

RESOLUTION 12-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING THE FINAL PLAT FOR TOPP SUBDIVISION, GENERALLY LOCATED WEST OF NW 84TH AVENUE BETWEEN NW 33RD STREET AND NW 30TH TERRACE, IN THE CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, Fortin, Leavy, Skiles, Inc, ("Applicant"), has requested approval for the Final Plat for Topp Investments, as described in Exhibit "A" attached hereto, generally located West of NW 84 Avenue between NW 33 Street and NW 30 Terrace,, Doral, Florida; and

WHEREAS, this application has been reviewed for compliance with Chapter 28 of the Miami-Dade County Code by staff and a Professional Surveyor and Mapper and has been found to be consistent; and

WHEREAS, on October 30, 2012 the City Council held a quasi-judicial hearing and received testimony and evidence related to the Application from the Applicant and other persons and found that the proposed final plat meets all applicable regulations and is consistent with the CDMP; and

WHEREAS, after careful review and deliberation, staff has determined that this application has complied with the Code,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution upon adoption hereof.

Section 2. The City Council of the City of Doral hereby approves the Final Plat for Final Plat, generally located west of NW 84 Avenue between NW 33 Street and NW 30 Terrace, Doral, Florida.

Section 3. This Resolution shall be recorded in the Public Records of Dade County, Florida, with the Applicant to pay the costs thereof.

Section 4. This resolution shall become effective upon its passage and adoption by the City Council.

WHEREAS, a motion to approve the Resolution was offered by Vice Mayor DiPietro who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Peter Cabrera	Yes
Councilwoman Ana-Maria Rodriguez	Yes

PASSED AND ADOPTED this 30th day of October, 2012



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JIMMY MORALES, ESQ., CITY ATTORNEY

EXHIBIT “A”

Fortin, Leavy, Skiles, Inc.

Consulting Engineers, Surveyors & Mappers

Daniel C. Fortin, Sr., PSM President
Richard L. Leavy, PSM Secretary/Treasurer
Daniel C. Fortin, Jr., PSM Vice President
Michael A. Vazquez, PE Vice President

180 Northeast 168th Street
North Miami Beach, Florida 33162-3412
Phone 305-653-4493
Fax 305-651-7152
www.flssurvey.com

August 24, 2012

Mr. Nathan Kogon, Director
City of Doral
Zoning Department
8300 NW 53rd Street
Doral, FL 33166

Re: Topp Subdivision
Letter of Intent

Dear Mr. Kogon,

The Topp Subdivision project consists of the proposed Tracts "A" and "B". Tract "B" is 1/3 of an acre which houses nitrogen storage tanks. Tract "B" is 1 acre that is undeveloped and it currently for sale.

Previously, we submitted to your office an LOI dated March 30th, 2012 based on a sale contract in place at that time for the construction of a two-story office building containing 14,000 square feet ± and 4,000 square feet ± of warehouse/production development on proposed Tract "A". Unfortunately, that contract was nullified as a result of the buyer being unable to obtain the necessary financing.

At this time we would like to move forward with the final plat of the vacant land and we will ensure any prospective site plan is in compliance with the City zoning requirements and will resubmit such plans to your office as soon as they are available.

If you require any further information please do not hesitate in contacting us.

Sincerely,



Damian Thomason
Project Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

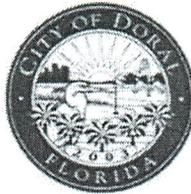
The foregoing instrument was acknowledged before me this 24th day August, 2012, by Damian Thomason, who is personally known to me or has produced _____ as identification.



Renee Baccari
NOTARY PUBLIC



Fortin, Leavy, Skiles, Inc.



8300 NW 53rd Street, Suite 100, Doral, Florida 33166

Tel: (305) 593-6725

Facsimile: (305) 470-6850

Website: cityofdoral-fl.gov

PUBLIC HEARING APPLICATION
/ Administrative Review Application

COMMUNITY DEVELOPMENT DEPARTMENT

Please check one:

- CITY COUNCIL
- ADMINISTRATIVE REVIEW

OFFICIAL USE ONLY

Application No.:

Date Received: 2/24/12

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- | | | |
|----------------------------------------------------|-------------------------------------|---------------|
| <input type="checkbox"/> Change in Zoning District | <input checked="" type="checkbox"/> | Plat |
| <input type="checkbox"/> Variance | <input type="checkbox"/> | Entry Feature |
| <input type="checkbox"/> Appeal of Decision | <input type="checkbox"/> | Site Plan |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> | Other _____ |

