

RESOLUTION NO. 02-105

A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE "ROYAL GARDEN ESTATES" REPLAT, BEING A REPLAT OF LOTS 68 AND 69, OF BLOCK 1 OF ROYAL GARDENS ESTATES" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 155, AT PAGE 4 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, LYING AND BEING IN THE N.E. 1/4 OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST, TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 28 of the Miami-Dade County Code, **Jeannie' s Royal Garden Corporation** (the " Applicant"), has applied for approval of a Final Plat for " Royal Garden Estates", a copy of the Final Plat is attached as Exhibit " A" and incorporated into this Resolution by reference; and

WHEREAS, The Town Council has been advised by Miami-Dade County staff (acting in their capacity as Town Staff) that the Applicant has met the conditions imposed by the Miami Dade County Plat Committee and has complied with all applicable provisions of Chapter 28 of the Miami Dade County Code and the Town Code.

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

Section 1. Recitals. The above recitals are true and correct and are incorporated in to this Resolution by this reference.

Section 2. Approval. The Final Plat approval for " Royal Gardens Estates", more particularly described as:

LOTS 68 AND 69 OF BLOCK 1 OF "ROYAL GARDEN ESTATES", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 155, AT PAGE 4 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

is granted exclusively to the applicant, subject to the conditions outlined in Section 3.

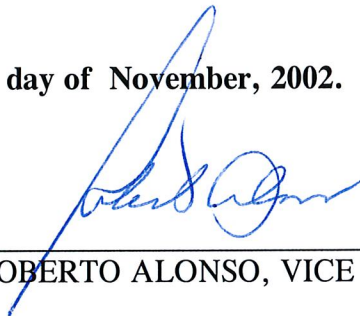
Section 3. Conditions of Approval. That the Approval granted herein is contingent upon receipt of an updated opinion of title, subject to review and approval by the Town Attorney.

Section 4. Authorization. The Town Manager and the Town Clerk are authorized to sign the face of the Final Plat.

Section 5.. Recordation. The Town Clerk shall forward this Resolution and the Original Final Plat to Miami-Dade County for recording in the Public Records of Miami Dade County, Florida. The applicant shall pay the costs of recording the Final Plat, as well as the Town' s actual cost for a surveyor to approve the Final Plat as required by Chapter 177, Florida Statutes.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption by the Town Council.

PASSED AND ADOPTED this 14th day of November, 2002.


ROBERTO ALONSO, VICE MAYOR

ATTEST:


BEATRIS M. ARGUELLES, CMC TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


WEISS, SEROTA, HELFMAN, PASTORIZA
& GUEDES, ET.AL. TOWN ATTORNEY

Collins/Simon

Council voted	6-0-1	as follows:
Mayor Wayne Slaton		Abs
Vice Mayor Roberto Alonso		Ys
Councilmember Mary Collins		Ys
Councilmember Robert Meador		Ys
Councilmember Michael Pizzi		Ys
Councilmember Nancy Simon		Ys
Councilmember Peter Thomson		Ys

NO-LIEN, POSSESSION AND AFFIDAVIT

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

NELSON GRAVERAN

BEFORE ME, the undersigned authority, personally appeared _____ ("Affiant")
who being first duly sworn upon oath, deposes and says:

1. That the Affiant is the President of Jeannie's Royal Gardens Corp., a FL. Corporation (the "Owner").
2. That the Corporation is the owner of fee simple title to the real property located in Miami-Dade County, Florida, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof ("Property").
3. That there are no construction, mechanics', materialmans' or laborers' liens filed against the Property or any portion thereof; that there have been no repairs, improvements or other work done to or labor, materials or services bestowed upon the Property or any portion thereof for which any or all of the cost of the same remains unpaid; and that no person, firm or corporation is entitled to a construction lien against the Property or any portion thereof under Chapter 713 of the Florida Statutes.
4. That no person, firm or corporation has any interest, claim of possession, or contract right with respect to the Property or any portion thereof, and there are no facts known to Affiant which would give rise to such a claim being asserted against the Property or any portion thereof.
5. That there are no unsatisfied judgments or any federal, state or county tax deficiencies, which are a lien against the Property or any portion thereof.
6. That the Property is free and clear of all mortgages, liens, taxes, assessments, fees, and encumbrances whatsoever, except for real estate taxes accruing subsequent to the date of conveyance.
7. That there is no pending litigation or dispute involving or concerning the location of the boundaries of the Property or any portion thereof.
8. There are no actions or proceedings now pending in any state or federal court to which the Owner is a party that would affect the Property and/or title to

the Property or any portion thereof.

