	County/Town
Perimeter Landscaping	CDD	CDD	CDD

Petitioners have estimated the costs for providing the Improvements as outlined in Table 2, and such costs are shown in Table 3. Total costs for this Infrastructure are estimated to be approximately \$10,948,010.42. To fund this construction program, in whole or in part, the District may issue Bonds, which will be repaid through non-ad valorem assessments levied on all lands in the District that benefit from the District's Infrastructure and related services as outlined in Table 2.

**Table 3. Summary of Estimated Capital Costs for Proposed Centre Lake Community Development District**

<i>Infrastructure</i>	<i>Total</i>
Stormwater Management System	\$2,085,900.00
Water Distribution System	\$1,628,502.00
Wastewater Collection System	\$3,891,626.24

Off-Site Roadway Improvements	\$2,941,982.18
Perimeter Landscaping	\$400,000.00
	=====
Total	\$10,948,010.42

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through Bonds. In addition to the levy of non-ad valorem assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

It is important to note that the various costs outlined in Table 3 are typical for developments of the type contemplated here. In other words, there is nothing peculiar about the District's financing that requires additional infrastructure over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. Instead, the facilities and services provided by the District are substituting in part for developer-provided infrastructure and facilities. Along these same lines, District-imposed assessments for operations and maintenance costs are similar to what would be charged in any event by a property owners' association common to most master planned developments.

Real estate markets are quite efficient, because buyers and renters evaluate all of the costs and benefits associated with various alternative locations. Therefore, market forces preclude developers from marking up the prices of their products beyond what the competition allows. To remain competitive the operations and maintenance charges must also be in line with the competition.

Furthermore, locating in the District by new landowners is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the District's costs in tradeoff for the benefits that the District provides.

The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, Town provision (directly or via a dependent special district), or through developer bank loans.

**6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.**

There will be no impact on small businesses because of the formation of the proposed District. If anything, the impact may be positive. This is because the District must competitively bid certain of its contracts. This affords small businesses the opportunity to bid on District work.

The development is located in the Town of Miami Lakes. As of the Census date, the 2010 Census, the Town has a population in excess of 10,000 people. Therefore, the proposed District is not located in a Town defined as a "small city" (10,000) according to Section 120.52, Fla.Stat.

#### **7.0 Any additional useful information.**

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from Petitioner's Engineer and other professionals associated with Petitioner.

Finally, it is useful to reflect upon the question of whether the proposed formation of the District is the best alternative to provide community facilities and services to the Project. As an alternative to the District, the Town or County could approve a dependent special district for the area, such as a Municipal Service Benefit Unit ("MSBU") or a special taxing district under Chapter 170, F.S. Either of these alternatives could finance the improvements contemplated in Table 2 in a fashion similar to the proposed District.

However, each of these alternatives is inferior to the District. Unlike the District, the alternatives would require the Town or County to continue to administer the Project and its facilities and services. As a result, the costs for these services and facilities would not be sequestered to the land directly benefiting from them, as the case would be with the District.

A District also is preferable from a government accountability perspective. With a District as proposed, landowners and renters in the District would have a focused unit of government under their direct control. The District can then be more responsive to landowner needs without disrupting other Town or County responsibilities.

Another alternative to the District would be for the developer to provide the Infrastructure and to use a property owners association ("POA") for operation and maintenance of community facilities and services. A District is superior to a POA for a variety of reasons. First, unlike a POA, a District can impose and collect its assessments along with other property taxes. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Second, the proposed District is a unit of local government. Therefore, unlike the POA the District must abide by all governmental rules and regulations.

**EXHIBIT 11**

**RESOLUTION OF THE TOWN COUNCIL THE TOWN OF MIAMI LAKES  
SUPPORTING THE ESTABLISHMENT OF THE DISTRICT**

(TO BE PROVIDED)