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit) Fortin, Leavy, Skiles, Inc.		
Mailing Address 180 NE 168th Street	City, State, Zip N. Miami Beach, FL 33162	Telephone 305-653-4493 Fax 305-651-7152
Name of Owner Topp Investments, Inc.		
Mailing Address 3055 NW 84th Ave.	City, State, Zip Doral, FL 33122	Telephone 786-331-3300 Fax 786-331-3333

PROPERTY INFORMATION

A. LEGAL DESCRIPTION. (If subdivided – lot, block, complete name of subdivision, plat book and page numbers). If metes and bounds description – Complete description, including section, township and range).

Folio Number 35-3027-036-0015 Address _____

Lot(s) _____ Block _____ Section _____ Plat Book No. _____ Page No. _____

FINISHED FLOOR ELEVATION (If applicable): _____ FLOOD ZONE: _____

B. ADDRESS (If number has been assigned) _____

C. SIZE OF PROPERTY 322 ft. X 180 ft. = 57,960 sq. ft.; 1.331 acre(s)
Width Depth

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

3055 NW 84th Ave., Doral, FL 33122

E. DATE SUBJECT PROPERTY WAS ACQUIRED 2/10/11

APPLICANT'S PROPOSAL

Specify in full the request. (Use a separate sheet of paper if necessary.)

To subdivide and replat land. Owner will retain South 1/3 acre which
has nitrogen tank installed used in owner's adjacent business property.
The remaining acre is up for sale.

INTENT

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

See Letter of Intent

I/We Topp Investments, Inc. as Owner (s) of Lot (s) South 322.00 feet of Tract A

Block _____ Section _____ PB/PG 145/65

of property which is located at NW 84th Ave. & NW 30th Terr.
desire to file an application for a public hearing before the City Council Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the City staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the South Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the City of Doral or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the City Council or City Staff in connection with the request and will take the necessary steps to make the request effective if approved by the City Council or City Staff.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the City Council or City Staff to consider the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for any additional fees which include but are not limited to mailing notices to surrounding property owners, legal fees, surveys, and technical reports.

I/We as the owners of the subject property (check one):

- do hereby authorize Fortin, Leavy, Skiles, Inc to act on my/our behalf as the applicant.
 will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing administrative review before the City Council or City Staff.

Owner's Name David Topp Signature Dil Topp Date 7/30/2012
President

Owner's Name _____ Signature _____ Date _____

Notary to Owner:

Applicant's Name Damian Thomason Signature Damian Thomason Date 7/30/2012

Notary to Applicant: Renee Baccari
Notary Public, State of Florida

NOTARY TO OWNER:
 State of FLORIDA
 County of MIAMI-DADE
 On this 30th day of JULY 2012
 before me personally appeared DAVID TOPP
 to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.
 SEAL (signed) Theodore J. Brennan
 NOTARY PUBLIC



DISCLOSURE OF INTEREST*

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

CORPORATION NAME: TOPP INVESTMENTS, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>DAVID & DORA TOPP</u>	
<u>4800 PINE DRIVE MIAMI, FL 33143</u>	<u>80%</u>
<u>RISIA TOPP WINE</u>	
<u>6911 MIRA FLORES AVE CORAL GABLES, FL 33143</u>	<u>10%</u>
<u>THE TOPP FAMILY IRREVOCABLE TRUST</u>	
<u>48 EAST FLAGLER ST PH101 MIAMI, FL 33131</u>	<u>10%</u>

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

TRUST/ESTATE NAME: THE TOPP FAMILY IRREVOCABLE TRUST

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>HARRY WINE</u>	<u>33 1/3%</u>
<u>MARA WINE</u>	<u>33 1/3%</u>
<u>BETTY WINE</u>	<u>33 1/3%</u>
<u>6911 MIRA FLORES AVE CORAL GABLES, FL 33143</u>	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

NAME OF PURCHASER: _____

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

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

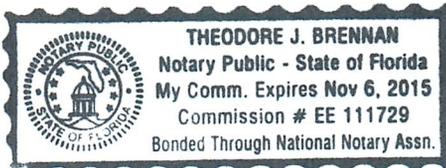
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *[Handwritten Signature]* _____
(Applicant)

Sworn to and subscribed before me this _____ day of _____, _____. Affiant is personally known to me or has produced _____ as identification.