9. That to the best of Affiant's knowledge there is no unrecorded easements or claims of easements affecting the Property or any portion thereof.

10. That the Property does not constitute all or substantially all of the assets of the Corporation

11. That there are no matters pending against the Owner that could give rise to a lien that would attach to the Property or any portion thereof between _____, 2002 and the recording of the warranty deed from the Owner to the Town of Miami Lakes a Florida municipal corporation ("Grantee") and that the Owner has not and will not execute any instrument that would adversely affect the title to or transfer of the Property or any portion thereof from the Owner to Grantee.

12. Affiant recognizes that Grantee is materially relying on the veracity of the contents of this Affidavit, and that this Affidavit is being given for the purpose of inducing Grantee to accept a re-plat of the Property.

FURTHER AFFIANT SAYETH NAUGHT.

JEANNIE ROYAL GARDENS CORPORATION

By: [Signature] 11/21/02

Nelson Graveran - President

Sworn to and subscribed before me this 21 day of November 2002 who (check one) is personally known to me or has produced F.D.L. as identification.

[Signature]
Notary Public, State of Florida

My commission expires



Mariela Sosa
Print or Type Name of Notary Public

(Seal)

OPINION OF TITLE

To: The City of Miami Lakes

With the understanding that this Opinion of Title is furnished to the City of Miami Lakes, as an inducement for replatting the following described property, it is hereby certified that I have examined the complete abstract of Title or Title Policy # 0-2125-170150 issued by STEWART TITLE GUARANTY COMPANY, dated 12/03/1998, and the following: an update of title provided by ATTORNEY'S TITLE INSURANCE FUND covering the period through October 27, 2002 at 11:00 P. M.

LOTS 68 AND 69 OF BLOCK 1, OF "ROYAL GARDEN ESTATES", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 155, AT PAGE 4, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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

JEANNIE'S ROYAL GARDENS CORPORATION, A Florida Corporation

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. RECORDED MORTGAGES:

1. Mortgage in the principal amount of \$11,757,000.00, given by Jeannie's Royal Gardens Corporation, A Florida Corporation to COLONIAL BANK, an Alabama Banking Corporation, dated 12/3/98, filed, 12/3/98, under Clerk's File No. 99R-569434 and recorded in Official Records Book 18368, at Page 2967, of the Public Records of Miami-Dade County, Florida.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

NONE

3. GENERAL EXCEPTIONS:

1. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon an accurate survey
4. Any unrecorded labor, mechanics or materialmens' liens