[Handwritten Signature]
(Notary Public)

My commission expires 11-6-2015



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

**MIAMI DADE COUNTY PLAT COMMITTEE
NOTICE OF ACTION**

Plat No.: T - 23279 - 1 - NEW

STR: 27 53 40

Municipality: DORAL

Zoning:

District: 12

Name: TOPP SUBDIVISION

Location by Streets: NW 30 TERRACE & NW 84 AVENUE

Owner: TOPP INVESTMENTS, INC.

3055 NW 84 AVE.

DORAL, FL 33122

Surveyor: FORTIN, LEAVY, SKILES INC.

180 NE 168 ST.

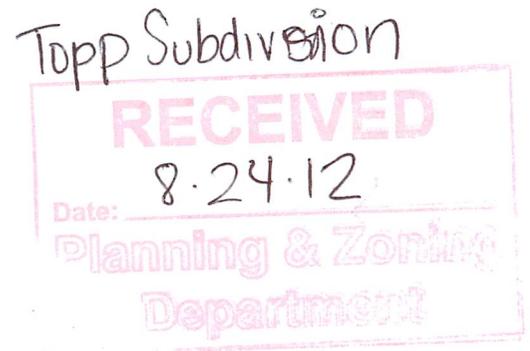
NO. MIAMI BEACH, FL 33162

Phone: 3056534493

This is to advise you that on June 8, 2012 the Dade County Plat Committee reviewed the above plat and that the same was:

- Recommended for approval subject to conditions indicated on attached action copy.
 Approved as an extension of time, subject to previous requirements and:
 Deferred for reasons indicated below:
 Denied for the reasons indicated below:

TENTATIVE VALID UNTIL MARCH 8, 2013.



Prepared by Platting Section, Public Works Department. Call (305) 375-2141 for information regarding this Notice of Action.

PLATSRP_NOTICE_OF_ACTION

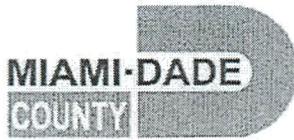
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TOPP SUBDIVISION

TENTATIVE PLAT NO. <u>23279-1</u>
Sec. <u>27</u> Twp. <u>53</u> Rge. <u>40</u>
Municipality: <u>DORAL</u>
Zoned: <u>I</u>
RECOMMENDS APPROVAL <u>6-8-12</u> <i>[Signature]</i> Date: Sustainability, Planning and Economic Enhancement Dept.
RECOMMENDS APPROVAL <u>6-8-12</u> <i>[Signature]</i> Date: Public Works and Waste Management Department

- Recommends approval subject to the City of Doral requirements and the requirements checked below:
- Concurrence approval by the Municipality is required prior to final plat review and prior to the issuance of a building permit. Municipality concurrence review to include all City, State and County roads.
- The Tentative Plat recommended approval is valid for 9 months from the date indicated above. Tentative recommended approval does not necessarily guarantee final plat approval.
- Tentative Plat valid until March 8, 2012
Note: Extension of Time must be officially heard by the Plat Committee prior to the expiration of the Tentative Plat. Application request must be submitted at least ten (10) days prior to said Plat Committee meeting.
- No road, sidewalks or drainage facilities within unincorporated Miami Dade County or on County maintained rights-of-ways are to be constructed or installed without prior knowledge, approval and complete progressive inspection by the Public Works and Waste Management Dept. Construction or installation of these facilities does not guarantee acceptance by the County unless final plat is approved and recorded.
- Final approval and recording subject to the Department of Regulatory and Economic Resources (Environmental Resources Management) and the Florida Department of Health approval on sewage disposal facilities and water supply.
- Site to be filled to County Flood Criteria Elevation of 6.8 N.G.V.D. or to an elevation not less than the approved crown of the road fronting the property. Cutting of existing grade is not permitted below the established base flood elevation of the F.I.R.M. for Miami Dade County Florida Community # 125098.
- Property owner/ Developer must provide the needed improvements within the right-of-way.
- For the removal of any tree a permit is required.
- Proffered Agreement by Topp Investments, Inc. in favor of the City of Doral and the Miami-Dade County, shall be recorded after approval of the Tentative Plat and prior to submittal of the Final Plat.
- See attached Department of Regulatory and Economic Resources (Environmental Resources Management) memorandum for environmental concerns and requirements.
- MDWASD approval required prior to final plat review.

- The City of Doral and the Miami Dade County Public Works and Waste Management Dept. Traffic Division must approve the Site Plan prior to Final Plat review.
- A petition to create a special taxing district for street lighting is required prior to final plat review.
- See attached Miami Dade Water and Sewer Department (MDWASD) memorandum for water and sewer concerns and requirements. Contact Maria Capote at (786) 268-5329 for details.
- Final Mylar(s) plus five (5) prints.
- Opinion of Title (Valid for 30 days, unincorporated; 45 days municipality). An update is usually required before the County Commissioners meeting and/or recordation.
- Paid Tax receipts (and escrow, if applicable).
- Processing fee for Final Plat.
- Recording fee for Final Plat.
- Water Control Division approval after final plat submittal. (PERA)
- Approval regarding method of water supply.
- Approval regarding method of sewage disposal.
- Certified copy of municipal ordinance and/or resolution accepting final plat and letter(s) stating paving and drainage plans have been approved and Improvement Bond held by Municipality (if applicable).
- Letter from F.P.&L. Company (TP-7 letter) regarding underground electric service (ORD. 68-69).
- State Plane Coordinate Data Sheet.
- AFTER SUBMITTAL OF FINAL PLAT, CHECK THE PUNCH LIST AT THE FOLLOWING WEBSITE FOR ADDITIONAL SCHEDULING AND/OR RECORDATION REQUIREMENTS. (<http://www.miamidade.gov/pubworks/plats/search.asp>)



Department of Regulatory and Economic Resources
Environmental Services Management
701 NW 1st Court - Suite 200
Miami, Florida 33136-3912
T 305-372-6764 F 305-372-6543

miamidade.gov

Date: 6/07/2012

To: Zoning and Platting Division
Department of Regulatory and Economic Resources

Re: Tentative Plat, Number: T-23279
Agenda Date: 06/08/2012

RECOMMENDATION: Overall Approved

This office has reviewed the referenced PLAT and recommends the following:

Office of Code Coordination and Public Hearings: (Approved)

Voice: 305-372-6764, Fax: 305-372-6543

Existing public water lines must be utilized to serve this subdivision. This office has no objection to the recordation of this plat.

Existing public sewer lines must be utilized to serve this subdivision. This office has no objection to the recordation of this plat.

Concurrency Issued by the Municipality.

Please note that the regional sewer system is operating under a capacity allocation program in accordance with the First Partial Consent Decree between Miami-Dade County and the United States of America (Case NO. 93-1109 CIV Moreno). Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity, which will be evaluated and determined at the time of agency review of the building permit plans for the referenced project.

Water Control (Approved)

Voice: 305-372-6681, Fax: 305-372-6489

Project Area: 1.33 Acres

County Flood Criteria: 6.8 ft. N.G.V.D.

FEMA Flood Zone & Flood Elevation: X-99, AH - 7

Site shall be filled in a manner so as to prevent the flooding of adjacent properties. Interceptor swales shall be constructed on-site with no encroachment over adjacent properties.

Coastal Resources (NA)

Voice: 305-372-6575

No Recommendation

Delivering Excellence Every Day

Wetlands (Approved)

Voice: 305-372-6585

The subject property does not contain wetlands as defined by Section 24-5 of the Code of Miami-Dade County, Florida (the Code). Therefore, a Class IV Wetland Permit will not be required for this property.

Please be advised that the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045) may require permits for the proposed project. It is the applicant's responsibility to contact these agencies.

Trees (Approved)

Voice: 305-372-6574

The subject property contains tree resources along the right of way of NW 84th Avenue. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. This Department's approval is contingent upon inclusion of said tree permitting requirements in the approval of this plat.

The applicant is advised to contact the Tree Permitting Program at 305-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

Please be advised that average time to obtain a Tree Removal Permit is approximately 30 working days, however, actual time to obtain a Tree Removal Permit may vary significantly based on the completeness of the submittal.

Natural Forest Communities (Approved)

Voice: 305-372-6548

The subject property is not a designated Natural Forest Community by Miami-Dade County.

If you have any questions regarding elements of this review please contact the appropriate office using the provided contact phone number.

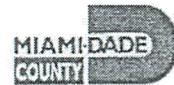
Sincerely,



Jose Gonzalez, P.E., Assistant Director
Department of Regulatory and Economic Resources

2

Memorandum



Date: June 6, 2012

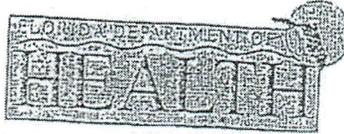
To: Julio Delgado, PSM
Public Works

From: *for Maria T. Capote*
Sergio A. Garcia, P.E.
Plans Review Section
Miami-Dade Water and Sewer Dept.