5. Zoning and other restrictions imposed by governmental authority.

4. SPECIAL EXCEPTIONS:

1. Declaration of Restrictions filed 2/27/96, in Official Records Book 17110 page 1265, of the Public Records of Miami-Dade County, Florida.
2. Agreement for water and Sanitary Sewage facilities filed 10/8/97, in Official Records Book 17819, at Page 691, of the Public Records of Miami-Dade County, Florida.
3. Reservations in favor of The Trustees of the Internal Improvement Fund of the State of Florida, recorded in 8/6/25, Deed book 560, at Page 285, as affected by Partial Release of Reservations recorded 11/25/68, in Official Records Book 6180, Page 706, of the Public Records of Miami-Dade County, Florida.
4. Reservations by the Board of Education of the State of Florida, recorded 2/20/9?, in Deed Book 188, Page 72, as affected by Partial Release of Reservations recorded 12/3/68, in Official Records Book 6191, Page 255, of the Public Records of Miami-Dade County, Florida.
5. Agreement between R. O. Lovell and Rose Lovell and Miami-Dade County filed 12/3/98, in Official Records Book 18367, Page 3277 of the Public Records of Miami-Dade County, Florida.
6. Assignment of Agreement between R.O. Lovell and the Estate of E.B. Lovell and Miami-Dade County filed 8/19/99 in Official Records Book 18746, Page 3374, of the Public Records of Miami-Dade County, Florida.
7. Notice of Commencement filed 12/3/98, in Official Records Book 18368, page 2986, of the Public Records of Miami-Dade County, Florida.
8. Resolution establishing the ROYAL GARDENS ESTATES STREET LIGHTING SPECIAL TAXING DISTRICT, as recorded in Official Records Book 19060, at Page 3395 of the Public Records of Miami-Dade County, Florida.
9. Resolution establishing the ROYAL GARDENS ESTATES LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT, as recorded in Official Records Book 19354, at Page 3108 of the Public Records of Miami-Dade County, Florida.
10. Covenant for MAINTENANCE OF LANDSCAPING WITHIN RIGHT OF WAY BY CORPORATION, as recorded in Official Records Book 19360, at Page 1577, of the Public Records of Miami-Dade County, Florida.
11. Reservations and restrictions filed 5/12/2001 and recorded in Official Records Book 19636, page 263, of the Public Records of Miami-Dade County, Florida.
12. Mortgage Modification Agreement from Jeannie Royal Gardens Corp to Colonial Bank as recorded in O. R. 19598, page 1277, of the Public Records of Miami-Dade County, Florida.

Therefore, it is our opinion that the following parties must join in the agreement in order to make that agreement a valid and binding covenant on the lands described herein.

NAME	INTEREST	SPECIAL EXCEPTION NO.
Jeannie's Royal Gardens Corporation, A Florida Corporation	Owner	
Colonial Bank	Mortgagee	

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

Respectfully submitted this 18th day of November, 2002.

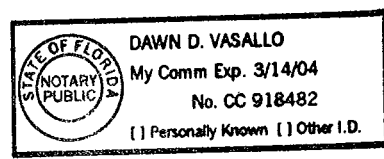


Felix J. Mendigutia, Esquire
 61 Grand Canal Drive, Suite 201
 Miami, FL 33144
 (305) 262-2101
 Florida Bar No.: 747548

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

The foregoing instrument was acknowledged before me this 18th day of November, 2002 by FELIX J. MENDIGUTIA, who appeared before me, is personally known to me and did take an oath.

Notary Dawn Vasallo
 Print Name: Dawn D. Vasallo
 Notary Public of the State of Florida
 My Commission Expires: _____



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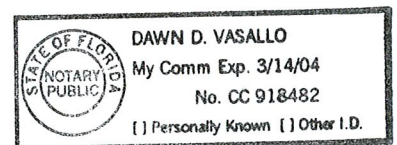
Respectfully submitted this 18th day of November, 2002.

Felix J. Mendigutia, Esquire
 61 Grand Canal Drive, Suite 201
 Miami, FL 33144
 (305) 262-2101
 Florida Bar No.: 747548

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)
 COUNTY OF MIAMI-DADE) ss:

The foregoing instrument was acknowledged before me this 18th day of November, 2002 by FELIX J. MENDIGUTIA, who appeared before me, is personally known to me and did take an oath.

Notary Dawn D. Vasallo
 Print Name: Dawn D. Vasallo
 Notary Public of the State of Florida
 My Commission Expires: _____



NO-LIEN, POSSESSION AND AFFIDAVIT

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) ss:
COUNTY OF MIAMI-DADE)

NELSON GRAVERAN

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and encumbrances whatsoever, except for real estate taxes accruing subsequent to the date of
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FURTHER AFFIANT SAYETH NAUGHT.

JEANNIE ROYAL GARDENS CORPORATION

By: [Signature] 11/21/02
Nelson Graveran - President

Sworn to and subscribed before me this 21 day of November 2002 who (check one)
 is personally known to me or has produced F.D.L. as identification.

[Signature]
Notary Public, State of Florida

My commission expires:



Mariela Sosa
Print or Type Name of Notary Public

(Seal)