Subject: Plat Committee Agenda comments for June 8, 2012

3. T-23279-1 Topp Subdivision
(NW 30 Terr. & NW 84 Ave.)

A Water Supply Certification letter is required before final Plat approval, please contact Maria Valdes at 786-552-8198 in order to obtain the letter. Sign off required by WASD before final plat approval. Contact M-DWASD, Mrs. Maria Capote and/or Mr. Sergio A. Garcia at 786 268-5329 or 786 268-5214 respectively. Please note that final plat will not be approved until any and all requirements have been met.



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

Lillian Rivera, RN, MSN, PhD Administrator

To: Miami-Dade County Public Works
Subdivision & Platting Section

From: Miami-Dade County Health Department
OSTDS & Well Program

Agenda Date: 6/8/12

Plat No: T-23277-1-NEW

Recommendation: approval

- Sewer lines and water lines must be utilized to service this plat as per Florida Statutes 381.0065(2)(a).
- This plat does not comply with minimum lot size requirements as per Florida Statutes 381.0065(4)(b), therefore a Sewer Main Extension is required.
- This plat is eligible to be serviced by Onsite Sewage Treatment and Disposal Systems provided a public water system is utilized. Permits must be obtained for the construction of the OSTDS prior to the issuance of individual building permits.
- This plat does not comply with minimum lot size requirements as per 381.0065(4)(a), therefore a water main extension is required.
- This plat is eligible to be serviced by Onsite Sewage Treatment and Disposal Systems and Private Wells. Permits must be obtained for the construction of the OSTDS prior to the issuance of individual building permits. Permits must be obtained for the construction of the wells prior to the wells being drilled.

Sincerely,

Pedro Ospina
Engineer Specialist II



Samir Elmir, PhD, PE, DEE, CEHP, Director
Environmental Health and Engineering
Miami-Dade County Health Department
1725 N. W. 167th Street, Miami, Florida 33056
Tel: (305) 623-3500 Fax: (305) 623-3502
Email: Samir_Elmir@doh.state.fl.us
Website: www.dadehealth.org



OPINION OF TITLE

To: **City of Doral**

With the understanding that this Opinion of Title is furnished to City of Doral, as inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering, covering the real property, hereinafter described, it is hereby certified that I have examined a complete Abstract of Title covering the period from the beginning to the 27th day of July, 2012, at the hour of 11:40 p.m., inclusive, of the following described property:

The South 322.00 feet of Tract A, Ryder Child Care Center, according to the Plat thereof recorded in Plat Book 145, Page 65, 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:

TOPP INVESTMENTS, INC. c/o DAVID TOPP

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

1. **RECORDED MORTGAGES:**

- A. Mortgage to CNLBank., mortgagee(s), recorded under O.R. Book 26729, Page 4318, Public Records of Miami-Dade County, Florida.
- B. Mortgage to CNLBank., mortgagee(s), recorded under O.R. Book 26729, Page 4280, together with Mortgage Loan Modification Agreement recorded in O.R. Book 27851, Page 1133 Public Records of Miami-Dade County, Florida.
- C. Assignment of Leases, Rents and Profits filed January 26, 2009, in O.R. Book 26729, Page 4365, Public Records of Miami-Dade County, Florida.
- D. UCC Financing Statement between Topp Development, Inc. and CNLBank as recorded in O.R. Book 26729, Page 4377, Public Records of Miami-Dade County, Florida.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

None

3. **GENERAL EXCEPTIONS:**

- A. Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.
- B. Rights or claims of parties in possession not shown by the public records.

- C. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
- D. Easements or claims of easements not shown by the public records.
- E. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- F. Any owner policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.
- G. Federal liens and judgment liens, if any, filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:
 - (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and
 - (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)
- H. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

4. **SPECIAL EXCEPTIONS:**

- A. Terms, provisions, restrictions, easements, and rights of first refusal and liens for amounts of money or charges or assessments for various purposes, contained in WESTSIDE CORPORATE CENTER DECLARATION OF COVENANTS, Conditions and Restrictions dated March 31, 1989 and recorded March 31, 1989, in Official Records Book 14054, at Page 1013, of the Public Records of Miami-Dade County, Florida.
- B. Entrance Feature Maintenance Agreement filed January 8, 1990, in Official Records Book 14386, at Page 3398, of the Public Records of Miami-Dade County, Florida.
- C. Covenant of Construction within Right of Way filed March 28, 1989, in Official Records Book 14049, at Page 274, of the Public Records of Miami-Dade County, Florida.

OPINION OF TITLE

To: **Miami-Dade County**

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering, covering the real property, hereinafter described, it is hereby certified that I have examined a complete Abstract of Title covering the period from the beginning to the 27th day of July, 2012, at the hour of 11:40 p.m., inclusive, of the following described property:

The South 322.00 feet of Tract A, Ryder Child Care Center, according to the Plat thereof recorded in Plat Book 145, Page 65, 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:

TOPP INVESTMENTS, INC. c/o DAVID TOPP

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

1. **RECORDED MORTGAGES:**

- A. Mortgage to CNLBank., mortgagee(s), recorded under O.R. Book 26729, Page 4318, Public Records of Miami-Dade County, Florida.
- B. Mortgage to CNLBank., mortgagee(s), recorded under O.R. Book 26729, Page 4280, together with Mortgage Loan Modification Agreement recorded in O.R. Book 27851, Page 1133 Public Records of Miami-Dade County, Florida.
- C. Assignment of Leases, Rents and Profits filed January 26, 2009, in O.R. Book 26729, Page 4365, Public Records of Miami-Dade County, Florida.
- D. UCC Financing Statement between Topp Development, Inc. and CNLBank as recorded in O.R. Book 26729, Page 4377, Public Records of Miami-Dade County, Florida.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

None

3. **GENERAL EXCEPTIONS:**

- A. Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.
- B. Rights or claims of parties in possession not shown by the public records.

- D. Provisions of Development Orders as evidenced by Notice of Adoption of Development Order filed March 22, 1989, in Official Records Book 14041, at Page 658, and Notice of Adoption of Development Order filed in Official Records Book 13354, at Page 3210, and Notice of Adoption of an Amendment to Development Order filed August 20, 1998, in Official Records Book 18242, at Page 371, of the Public Records of Miami-Dade County, Florida.
- E. Terms, provisions and restrictions in that Declaration of Restrictions filed January 24, 1989, in Official Records Book 13970, at Page 3319, of the Public Records of Miami-Dade County, Florida.
- F. Covenant for Maintenance of Landscaping within Right of Way Med February 25, 1988, in Official Records Book 13588, at Page 367, of the Public Records of Miami-Dade County, Florida.
- G. Terms and provisions in document filed February 24, 1995. in Official Records Book 16692, at Page 981, of the Public Records of Miami-Dade County, Florida.
- H. Easements, restrictions, and reservations as shown on the Plat of RYDER CHILD CARE CENTER, according to the Plat thereof recorded in Plat Book 145, at Page 65, of the Public Records of Miami-Dade County. Florida.
- I. Declaration of Restrictive Covenants recorded in O.R. Book 17695, Page 3250, amended in O.R. Book 17982, Page 4789 Public Records of Miami-Dade County, Florida.
- J. Cross Access Easement recorded in O.R. Book 18629, Page 4786, Public Records of Miami-Dade County, Florida.
- K. Notice of Automatic Extension recorded in O.R. Book 26583, Page 4456, Public Records of Miami-Dade County, Florida.
- L. Easement recorded in O.R. Book 26892, Page 1357, Public Records of Miami-Dade County, Florida.
- M. Tri-party Agreement dated June 6, 2012 and recorded June 13, 2012 in O.R. Book 28147, Pages 4091-4094, Public Records of Miami-Dade County, Florida.
- N. Rights of the lessees under unrecorded leases.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
CNL Bank	Mortgagee	1. A, B, C & D

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
01-2012-005376	Attorneys' Title Fund Services, LLC	26	November 15, 1976 - July 27, 2012

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

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

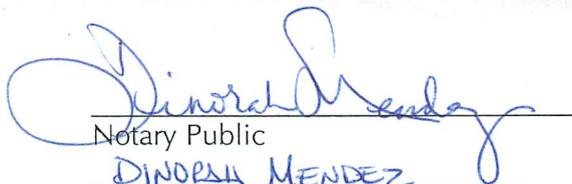
Respectfully submitted this 13 day of August, 2012



SCOTT R. WILLINGER, ESQ.
Florida Bar No. 261394
5801 NW 151 Street, Suite 307
Miami Lakes, FL 33014

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 13 day of August, 2012, by SCOTT R. WILLINGER, who is personally known to me or has produced _____, as identification.



Notary Public

DINORAH MENDEZ
Print Name

My Commission Expires:

