

City Commission

Susan Gottlieb, Mayor

Zev Auerbach
Bob Diamond
Teri Holzberg
Billy Joel
Michael Stern
Luz Urbáez Weinberg

The City of Aventura



City Manager

Eric M. Soroka, ICMA-CM

City Clerk

Teresa M. Soroka, MMC

City Attorney

Weiss Serota Helfman
Pastoriza Cole & Boniske

JUNE 5, 2012

following 6 pm LPA Meeting

Government Center
19200 West Country Club Drive
Aventura, Florida 33180

- 1. CALL TO ORDER\ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. AGENDA:** Request for Deletions/Emergency Additions
- 4. SPECIAL PRESENTATIONS:** Employee Service Awards
FIU First Generation Award Scholarship Participants
Aventura 101 Citizen Academy Graduation
- 5. CONSENT AGENDA:** Matters included under the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and considered separately.
 - A. APPROVAL OF MINUTES:**
May 1, 2012 Commission Meeting
May 22, 2012 Workshop Meeting
 - B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE TOWN OF BAY HARBOR ISLANDS FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
 - C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY**

MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

- D. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$37,000 FOR TASERS AND RELATED EQUIPMENT FROM THE POLICE FEDERAL FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM**
- E. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$17,000 FOR CONFERENCE ROOM MODIFICATION BUILD OUT FROM THE POLICE FEDERAL FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM**
- F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA URGING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, THE STATE OF FLORIDA AND THE U.S. CONGRESS TO SUPPORT AND PROVIDE FUNDING FOR THE CENTRAL EVERGLADES PLANNING PROJECT; AND PROVIDING AN EFFECTIVE DATE.**
- G. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, SUPPORTING ADOPTION OF COUNTY- WIDE ORDINANCE TO PROHIBIT THE SALE AND DISTRIBUTION OF CANDY FLAVORED TOBACCO PRODUCTS, WHICH ARE COMMONLY MARKETED TO YOUTHS; PROVIDING FOR DISTRIBUTION OF RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
- H. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING A RANKING OF FIRMS TO PROVIDE THE CITY WITH A LOAN NOT TO EXCEED \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF OBLIGATIONS OF THE CITY TO REFINANCE THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH OBLIGATIONS; AUTHORIZING THE CITY MANAGER OF THE CITY OF AVENTURA, FLORIDA OR HIS DESIGNEE ON BEHALF OF SAID CITY TO NEGOTIATE FOR SAID SERVICES; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

- 6. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS** — Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the Clerk.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING A SIGN VARIANCE FOR JARED THE GALLERIA OF JEWELRY STORE ON PROPERTY LOCATED AT 19001 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

7. ORDINANCES: FIRST READING—PUBLIC INPUT:

- A. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF OBLIGATIONS OF THE CITY TO REFINANCE THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH OBLIGATIONS; PROVIDING FOR A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM FUNDS EACH YEAR TO PAY THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE OBLIGATIONS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**
- B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY LOCATED AT 3250 NE 188 STREET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", FROM BUSINESS AND OFFICE TO MEDIUM HIGH DENSITY RESIDENTIAL; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY UNDER CHAPTER 163, PART II, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.**
- C. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A PARCEL OF LAND LOCATED AT 3250 NE 188 STREET**

AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, FROM OP, OFFICE PARK DISTRICT TO RMF3B, MULTIFAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

8. ORDINANCES – SECOND READING – PUBLIC HEARING: None.

9. RESOLUTIONS – PUBLIC HEARING: None.

10. REPORTS

11. PUBLIC COMMENTS

12. OTHER BUSINESS: None.

13. ADJOURNMENT

SCHEDULE OF FUTURE MEETINGS/EVENTS

WORKSHOP MEETING	June 14, 2012	9AM	5th FL. EX. CONFERENCE ROOM
COMMISSION MEETING	July 10, 2012	6PM	COMMISSION CHAMBER

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding. One or more members of the City of Aventura Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Aventura City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed at the Office of the City Clerk, City of Aventura Government Center, 19200 W. Country Club Drive, Aventura, Florida, 33180. Anyone wishing to obtain a copy of any agenda item should contact the City Clerk at 305-466-8901.



**MINUTES
CITY COMMISSION MEETING
MAY 1, 2012 6 PM**

Aventura Government Center
19200 W. Country Club Drive
Aventura, Florida 33180

- 1. CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Susan Gottlieb at 6 p.m. Present were Commissioners Zev Auerbach, Bob Diamond, Teri Holzberg, Michael Stern, Luz Urbaz Weinberg, Vice Mayor Billy Joel, Mayor Gottlieb, City Clerk Teresa M. Soroka and City Attorney David M. Wolpin. City Manager Eric M. Soroka was absent due to illness. As a quorum was determined to be present, the meeting commenced.
- 2. PLEDGE OF ALLEGIANCE:** Led by Susan Fried.
- 3. AGENDA: REQUESTS FOR DELETIONS/EMERGENCY ADDITIONS:** None.
- 4. SPECIAL PRESENTATIONS:** None.
- 5. ELECTION OF VICE MAYOR:** After motion made by Vice Mayor Joel, seconded by Commissioner Diamond and unanimously passed, Commissioner Holzberg was elected Vice Mayor for the next 6-month period.
- 6. CONSENT AGENDA:** A motion to approve the Consent Agenda was offered by Commissioner Weinberg, seconded by Commissioner Stern, passed unanimously and the following action was taken:
 - A.** The following minutes were approved:
 - April 3, 2012 Commission Meeting
 - April 19, 2012 Commission Meeting
 - April 19, 2012 Workshop Meeting
 - B.** **Resolution No. 2012-18** was adopted:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED CHANGE ORDER FOR BID NO. 11-5-16-2, BY AND BETWEEN THE CITY AND UNDER POWER CORP.; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE
 - C.** **Resolution No. 2012-19** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED CONTRACT FOR LANDSCAPE MAINTENANCE WITHIN THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ON BISCAYNE BOULEVARD FROM THE OLETA RIVER BRIDGE NORTH TO THE MIAMI-DADE/BROWARD COUNTY LINE BY AND BETWEEN THE CITY OF AVENTURA AND THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Resolution No. 2012-20 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AWARDED AND LETTING A CONTRACT FOR THE CITY'S GENERAL BANKING SERVICES TO BANK OF AMERICA, N.A. IN ACCORDANCE WITH REQUEST FOR PROPOSALS #12-03-05-2; AUTHORIZING THE CITY MANAGER, ON BEHALF OF SAID CITY, TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

7. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS — Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the Clerk.

Mr. Wolpin advised that this matter is quasi-judicial in nature, reviewed the procedures and read the following resolution by title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, CONCERNING SIGN VARIANCE FOR ARTEFACTO HOME ON PROPERTY LOCATED AT 17651 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

After being sworn in by Mrs. Soroka, Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. A motion for approval was offered by Commissioner Auerbach and seconded by Commissioner Joel. Mayor Gottlieb opened the public hearing. There being no

speakers, the public hearing was closed. The motion for approval passed unanimously and **Resolution No. 2012-21** was adopted.

8. **ORDINANCES: FIRST READING/PUBLIC HEARING:** None.

9. **ORDINANCES: SECOND READING/PUBLIC HEARING:**

A. Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2011-08 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2011/2012 FISCAL YEAR BY REVISING THE 2011/2012 FISCAL YEAR OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Weinberg and seconded by Commissioner Diamond. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2012-04** was enacted.

B. **CITY COMMISSION IN ITS CAPACITY AS THE AVENTURA CITY OF EXCELLENCE SCHOOL BOARD OF DIRECTORS:** Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED CHARTER SCHOOL OPERATING AND CAPITAL BUDGET FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR FISCAL YEAR 2012/13 (JULY 1 – JUNE 30), PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR ENCUMBRANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Diamond and seconded by Vice Mayor Holzberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2012-05** was enacted.

10. **RESOLUTIONS – PUBLIC HEARING:** None.

11. **REPORTS:** As presented.
12. **PUBLIC COMMENTS:** Raya Elias-Pushett, 21224 Harbor Way; Sheri Russos, Rosa Nacaratto, Admirals Port; Enbar Cohen, Del Prado.
13. **OTHER BUSINESS:** None.
14. **ADJOURNMENT:** There being no further business to come before the Commission at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 6:35 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



MINUTES
CITY COMMISSION
WORKSHOP MEETING
MAY 22, 2012 9am

Aventura Government Center
19200 W. Country Club Drive
Aventura, Florida 33180

CALL TO ORDER/ROLL CALL: The meeting was called to order at 9 a.m. by Mayor Susan Gottlieb. Present were Commissioners Zev Auerbach, Bob Diamond, Billy Joel, Michael Stern, Luz Urbaz Weinberg, Vice Mayor Teri Holzberg, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk M. Teresa Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced. (Certain items taken out of order)

1. **RENEWABLE ENERGY DEVICES AMENDMENT TO LDR (City Manager):** Mr. Soroka reviewed the proposed ordinance as redrafted by Community Development Director Joanne Carr in accordance with Commission discussion at the April 19, 2012 Workshop Meeting.
CITY MANAGER SUMMARY: Consensus to proceed with first reading at the July 2012 meeting.
2. **SELF STORAGE FACILITIES AS A CONDITIONAL USE IN THE MEDICAL OFFICE DISTRICT (City Manager):** In response to a recent request, Ms. Carr discussed amendment to the Medical Office zoning district to add "self service storage facilities with a minimum of 1.5 acre lot size".
CITY MANAGER SUMMARY: Consensus to proceed with first reading of ordinance at July 2012 meeting.
3. **RESOLUTION SUPPORTING CENTRAL EVERGLADES PLANNING PROJECT (Mayor Gottlieb):** Mayor Gottlieb provided Commission with the draft resolution.
CITY MANAGER SUMMARY: Consensus to proceed with resolution at June 2012 meeting.
4. **STUDENTS WORKING AGAINST TOBACCO:** Due to the time of year, no students were able to appear before the Commission. Javier Perez Berezdivion from Killian High School addressed the Commission and urged the passage of a resolution restricting the sale of candy-flavored tobacco products in various forms which target children. Aventura resident Rita Zemlock echoed his remarks.
CITY MANAGER SUMMARY: Consensus to proceed with resolution.
5. **ART IN GOVERNMENT FACILITIES (Commissioner Diamond):** Commissioner Diamond suggested that a Committee be formed, to include the City Manager and Mayor, to approve and provide for placement of donated art in government facilities.
CITY MANAGER SUMMARY: Consensus to proceed and draft enabling ordinance.

6. **RESOLUTION OPPOSING FPL RATE INCREASE** (Commissioner Auerbach): As discussed at the Miami-Dade County League of Cities' Energy, Environment and Natural Resource Committee on which he serves as a member, Commissioner Auerbach recommended that the Commission adopt a resolution and/or letter opposing the proposed base rate increase by Florida Power & Light. Aletha Player and Jorge Martinez, representatives of Florida Power & Light, addressed the Commission.

CITY MANAGER SUMMARY: Consensus to take no action at this time pending further review by the Miami Dade County League of Cities.

7. **ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 11 a.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: April 30, 2012

SUBJECT: **Law Enforcement Mutual Aid Agreement Between the City and the Town of Bay Harbor Islands**

June 5, 2012 City Commission Meeting Agenda Item 5-B

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution authorizing execution of the Law Enforcement Mutual Aid Agreement with the Town of Bay Harbor Islands.

BACKGROUND

In order to improve cooperative relationships between law enforcement agencies and provide a mechanism to share police resources in the event of emergencies or certain demanding situations, Chapter 23, Florida Statutes, Florida Mutual Aid Act allows agencies to enter into Police Services Mutual Aid Agreements. The various departments use a basic Mutual Aid Agreement.

The following list comprises the circumstances and conditions under which mutual aid may be requested:

1. The joint multijurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.

5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from disturbances within detention facilities.
7. Hostage and barricade subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-process calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events, e.g., sporting events, concerts, parades fairs, festivals and conventions.
12. Security and escort duties for dignitaries.
13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization for specialized units, e.g., underwater recovery, aircraft, canine motorcycle, bomb, crime scene, marine patrol, and police information.
15. Joint training in areas of mutual need.

The Agreement is beneficial in our mission to protect the safety and quality of life of our residents.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1773-12

MUTUAL AID AGREEMENT

WITNESSETH

WHEREAS, it is the responsibility of the governments of the City of Aventura, Florida, and the Town of Bay Harbor Islands, Florida (collectively, the “Parties”) to ensure the public safety of their citizens by providing adequate levels of police service to assess any foreseeable routine or emergency situation; and

WHEREAS, there is an existing and continuing possibility of the occurrence of law enforcement problems and other natural man-made conditions which are, or likely to be, beyond the control of the services, personnel, equipment, or facilities of the Aventura Police Department and the Bay Harbor Islands Police Department (collectively, the “Agencies”); and

WHEREAS, the Parties are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Intensive situations including, but not limited to emergencies as defined under Section 252.34(3), Florida Statutes; and
- (2) Continuing, multi-jurisdictional law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and

WHEREAS, the Parties have authority under Part I of Chapter 23, Florida Statutes, the Florida Mutual Aid Act, to enter into:

- (1) A requested operational assistance agreement for the requesting and rendering of assistance in law enforcement intensive situations and emergencies; and
- (2) A voluntary cooperation agreement for assistance of a routine law enforcement nature that crosses jurisdictional lines.

NOW, THEREFORE, BE IT KNOWN that the City of Aventura, a political subdivision of the State of Florida and the Town of Bay Harbor Islands, a political subdivision of the State of Florida, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

SECTION I: DESCRIPTION

This Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations and combines elements of both a

voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23, Florida Statutes.

SECTION II: PROVISIONS FOR VOLUNTARY COOPERATION

The Chief of Police for the City of Aventura and the Chief of Police for the Town of Bay Harbor Islands (collectively “Agency Heads”) may execute a joint declaration, enumerating the specific conditions under which aid may be requested or rendered pursuant to this Agreement (the “Joint Declaration”). Subsequent to execution, a Joint Declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this Agreement. The Joint Declaration may be amended at any time upon the mutual assent of the Agency Heads.

SECTION III: POLICY AND PROCEDURE

- (a) In the event that a party to this Agreement is in need of assistance as set forth above, an authorized representative of the Agency requiring assistance shall notify the Agency, Agency Head, or his/her designee from whom such assistance is required. The Agency Head or authorized agency representative whose assistance is sought shall evaluate the situation and the Agency’s available resources, consult with his/her supervisors if necessary and will respond in a manner he/she deems appropriate. The Agency Head’s decision in this regard shall be final.
- (b) The resources or facilities that are assigned by the assisting Agency shall be under the immediate command of a supervising officer designated by the assisting Agency Head. Such supervising officer shall be under the direct supervision and command of the Agency Head or his designee of the Agency requesting assistance.
- (c) Should a violation of Florida Statutes occur in the presence of said officers representing their respective Agencies in the furtherance of this Agreement, they shall be empowered to render enforcement assistance and act in accordance with law.

SECTION IV: POWERS, PRIVILEGES, IMMUNITIES AND COSTS

- (a) Members of the Agencies when actually engaging in mutual cooperation and assistance outside of the jurisdictional limits of Aventura or Bay Harbor Islands under the terms of this Agreement, shall, pursuant to the provisions of Section 23.127, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.
- (b) Each Party agrees to furnish the necessary equipment, resources, and facilities and to render services to each other Party to the Agreement as set

forth above; provided however, that no Party shall be required to deplete unreasonably its own equipment, resources, facilities, and services in furnishing such mutual aid.

- (c) The Agency furnishing any equipment pursuant to this Agreement shall bear the loss or damages to such equipment and shall pay any expense incurred in the operation and maintenance thereof.
- (d) The Agency furnishing aid pursuant to this section shall compensate its appointees/employees during the time such aid is rendered and shall defray the actual travel maintenance expenses of such employees while they are rendering such aid, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. **HOWEVER**, if the requesting Agency receives compensation from the Federal Emergency Management Agency (FEMA), the requesting Agency may compensate the assisting Agency during the time of the rendering of such aid and may defray the actual travel and maintenance expenses of such employees while they are rendering such aid, including any amounts paid or due for compensation as a result of personal injury or death while such employees are rendering such aid as pertains to this Agreement.
- (e) All of the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits which apply to the activity of such officers, agents or employee of any such agency when performing their respective functions within the territorial limits of their respective public agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this Agreement. The provisions of this section shall apply with equal effect to paid, volunteer, and reserve employees.
- (f) Nothing herein shall prevent the requesting Agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting Agency for any actual costs or expenses incurred by the assisting agency performing hereunder when assistance is requested under this Agreement.

SECTION V: FORFEITURE

It is recognized that during the course of the operation of the Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. Seized property shall be forfeited and equitably distributed among the participating agencies in proportion to the amount of

investigation and participation performed by each agency. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.

SECTION VI: INDEMNIFICATION

Each Party engaging in any mutual cooperation and assistance, pursuant to this Agreement, agrees with respect to any suit or claim for damages resulting from any and all acts, omissions, or conduct of such party's own employees occurring while engaging in rendering such aid pursuant to this agreement, to hold harmless, defend and indemnify the other participating party and its appointees or employees, subject to provisions of Section 768.28, Florida Statutes, where applicable, and provided such party shall have control of the defense of any suit or claim to which said duty to indemnify applies.

SECTION VII: EFFECTIVE DATE

This agreement shall take effect upon execution and approval by the hereinafter-named officials and shall continue in full force and effect until the expiration of a period of five (5) years from the date hereof, unless terminated prior thereto by any or all of the Parties herein.

SECTION VII: CANCELLATION

This agreement may be cancelled by any Party upon delivery of written notice to the other Party or Parties. Cancellation will be at the direction of any subscribing Party.

IN WITNESS WHEREOF, the Parties hereto cause these presents to be signed on the date specified.

Ronald J. Wasson
Town Manager
Town of Bay Harbor Islands

Date: _____

Duncan W. Young
Chief of Police
Bay Harbor Islands, Florida

Date: _____

Eric M. Soroka
City Manager
City of Aventura

Date: _____



Steven Steinberg
Chief of Police
Aventura, Florida

Date: 4/25/12

ATTEST:

Marlene Marante
Town Clerk
Bay Harbour Islands, Florida

ATTEST:

Teresa M. Soroka
City Clerk
City of Aventura, Florida

**JOINT DECLARATION BETWEEN
THE CITY OF AVENTURA AND THE TOWN OF BAY HARBOR ISLANDS
PURSUANT TO A MUTUAL AID AGREEMENT**

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the mutual aid agreement when:

- Participating in law enforcement activities that are preplanned and approved by each respective agency head; or
- Appropriately dispatched in response to a request for assistance from the other law enforcement agency.

In compliance with and under the authority of the Mutual Aid Agreement heretofore entered into by the City of Aventura, Florida and the Town of Bay Harbor Islands, Florida, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the agreement. Said list may be amended or supplemented from time to time as needs dictate by subsequent declarations.

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes, and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.
9. Enemy attack.

10. Transportation of evidence requiring security.
11. Major events, e.g., sporting events, concerts, parades, fairs, festivals and conventions.
12. Security and escort duties for dignitaries.
13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization of specialized units, e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
15. Joint training in areas of mutual need.
16. Joint multi-jurisdictional marine interdiction operations.

The following procedures will apply in mutual aid operations:

1. Mutual aid requested or rendered will be approved by the Chief of Police or designee.
2. Specific reporting instructions for personnel rendering mutual aid should be included in the request for mutual aid. In the absence of such instructions, personnel will report to the ranking on-duty supervisor on the scene.
3. Communications instructions will be included in each request for mutual aid.
4. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures.

AGREED TO AND ACKNOWLEDGED this day of April, 2012.

Duncan W. Young
Chief of Police
Bay Harbor Islands, Florida

Date: _____

ATTEST:



Steven Steinberg
Chief of Police
Aventura, Florida

Date: 4/25/12

ATTEST:

Marlene Marante
Town Clerk
Bay Harbor Islands, Florida

Teresa M. Soroka
City Clerk
Aventura, Florida

Approved as to form
and legal sufficiency:

Approved as to form
and legal sufficiency:

Town Attorney
Bay Harbor Islands, Florida

City Attorney
City of Aventura, Florida

Date: _____

Date: _____

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE TOWN OF BAY HARBOR ISLANDS FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. The City Manager is hereby authorized on behalf of the City of Aventura to execute and otherwise enter into that certain Mutual Aid Agreement between the City of Aventura and the Town of Bay Harbor Islands for law enforcement activities in substantially the form as attached hereto.

Section 2. The City Manager is hereby authorized to do all things necessary and expedient in order to effectuate the execution of the attached Agreement described in Section 1 above, and to carry out the aims of this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner ____, who moved its adoption. The motion was seconded by Commissioner ____, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbàez Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 5th day of June, 2012.

Susan Gottlieb, Mayor

Attest:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney

/tms

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: May 11, 2012

SUBJECT: **Resolution Declaring Equipment Surplus**

June 5, 2012 Commission Meeting Agenda Item 5-C

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution declaring certain equipment as surplus to the needs of the City.

BACKGROUND

Section 2-258 of the City Code of Ordinances provides that any property owned by the City which has become obsolete or which has outlived its usefulness may be disposed of in accordance with procedures established by the City Manager, so long as the property has been declared surplus by a resolution of the City Commission.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1774-12

**CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM**

TO: Eric M. Sproka, City Manager

FROM: ~~Steven Steinberg~~, Chief of Police

DATE: 11 May 2012

SUBJECT: Surplus Property

I would like to have the below listed items, owned by the City of Aventura, declared Surplus Property as per City of Aventura APDP, Chapter 6, Subsection 5, Page 1, as these items have become inadequate for public purposes:

Veh #	VIN	Model	Make
2502	2FAFP71W55X132560	Crown Victoria	Ford
3983	2FAHP71V19X128835	Crown Victoria	Ford

**CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM**

TO: Eric M. Soroka, City Manager

FROM: ~~Steven Steinberg, Chief of Police~~

DATE: 16 May 2012

SUBJECT: Surplus Property

I would like to have the below listed items, owned by the City of Aventura, declared Surplus Property as per City of Aventura APDP, Chapter 6, Subsection 5, Page 1, as these items have become inadequate for public purposes:

Request that the attached list of 73 Tasers be surplusd at the next Commission meeting

CITY OF AVENTURA

POLICE DEPARTMENT

MEMORANDUM

TO: Chief Steinberg

FROM: Lt. M. Mauer 

SUBJECT: Taser buy Back Program

DATE: May 18, 2012

The following Tasers are being sent back for the Taser buy back program.

1. X00-308972
2. X00-195690
3. X00-203564
4. X00-119717
5. X00-161373
6. X00-399485
7. X00-546286
8. X00-484781
9. X00-496305
10. X00-546512
11. X00-546202
12. X00-583658
13. X00-632358
14. X00-632354
15. X00-628451
16. X00-628416
17. X00-628123
18. X00-603353
19. X00-614132
20. X00-614105
21. X00-612251
22. X00-583247
23. X00-582916
24. X00-582889
25. X00-392504
26. X00-480492
27. X00-481698

28.X00-482317
29.X00-482998
30.X00-482999
31.X00-484720
32.X00-484725
33.X00-484736
34.X00-484972
35.X00-496409
36.X00-496431
37.X00-541874
38.X00-546239
39.X00-546258
40.X00-546283
41.X00-546331
42.X00-546333
43.X00-546373
44.X00-546461
45.X00-546471
46.X00-546497
47.X00-546510
48.X00-546513
49.X00-106574
50.X00-115605
51.X00-121069
52.X00-121284
53.X00-121284
54.X00-143516
55.X00-143931
56.X00-158672
57.X00-167363
58.X00-195667
59.X00-167396
60.X00-203645
61.X00-203652
62.X00-203680
63.X00-246693
64.X00-246677
65.X00-246869
66.X00-309252
67.X00-375203
68.X00-383695
69.X00-389523
70.X00-389556
71.X00-386666
72.X00-391353
73.X00-392389

**CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM**

TO: Eric M. Soroka, City Manager
FROM: ~~Steven Steinberg~~, Chief of Police
DATE: 31 May 2012
SUBJECT: Surplus Property

I would like to have the below listed items, owned by the City of Aventura, declared Surplus Property as per City of Aventura APDP, Chapter 6, Subsection 5, Page 1, as these items have become inadequate for public purposes:

Year	VIN	Tag	Model
2006	2FAFP71W96X138475	128208	Crown Vic
2006	2FAFP71W46X138481	128214	Crown Vic
2006	2FAFP71W06X138476	XA0926	Crown Vic
2006	2FAFP71W26X138477	XA0929	Crown Vic
2006	2FAFP71W26X138480	XA0928	Crown Vic
2403	2FAFP71W04X124736	129824	Crown Vic

2006	1FMPPU15576LA62818	131641	Expedition
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RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Manager desires to declare certain property as surplus to the needs of the City; and

WHEREAS, Ordinance No. 2000-09 provides that all City-owned property that has been declared surplus cannot be disposed of prior to the preparation and formal approval of a resolution by the City Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Recitals Adopted. The above recitals are hereby confirmed and adopted herein.

Section 2. The property listed on Exhibit "A" has been declared surplus and is hereby approved for disposal.

Section 3. The City Manager is authorized to dispose of the property listed on Exhibit "A" through a public auction, sale, trade-in, transfer to other governmental agency or, if of no value, discarded.

Section 4. The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

Section 5. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbàez Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 5th day of June, 2012.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission
FROM: Eric M. Soroka, ICMA-CM, City Manager
DATE: May 16, 2012
SUBJECT: **Disbursement of Police Forfeiture Funds**



June 5, 2012 City Commission Meeting Agenda Item 5-D

RECOMMENDATION

It is recommended that the City Commission adopt the following Motion to expend funds from the Police Forfeiture Fund:

“Motion authorizing the appropriation of up to \$37,000 for Tasers and related equipment from the Police Federal Forfeiture Funds in accordance with the City Manager’s memorandum.”

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1775-12

CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: ~~Steven Steinberg, Chief of Police~~
DATE: 22 May 2012
SUBJECT: Use of Forfeiture Funds

Florida State Statute 932.704 requires that money resulting from forfeitures be maintained in a special law enforcement trust fund, and that the funds be expended only upon request of the Chief of Police to the governing body of the municipality and approval of the governing body.

I am requesting City Commission approval for the expenditure of:

Tasers & related equipment	\$37,000
----------------------------	----------

Total Expenditure Request:	\$37,000
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I certify that this requested expenditure complies with Florida State Statute 932.704 in that:

1. Funds will be used for an appropriate law enforcement purpose.
2. Funds are not being used as a normal source of revenue for the Police Department.
3. Funds were not considered in the adoption and approval of the budget of the Police Department.

Summary

Tasers and related equipment – Requesting to use up to \$37,000 out of LETF funds to purchase 31 X2 Tasers and related equipment. This purchase will complete transitioning over all sworn officers to the X2 Taser. This Taser provides a tactical advantage, over the older model X26 Taser, to an officer in the event they have to apply less than lethal force to a subject(s).

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: May 18, 2012

SUBJECT: **Disbursement of Police Forfeiture Funds**

June 5, 2012 City Commission Meeting Agenda Item 5-E

RECOMMENDATION

It is recommended that the City Commission adopt the following Motion to expend funds from the Police Forfeiture Fund:

“Motion authorizing the appropriation of up to \$17,000 for conference room modification build out from the Police Federal Forfeiture Funds in accordance with the City Manager’s memorandum.”

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1776-12

CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: ~~Steven Steinberg~~, Chief of Police
DATE: 18 May 2012
SUBJECT: Use of Forfeiture Funds

The Federal Equitable Sharing Agreement (FESA), Section VIII allows for the use of federally forfeited funds for law enforcement. Section IX, A9 of the Federal Equitable Sharing agreement requires that the funds be expended only upon request of the Chief of Police to the governing body of the municipality and approval of the governing body.

I am requesting City Commission approval for the expenditure of:

Conference room modification build out	\$17,000
Total Expenditure Request:	\$17,000

Summary

Conference room modification build out – I am asking for the Commission to approve an expenditure of up to \$17,000 to expand the conference room in the Administrative office area of the Police Department. As this agency has grown the use of the room has increased and its size has proven to be much smaller than needed.

The cost would cover the moving of a wall to make the room larger and furniture and equipment for the room.

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA URGING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, THE STATE OF FLORIDA AND THE U.S. CONGRESS TO SUPPORT AND PROVIDE FUNDING FOR THE CENTRAL EVERGLADES PLANNING PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Greater Everglades Ecosystem is a globally imperiled habitat and the primary source of drinking water for the City of Aventura; and

WHEREAS, Everglades National Park is critical to South Florida's tourism, with nearly a million people visiting each year, 30 percent of whom are from outside the United States; and

WHEREAS, the Everglades ecosystem has continued to decline in the face of restoration delays and an expedited solution is needed to increase the quality, quantity, timing and distribution of freshwater flows into the central Everglades, Everglades National Park and Florida and Biscayne Bay; and

WHEREAS, increased deliveries of water south of Lake Okeechobee will reduce damaging discharges to the Caloosahatchee and St. Lucie estuaries; and

WHEREAS, the goal of the Central Everglades Planning Project (CEPP) is to significantly reduce planning times and deliver a finalized plan, for a suite of restoration projects in the central Everglades within 18 months; and

WHEREAS, full support and funding by the State of Florida and the U.S. Congress is needed to implement this project, protect regional water supply, create much needed jobs and strengthen the local economy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City of Aventura urges the South Florida Water Management District, the state of Florida and the U. S. Congress to support and provide funding for the Central Everglades Planning Project.

Section 3. This Resolution shall become effective immediately upon adoption.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbaez-Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 5th day of June, 2012.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: May 29, 2012

SUBJECT: **Resolution Supporting Adoption of County-Wide Ordinance to Prohibit the Sale and Distribution of Candy Flavored Tobacco Products**

June 5, 2012 City Commission Meeting Agenda Item 5-G

As discussed and reviewed at the May Workshop Meeting, please find the attached subject Resolution for your approval.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1777-12

RESOLUTION NO. 2012-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, SUPPORTING ADOPTION OF COUNTY-WIDE ORDINANCE TO PROHIBIT THE SALE AND DISTRIBUTION OF CANDY FLAVORED TOBACCO PRODUCTS, WHICH ARE COMMONLY MARKETED TO YOUTHS; PROVIDING FOR DISTRIBUTION OF RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has been advised that candy-flavored tobacco products were introduced as part of an industry trend to manufacture smokeless products in response to declining cigarette use and the enactment of smoke-free laws; and

WHEREAS, the packaging and advertising of candy-flavored tobacco is appealing to teenagers, and studies have shown these products contain high levels of absorbable nicotine; and

WHEREAS, the City has been advised that studies show that almost 90% of adult regular smokers started tobacco use before the age of 18; and

WHEREAS, many local governments in Florida have passed resolutions supporting the banning of the sale and distribution of candy-flavored tobacco products; and

WHEREAS, reports indicate that tobacco companies appear to target youth with candy and alcohol flavored products to mask the harsh and toxic properties found in tobacco; and

WHEREAS, it is reported that despite age restrictions on the sale of tobacco products, there has been a substantial increase in cigar use among high school students since 2002 despite the well-known and very substantial health risks ; and

WHEREAS, the City Commission supports the restriction of the distribution and sale of all flavored tobacco products, so that the public health will be protected and enhanced.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA:

Section 1: That the City Commission of the City of Aventura, Florida hereby supports the dedicated efforts of Students Working Against Tobacco (SWAT) , and the Florida International University Stempel School of Public Health, to promote the adoption of laws restricting the distribution and sale of flavored tobacco products, and supports and encourages the efforts of Miami- Dade County to establish a uniform county- wide ban on the sale and distribution of flavored tobacco products to the fullest extent authorized by applicable law. .

Section 2: That the City Clerk is hereby requested to provide copies of this Resolution to the Miami- Dade County League of Cities, the Miami- Dade County Commission and any other appropriate parties.

Section 3. That this Resolution shall become effective immediately upon its passage and adoption by the City Commission.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbàez Weinberg	_____
Vice-Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 5th day of June, 2012.

Susan Gottlieb, Mayor

Attest:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney

CITY OF AVENTURA
FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

BY:  Brian K. Raducci, Finance Director

DATE: May 30, 2012

SUBJECT: **Refinance of the City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A**

June 5, 2012 City Commission Meeting Agenda Item 5-4

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution which sets forth the ranking of firms to refinance the City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A.

1st Reading June 5, 2012 City Commission Meeting Agenda Item _____

2nd Reading June 14, 2012 City Commission Meeting Agenda Item _____

RECOMMENDATION

It is recommended that the City Commission approve the attached Ordinance Authorizing the issuance of not to exceed \$10,000,000 in aggregate principal amount of obligations of the City to Refinance the acquisition and construction of various capital improvements and to pay costs and expenses of issuing such obligations.

BACKGROUND

At the April 19, 2012 Workshop, the City Manager made a presentation and recommendation to the City Commission, and was authorized to take the necessary action to refinance the City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A so long as the Net Present Value (NPV) savings as a percentage of the refunded bonds would be at a level of 4% or more. The original Revenue Bonds have a final maturity ("full term") of August 1, 2032.

On April 22, 2012 the City issued an Invitation to Bid (ITB #12-05-21-2) to obtain proposals for the purpose of selecting a firm to provide a not-to-exceed \$10,000,000 Bank-Qualified Loan (evidenced by a single bond) to finance the cost of refunding the

City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A. The City advertised the availability of the ITB in the Miami Herald on April 22, 2012. In addition, a solicitation package was made available from www.demandstar.com and emailed to various banks on April 23, 2012. This Loan will be secured by a Covenant to Budget and Appropriate from legally available Non-Ad-Valorem revenues.

FINANCIAL ADVISOR'S ANALYSIS AND RECOMMENDATION

On May 21, 2012 four (4) firms submitted proposals to the City. Upon receipt of said proposals they were forwarded to Craig Dunlap, our Financial Advisor of Dunlap & Associates, Inc. for his review and analysis. In his email dated May 30, 2012 he provided the following analysis and recommendation:

ANALYSIS

SunTrust

SunTrust offered two (2) options at rates of 2.18% and 2.30% for a final maturity of August 1, 2027. This is five (5) years shorter than the existing FIFC maturity of August 1, 2032. The difference in rates is attributable to the call options. The higher rate allows the bank loan to be called at par after three (3) years and the lower rate provides for the bank loan to be subject to a "make whole" provision. This essentially makes the bank loan uneconomical to refund even though it is callable at any time. Given the historically low rate of 2.18% for 15 years, it was determined that rates would have to go below 1.25% to make another refinancing feasible.

J.P.Morgan

J.P.Morgan offered four (4) options with rates ranging from 2.40%-2.82%. None of these options were for the full term of the loan and all options were subject to the bank "tendering" the loan back to the City prior to the final maturity. This was not a feasible option for the City due to the uncertainty of interest rates if the loan was "tendered".

BB&T

BB&T offered two (2) options, both had fixed rates to maturity. The first rate quoted was 2.67% with a final maturity of August 1, 2028 and the second rate quoted was 3.76% with a final maturity of August 1, 2032. The rates were fixed however, they were not competitive with the SunTrust proposal outlined above.

SunTrust Equipment Finance & Leasing Corp.

The SunTrust Leasing proposal was at a rate of 2.35% for a term of fifteen (15) years. The final maturity would be August 1, 2027. This rate was not competitive with the SunTrust proposal outlined above.

RECOMMENDATION

"Based upon the terms and conditions included in the Invitation of Bid distributed April 22, 2012, we are recommending that the bid be awarded to SunTrust. The indicative interest rate bid, based upon a 2013-2017 amortization period, is 2.18 percent. The rate is firm as long as the closing occurs by June 15, 2012. Based upon this rate, the

present value savings is approximately \$2.59M which represents a 25.5% of refunded par. The comparative debt service for the Fiscal Years 2012-2027 is essentially the same that currently exists however, the amortization period is reduced from 2032 to 2027.”

In addition, I have attached Craig Dunlap’s letter dated May 30, 2012 (“ATTACHMENT A”) in which he provides a summary of the bids, present value savings, the All-In True Interest and his formal recommendation.

Based on the foregoing, the Administration is recommending that the City Commission:

1. Approve the attached resolution establishing a ranking of firms to refinance the City’s outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A. Adoption of this resolution will authorize the City Manager or his designee to negotiate a contract with SunTrust to refinance said Capital Revenue Bonds. In the event, that a satisfactory contract with that firm is unable to be attained, the City Manager or his Designee is authorized to negotiate a contract with the alternate firms.
2. Approve the attached Ordinance Authorizing the issuance of not to exceed \$10,000,000 in aggregate principal amount of obligations of the City to Refinance the acquisition and construction of various capital improvements and to pay costs and expenses of issuing such obligations. (Second reading is scheduled for June 14, 2012.)

Additionally, at the June 14, 2012 Commission meeting, the Commission will be asked to adopt a Resolution which authorizes the execution of a Bank Qualified Loan Agreement with the bank that best meets the City’s needs as outlined in the ITB.

If you should have any questions related to this memorandum, please feel free to contact the City Manager.

BKR/bkr



Dunlap & Associates, Inc.

Financial Consultants

May 30, 2012

Brian Raducci CPA
Director of Finance
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180

Dear Brian,

The City of Aventura, Florida received four (4) responses to a competitive Invitation to Bid (ITB) on May 21, 2012. The purpose of this ITB was to refinance the Florida Intergovernmental Financing Commission (FIFC), Series 2002A Bonds issued on behalf of the City to build a Charter School. The bidders were:

1. SunTrust Bank
2. SunTrust Leasing
3. J.P. Morgan Chase Bank
4. BB&T

A summary of the bids, present value savings and All-In True Interest Cost is attached. It is our recommendation to the City that they accept the SunTrust, Option 1A bid for the following reasons:

1. The amortization is shortened from 2032 to 2027 and the annual debt service is essentially equal to the annual debt service on the FIFC, Series 2002A Bonds being refunded for the Fiscal Years 2013-2027.
2. The quoted interest rate of 2.18% is locked in as long as the closing occurs by June 15, 2012.
3. The quoted interest rate of 2.18% is justified even though the Series 2012 bank loan will be subject to a "make-whole" call, essentially making the 15 year loan non-callable.
4. The present value savings level is approximately \$2,594,000 or 25.5% of refunded par. The GFOA guidelines recommend refunding where the percent of savings is 3-5 percent of refunded par.
5. The total debt service of the Series 2012 bank loan will reduce this total interest cost when compared to the FIFC, Series 2002A Bonds by approximately \$3,800,000.



Dunlap & Associates, Inc.

Financial Consultants

The award of this bank loan to SunTrust should be considered at the June 14, 2012 meeting and if approved, closing will occur on June 15, 2012.

If you have any question, please call me at (407) 678-0977.

Sincerely,

A handwritten signature in black ink that reads "J. Craig Dunlap". The signature is written in a cursive style with a large, prominent "J" and "D".

J. Craig Dunlap

President

Dunlap & Associates, Inc.

Aventura, Florida
Request for Proposal Summary

	<u>BB&T 1 - 2.67%</u>	<u>BB&T 2 - 3.76%</u>	<u>JMP1 - 2.64%</u>	<u>JPM2 - 2.40%</u>	<u>JMP3 - 2.82%</u>	<u>JMP4 - 2.60%</u>	<u>SunTrust - 2.30%</u>	<u>SunTrust - 2.18 %</u>
Dated/ Delivery Da	6/15/2012	6/15/2012	6/15/2012	6/15/2012	6/15/2012	6/15/2012	6/15/2012	6/15/2012
Par Amount	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00
All-in TIC	2.77%	3.85%	2.74%	2.50%	2.90%	2.68%	2.40%	2.28%
Savings \$ - Overall	2,032,411.49	905,923.54	2,065,764.76	2,337,456.28	1,867,553.62	2,110,377.41	2,453,282.21	2,594,321.60
Savings % - Overa	19.99%	8.91%	20.32%	23.00%	18.37%	20.76%	24.13%	25.52%
Total Debt Service	12,252,571.33	14,181,667.93	12,223,725.40	11,999,714.00	13,023,887.95	12,760,550.17	11,784,180.92	11,680,406.22
MADS	829,559.50	777,724.00	826,792.00	811,080.00	719,928.00	704,820.00	849,395.00	840,121.00
Final Maturity	8/1/2028	8/1/2032	8/1/2028	8/1/2028	8/1/2032	8/1/2032	8/1/2027	8/1/2027

Assumes:
 All maturities refunded 2012-2032 to first call date 8/1/12
 Level savings
 Sinking Funds to be Confirmed by City
 Escrow Amount to be Confirmed with Paying Agent on Series 2002 Bonds - Please provide contact information.
 Review Proposals for details
 SunTrust Restructured to Mirror RFP
 Cost of Issuance Estimate \$75,000

RESOLUTION NO. 2012-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING A RANKING OF FIRMS TO PROVIDE THE CITY WITH A LOAN NOT TO EXCEED \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF OBLIGATIONS OF THE CITY TO REFINANCE THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH OBLIGATIONS; AUTHORIZING THE CITY MANAGER OF THE CITY OF AVENTURA, FLORIDA OR HIS DESIGNEE ON BEHALF OF SAID CITY TO NEGOTIATE FOR SAID SERVICES; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Aventura, in accordance with its Charter and applicable State law, has requested proposals for the purpose of selecting a firm to provide a not-to-exceed \$10,000,000 Bank-Qualified Loan (evidenced by a single bond) to finance the cost of refunding the City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A (\$10,165,000 outstanding). This Loan will be secured by a Covenant to Budget and Appropriate from legally available Non-Ad Valorem revenues; and

WHEREAS, said proposals were evaluated by our Financial Advisor – Dunlap & Associates, Inc.; and

WHEREAS, said Financial Advisor recommends the ranking of the four firms, based on the following factors: ability to provide the type and quality of services requested in the proposal; approved rate or rates of interest, as applicable; prior experience servicing local governments; references and additional fees; and

WHEREAS, the City Commission desires to authorize the City Manager or his Designee to negotiate rate or rates of interest and associated fees with the top ranked

firm and with the alternate firm(s), should negotiations with the top ranked firm be unsuccessful.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. The ranking of firms to refinance City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A are:

- 1) SunTrust
- 2) J.P.Morgan
- 3) BB&T
- 4) SunTrust Equipment Finance & Leasing Corp.

Section 2. The firms have been rated on the basis of their ability to provide the type and quality of services requested in the proposal; approved rate or rates of interest, as applicable; prior experience servicing local governments; references and additional fees.

Section 3. In the event the City is unable to come to favorable terms and fees with the top ranked firm, the City Manager or his Designee is hereby authorized to negotiate fees with the alternate firms.

Section 4. The City Manager or his Designee is hereby authorized and requested to take all necessary and expedient action to carry out the aims of this resolution.

Section 5. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner ____, who moved its adoption. The motion was seconded by Commissioner ____, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbáez-Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 5th day of June, 2012.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

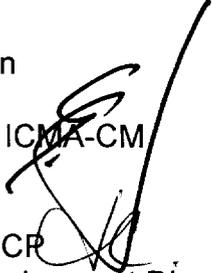
CITY ATTORNEY

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM
City Manager 

BY: Joanne Carr, AICP
Community Development Director 

DATE: May 14, 2012

SUBJECT: Request of Aventura Grand Cove, LLC for Sign Variance
Jared, the Galleria of Jewelry Retail Store
19001 Biscayne Boulevard, City of Aventura
(03-SV-12)

June 5, 2012 City Commission Meeting Agenda Item 6

RECOMMENDATION

It is recommended that the City Commission approve the request for variance to permit two walls signs measuring 47.28 square feet each, with one wall sign on the front (north) and the second wall sign on the side (west) building elevation; where one sign measuring 95.66 square feet is permitted by Code, for the Jared, the Galleria of Jewelry retail store at 19001 Biscayne Boulevard, with the condition that the sign drawings submitted for permitting substantially comply with the sign drawings attached as an exhibit to this application for sign variance.

THE REQUEST

The applicant, Aventura Grand Cove, LLC, is requesting variance from Section 31-191(j)(2)a. of the City Code to permit two wall signs on a one-story freestanding retail building in the Aventura Grand Cove Shopping Plaza at 19001 Biscayne Boulevard, where one wall sign is permitted by Code. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY	Aventura Grand Cove LLC
APPLICANT	Aventura Grand Cove LLC
LOCATION OF PROPERTY	19001 Biscayne Boulevard (See Exhibit #2 for Location Map)
LEGAL DESCRIPTION	Part of the northeast ¼ of the northwest ¼ of the southwest ¼ of Section 3, Township 52 South, Range 42 East, City of Aventura, Miami-Dade County, Florida (See Exhibit #3 for complete legal description)
ZONING	
Subject property:	B2, Community Business District
Property to the North:	B2, Community Business District and TC1, Town Center District
Property to the South:	TC1, Town Center District
Property to the East:	TC1, Town Center District
Property to the West:	Biscayne Boulevard
EXISTING LAND USE	
Subject property:	Commercial Plaza
Property to the North:	Gas Station & Car Wash, Parking Area
Property to the South:	Commercial Plaza
Property to the East:	Commercial & Office Plaza
Property to the West:	Biscayne Boulevard

FUTURE LAND USE – According to the City of Aventura Comprehensive Plan, the following properties are currently designated as follows:

Subject property:	Town Center
Property to the North:	Town Center
Property to the South:	Town Center
Property to the East:	Town Center
Property to the West:	No designation – Biscayne Boulevard

The Site - The subject building lies within the Aventura Grand Cove Plaza on the east side of Biscayne Boulevard, south of NE 191 Street, and contains existing retail, restaurant and bank tenant spaces. The specific site is the former freestanding retail building in the southwest corner of the plaza. This former building was demolished and a new building is under construction to house Jared, the Galleria of Jewelry retail store.

The Project – The applicant is proposing to open a 6,063 square foot Jared, the Galleria of Jewelry, in the newly constructed outbuilding on this plaza site. The applicant has submitted a sign package for the new store and is requesting two signs; one sign on the front (north) elevation of the building facing the interior of the plaza, above the front entrance door and one sign on the side (west) elevation facing Biscayne Boulevard.

The sign package, showing location of the two requested wall signs, is attached as Exhibit #4.

The new building has 95.66 feet of frontage. Our City's Sign Code permits one wall sign measuring a maximum of 95.66 square feet. The applicant is proposing one 47.28 square foot wall sign on the front (north) elevation of the building facing Biscayne Boulevard and one 47.28 square foot wall sign on the side (west) elevation.

Citizen Comments – As of the date of writing of this report, the Community Development Department has not received any written or verbal citizen comments.

ANALYSIS

Section 31-191(j)(2)a. of the City Code regulates wall signs on retail buildings. One wall sign per building is permitted, except two wall signs may be permitted for corner or through locations. This is not a corner or through location. The maximum size of the sign is one square foot for each one lineal foot of building frontage. This building has a frontage of 95.66 lineal feet; therefore, one wall sign at 95.66 square feet is permitted by Code.

The applicant requests approval to install two wall signs, one 47.28 square foot sign on the front (north) elevation of the building above the store entrance doors and one 47.28 square foot sign on the side (west) elevation facing Biscayne Boulevard, measuring an aggregate of 94.56 square feet. The two requested signs are within the maximum sign area that would be permitted by Code for one wall sign at this location.

The criteria for approval of sign variances are set out in Section 31-191(j)(8) of the City of Aventura Land Development Regulations, as follows:

“The Sign Variance maintains the basic intent and purpose of these regulations; particularly as it affects the stability and appearance of the City and provided that the variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.”

The proposed wall sign on the west elevation of the building will identify the store for traffic on Biscayne Boulevard. The proposed wall sign on the north elevation will then direct customers, once inside the plaza, to the front door of the store. The total area of the two wall signs, at 94.56 square feet, does not exceed the permitted size of 95.66 square feet for one wall sign at this location.

This request does preserve the unique character of the City and is not in conflict with the basic intent and purpose of the sign code. The signs are compatible with surrounding land uses, will not be detrimental to the community and will effectively index the environment. The two signs will direct customers to the store.

AVENTURA GRAND COVE, LLC
2627 Northeast 203rd Street, Suite 118
Aventura, Florida 33180

LETTER OF INTENT

May 1, 2012

City of Aventura
Community Development Department
19200 W. Country Club Drive
Aventura, Florida 33180

RE: Letter of Intent In Connection With Application For Sign Variance Regarding
Jared, the Galleria of Jewelry located at Aventura Grand Cove Center

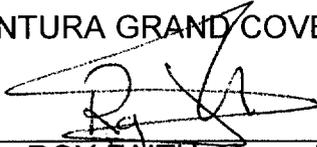
Dear Sir or Madam:

As was previously announced, Jared, the Galleria of Jewelry, intends to establish one of their prestigious galleries in Aventura. We are proud to say that Jared's is opening its Aventura location of their nationwide retail chain at Aventura Grand Cove Shopping Center. Jared's is currently in the process of building its new, state of the art facility. The Galleria will be facing the highly visible Biscayne Boulevard thoroughfare. The Jared's group have engaged top-level construction companies, engineers, architects, etc. and have fashioned a template in the design and construction of their numerous, well-known galleries. Accordingly, Jared's desires and is seeking the City's approval to place its internationally known signature sign on the Galleria. As you can see through the professionally prepared designs and plans being submitted herewith, it is Jared's intention to build a high-end, quality structure that would house an equally high-end business within our City. As such, completing the picture with the Jared signature, as beautifully displayed in the attached renderings, will result in an extremely favorable "poster" for the City of Aventura and its citizens.

We are always available for your input, comments and questions. Please let us know if there is anything we can do to assist you in facilitating your review. Thank you very much.

Respectfully submitted,

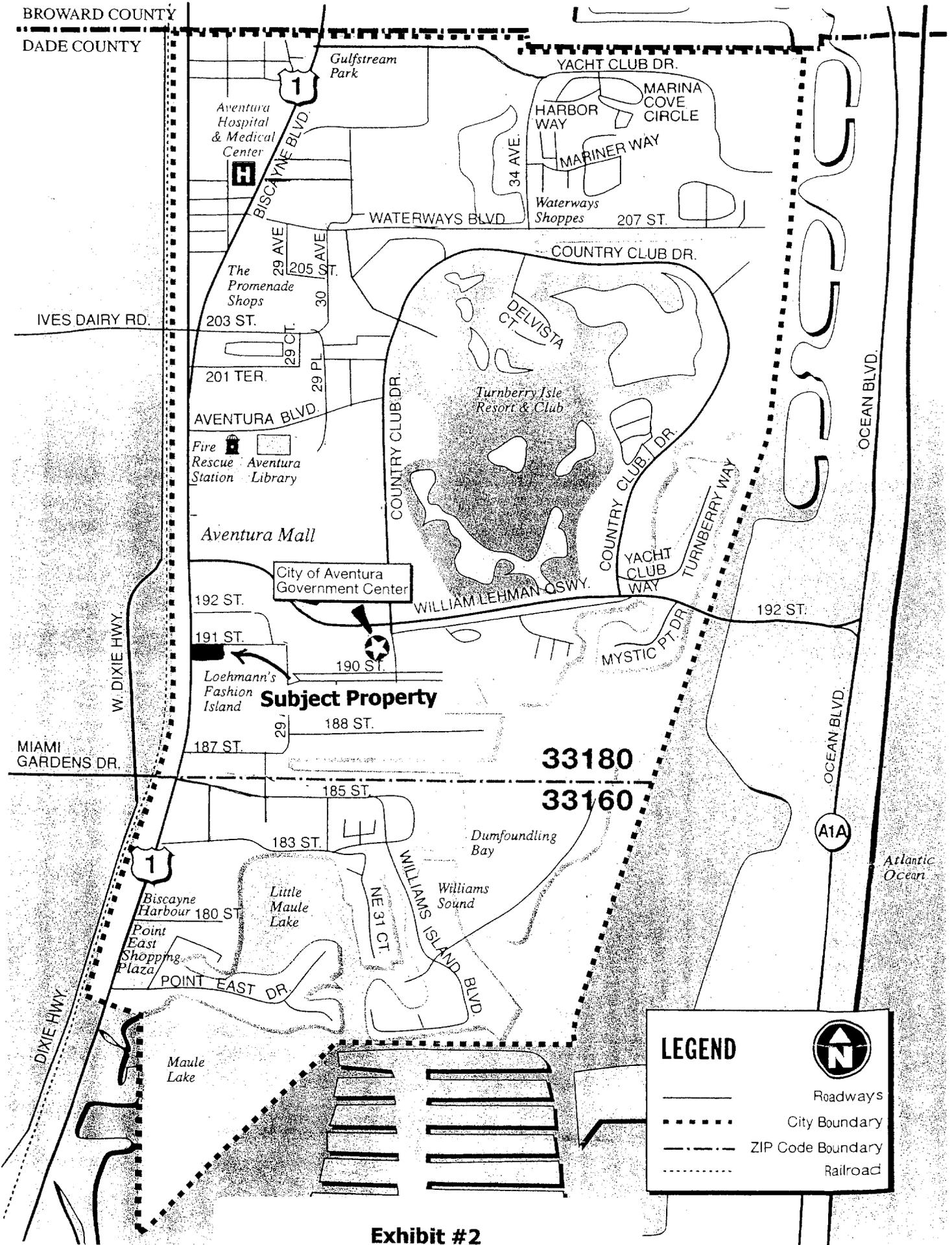
AVENTURA GRAND COVE, LLC,

By: 

ROY FAITH, Managing Member
of Manager

Exhibit #1
03-SV-12

BROWARD COUNTY
DADE COUNTY



LEGEND

- Roadways
- City Boundary
- - - - ZIP Code Boundary
- · - · - Railroad



Exhibit #2
03-SV-12

EXHIBIT A

Property

THAT PORTION OF THE N.E. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4, SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 OF SAID SECTION 3; THENCE N86°32'30"E 795.49 FEET ALONG THE NORTH LINE OF SAID S.W. 1/4 OF SECTION 3 TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF ROAD NO. 4 (U.S. HIGHWAY 1) AS PER FLORIDA'S STATE ROAD DEPARTMENT RIGHT-OF-WAY PLANS RECORDED IN BOOK 34 AT PAGE 53 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; THENCE S3°08'01"E 209.97 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE N86°32'30"E 299.54 FEET ALONG A LINE THAT IS PARALLEL WITH AND 210.00 FEET SOUTHERLY OF SAID NORTH LINE OF THE S.W. 1/4 OF SECTION 3, AS MEASURED ALONG THE EAST LINE OF THE N.E. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 3; THENCE N4°23'43"E 10.00 FEET; THENCE N86° 32'30"E 75.00 FEET; THENCE S4°23'42"E 50.00 FEET; THENCE N86°32'30"E 75.14 FEET TO A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 100.00 FEET WESTERLY OF SAID EAST LINE OF THE N.E. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 3; THENCE ALONG LAST SAID PARALLEL LINE S4°23'42"E 211.81 FEET TO A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 200.00 FEET NORTHERLY OF THE SOUTH LINE OF SAID N.E. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 3; THENCE ALONG LAST SAID PARALLEL LINE S46°29'21"W 455.22 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF ROAD NO. 4 (U.S. HIGHWAY 1); THENCE N3°08'01"W 252.20 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A PORTION OF THE NW¼ OF THE SW¼ OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

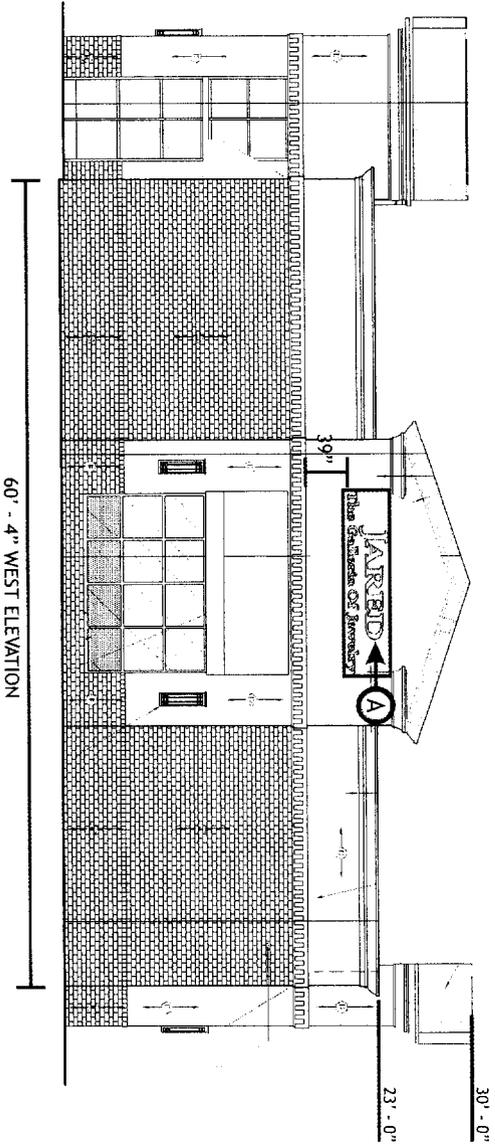
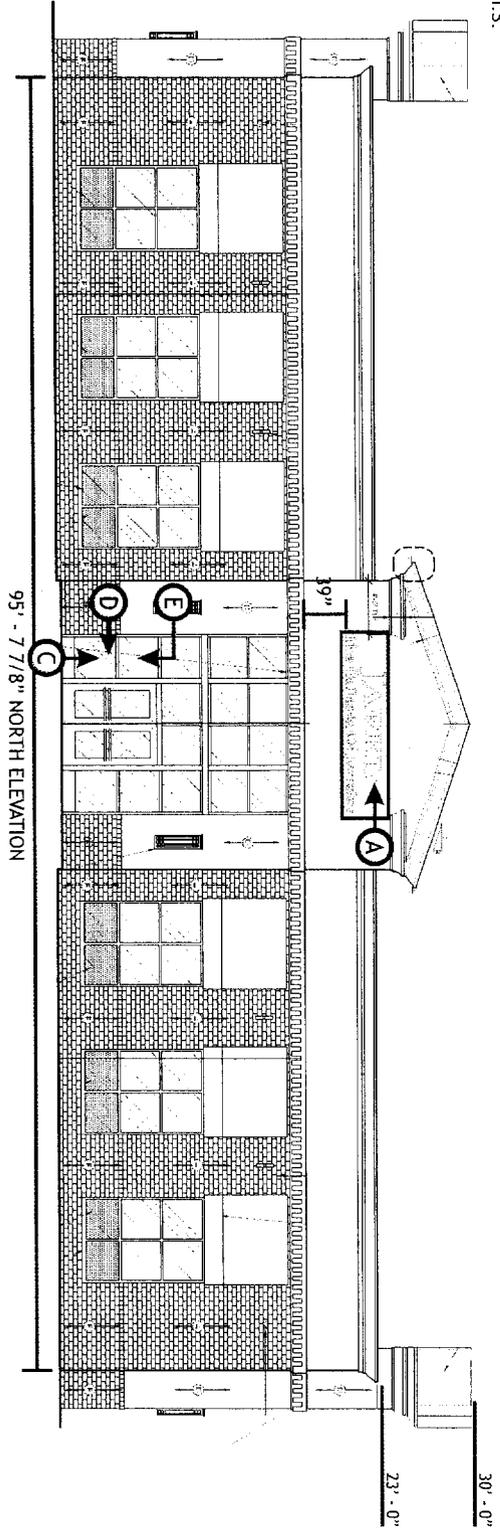
BEGIN AT THE NORTHWEST CORNER OF THE WESTERLY 138.943 METERS (455.85 FEET) OF TRACT "B", REGINA SQUARE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 113, AT PAGE 27, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THIS POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 5 (U. S. NO. 1/BISCAYNE BOULEVARD), AS SHOWN ON SAID PLAT AND ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT N/W MAP PROJECT NO. 41, NOW KNOWN AS SECTION 87030-2201, AS RECORDED IN PLAT BOOK 34, AT PAGE 53, OF SAID PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N02°07'21"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 76.721 METERS (251.71 FEET) TO THE POINT OF INTERSECTION WITH A LINE 64.008 METERS (210.00 FEET) SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE NW¼ OF THE SW¼ OF SAID SECTION 3; THENCE RUN N87°34'53"E, ALONG TEST DESCRIBED PARALLEL LINE, FOR A DISTANCE OF 4.846 METERS (15.90 FEET) TO A POINT; THENCE RUN S02°07'21"E FOR A DISTANCE OF 76.717 METERS (251.69 FEET) TO THE POINT OF INTERSECTION WITH THE NORTHERLY LINE OF SAID WESTERLY 138.943 METERS (455.85 FEET) OF TRACT "B"; THENCE RUN S67°32'01"W ALONG LAST DESCRIBED NORTHERLY LINE, FOR A DISTANCE OF 4.846 METERS (15.90 FEET) TO THE POINT OF INTERSECTION WITH SAID EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 5 AND THE POINT OF BEGINNING.

TOGETHER WITH NON-EXCLUSIVE EASEMENT CREATED BY INGRESS, EGRESS AND ACCESS EASEMENT FILED IN BOOK 16366, PAGE 1027.

3262076-2
Special Warranty I

Exhibit #3
03-SV-12

STOREFRONT - ELEVATION
Scale: N.T.S.



26-9 LETTERS ENCLOSED IN
ONE BOX = 47.28 SQ. FT.
X 2 SIGNS
GRAND TOTAL = 94.56 SQ. FT.

A J26-9FL
QTY - 2

B J AWNING WITH COPY
QTY - 1

C J HR V
QTY - 1

D J NS V
QTY - 1

E J CW V
QTY - 1

**Exhibit #4
03-SV-12**



**Ruggles
SIGN COMPANY**
308 Crossfield Drive
Versailles, KY 40383
Phone: (859) 879-1199
Fax: (859) 879-8683
www.rugglessign.com



The Craftsmen Of Versatility
JARRID

Store# 2522
Space#
BISCAYNE BLVD.
AVENTURA, FL

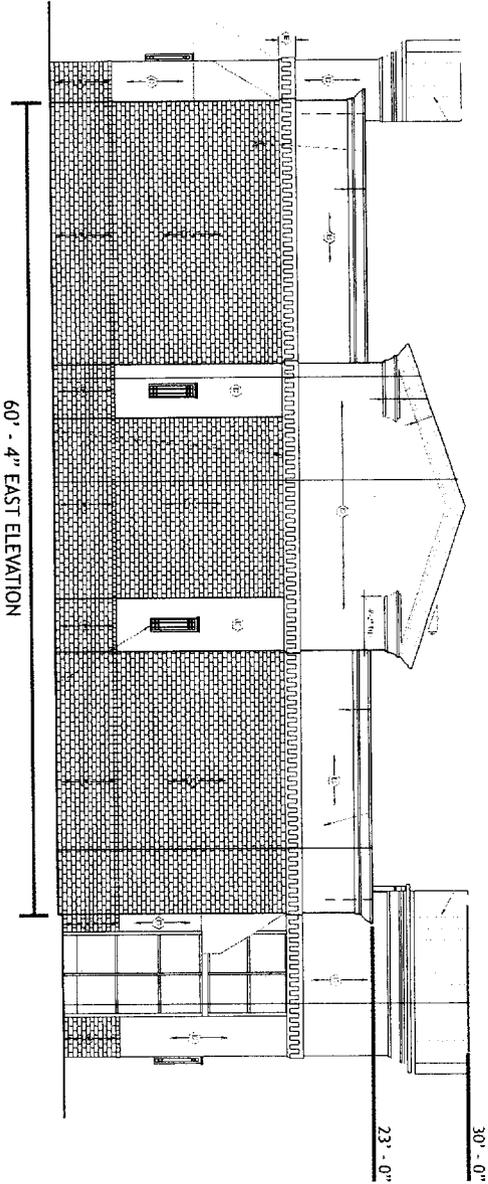
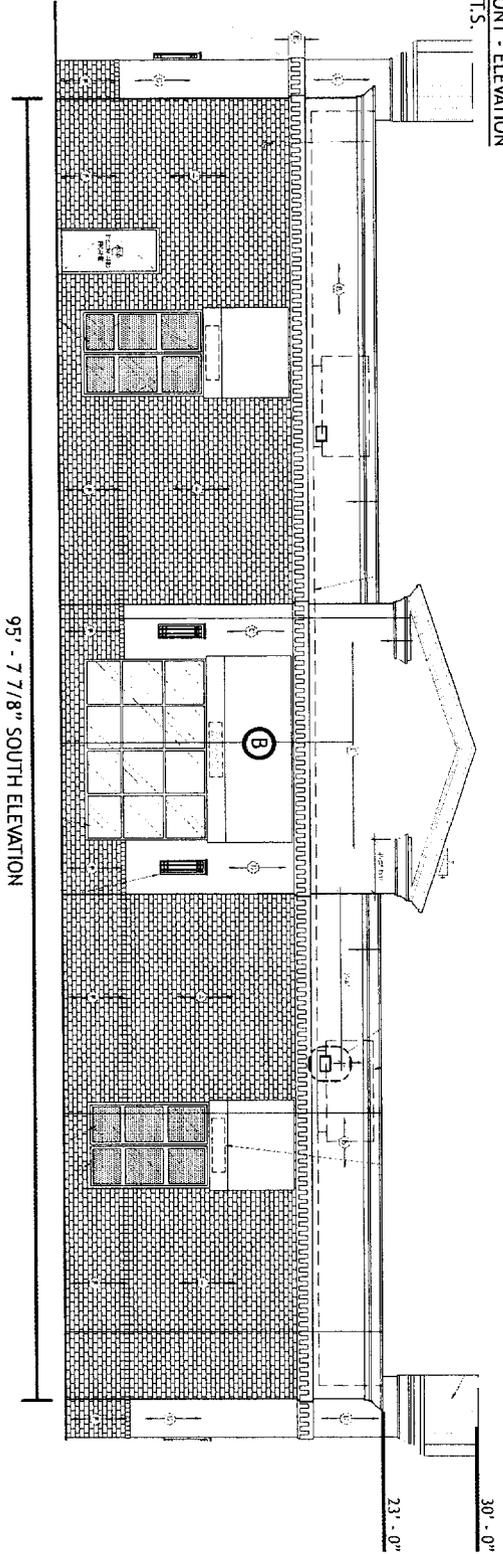
CUSTOMER APPROVAL

Customer Signature	Date
Copy, Colors and sizes	
RUGGLES SIGN COMPANY DOES NOT PROVIDE PRIMARY ELECTRICAL TO SIGN LOCATION RESPONSIBILITY OF OTHERS!	
This design is the exclusive property of Ruggles Sign Company and cannot be reproduced in whole or in part without their prior written approval.	
Submitted Date:	12/08/11
Plan Issue/Rev Date:	11/28/11
Arch Rep:	Bridget Butrows
Designer:	Derek Couch

REVISIONS

R1:	02/07/12	R5:	
R2:	02/08/12	R6:	
R3:	04/02/12	R7:	
R4:		R8:	

STOREFRONT - ELEVATION
Scale: N 1/5"



(A) J26-9FL
QTY - 2

(B) J AWNING WITH COPY
QTY - 1

(C) J HR V
QTY - 1

(D) J NS V
QTY - 1

(E) J CW V
QTY - 1

Exhibit #4
03-SV-12



Ruggles
SIGN COMPANY
308 Crossfield Drive
Versailles, KY 40383
Phone: (859) 879-1199
Fax: (859) 879-6683
www.rugglessign.com



JARRED
The Galleries Of Jewellery

Store# 2522
Space#
BISCAYNE BLVD.
AVENTURA, FL

CUSTOMER APPROVAL

Customer Signature _____ Date _____
Copy, Colors and Sizes

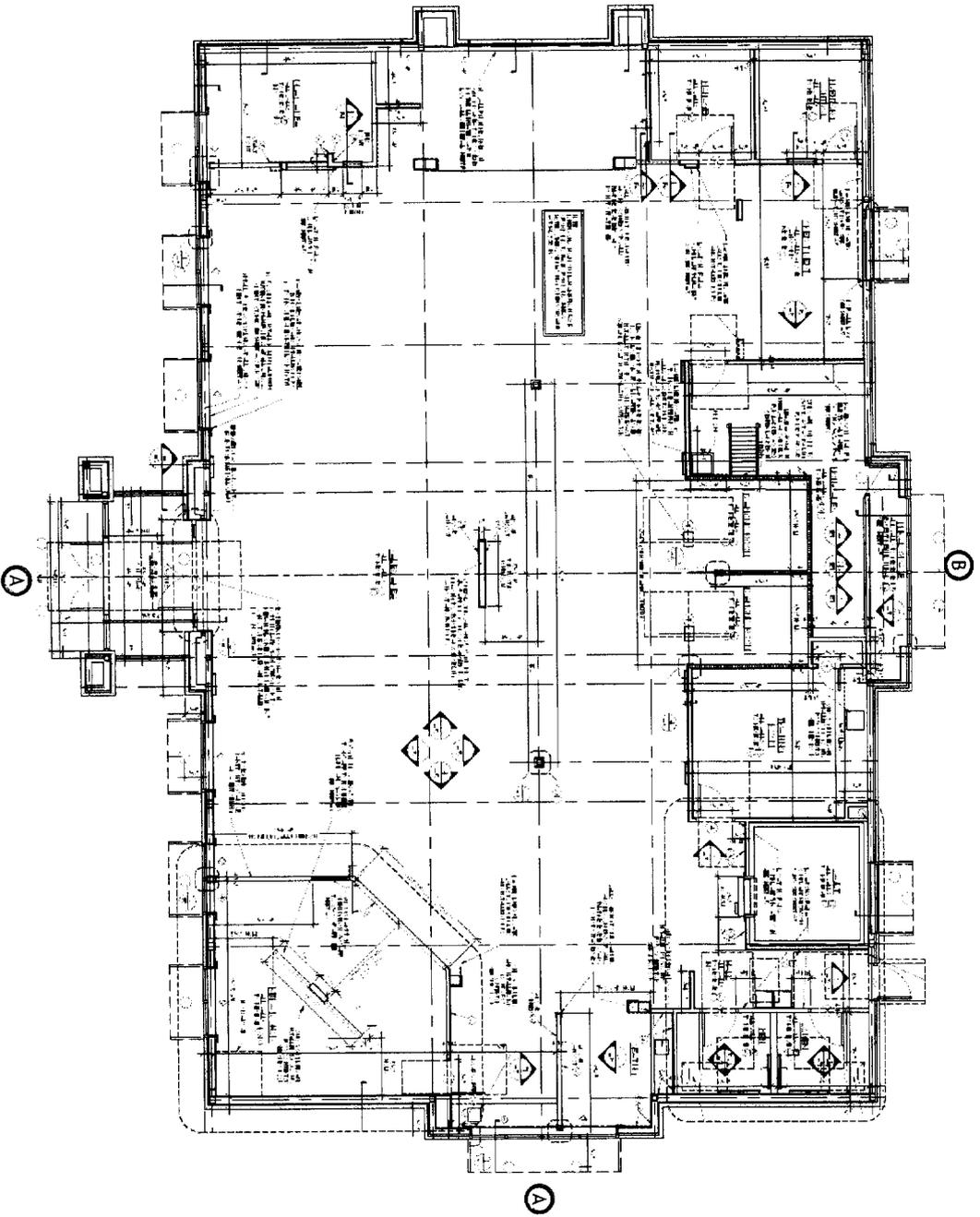
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Submital Date: 12/08/11
Plan Issue/Rev Date: 11/28/11
Actt Rep: Bridget Butrows
Designer: Derek Couch

REVISIONS

R1:	02/07/12	R5:	
R2:	02/08/12	R6:	
R3:	04/02/12	R7:	
R4:		R8:	



Ⓐ J26-9FL
QTY - 2

Ⓑ J AWNING WITH COPY
QTY - 1

Ⓒ J HR V
QTY - 1

Ⓓ J NS V
QTY - 1

Ⓔ J CW V
QTY - 1

**Exhibit #4
03-SV-12**



Ruggles
SIGN COMPANY
308 Crossfield Drive
Versailles, KY 40383

Phone: (859) 879-1199
Fax: (859) 879-8683

www.rugglessign.com



JARRED
The Challenge Of Technology

Store# 2522
Space#
BISCANNE BLVD.
AVENTURA, FL

CUSTOMER APPROVAL

Customer Signature _____ Date _____
Copy, Colors and Sizes
RUGGLES SIGN COMPANY DOES NOT PROVIDE
PHYSICAL ELECTRICAL TO SIGN LOCATION
RESPONSIBILITY OF OTHERS

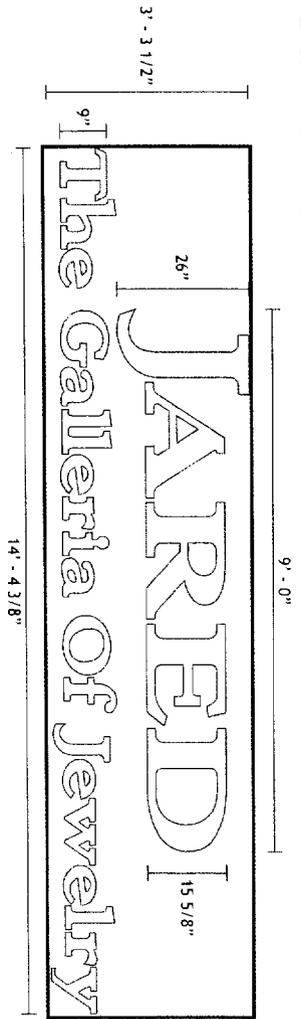
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Submital Date: 12/08/11
Plan Issue/Rev Date: 11/28/11
Act Rep: BRUGET BURROWS
Designer: Derek Couch

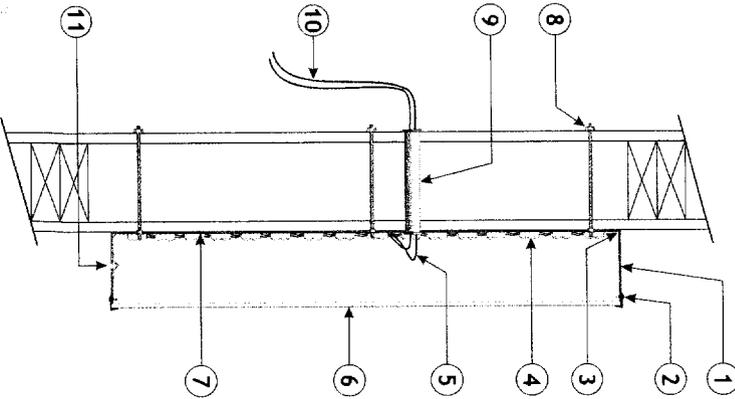
REVISIONS

1.	02/07/12	r5:	
2.	02/08/12	r6:	
3.	04/02/12	r7:	
4.		r8:	

A FACE LIT CHANNEL LETTERS - ELEVATION
Scale: 1/2" = 1' - 0"



A FACE LIT LETTER - SECTION
Scale: N.T.S.



FACE LIT LETTER - DETAILS

- 1 4 1/4" DEEP x .063 ALUMINUM LETTER RETURNS PAINTED BLACK CHERRY, SW #GF5 - 95955
- 2 1" TRIM CAP PAINTED BLACK CHERRY, SW #GF5 - 95955
- 3 LETTER RETURNS & BACKS ARE WELDED TOGETHER AROUND THE ENTIRE PERIMETER
- 4 SLOAN MINI 6800K WHITE LED UNITS TO ILLUMINATE LETTERS, WITH (4) SLOAN MINI SUPPLIES, 4 AMPS EACH SIGN
- 5 ELECTRICAL WIRING FOR LED UNITS
- 6 3/16" THICK, WHITE 7328 ACRYLIC LETTER FACES
- 7 .090 ROUTED ALUMINUM LETTER BACKS, ALL INTERIOR SURFACES OF LETTERS ARE PAINTED HIGH GLOSS WHITE
- 8 10-24 RIVET NUT, WITH 3/16" ALL THREAD ROD AND 10-24 WIZ NUT FASTENERS BEI
- 9 3/8" RIGID CONDUIT THRU WALL SECTION
- 10 LED WIRING TO PRIMARY ELECTRICAL SOURCE & SERVICE DISCONNECT SWITCH (BY AND TO REMOTELY LOCATED LED POWER SUPPLIES (FIELD CONDITIONS TO DETERMINE LOCATION))
- 11 DRAIN HOLE IN BOTTOM OF LETTER RETURN WITH LIGHT COVER

J26-9FL LED

Exhibit #4
03-SV-12



Ruggles
SIGN COMPANY
308 Crossfield Drive
Versailles, KY 40383
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Fax: (859) 879-8683
www.rugglessign.com



The Galleria Of Jewelry

Store# 2522
Space#
BISCAYNE BLVD.
AVENTURA, FL

CUSTOMER APPROVAL

Customer Signature _____ Date _____
Copy, Colors and Sizes _____
RUGGLES SIGN COMPANY DOES NOT PROVIDE
PRIMARY ELECTRICAL TO SIGN LOCATION
RESPONSIBILITY OF OTHERS!
This design is the exclusive property of Ruggles Sign Company and is not to be reproduced in any part without their prior written approval.

Submit Date: 12/08/11
Plan Issue/Rev Date: 11/28/11
Acct Rep: Bridget Burrows
Designer: Derek Couch

REVISIONS

R1:	02/07/12	R5:	
R2:	02/08/12	R6:	
R3:	04/02/12	R7:	
R4:		R8:	



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

Name	Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
<u>Collarmele Aventura, LLC</u>	<u>Developer / Tenant</u>
<u>Sterling Jewelers, Inc.</u>	<u>Subtenant</u>
<u>Ruggles Sign Company</u>	<u>Sign Designer</u>
<u>Fromberg Perlow & Koravik, P.A.</u>	<u>ATTORNEY</u>

(Attach Additional Sheets If Necessary)

NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.

WITNESS MY HAND THIS 16 DAY OF April, 2012

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: [Signature]
 (Signature)
 Name: Jeffrey M. Perlow, Esq.
 (Print)
 Title: Partner - Fromberg Perlow & Koravik
attorney for owner
 Address: 18901 NE 29th Ave. #100
Aventura, FL. 33180

OWNER: Aventura Grand Cove, LLC
 By: [Signature]
 (Signature)
 Name: Roy Keith
 (Print)
 Title: Managing Member of Manager
of Aventura Grand Cove, LLC
 Address: 2627 NE 203rd St. #102
Aventura, FL. 33180

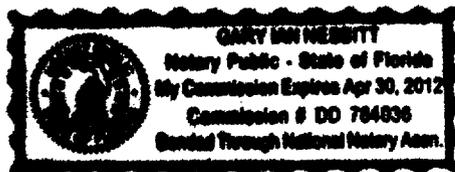
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Jeffrey M. Perlow / Roy Keith as the authorized representative of the Applicant and/or the owner of the property subject to the application, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this 16 day of April, 2012

AFFIANT [Signature]

Notary Public State of Florida At Large
Printed Name of Notary _____
My commission expires: _____





BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16 DAY OF April, 2002

APPLICANT:

By: [Signature] (Signature)
 Name: ERIC DECKINGER (Print)
 Title: Pub. Rep. Collaborate Aventura, LLC (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200__

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 16 DAY OF April, 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: Eric Deckinger (Print)

Name: _____ (Print)

Title: Dist. Rep. Collarale (Print)
Aventura, LLC

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

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By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Eric Deckinger the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Eric Deckinger
AFFIANT
Subscribed and sworn before me, this 16 day of April, 2014 a Notary Public in and for Broward County, State of Florida

SWORN TO AND SUBSCRIBED before me this 16 day of April, 2014

Paula J. Pierani
Notary Public State of Florida At Large
PAULA J. PIERANI
Printed Name of Notary
My commission expires: 4/23/14
Paula J. Pierani
(Signature)
NOTARY PUBLIC
My Commission expires 4/23/14

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.

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- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16 DAY OF April, 2012.

APPLICANT:

By: Paul J. Wolenski (Signature)
 Name: PAUL J. WOLENSKI (Print)
 Title: JARED DEVELOPMENT MANAGER (Print)
for Sterling Jewelers, Inc.

WITNESS MY HAND THIS 16th DAY OF April, 2012.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

Patricia J. Haas
Notary Public



PATRICIA J. HAAS
Notary Public, State of Ohio
My Commission Expires Oct. 6, 2013

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 16TH DAY OF April, 2002

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: Paul J. Wolenski (Signature)

Name: Paul J. Wolenski (Print)

Title: LAND DEVELOPMENT (Print)
MANAGER FOR STERLING JEWELERS, INC.

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

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NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

State of Ohio, County of Summit

Patricia J. Haas
Notary Public



PATRICIA J. HAAS
Notary Public, State of Ohio
My Commission Expires Oct. 6, 2013

OHIO
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)
Summit

NOTARIZATION PROVISION

Before me, the undersigned authority, personally appeared Paul J. Wolenski the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Paul J. Wolenski
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of April, 2012

Patricia J. Haas
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: 10-6-12



PATRICIA J. HAAS
Notary Public, State of Ohio
My Commission Expires Oct. 6, 2013

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__



BUSINESS RELATIONSHIP AFFIDAVIT*

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- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 27 DAY OF April, 2012

APPLICANT:

By: Scott Cambone (Signature)
Name: SCOTT CAMBRONE (Print)
Title: Aut. Rep. Ruggles Sign Company (Print)

WITNESS MY HAND THIS 27 DAY OF April, 2012

PROPERTY OWNER:

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 27th DAY OF April, 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: Scott Conbrone (Signature)

By: _____ (Signature)

Name: Scott Conbrone (Print)

Name: _____ (Print)

Title: Auth. Rep. Ruggles (Print)
Sign Company

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

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NOTARIZATION PROVISION

STATE OF ~~FLORIDA~~) Kentucky
COUNTY OF ~~MIAMI-DADE~~) Woodford

Before me, the undersigned authority, personally appeared Scott Combrone the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Scott Combrone
AFFIANT

SWORN TO AND SUBSCRIBED before me this 21st day of April, 2002

Margaret Williams
Notary Public State of Florida At Large of Kentucky at Large
Printed Name of Notary Margaret Williams
My commission expires: 8-7-14

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__.

Notary Public State of Florida At Large
Printed Name of Notary _____
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__.

Notary Public State of Florida At Large
Printed Name of Notary _____
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__.

Notary Public State of Florida At Large
Printed Name of Notary _____
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

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- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16th DAY OF April, 2002

APPLICANT:

By: [Signature] (Signature)
 Name: Jeffrey M. Perlou, ESQ. (Print)
 Title: Partner - Crombie Park + K&N, K, P. A. (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200__.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 16th DAY OF April, 2002

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: Jeffrey M. Perlow, Esq. (Print)

Title: Partner, Franking (Print)
Perlow & Kornik, P.C.

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

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Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

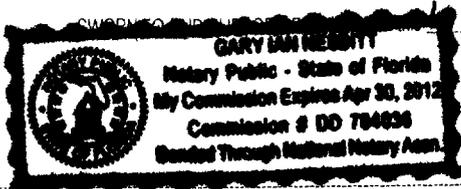
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NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jeffrey M. Perlow the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT



day of April, 2002

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__.

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__.

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__.

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

RESOLUTION NO. 2012-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING A SIGN VARIANCE FOR JARED THE GALLERIA OF JEWELRY STORE ON PROPERTY LOCATED AT 19001 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned B2, Community Business District; and

WHEREAS, the Applicant, Aventura Grand Cove LLC, through Application No. 03-SV-12, has requested a sign variance to permit two wall signs measuring a total of 94.56 square feet on the exterior elevation of the outparcel building housing Jared, the Galleria of Jewelry store in the Aventura Grand Cove plaza located at 19001 Biscayne Boulevard, where one wall sign measuring 95.66 square feet is permitted by Code; and

WHEREAS, following proper notice, the City Commission has held a public hearing as provided by law; and

WHEREAS, the City Commission finds that the application for the second wall sign meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Application No. 03-SV-12 for Sign Variance to permit two wall signs totaling 47.28 square feet each, or 94.56 square feet total for the two signs, on the west and north exterior elevations of the Jared, the Galleria of Jewelry store in the Aventura

Grand Cove plaza located at 19001 Biscayne Boulevard, legally described in Exhibit "A" to this resolution, is hereby granted exclusively to the applicant, with the condition that the wall signs substantially comply with the following plans submitted with this application, as follows:

- Jared, the Galleria of Jewelry, Store #2522, Biscayne Blvd., Aventura, FL, Page 1 of 8, prepared by Ruggles Sign Company last revised 4/2/12;
- Jared, the Galleria of Jewelry, Store #2522, Biscayne Blvd., Aventura, FL, Page 2 of 8, prepared by Ruggles Sign Company last revised 4/2/12;
- Jared, the Galleria of Jewelry, Store #2522, Biscayne Blvd., Aventura, FL, Page 3 of 8, prepared by Ruggles Sign Company last revised 4/2/12;
- Jared, the Galleria of Jewelry, Store #2522, Biscayne Blvd., Aventura, FL, Page 4 of 8, prepared by Ruggles Sign Company last revised 4/2/12.

Section 2. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by _____, who moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbaez-Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 5th day of June, 2012.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this ____ day of June, 2012.

CITY CLERK

EXHIBIT A

Property

THAT PORTION OF THE N.E. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4, SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 OF SAID SECTION 3; THENCE N86°32'30"E 795.49 FEET ALONG THE NORTH LINE OF SAID S.W. 1/4 OF SECTION 3 TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF ROAD NO. 4 (U.S. HIGHWAY 1) AS PER FLORIDA'S STATE ROAD DEPARTMENT RIGHT-OF-WAY PLANS RECORDED IN BOOK 34 AT PAGE 53 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; THENCE S3°08'01"E 209.97 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE N86°32'30"E 299.54 FEET ALONG A LINE THAT IS PARALLEL WITH AND 210.00 FEET SOUTHERLY OF SAID NORTH LINE OF THE S.W. 1/4 OF SECTION 3, AS MEASURED ALONG THE EAST LINE OF THE N.E. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 3; THENCE N4°23'43"E 10.00 FEET; THENCE N86° 32'30"E 75.00 FEET; THENCE S4°23'42"E 98.00 FEET; THENCE N86°32'30"E 75.14 FEET TO A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 100.00 FEET WESTERLY OF SAID EAST LINE OF THE N.E. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 3; THENCE ALONG LAST SAID PARALLEL LINE S4°23'42"E 211.81 FEET TO A LINE THAT IS PARALLEL WITH AND PERPENDICULARLY DISTANT 200.00 FEET NORTHERLY OF THE SOUTH LINE OF SAID N.E. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 3; THENCE ALONG LAST SAID PARALLEL LINE S86°29'21"W 455.22 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF ROAD NO. 4 (U.S. HIGHWAY 1); THENCE N3°08'01"W 252.20 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A PORTION OF THE NW¼ OF THE SW¼ OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE WESTERLY 138.943 METERS (455.85 FEET) OF TRACT "B", REGINA SQUARE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 113, AT PAGE 27, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THIS POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 5 (U. S. NO. 1/BISCAYNE BOULEVARD), AS SHOWN ON SAID PLAT AND ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT R/W MAP PROJECT NO. 41, NOW KNOWN AS SECTION 87030-2201, AS RECORDED IN PLAT BOOK 34, AT PAGE 53, OF SAID PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N02°07'21"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 76.721 METERS (251.71 FEET) TO THE POINT OF INTERSECTION WITH A LINE 64.008 METERS (210.00 FEET) SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE NW¼ OF THE SW¼ OF SAID SECTION 3; THENCE RUN N87°34'35"E, ALONG BEST DESCRIBED PARALLEL LINE, FOR A DISTANCE OF 4.846 METERS (15.90 FEET) TO A POINT; THENCE RUN S02°07'21"E FOR A DISTANCE OF 76.717 METERS (251.69 FEET) TO THE POINT OF INTERSECTION WITH THE NORTHERLY LINE OF SAID WESTERLY 138.943 METERS (455.85 FEET) OF TRACT "B"; THENCE RUN S87°32'07"W ALONG LAST DESCRIBED NORTHERLY LINE, FOR A DISTANCE OF 4.846 METERS (15.90 FEET) TO THE POINT OF INTERSECTION WITH SAID EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 5 AND THE POINT OF BEGINNING.

TOGETHER WITH NON-EXCLUSIVE EASEMENT CREATED BY INGRESS, EGRESS AND ACCESS EASEMENT FILED IN BOOK 16366, PAGE 1027.

CITY OF AVENTURA
FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

BY:  Brian K. Raducci, Finance Director

DATE: May 30, 2012

SUBJECT: **Refinance of the City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A**

June 5, 2012 City Commission Meeting Agenda Item 5-H

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution which sets forth the ranking of firms to refinance the City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A.

1st Reading June 5, 2012 City Commission Meeting Agenda Item 7-A

2nd Reading June 14, 2012 City Commission Meeting Agenda Item _____

RECOMMENDATION

It is recommended that the City Commission approve the attached Ordinance Authorizing the issuance of not to exceed \$10,000,000 in aggregate principal amount of obligations of the City to Refinance the acquisition and construction of various capital improvements and to pay costs and expenses of issuing such obligations.

BACKGROUND

At the April 19, 2012 Workshop, the City Manager made a presentation and recommendation to the City Commission, and was authorized to take the necessary action to refinance the City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A so long as the Net Present Value (NPV) savings as a percentage of the refunded bonds would be at a level of 4% or more. The original Revenue Bonds have a final maturity ("full term") of August 1, 2032.

On April 22, 2012 the City issued an Invitation to Bid (ITB #12-05-21-2) to obtain proposals for the purpose of selecting a firm to provide a not-to-exceed \$10,000,000 Bank-Qualified Loan (evidenced by a single bond) to finance the cost of refunding the

City's outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A. The City advertised the availability of the ITB in the Miami Herald on April 22, 2012. In addition, a solicitation package was made available from www.demandstar.com and emailed to various banks on April 23, 2012. This Loan will be secured by a Covenant to Budget and Appropriate from legally available Non-Ad-Valorem revenues.

FINANCIAL ADVISOR'S ANALYSIS AND RECOMMENDATION

On May 21, 2012 four (4) firms submitted proposals to the City. Upon receipt of said proposals they were forwarded to Craig Dunlap, our Financial Advisor of Dunlap & Associates, Inc. for his review and analysis. In his email dated May 30, 2012 he provided the following analysis and recommendation:

ANALYSIS

SunTrust

SunTrust offered two (2) options at rates of 2.18% and 2.30% for a final maturity of August 1, 2027. This is five (5) years shorter than the existing FIFC maturity of August 1, 2032. The difference in rates is attributable to the call options. The higher rate allows the bank loan to be called at par after three (3) years and the lower rate provides for the bank loan to be subject to a "make whole" provision. This essentially makes the bank loan uneconomical to refund even though it is callable at any time. Given the historically low rate of 2.18% for 15 years, it was determined that rates would have to go below 1.25% to make another refinancing feasible.

J.P.Morgan

J.P.Morgan offered four (4) options with rates ranging from 2.40%-2.82%. None of these options were for the full term of the loan and all options were subject to the bank "tendering" the loan back to the City prior to the final maturity. This was not a feasible option for the City due to the uncertainty of interest rates if the loan was "tendered".

BB&T

BB&T offered two (2) options, both had fixed rates to maturity. The first rate quoted was 2.67% with a final maturity of August 1, 2028 and the second rate quoted was 3.76% with a final maturity of August 1, 2032. The rates were fixed however, they were not competitive with the SunTrust proposal outlined above.

SunTrust Equipment Finance & Leasing Corp.

The SunTrust Leasing proposal was at a rate of 2.35% for a term of fifteen (15) years. The final maturity would be August 1, 2027. This rate was not competitive with the SunTrust proposal outlined above.

RECOMMENDATION

"Based upon the terms and conditions included in the Invitation of Bid distributed April 22, 2012, we are recommending that the bid be awarded to SunTrust. The indicative interest rate bid, based upon a 2013-2017 amortization period, is 2.18 percent. The rate is firm as long as the closing occurs by June 15, 2012. Based upon this rate, the

present value savings is approximately \$2.59M which represents a 25.5% of refunded par. The comparative debt service for the Fiscal Years 2012-2027 is essentially the same that currently exists however, the amortization period is reduced from 2032 to 2027.”

In addition, I have attached Craig Dunlap’s letter dated May 30, 2012 (“ATTACHMENT A”) in which he provides a summary of the bids, present value savings, the All-In True Interest and his formal recommendation.

Based on the foregoing, the Administration is recommending that the City Commission:

1. Approve the attached resolution establishing a ranking of firms to refinance the City’s outstanding Florida Intergovernmental Financing Commission, Capital Revenue Bonds, Series 2002A. Adoption of this resolution will authorize the City Manager or his designee to negotiate a contract with SunTrust to refinance said Capital Revenue Bonds. In the event, that a satisfactory contract with that firm is unable to be attained, the City Manager or his Designee is authorized to negotiate a contract with the alternate firms.
2. Approve the attached Ordinance Authorizing the issuance of not to exceed \$10,000,000 in aggregate principal amount of obligations of the City to Refinance the acquisition and construction of various capital improvements and to pay costs and expenses of issuing such obligations. (Second reading is scheduled for June 14, 2012.)

Additionally, at the June 14, 2012 Commission meeting, the Commission will be asked to adopt a Resolution which authorizes the execution of a Bank Qualified Loan Agreement with the bank that best meets the City’s needs as outlined in the ITB.

If you should have any questions related to this memorandum, please feel free to contact the City Manager.

BKR/bkr



Dunlap & Associates, Inc.

Financial Consultants

May 30, 2012

Brian Raducci CPA
Director of Finance
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180

Dear Brian,

The City of Aventura, Florida received four (4) responses to a competitive Invitation to Bid (ITB) on May 21, 2012. The purpose of this ITB was to refinance the Florida Intergovernmental Financing Commission (FIFC), Series 2002A Bonds issued on behalf of the City to build a Charter School. The bidders were:

1. SunTrust Bank
2. SunTrust Leasing
3. J.P. Morgan Chase Bank
4. BB&T

A summary of the bids, present value savings and All-In True Interest Cost is attached. It is our recommendation to the City that they accept the SunTrust, Option 1A bid for the following reasons:

1. The amortization is shortened from 2032 to 2027 and the annual debt service is essentially equal to the annual debt service on the FIFC, Series 2002A Bonds being refunded for the Fiscal Years 2013-2027.
2. The quoted interest rate of 2.18% is locked in as long as the closing occurs by June 15, 2012.
3. The quoted interest rate of 2.18% is justified even though the Series 2012 bank loan will be subject to a "make-whole" call, essentially making the 15 year loan non-callable.
4. The present value savings level is approximately \$2,594,000 or 25.5% of refunded par. The GFOA guidelines recommend refunding where the percent of savings is 3-5 percent of refunded par.
5. The total debt service of the Series 2012 bank loan will reduce this total interest cost when compared to the FIFC, Series 2002A Bonds by approximately \$3,800,000.



Dunlap & Associates, Inc.

Financial Consultants

The award of this bank loan to SunTrust should be considered at the June 14, 2012 meeting and if approved, closing will occur on June 15, 2012.

If you have any question, please call me at (407) 678-0977.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Craig Dunlap". The signature is written in a cursive, flowing style.

J. Craig Dunlap
President
Dunlap & Associates, Inc.

Aventura, Florida
Request for Proposal Summary

	<u>BB&T 1 - 2.67%</u>	<u>BB&T 2 - 3.76%</u>	<u>JMP1 - 2.64%</u>	<u>JPM2 - 2.40%</u>	<u>JMP3 - 2.82%</u>	<u>JMP4 - 2.60%</u>	<u>SunTrust - 2.30%</u>	<u>SunTrust - 2.18 %</u>
Dated/ Delivery Da	6/15/2012	6/15/2012	6/15/2012	6/15/2012	6/15/2012	6/15/2012	6/15/2012	6/15/2012
Par Amount	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00	9,885,000.00
All-In TIC	2.77%	3.85%	2.74%	2.50%	2.90%	2.68%	2.40%	2.28%
Savings \$ - Overall	2,032,411.49	905,923.54	2,065,764.76	2,337,456.28	1,867,553.62	2,110,377.41	2,453,282.21	2,594,321.60
Savings % - Overa	19.99%	8.91%	20.32%	23.00%	18.37%	20.76%	24.13%	25.52%
Total Debt Service	12,252,571.33	14,181,667.93	12,223,725.40	11,999,714.00	13,023,887.95	12,760,550.17	11,784,180.92	11,680,406.22
MADS	829,559.50	777,724.00	826,792.00	811,080.00	719,928.00	704,820.00	849,395.00	840,121.00
Final Maturity	8/1/2028	8/1/2032	8/1/2028	8/1/2028	8/1/2032	8/1/2032	8/1/2027	8/1/2027

Assumes:

All maturities refunded 2012-2032 to first call date 8/1/12

Level savings

Sinking Funds to be Confirmed by City

Escrow Amount to be Confirmed with Paying Agent on Series 2002 Bonds - Please provide contact information.

Review Proposals for details

SunTrust Restructured to Mirror RFP

Cost of Issuance Estimate \$75,000

ORDINANCE NO. 2012-__

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF OBLIGATIONS OF THE CITY TO REFINANCE THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH OBLIGATIONS; PROVIDING FOR A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM FUNDS EACH YEAR TO PAY THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE OBLIGATIONS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA:

SECTION 1. DEFINITIONS. When used in this Ordinance, the following terms shall have the following meanings, unless some other meaning is plainly intended:

"**City**" shall mean the City of Aventura, Florida, a municipal corporation established by the State of Florida.

"**Commission**" shall mean the City Commission of the City of Aventura, Florida.

"**Non-Ad Valorem Funds**" shall mean all revenues of the City derived from any source other than ad valorem taxation on real or personal property, which are legally available to make the payments required in this Ordinance.

"**Obligations**" shall mean the bonds, notes, certificates or other evidence of indebtedness issued by the City pursuant to this Ordinance.

"**Ordinance**" shall mean this Ordinance enacted by the Commission, as amended and supplemented from time to time.

"**Refunded Debt**" shall mean the obligations of the City pursuant to a Loan Agreement, dated as of September 1, 2002, between the Florida Intergovernmental Finance Commission and the City.

"Resolution" shall mean the resolution authorizing the issuance of all or a portion of the Obligations and setting forth the terms and details of such Obligations as described in Section 4.

Words importing the singular number include the plural number, and vice versa.

SECTION 2. FINDINGS. The Commission finds and determines that:

(A) It is in the interests of the City to refinance the Refunded Debt in order to achieve debt service savings.

(B) The most efficient and cost-effective method of refinancing the Refunded Debt is by the issuance of the Obligations secured by Non-Ad Valorem Funds in the manner set forth in Section 5 of this Ordinance and in the Resolution.

(C) The principal of, redemption premium, if any, and interest on the Obligations shall be paid from Non-Ad Valorem Funds. The City shall never use or be required to use any ad valorem taxes for the payment of the Obligations. The Obligations shall not constitute a general obligation of the City or a pledge of its faith and credit, nor shall the holders of the Obligations have any lien or encumbrance on any property owned by the City, including the Project.

SECTION 3. AUTHORIZING THE REFINANCING OF THE REFUNDED DEBT. The Commission authorizes and approves the refinancing of the Refunded Debt.

SECTION 4. ISSUANCE OF THE OBLIGATIONS. The Obligations are authorized to be issued at one or more times in an aggregate principal amount of not exceeding \$10,000,000. The particular designation of each Obligation shall be made in the Resolution. The Obligations shall be issued for the principal purposes of (A) refinancing the Refunded Debt, (B) establishing debt service reserves, if deemed necessary by the Commission, and (C) paying costs and expenses of issuing the Obligations. The principal of, redemption premium, if any, and interest on the Obligations shall be payable solely from Non-Ad Valorem Funds, in the manner set forth in Section 5 of this Ordinance and in the Resolution.

The Obligations shall be dated such date or dates, shall bear interest at such rate or rates, shall mature at such time or times and in such amount or amounts as may be determined in the Resolution, and may be redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions as may be fixed in the Resolution. The Commission shall determine in the Resolution the form of the Obligations, the manner of executing such Obligations, and such other terms and

provisions of the Obligations as it deems appropriate. The Obligations shall bear interest at a fixed rate, as shall be determined in the Resolution. In case any officer whose signature or a facsimile of whose signature shall appear on any Obligation shall cease to be such officer before the delivery of such Obligation, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. The Commission shall sell the Obligations in such manner and for such price as it determines in the Resolution to be in the best interests of the City.

The Obligations may be issued without any other proceedings or the happening of any other conditions or things other than the adoption of the Resolution.

The proceeds of the Obligations shall be disbursed in such manner and under such restrictions, if any, as may be provided in the Resolution.

The Resolution shall include, but without limitation, provisions as to the rights and remedies of the holders of the Obligations, the application of funds, the flow of funds and such other matters as are customarily in such an instrument. The Resolution may provide for the City entering into one or more loan or other financing agreements with the purchaser of the Obligations.

SECTION 5. COVENANT TO BUDGET AND APPROPRIATE. The City may covenant and agree pursuant to a Resolution to appropriate in its annual budget, by amendment, if necessary, from Non-Ad Valorem Funds lawfully available in each fiscal year, amounts sufficient to pay the principal of, redemption premium, if any, and interest on any Obligation when due each fiscal year. Such covenant and agreement on the part of the City to budget and appropriate such amounts of Non-Ad Valorem Funds shall be cumulative to the extent not paid, and shall continue until such Non-Ad Valorem Funds or other legally available funds in amounts sufficient to make all such required payments shall have been budgeted, appropriated and actually paid. Notwithstanding the foregoing, the City has not covenanted to maintain any services or programs, now provided or maintained by the City, which generate Non-Ad Valorem Funds.

Such covenant to budget and appropriate shall not create any lien upon or pledge of such Non-Ad Valorem Funds, nor shall it preclude the City from pledging in the future its Non-Ad Valorem Funds, nor shall it require the City to levy and collect any particular Non-Ad Valorem Funds, nor shall it give the holders of any Obligations a prior claim on the Non-Ad Valorem Funds as opposed to claims of general creditors of the City. Such covenant to appropriate Non-Ad Valorem Funds shall be subject in all respects to the payment of obligations secured by a prior or future pledge of such Non-Ad Valorem Funds (including the payment of debt service on bonds and other debt instruments). However, the covenant to budget and appropriate in its annual budget for the purposes

and in the manner stated in this Ordinance and in the Resolution shall have the effect of making Non-Ad Valorem Funds available for the payment of the Obligations, and placing on the City a positive duty to appropriate and budget, by amendment, if necessary, Non-Ad Valorem Funds sufficient to meet its obligations under this Ordinance and the Resolution; subject, however, in all respects to the restrictions of Section 166.241, Florida Statutes; and, to the extent and only to the extent necessary to avoid a violation of Article VII, Section 12 of the Florida Constitution, subject, further, to the payment of services and programs which are for essential public purposes of the City or which are legally mandated by applicable law.

SECTION 6. TAXING POWER NOT PLEDGED. The Obligations issued under the provisions of this Ordinance shall not be deemed to constitute a pledge of the faith and credit of the City, but the Obligations and repayment shall be payable from the Non-Ad Valorem Funds in the manner provided in this Ordinance and the Resolution. The issuance of the Obligations under the provisions of this Ordinance shall not directly, indirectly or contingently obligate the City to levy or to pledge any form of ad valorem taxation. The holder of the Obligations shall never have the right to compel any exercise of the ad valorem taxing power on the part of the City to pay the Obligations or the interest on the Obligations against any property of the City, nor shall the Obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City.

SECTION 7. REMEDIES OF HOLDERS OF OBLIGATIONS. The holders of the Obligations, except to the extent the rights given to them pursuant to this Ordinance may be restricted by the Resolution, may, whether at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Florida or granted under this Ordinance or under the Resolution, and may enforce and compel the performance of all duties required by this Ordinance or by such Resolution, to be performed by the City.

SECTION 8. ALTERNATIVE METHOD. This Ordinance shall be deemed to provide an additional and alternative method for the doing of things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants and/or property owners of the City, shall be liberally construed to effect its purposes.

SECTION 9. GENERAL AUTHORITY. The members of the Commission of the City and the officers, attorneys and other agents or employees of the City are authorized to do all acts and things required of them by this Ordinance, or

desirable or consistent with its requirements for the full punctual and complete performance of all the terms, covenants and agreements contained in this Ordinance.

SECTION 10. SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid for any reason, such invalidity shall not effect the validity or enforcement of any of the remaining provisions. This Ordinance shall take precedence over any other ordinance or resolution of the City to the extent of any conflict or inconsistency with each.

SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its enactment on the second reading.

The foregoing Ordinance was offered by Commissioner _____ who moved its adoption on first reading. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- Commissioner Zev Auerbach _____
- Commissioner Bob Diamond _____
- Commissioner Billy Joel _____
- Commissioner Michael Stern _____
- Commissioner Luz Urbaz Weinberg _____
- Vice Mayor Teri Holzberg _____
- Mayor Susan Gottlieb _____

The foregoing Ordinance was offered by Commissioner _____ who moved its adoption on second reading. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- Commissioner Zev Auerbach _____
- Commissioner Bob Diamond _____
- Commissioner Billy Joel _____
- Commissioner Michael Stern _____
- Commissioner Luz Urbaz Weinberg _____
- Vice Mayor Teri Holzberg _____
- Mayor Susan Gottlieb _____

PASSED AND ADOPTED on first reading this 5th day of June, 2012.

PASSED AND ADOPTED on second reading this 14th day of June, 2012.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM
City Manager

BY: Joanne Carr, AICP
Community Development Director

DATE: May 21, 2012

SUBJECT: Small scale amendment to the City's Comprehensive Plan to change the land use designation of land at 3250 NE 188 Street totaling 7.082 acres from Business and Office to Medium High Density Residential (01-CPA-12 - Small Scale Amendment)

June 5, 2012 Local Planning Agency Agenda Item 4A

June 5, 2012 City Commission Meeting Agenda Item 7B

July 10, 2012 City Commission Meeting Agenda Item _____

RECOMMENDATION

It is recommended that the City Commission:

1. Approve the small scale Comprehensive Plan amendment to change the land use designation of land at 3259 NE 188 Street totaling 7.082 acres from Business and Office to Medium High Density Residential future land use category, and
2. Approve the transmittal of the adopted amendment to the Florida Department of Economic Opportunity, Division of Community Development, pursuant to Chapter 163, Florida Statutes.

THE REQUEST

The applicant is requesting a small scale Comprehensive Plan amendment to change the land use designation of a parcel of land at 3250 NE 188 Street totaling 7.082 acres from

Business and Office to Medium High Density Residential to facilitate a rezoning of the parcel from OP (Office Park) District to RMF3B (Multifamily Medium Density Residential District) with density limited to a maximum of 225 dwelling units for the entire 7.082 acre parcel. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY	Happiness, Inc.
NAME OF APPLICANT	PMG Aventura, LLC
LOCATION OF PROPERTY	3250 NE 188 Street See Exhibit #2 for Location Map See Exhibit #3 for Aerial Photograph
SIZE OF PROPERTY	Approximately 7.082 acres Upland Parcel is 6.529 acres Submerged Parcel is 0.553 acres

BACKGROUND

This site is a vacant parcel of land on the south side of NE 188 Street to the south of the Aventura City of Excellence School, the Aventura Community Recreation Centre and the Aventura Arts & Cultural Center. It is approximately 7.082 acres which includes approximately one-half acre of submerged land.

The site is currently designated Business and Office on the City’s Future Land Use Map and zoned OP, Office Park District, on the City’s zoning map.

The previous County zoning was for industrial uses on this parcel. The existing future land use designation of Business and the Office and Office Park zoning category were assigned to this property when the City’s Comprehensive Plan and Land Development Regulations were adopted in 1998 and 1999 respectively. At that time, the other parcels on the street were being used for marine manufacturing. They had a future land use designation of Industrial and Office and a zoning category of TC2, Town Center Marine District, which allowed the continuation of the marine manufacturing businesses. This site, along with the site to the north, which now contains the City’s Community Recreation Center, the Arts & Cultural Center and the Aventura City of Excellence School, was envisioned for office buildings as a compatible use with the existing manufacturing businesses.

In 2002, the marine manufacturing parcels were changed at the request of the owners from Industrial and Office to Medium-High Density Residential future land use and from TC2, Town Center Marine zoning district to RMF3A and RMF3B, Multifamily Medium Density Residential zoning districts. The multifamily projects, including Uptown Marina Lofts, the Atrium, Artech, Eastside and 3030 at Aventura were built following those land use and zoning changes. The future land use and zoning on the parcel which is the

subject of this report remained the same since no request to change was received from the owner.

ANALYSIS

Future Land Use Designation

Subject Property:	Business and Office
Properties to the North:	Business and Office & Parks & Recreation
Properties to the South:	Medium-High Density Residential
Properties to the East:	Dumfounding Bay
Properties to the West:	Medium-High Density Residential

Zoning

Subject Property:	OP, Office Park District
Properties to the North:	CF, Community Facilities District
Properties to the South:	RMF3, Multi-Family Medium Density Residential District
Properties to the East:	CNS, Conservation District
Properties to the West:	RMF3B, Multi-Family Medium Density Residential District

Existing Land Use

Subject property:	vacant
Properties to the North:	performing arts theatre, city school and community recreation center
Properties to the South:	residential condominium
Properties to the East:	water
Properties to the West:	residential condominium

Access – The parcel access is from NE 188 Street.

Conformity to City Comprehensive Plan – The amendment is consistent with the goals, objectives and policies of the City’s Comprehensive Plan. More specifically, the proposal is consistent with the following policies in the Future Land Use, Transportation, Parks and Recreation and Coastal and Conservation elements of the Plan:

Future Land Use Element

Policy 8.2 Applications to amend the City’s Future Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

- 1. Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the City;*

The 2010 census shows that the City's population is continuing to grow, the median age is lower and family size is larger. This proposed residential use will accommodate projected population growth.

2. Enhance or impede provision of services at adopted LOS Standards;

Traffic - The traffic generation table provided later in this report supports the proposed amendment in that a decreased projected vehicle trips per day enhances the provision of traffic services.

Water – The intensity of maximum FAR of office and commercial uses as currently permitted is decreased with the proposed amendment. Therefore, provision of services will be enhanced.

Sewer – The intensity of maximum FAR of office and commercial uses as currently permitted is decreased with the proposed amendment. Therefore, provision of services will be enhanced.

Mass Transit – A bus transit facility that connects City, Miami-Dade County and Broward County transit systems is located at Aventura Mall, approximately 0.7 miles from the subject property. The existing public sidewalks and the connection to the existing pedestrian promenade along the canal will provide pedestrian linkage to transit services that are safe and convenient to transit users.

Parks and Recreation – The City presently exceeds LOS standards for park space, therefore, provision of service at adopted level of service standard will not be impeded by this development.

Stormwater Drainage – The intensity of maximum FAR of office and commercial uses as currently permitted is decreased with the proposed amendment. Therefore, provision of services will be enhanced.

Solid Waste – The intensity of maximum FAR of office and commercial uses as currently permitted is decreased with the proposed amendment. Therefore, provision of services will be enhanced.

3. Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and

The proposed amendment is compatible with abutting and nearby residential land uses and protects the character of the neighborhood. The proposed residential use on this property will support the three existing City facilities to the north.

4. *Enhance or degrade environmental or historical resources, features or systems of significance.*

The proposed amendment will not degrade the environmental or historical resources, features or systems of significance. All clearing of the site will require a County Environmental and tree removal permit.

Policy 8.3 *The City shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities.*

The proposed amendment will accommodate residential development in suitable locations and densities; accommodate projected availability of service and infrastructure capacity; accommodate proximity and accessibility to employment, commercial and cultural centers; accommodate character of existing adjacent or surrounding neighborhoods; accommodate avoidance of natural resource degradation; accommodate maintenance of quality of life and creation of amenities.

Policy 10.1 *Aventura shall facilitate redevelopment of substandard or underdeveloped areas, high intensity activity centers, mass transit supportive development and mixed use projects to promote energy conservation.*

The proposed amendment will facilitate redevelopment of an underdeveloped, vacant lot.

Policy 12.1 *All proposed Comprehensive Plan amendments that increase density (population) shall be required to submit, at the time of application, an analysis of the impacts of the proposed amendment upon the evacuation routes and evacuation times as included within the South Florida Regional Hurricane Evacuation Study, April, 1996, or as may be amended from time to time.*

Policy 12.2 *The City shall not approve any Comprehensive Plan amendment that increases density (population) and results in evacuation times exceeding 12 hours.*

<i>Property Location</i>	<i>Lot Size</i>	<i>Increase in Density</i>	<i>Population Factor</i>	<i>Overall Increase in Population</i>
3250 NE 188 Street	7.082 ac	31.77 du/ac (density limited by proffered covenant)	1.99	448 persons

Based on the latest South Florida Regional Planning Council evacuation model, it is determined that the increase of 225 dwelling units resulting from the proposed amendment will increase the clearance time by 5.06 minutes or .08 hours. That additional time increases the present evacuation time of 11.57 hours (11 hours and 34.4 minutes) to 11.65 hours (11 hours and 39.46 minutes).

Transportation Element

Policy 1.5 The City will develop transportation management strategies, such as (but not limited to) traffic calming techniques and neighborhood design concepts to improve efficiency and enhance the safety of the pedestrian, bicycles and transit riders within the context of an integrated multi-modal transportation system.

There are existing public sidewalks along the frontage of this site. In order to obtain increased building height, as provided by the City Code, the applicant will be constructing the last piece of the pedestrian promenade along the adjacent canal that will connect to the existing promenade at the Aventura Arts & Cultural Center and continue along the rear of the three residential buildings to the west. The promenade, along with the existing public sidewalk, will provide pedestrian linkage to transit service facilities that are safe and convenient to transit users.

Policy 4.3 Transit service shall be linked to major trip attractors and generators and the transportation disadvantaged. Transit service shall be located such that they are safe and convenient to transit users.

This new residential development will be required to provide pedestrian linkage to transit service facilities that are safe and convenient to transit users.

Parks and Recreation Element

Policy 4.1 The City adopts a level of service requiring 2.75 acres of net useable park land per 1,000 residents, implemented by the concurrency management system.

The estimated current population for the City of Aventura is 35,762. 225 additional dwelling units results in a population increase of 448 people as shown in the table above. The amount of park and recreation land required by this park standard is 98.34 acres. The existing available park and recreation land, using the calculations provided in the Level of Service Standards, is 115.45 acres. Therefore, no deficiency exists and the proposed amendment will not create a deficiency in this standard.

Conservation and Coastal Management Element

Policy 9.2 *The City shall maintain the adopted levels of service on the local roadways based on the future land use plan to achieve a reasonable evacuation time.*

The traffic generation table provided later in this report supports the proposed amendment in that decreased projected vehicle trips per day enhances the provision of transportation (traffic) services, thereby maintaining the adopted levels of service on local roadways to achieve a reasonable evacuation time.

Urban Design Element

Policy 1.7 *The location of parking, curb cuts, walkways, bike lanes, signage, lighting and landscape treatments shall be co-ordinated to provide maximum user safety, while improving the comprehensive aesthetic appearance of Aventura.*

The applicant will be required, through the site plan review process, to locate parking, curb cuts, walkways, bike lanes, signage, lighting and landscape treatments to maximize user safety and improve the aesthetics of the City.

Traffic Generation – The applicant’s traffic engineer has prepared a trip generation report to compare trips based on existing permitted land uses and based on the proposed amendment. The report dated May 15, 2012 prepared by Calvin Giordano & Associates Inc. is attached as Exhibit #4. The report has been reviewed and approved by the City’s Traffic Engineering Consultant.

Applications Area (7.082 acres)	Land Use Category	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips
Existing Land Use Designation	Business & Office (all office use)	4,091	601	559
Proposed Land Use Designation	Medium Density Residential High	1,307	99	117

The report indicates that the proposed residential land use generates approximately 2,784 less daily vehicular trips than the existing commercial zoning and when compared to the am peak and pm peak hours, generates approximately 502 to 442 less trips, thereby resulting in significantly less impact on the City’s road network as compared to the existing business and office land use designation.

School Impacts – The application has been provided for comment to the Miami Dade County School Board in accordance with the Interlocal Agreement entered into between the City and the Board. Also in accordance with the Interlocal Agreement, the School

Board has been invited as a non-voting member of the Local Planning Agency for this application.

The application has been analyzed by the School Board for compliance with the level of service contained in the Interlocal Agreement. The Board's letter dated May 21, 2012 is attached as Exhibit #5. This preliminary analysis concludes that the required level of service standard is met. The level of service standard in the Interlocal Agreement is the same level of service standard contained in the Education Element of the City's Comprehensive Plan.

The concurrency analysis shows that anticipated student generation for this development will be 16 seats for elementary, 8 seats for middle school and 10 seats for high school. The public elementary school in our Concurrency Service Area has no seats available, the public middle school is 101 seats over capacity and the public high school is 409 seats over capacity. The level of service standard provides that, in the event no capacity is available within a concurrency service area, the School Board may look to adjacent concurrency service areas to provide that capacity. The adjacent service areas' elementary, middle and high school do have sufficient capacity. Therefore, the required level of service standard for education is met.

The final concurrency determination and reservation of capacity is made by the School Board once a site plan or plat is approved. It should be noted that capacity as calculated for concurrency measurement and reservation does not necessarily equate to seats that may be open for enrollment at any particular time.

Conformity to City Land Development Regulations – The proposed amendment will facilitate a proposed rezoning from OP, Office Park District to RMF3B, Multi-Family Medium Density Residential District.

Coastal High Hazard Location – The location of this site is not in a designated coastal high hazard area.

PMG Aventura, LLC

Real Estate Principals

Date: May 2, 2012

To: City of Aventura

Re: Letter of Intent

COMMUNITY DEVELOPMENT
CITY OF AVENTURA

MAY -4 2012

INITIAL DM

To Whom It May Concern -

Please accept this Letter of Intent ("Letter") as an expression of interest on behalf of PMG Aventura, LLC ("PMG") to develop a luxury residential condominium project located at 3520 NE 188th Street ("Property"). With over twenty five years of development experience, and more specifically a concentration in high end residential product, we are looking to create a landmark development for not only the Aventura area, but the entire South Florida market.

The proposed development would allow for an eleven (11) story residential condominium building, consisting of 225 residential units. Additionally, in accordance with Aventura Municipal Code Section 31-143(g)(9), there shall be no maximum floor area ratio. Per the identified code Section, we propose to dedicate the west two (2) acre portions of the site to the City of Aventura. Further, as is known by the City of Aventura, a decaying structure currently exists on the proposed site. Regardless of whether or not the structure is located on our property in its entirety or encroaches upon the proposed dedicated portion, we are committed to removing the structure at no cost to the City of Aventura.

In accordance with Aventura Municipal Code Section 31-143(g)(8), we intend to provide a Pedestrian Promenade for use by the general public in connection with both our remaining property and the west two (2) acre portions to be dedicated to the City of Aventura, again at no cost to the City. Any assistance PMG and/or correlating contractors can provide to the City for developing the dedicated parcel will be available at reasonable cost /market cost if the city elects to do so.

In order for the project to be unique, the development team must be unique. PMG plans to use a combination of a premier local architect in conjunction with a world-class design architect. Additionally, PMG's local experience will allow for an easy selection of local experienced consultants ranging from the MEP to landscape architect. More importantly, PMG will include a renowned interior design firm to maximize design and luxury for all common spaces, shaping the look and feel of the remaining 5-acre parcel.

The proposed project would incorporate a design the compliments the local environment, which includes not only green space & bay, but the Aventura Arts and Cultural Center. The amenities will include everything from a world class gym to private concierge services. The proposed units would average anywhere from 2,500 to 3,000 square feet with finishes of the highest standard.

This project is PMG's third luxury development Miami in the past 5 years. In 2009 PMG delivered Mei Miami Beach, a 134-unit luxury development located on 58th and Collins, which is currently regarded as one the premier residential buildings in Miami Beach. More recently, PMG purchased a parcel located at 9501 Collins Avenue and is currently under development. The project, otherwise called 95th on the Ocean, is a boutique beachfront development featuring 7-private, exclusive luxury homes.

PMG Aventura, LLC

Real Estate Principals

It is our intention to begin the rezoning process as of May 1st and work towards achieving a plan that mutually benefits both parties and the community. We look forward to working with the City of Aventura over the coming months.

PMG Aventura, LLC

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'RS' followed by a long horizontal stroke.

Ryan Shear
Managing Director

BROWARD COUNTY
DADE COUNTY

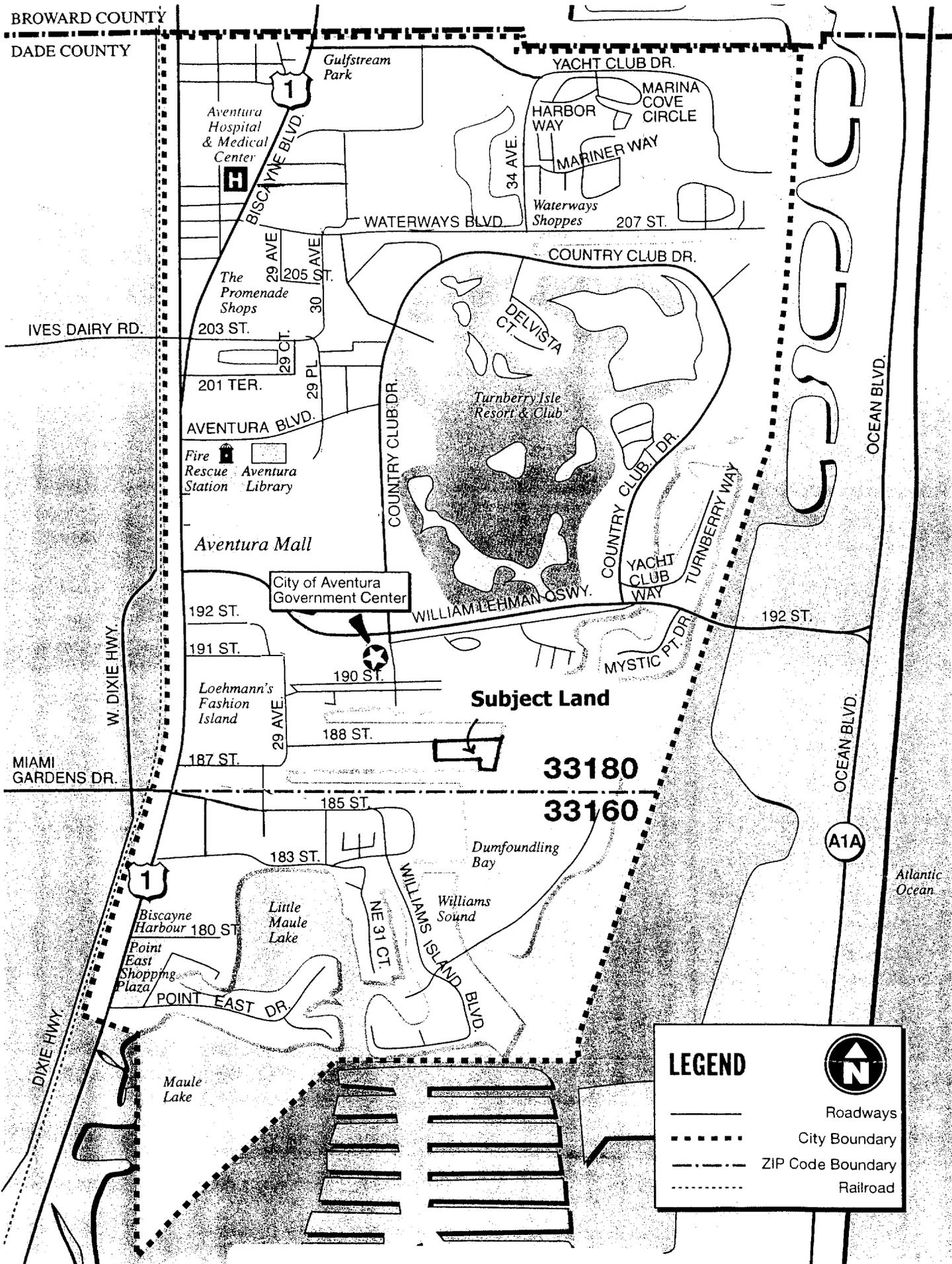


EXHIBIT #2
01-CPA-12



EXHIBIT #3
01-CPA-12



Calvin, Giordano & Associates, Inc.

EXCEPTIONAL SOLUTIONS

Memorandum

Fort Lauderdale Office - 1800 Eller Drive, Suite 600, Fort Lauderdale, Florida 33316
Phone: 954.921.7781 • Fax: 954.921.8807

Palm Beach Office - 560 Village Blvd., Suite 340, West Palm Beach, Florida 33409
Phone: 561.684.6161 • Fax: 561.684.6360

EXHIBIT #4 01-CPA-12

DATE: May 15, 2012

TO: Mr. Ryan Shear
PMG Aventura LLC
19495 Biscayne Boulevard, Suite 410
Aventura, FL 33180

FROM: Jeffery Maxwell, PE, PTOE
Calvin, Giordano & Associates, Inc. (CGA)
1800 Eller Drive, Suite 600
Fort Lauderdale, FL 33316

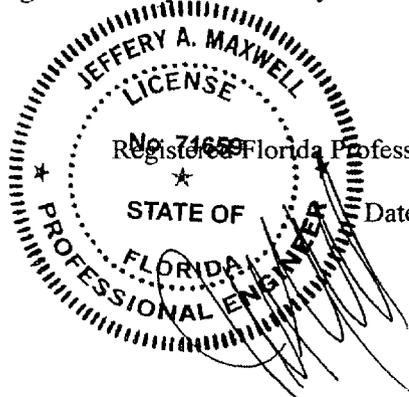
SUBJECT: Magnum Marine Plat Traffic Statement

Per your request, CGA has completed a trip generation analysis for project site know as the Magnum Marine Plat in the City of Aventura, Florida. Existing zoning currently allows for development of 428,560 square feet of general office. It is our understanding the proposed land use will consist of up to 225 condominium units in place of general office.

Trip generation estimates were calculated for the currently approved land use as well as the proposed land use based upon trip generation rates contained in the 8th Edition of "Trip Generation" published by the Institute of Transportation Engineers (ITE). Trips were calculated for a standard weekday as well as the morning and evening peak-hours of adjacent street traffic. As indicated on the Trip Generation Table included with this memorandum, the proposed change in land use will result in a net decrease in traffic attributable to the site.

The proposed 225-unit condominium development is expected to generate 2,784 fewer trips during a typical weekday as well as 502 fewer trips during the AM peak-hour and 442 fewer trips during the PM peak-hour. This corresponds to approximately 68% fewer weekday trips, 84% fewer AM peak-hour trips and 79% fewer PM peak-hour trips if the site is developed with residential uses rather than general office uses.

Please feel free to contact the undersigned should you desire any additional information.



Jeffery Maxwell, PE, PTOE
Registered Florida Professional Engineer Number 71659

Date: 5-15-12

TRIP GENERATION TABLE
Magnum Marine Plat

Land Use	ITE Land Use Code	Intensity	ITE 8th Edition Equation	Daily Trips	AM Peak Hour			PM Peak Hour							
					Trips	%	In	Out	Trips	%	In	Out			
Proposed Use															
Condominium/Townhouse	230	225	Dwelling units	See Note 1	1,307	99	17%	17	83%	82	117	67%	78	33%	39
Total Trips					1,307	99	17	17	83%	82	117	67%	78	33%	39
Existing Use															
General Office	710	428,560	Sq. Ft.	See Note 2	4,091	601	88%	529	12%	72	559	17%	95	83%	464
Total Trips					4,091	601	88%	529	12%	72	559	17%	95	83%	464
TOTAL NET TRIPS DIFFERENCE					-2,784	-502		-512		10	-442		-17		-425

Note 1:

Condominium/Townhouse (ITE 230) : Daily Rate - 5.81, [50% In, 50% Out]
 Condominium/Townhouse (ITE 230) : AM Peak Hour Equation - Ln(T) = 0.80 Ln (X) + 0.26, [17% In, 83% Out]
 Condominium/Townhouse (ITE 230) : PM Peak Hour Equation - Ln(T) = 0.82 Ln (X) + 0.32, [67% In, 33% Out]

Note 2:

General Office (ITE 710) : Daily Equation - Ln(T) = 0.77 Ln (X) + 3.65, [50% In, 50% Out]
 General Office (ITE 710) : AM Peak Hour Equation - Ln(T) = 0.80 Ln (X) + 1.55, [88% In, 12% Out]
 General Office (ITE 710) : PM Peak Hour Equation - T = 1.12 (X) + 78.81, [17% In, 83% Out]



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Carlos L. Curbelo
Renier Díaz de la Portilla
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

May 21, 2012

VIA ELECTRONIC MAIL

Jeffrey Perlow, Esquire c/o
Aventura on the Bay
3250 NE 188 Street
Aventura, Florida 33180

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
AVENTURA ON THE BAY (01 REZ 12)
LOCATED 3250 NE 188 STREET
PH2812051000175 – Folio Nos. 2822030530010 and 2822030530020**

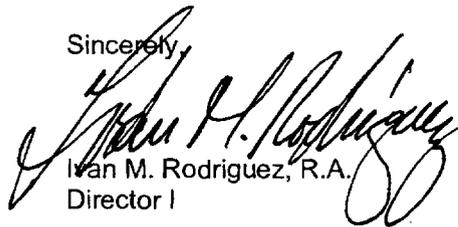
Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed project would yield a maximum residential density of 225 multifamily units, which generates 34 students; 16 elementary, 8 middle and 10 senior high students. **At this time, schools have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. **As such, this analysis does not constitute a Public School Concurrency approval.**

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,



Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L555
Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Ms. Vivian G. Villaamil
City of Aventura
School Concurrency Master File

**EXHIBIT #5
01-CPA-12**

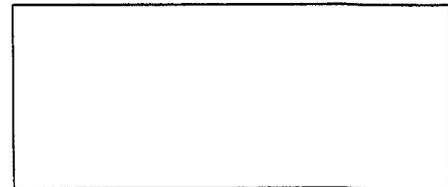


Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH2812051000175 Local Government (LG): Aventura
 Date Application Received: 5/10/2012 3:14:52 PM LG Application Number: 01 REZ 12
 Type of Application: Public Hearing Sub Type: Land Use
 Applicant's Name: Aventura on the Bay
 Address/Location: 3250 NE 188 Street, Aventura, Florida
 Master Folio Number: 2822030530010
 Additional Folio Number(s): 2822030530020,

PROPOSED # OF UNITS 225
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 0
 MULTIFAMILY UNITS: 225



CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
231	AVENTURA WATERWAYS K-8 CENTER	0	16	0	NO	Current CSA
231	AVENTURA WATERWAYS K-8 CENTER	0	16	0	NO	Current CSA Five Year Plan
6241	HIGHLAND OAKS MIDDLE	-101	8	0	NO	Current CSA
6241	HIGHLAND OAKS MIDDLE	0	8	0	NO	Current CSA Five Year Plan
7141	DR MICHAEL M KROP SENIOR HIGH	-409	10	0	NO	Current CSA
7141	DR MICHAEL M KROP SENIOR HIGH	0	10	0	NO	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
2581	MADIE IVES COMMUNITY ELEMENTARY	153	16	16	YES	Adjacent CSA
6301	JOHN F KENNEDY MIDDLE	111	8	8	YES	Adjacent CSA
7381	MIAMI NORLAND SENIOR HIGH	808	10	10	YES	Adjacent CSA
*An Impact reduction of <u>17.64%</u> included for charter and magnet schools (Schools of Choice).						

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

Name <u>PMG Aventura, LLC</u>	Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
<u>Kevin Maloney</u>	<u>Manager</u>
<u>Ryan Shear</u>	<u>Manager</u>
<u>Adrienne Hartman</u>	<u>Development Consultant</u>
<u>Forth Leamy Skiles</u>	<u>Surveyor</u>
<u>Calvin Giordano & Associates</u>	<u>Traffic Engineer</u>

(Attach Additional Sheets If Necessary)

NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.

WITNESS MY HAND THIS 10 DAY OF May 2012

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: [Signature]
 (Signature)
 Name: Jessie W. Powell
 (Print)
 Title: Attorney
 Address: 18901 NE 29th Ave. Suite 180
Aventura, FL 33180

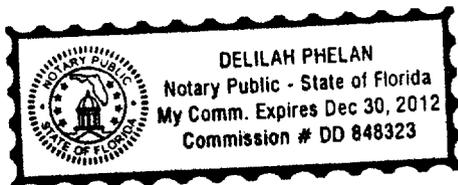
~~OWNER~~ Applicant
 By: [Signature]
 (Signature)
 Name: Kevin Maloney
 (Print)
 Title: Manager of PMG Aventura, LLC
 Address: 19495 Biscayne Blvd
#410
Aventura, FL 33180

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Kevin Maloney as the manager authorized representative of the Applicant and/or the owner of the property subject to the application, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this 10 day of May 2012

AFFIANT
 2012
[Signature]
 Notary Public State of Florida At Large
 Printed Name of Notary Delilah Phelan
 My commission expires: 12/30/12



Representatives

Name

Relationship

Fronberg Perlow & Kornik, PA

Zoning Attorney

Arnstein & Lehr

Attorney

FRANK KAIMAN

General Counsel

Ron SILVER

Attorney



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

APPLICANT:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

WITNESS MY HAND THIS 10 DAY OF May, 2012

~~PROPERTY OWNER~~

By: _____ (Signature)
 Name: Kevin Maloney (Print)
 Title: Manager (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 10 DAY OF May, 2002

APPLICANT:

By: [Signature] (Signature)
 Name: Ryan Sheun (Print)
 Title: member (Print)

WITNESS MY HAND THIS 10 DAY OF May, 2002

PROPERTY OWNER:

By: [Signature] (Signature)
 Name: Kevin F. Maloney (Print)
 Title: Manager (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16 DAY OF May, 2012

APPLICANT:

By: _____ (Signature)
 Name: Adrienne Tanner (Print)
 Title: Development Consultant (Print)

WITNESS MY HAND THIS 16 DAY OF May, 2012

PROPERTY OWNER:

By: _____ (Signature)
 Name: Kevin McInerney (Print)
 Title: Manager (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 14 DAY OF May, 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

Name: Kevin Maloney (Print)

Title: Manager (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: AA (Signature)

Name: Ryan Shear (Print)

Title: Manager (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: Adrienne Hartman (Signature)

Name: Adrienne Hartman (Print)

Title: Development Consultant (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

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Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

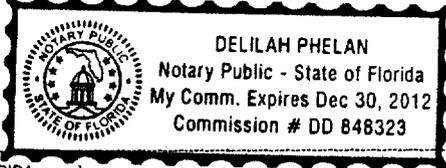
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Kevin Maloney the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Handwritten signature of Kevin Maloney]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of May, 2012



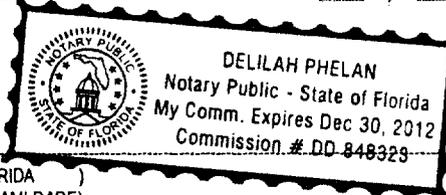
[Handwritten signature of Delilah Phelan]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Ryan Shear the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Handwritten signature of Ryan Shear]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of May, 2012



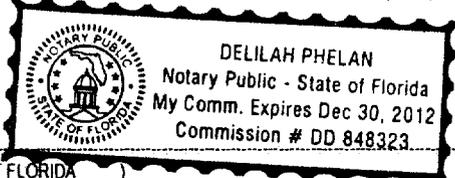
[Handwritten signature of Delilah Phelan]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Adrienne Hawthorn the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Handwritten signature of Adrienne Hawthorn]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of May, 2012



[Handwritten signature of Delilah Phelan]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: 12/30/12

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.

2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16 DAY OF MAY, 2012.

APPLICANT:

By: _____ (Signature)
Name: Frank Kojan (Print)
Title: Attorney (Print)

WITNESS MY HAND THIS 16 DAY OF May, 2012.

PROPERTY OWNER

By: _____ (Signature)
Name: Kathleen Maloney (Print)
Title: Manager (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 16 DAY OF MAY 2012, 200 .

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: FRANKLIN R. KAPLAN (Print)

Name: _____ (Print)

Title: GENERAL COUNSEL (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

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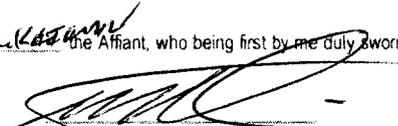
NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared FRANKON L. KASIMU the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of MAY, 2017.

KENNETH WONG
Notary Public, State of New York
No. 01WO4862385
Qualified in Queens County
Commission Expires July 14, 2014


Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__.

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__.

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__.

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16th DAY OF May, 2012

APPLICANT:

By: [Signature] (Signature)
 Name: Jeffrey M. Perlow (Print)
 Title: ATTORNEY (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200__.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.

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- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16 DAY OF May, 2002

APPLICANT:

By: [Signature] (Signature)
Name: GARY SEAN NESBITT (Print)
Title: ATTORNEY (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

PROPERTY OWNER:

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

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- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16th DAY OF May, 2012

APPLICANT:

By: [Signature] (Signature)
Name: RON SILVER (Print)
Title: ATTORNEY (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200__.

PROPERTY OWNER:

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 16th DAY OF May, 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: Jeffrey M. Perlow (Print)

Name: _____ (Print)

Title: Attorney (Print)

Title: _____ (Print)

By: [Signature] (Signature)

By: _____ (Signature)

Name: GARY J. NEBTT (Print)

Name: _____ (Print)

Title: ATTORNEY (Print)

Title: _____ (Print)

By: [Signature] (Signature)

By: _____ (Signature)

Name: Ron Silver (Print)

Name: _____ (Print)

Title: ATTORNEY (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

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Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jeffrey H. Perlou the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of May, 2012

[Signature]
Notary Public State of Florida At Large



Printed Name of Notary
My commission expires: _____

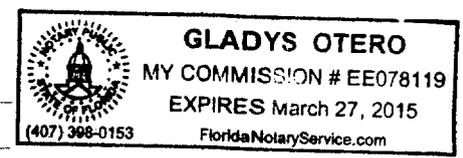
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Gary Ian Nesbitt the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16th day of May, 2012

[Signature]
Notary Public State of Florida At Large



Printed Name of Notary
My commission expires: _____

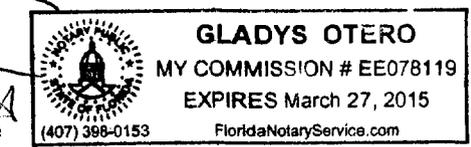
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Ron Silver the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16th day of May, 2012

[Signature]
Notary Public State of Florida At Large



Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__.

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

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- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 18 DAY OF May, 2012

APPLICANT:

By: [Signature] (Signature)
 Name: JEFFERY MAXWELL (Print)
 Title: TRAFFIC ENGINEER (Print)
CALVIN, GIORDANO + ASSOCIATES, INC.

WITNESS MY HAND THIS _____ DAY OF _____, 200__.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

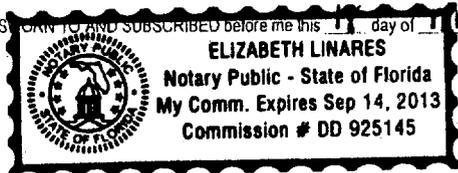
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared JEFFERY MAXWELL the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 11 day of May, 2012



[Signature]
Notary Public State of Florida At Large
Printed Name of Notary Elizabeth Linares
My commission expires: 9/14/13

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary _____
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary _____
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary _____
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
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- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

APPLICANT:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

**The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.*

WITNESS MY HAND THIS 16 DAY OF MAY, ~~200~~ 2012

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: DAN FORTIN JR (Print)

Name: _____ (Print)

Title: VICE PRESIDENT (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

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Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

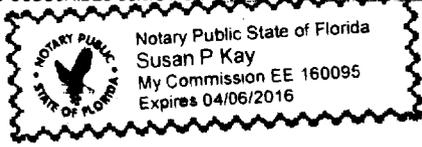
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared DANIEL C. FORTIN JR the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Handwritten Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of MAY, 2007



[Handwritten Signature]
Notary Public State of Florida At Large
SUSAN P. KAY
Printed Name of Notary
My commission expires: EE160095

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 18 DAY OF MAY, 2002

APPLICANT:

By: _____ (Signature)
 Name: LUIS FLORES (Print)
 Title: Attorney - Afenstein + Lehr (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200__

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 18th DAY OF May, 20012

APPLICANT:

By: Richard B. Evans (Signature)
 Name: RICHARD B. IVANS ESQ (Print)
 Title: Attorney - Arastin & Lehr (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 10 DAY OF MAY, 2002

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: RICHARD B. IVANS (Print)

Title: ATTORNEY (Print)
Arnstein & Lehr

By: [Signature] (Signature)

Name: LUIS FLORES (Print)

Title: ATTORNEY (Print)
Arnstein & Lehr

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

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Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared RICHARD B. IVANK the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Richard B. Ivank
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of May, 2012

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: 3-12-15



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Lois Flores the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of May, 2012

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: 3-12-15



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

ORDINANCE NO. 2012-___

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY LOCATED AT 3250 NE 188 STREET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", FROM BUSINESS AND OFFICE TO MEDIUM HIGH DENSITY RESIDENTIAL; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY UNDER CHAPTER 163, PART II, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Department of Community Affairs of the State of Florida found in compliance the City of Aventura Comprehensive Plan (the "Plan") in February 1999; and

WHEREAS, the Future Land Use Map of the Plan designated the subject property, more particularly described in Exhibit "A", Business and Office; and

WHEREAS, the owner has made application to the City to change the land use designation from Business and Office to Medium High Density Residential; and

WHEREAS, the owner has made application to the City to approve a residential zoning designation on the subject property, which is subject to the adoption of the requested amendment to the land use designation; and

WHEREAS, the Plan amendment will not result in impacts on any infrastructure system that will exceed established level of service standards and is otherwise consistent with the goals, objectives and policies of the Plan; and

WHEREAS, the City Commission finds that it is in the best interest of the public to amend the future land use map designation on the subject property from Business and Office to Medium High Density Residential; and

WHEREAS, the City Commission finds that the amendment will maintain the unique aesthetic character of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS:

Section 1. Purpose. This Ordinance is intended to preserve the unique aesthetic character of the City and ensure that adjacent land uses are compatible and it is further intended to protect property values, create a better business climate, enhance the physical appearance of the community and preserve the natural beauty of the City.

Section 2. Amendment of Future Land Use Map Designation. The future land use map designation of the parcel of land situate on 3250 NE 188 Street, more particularly described in Exhibit "A" to this Ordinance, totaling 7.082 acres more or less and having folio numbers 28 2203 053 0010 and 28 2203 053 0020, is hereby changed from Business and Office to Medium High Density Residential.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Comprehensive Plan. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Comprehensive Plan of the City of Aventura and that

the Future Land Use Map of the Comprehensive Plan shall be revised so as to accomplish such intentions.

Section 5. Transmittal. The City Clerk is directed to transmit the amendment to the State of Florida Department of Economic Opportunity, Division of Community Development as provided under Chapter 163, Part II of the Florida Statutes.

Section 6. Effective Date. This Ordinance shall be effective pursuant to Chapter 163 of the Florida Statutes.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on first reading. This motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on second reading. This motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 5th day of June, 2012.

PASSED AND ADOPTED on second reading this 10th day of July, 2012.

Susan Gottlieb, Mayor

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

EXHIBIT "A"

Legal Description of Subject Property

Lots A and B, of Magnum Marine Plat, according to the Plat thereof, as recorded in Plat Book 147, Page 12, of the Public Records of Miami-Dade County, Florida.

Also known as:

A portion of that certain property deed to Gautier to Maule Industries Inc. and described in Deed Book 630 at Page 67 of the Public Records of Dade County, Florida, said portion being particularly described as follows: A portion of the Southeast $\frac{1}{4}$ of the Fractional Section 3, Township 52 South, Range 42 East, Dade County, Florida being particularly described as follows:

Commence at the Southwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Fractional Section 3, Township 52 South, Range 42 East; thence run South 89 degrees 56 minutes 45 seconds East along the south line of the southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Fractional Section 3 for a distance of 450 feet; then run North 00 degrees 39 minutes 25 seconds West for a distance of 185.83 feet; thence run North 89 degrees 20 minutes 35 seconds East for a distance of 1,217.70 feet to the point of beginning of the property herein described; thence continuing North 89 degrees 20 minutes 3 seconds East for 588.95 feet; then run North 00 degrees 39 minutes 25 seconds West for 35 feet; thence North 89 degrees 20 minutes 35 seconds East for 400 feet; thence run South 00 degrees 31 minutes 59 seconds East for 318.42 feet to the mean high water line of Dumfounding Bay and adjacent canal; thence along the said mean high water line for the next ten courses, run South 83 degrees 53 minutes 28 seconds West for 87.62 feet; thence run North 83 degrees 58 minutes 15 seconds West for 113.67 feet; thence run South 79 degrees 49 minutes 50 seconds West for 74.60 feet; thence run South 86 degrees 39 minutes 18 seconds West for 115.35 feet; thence run North 89 degrees 06 minutes 17 seconds West for 121.75 feet; thence run North 81 degrees 26 minutes 33 seconds West for 74.61 feet; thence run South 84 degrees 00 minutes 20 seconds West for 100.78 feet; thence run North 87 degrees 42 minutes 10 seconds West for 111.98 feet; thence run South 86 degrees 48 minutes 26 seconds West for 91.38 feet; thence run North 82 degrees 21 minutes 58 seconds West for 101.59 feet to the point of termination of the mean high water line; thence run North 0 degrees 39 minutes 25 seconds West for a distance of 274 feet to the point of beginning.

Together with that certain property located in Miami-Dade County more particularly described as follows:

EXHIBIT "A"
(continued)

Commence at the Northwest corner of the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Fractional Section 3, Township 52 South, Range 42 East, of Dade County, Florida; thence run 00 degrees 31 minutes 59 seconds East along the west line of the SE $\frac{1}{4}$ of Fractional Section 3 for 155.33 feet to a point that is 175 feet North of the Southwest corner of said North $\frac{1}{2}$, North $\frac{1}{2}$, South $\frac{1}{2}$, SE $\frac{1}{4}$ for 1989 feet to the Southeast corner of the 7.65 acre parcel described in trustees of the Internal Improvement Fund Deed No. 21380; thence run North 00 degrees 31 minutes 59 seconds West along the east line of said 7.65 acre parcel for 8.7 feet, more or less, to the north bank of the existing canal, being the southeast corner of the 16.0 acre parcel described in ORB 630 at Page 67 of the Public Records of Dade County, Florida and being the point of beginning of the hereinafter described parcel

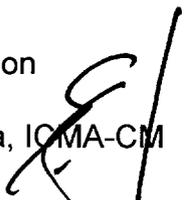
From said point of beginning, thence run South 00 degrees 31 minutes 59 seconds East along last described line, for 78.7 feet more or less to the southeast corner of said 7.65 acre parcel; thence run North 89 degrees 58 minutes 51 seconds West along the south line of said 7.65 acre parcel for 300 feet to the point of intersection with the northerly extension of the east line of the 11.93 acre parcel as described in trustees of the Internal Improvement Fund Deed No. 21379; thence run North 00 degrees 31 minutes 59 seconds West along last described northerly extension for 77.3 feet more or less to the north bank of the existing canal, as described in the 16.0 acre parcel description; thence run Easterly meandering the north bank of the existing canal, as described in the 16.0 parcel for 300 feet more or less to the point of beginning.

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM
City Manager 

BY: Joanne Carr, AICP
Community Development Director 

DATE: May 21, 2012

SUBJECT: Amendment of the Official Zoning Map of the City of Aventura by amending the zoning designation for property at 3250 NE 188 Street, containing 7.082 acres more or less, from OP, Office Park District, to RMF3B, Multifamily Medium Density Residential District. (01-REZ-12)

June 5, 2012 Local Planning Agency Agenda Item 4B

June 5, 2012 City Commission Meeting Agenda Item 7C

July 10, 2012 City Commission Meeting Agenda Item _____

RECOMMENDATION

It is recommended that the City Commission approve an amendment of the Official Zoning Map of the City of Aventura by amending the zoning designation for the parcel of land with municipal address 3250 NE 188 Street containing 7.082 acres, more or less, from OP, Office Park District to RMF3B, Multifamily Medium Density Residential District.

The applicant has proffered to prepare and record in the Public Records of Miami-Dade County, at its expense and in form satisfactory to the City Manager and the City Attorney, a declaration of restrictive covenants restricting the density on the property to no more than 225 residential dwelling units and further providing that this maximum number of residential dwelling units shall remain the same in the event that the applicant or landowner purchases additional contiguous submerged lands. The applicant has further proffered to record the declaration of restrictive covenants prior to January 31, 2013, or prior to the issuance of the site development building permit,

whichever is earlier. The ordinance amending the Official Zoning Map from OP, Office Park District, to RMF3B, Multifamily Medium Density District, will not be effective until the declaration of restrictive covenants is recorded and provided to the City.

THE REQUEST

The applicant, PMG Aventura LLC, is requesting an amendment of the Official Zoning Map of the City of Aventura by amending the zoning designation for the parcel at the southeast end of NE 188 Street with municipal address 3250 NE 188 Street from OP, Office Park District to RMF3B, Multifamily Medium Density Residential District. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY:	Happiness Inc.
NAME OF APPLICANT	PMG Aventura LLC
LOCATION OF PROPERTY	3250 NE 188 Street See Exhibit #2 for Location Map and Exhibit #3 for Aerial Photograph
SIZE OF PROPERTY	Approximately 7.082 acres Upland Parcel is 6.529 acres Submerged Parcel is 0.553 acres

BACKGROUND

This site is a vacant parcel of land on the south side of NE 188 Street to the south of the Aventura City of Excellence School, the Aventura Community Recreation Centre and the Aventura Arts & Cultural Center and at the easterly termination of the street. It is approximately 7.082 acres which includes approximately one-half acre of submerged land.

The site is currently designated Business and Office on the City's Future Land Use Map and zoned OP, Office Park District, on the City's zoning map.

The previous County zoning was for industrial uses on this parcel. The existing future land use designation of Business and Office and Office Park zoning category were assigned to this property when the City's Comprehensive Plan and Land Development Regulations were adopted in 1998 and 1999 respectively. At that time, the other parcels on the street were being used for marine manufacturing. They had a future land use designation of Industrial and Office and a zoning category of TC2, Town Center Marine District, which allowed the continuation of the marine manufacturing businesses. This site and the site to the north, which now contains the City's

Community Recreation Center, Arts & Cultural Center and Aventura City of Excellence School, were envisioned for office buildings as a compatible use with the existing manufacturing businesses.

In 2002, the marine manufacturing parcels were changed at the request of the owners from Industrial and Office to Medium-High Density Residential future land use and from TC2, Town Center Marine zoning district to RMF3A and RMF3B, Multifamily Medium Density Residential zoning districts. The multifamily residential projects, including Uptown Marina Lofts, the Atrium, Artech, Eastside and 3030 at Aventura were built following those land use and zoning changes. The future land use and zoning on the parcel subject of this report remained the same since no request to change was received from the owner.

The applicant has entered into a contract to purchase the land. Its proposal is to construct an eleven story, 225 unit luxury residential condominium building.

The RMF3B zoning category permits multifamily residential buildings with a maximum density of 35 dwelling units per acre, or 245 units for this 7.082 acre parcel. The applicant has proffered to restrict the maximum number of dwelling units to 225 and to record a declaration of restrictive covenants to that effect.

The maximum allowable height in this zone is 4 stories or 45 feet, unless the owner constructs the pedestrian promenade to the City's specifications, in which case the height maximum is increased to 7 stories or 90 feet. The zoning district also provides that, with construction of the promenade, there is no maximum floor area ratio (other than the 2.0 set by the Comprehensive Plan), that driveway separation requirements of the Code do not apply but must meet safety and traffic engineering standards as determined by the City Engineer and that view corridors of 3% of the average of the two frontages up to a maximum of 100 feet are required.

This zoning district further provides that if the applicant proposes to dedicate land to the City for educational, recreational or cultural municipal purposes, the City Commission may, through the conditional use approval process, approve a maximum building height of up to 11 stories or 135 feet, provided however, that the minimum lot size for dedication must be 1.5 acres, the form of conveyance must be approved by the City Commission, that minimum open space must be 40% of the lot, that there is no maximum floor area ratio (other than the 2.0 set by the Comprehensive Plan) and that any structure parking must be incorporated into the building envelope and compatibly designed. As stated in its Letter of Intent attached as Exhibit #1, the applicant is proposing to dedicate the westerly 2 acres of the site to the City for municipal purposes and to construct the pedestrian promenade along the canal.

ANALYSIS

Future Land Use Designation

Subject Property:	Business and Office
Properties to the North:	Business and Office & Parks & Recreation
Properties to the South:	Medium-High Density Residential
Properties to the East:	Dumfounding Bay
Properties to the West:	Medium-High Density Residential

Zoning

Subject Property:	OP, Office Park District
Properties to the North:	CF, Community Facilities District
Properties to the South:	RMF3, Multi-Family Medium Density Residential District
Properties to the East:	CNS, Conservation District
Properties to the West:	RMF3B, Multi-Family Medium Density Residential District

Existing Land Use

Subject property:	vacant
Properties to the North:	performing arts theatre, city charter school and community recreation center
Properties to the South:	residential condominium
Properties to the East:	water
Properties to the West:	residential condominium

Access – The parcel access is from NE 188 Street.

Conformity to City Comprehensive Plan – The proposed amendment is subject to the approval of a Comprehensive Plan amendment to change the land use designation of the parcel from Business and Office to Medium High Density Residential. The comprehensive plan amendment application is being made concurrent with this application for rezoning.

Standards for reviewing proposed amendments to the Official Zoning Map found in Section 31-77 of the Land Development Regulations:

1. *Whether or not the proposed amendment is consistent with goals, objectives and policies of the City's Comprehensive Plan.*

The proposed amendment will be consistent with goals, objectives and policies of the City's Comprehensive Plan provided the City Commission approves an amendment to the land use designation for this parcel from Business and Office to Medium High Density Residential.

2. *Whether or not the proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.*

The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses. The buildings immediately to the west are zoned RMF3B. The building immediately to the south is zoned RMF3.

3. *Whether or not the subject property is physically suitable for the uses permitted in the proposed district.*

The subject property is physically suitable for the uses permitted in the proposed district.

4. *Whether or not there are sites available in other areas currently zoned for such use.*

There are no vacant sites available in other areas of the City currently zoned for RMF3B uses.

5. *If applicable, whether or not the proposed change will contribute to redevelopment of an area in accordance with an approved redevelopment plan.*

This standard is not applicable to this proposed amendment.

6. *Whether or not the proposed change would adversely affect traffic patterns or congestion.*

The traffic generation table provided later in this report supports the proposed amendment in that a decreased projected vehicle trips per day enhances the provision of traffic services.

7. *Whether or not the proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected.*

<i>Property Location</i>	<i>Lot Size</i>	<i>Increase in Density</i>	<i>Population Factor</i>	<i>Overall Increase in Population</i>
3250 NE 188 Street	7.082 ac	31.77 du/ac (density limited by proffered covenant)	1.99	448 persons

The proposed change would not adversely affect population density such that the demand for water, sewers, streets, and other public facilities and services would be adversely affected. The proposed residential use of this property will decrease the

demand for water, sewer, streets and other public facilities as compared to the presently permitted uses.

8. *Whether or note the proposed change would have an adverse environmental impact on the vicinity.*

The proposed change will not have an adverse environmental impact on the vicinity.

9. *Whether or not the proposed change would adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.*

The proposed change will not adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.

Traffic Generation – The applicant’s traffic engineers have prepared traffic generation information relative to existing permitted uses and the proposed amendment. The report dated May 15, 2012 prepared by Calvin, Giordano & Associates Inc. is attached as Exhibit #4. The report has been reviewed and approved by the City’s Traffic Engineering Consultant.

Applications Area (7.082 acres)	Land Use Category	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips
Existing Zoning Designation	Office Park (OP)	4,091	601	559
Proposed Zoning Designation	RMF3B, Medium Density Residential (restricted by proffered covenant to maximum of 225 dwelling units)	1,307	99	117

The report indicates that the proposed residential zoning with 225 residential dwelling units generates approximately 2,784 less daily vehicular trips than the existing commercial zoning and when compared to the am peak and pm peak hours, generates approximately 502 to 442 less trips, thereby resulting in significantly less impact on the City’s road network as compared to the existing zoning designation.

School Impacts – The application has been provided for comment to the Miami Dade County School Board in accordance with the Interlocal Agreement entered into between the City and the Board. Also in accordance with the Interlocal Agreement, the School Board has been invited as a non-voting member of the Local Planning Agency for this application.

The application has been analyzed by the School Board for compliance with the level of service contained in the Interlocal Agreement. The Board’s letter dated May 21, 2012

is attached as Exhibit #5 and is based on a maximum of 225 residential dwelling units. This preliminary analysis concludes that the required level of service standard is met. The level of service standard in the Interlocal Agreement is the same level of service standard contained in the Education Element of the City's Comprehensive Plan.

The concurrency analysis shows that anticipated student generation for this development will be 16 seats for elementary, 8 seats for middle school and 10 seats for high school. The public elementary school in our Concurrency Service Area has no seats available, the public middle school is 101 seats over capacity and the public high school is 409 seats over capacity. The level of service standard provides that, in the event no capacity is available within a concurrency service area, the School Board may look to adjacent concurrency service areas to provide that capacity. The adjacent service areas' elementary, middle and high school do have sufficient capacity. Therefore, the required level of service standard for education is met.

The final concurrency determination and reservation of capacity is made by the School Board once a site plan or plat is approved. It should be noted that capacity as calculated for concurrency measurement and reservation does not necessarily equate to seats that may be open for enrollment at any particular time.

The proposed residential use on this site will more compatibly support the Aventura City of Excellence School versus the commercial uses presently allowed.

PMG Aventura, LLC

Real Estate Principals

Date: May 2, 2012

To: City of Aventura

Re: Letter of Intent

**Exhibit #1
01-REZ-12**

COMMUNITY DEVELOPMENT
CITY OF AVENTURA

MAY -4 2012

INITIAL DM

To Whom It May Concern -

Please accept this Letter of Intent ("Letter") as an expression of interest on behalf of PMG Aventura, LLC ("PMG") to develop a luxury residential condominium project located at 3520 NE 188th Street ("Property"). With over twenty five years of development experience, and more specifically a concentration in high end residential product, we are looking to create a landmark development for not only the Aventura area, but the entire South Florida market.

The proposed development would allow for an eleven (11) story residential condominium building, consisting of 225 residential units. Additionally, in accordance with Aventura Municipal Code Section 31-143(g)(9), there shall be no maximum floor area ratio. Per the identified code Section, we propose to dedicate the west two (2) acre portions of the site to the City of Aventura. Further, as is known by the City of Aventura, a decaying structure currently exists on the proposed site. Regardless of whether or not the structure is located on our property in its entirety or encroaches upon the proposed dedicated portion, we are committed to removing the structure at no cost to the City of Aventura.

In accordance with Aventura Municipal Code Section 31-143(g)(8), we intend to provide a Pedestrian Promenade for use by the general public in connection with both our remaining property and the west two (2) acre portions to be dedicated to the City of Aventura, again at no cost to the City. Any assistance PMG and/or correlating contractors can provide to the City for developing the dedicated parcel will be available at reasonable cost /market cost if the city elects to do so.

In order for the project to be unique, the development team must be unique. PMG plans to use a combination of a premier local architect in conjunction with a world-class design architect. Additionally, PMG's local experience will allow for an easy selection of local experienced consultants ranging from the MEP to landscape architect. More importantly, PMG will include a renowned interior design firm to maximize design and luxury for all common spaces, shaping the look and feel of the remaining 5-acre parcel.

The proposed project would incorporate a design the compliments the local environment, which includes not only green space & bay, but the Aventura Arts and Cultural Center. The amenities will include everything from a world class gym to private concierge services. The proposed units would average anywhere from 2,500 to 3,000 square feet with finishes of the highest standard.

This project is PMG's third luxury development Miami in the past 5 years. In 2009 PMG delivered Mei Miami Beach, a 134-unit luxury development located on 58th and Collins, which is currently regarded as one the premier residential buildings in Miami Beach. More recently, PMG purchased a parcel located at 9501 Collins Avenue and is currently under development. The project, otherwise called 95th on the Ocean, is a boutique beachfront development featuring 7-private, exclusive luxury homes.

PMG Aventura, LLC

Real Estate Principals

It is our intention to begin the rezoning process as of May 1st and work towards achieving a plan that mutually benefits both parties and the community. We look forward to working with the City of Aventura over the coming months.

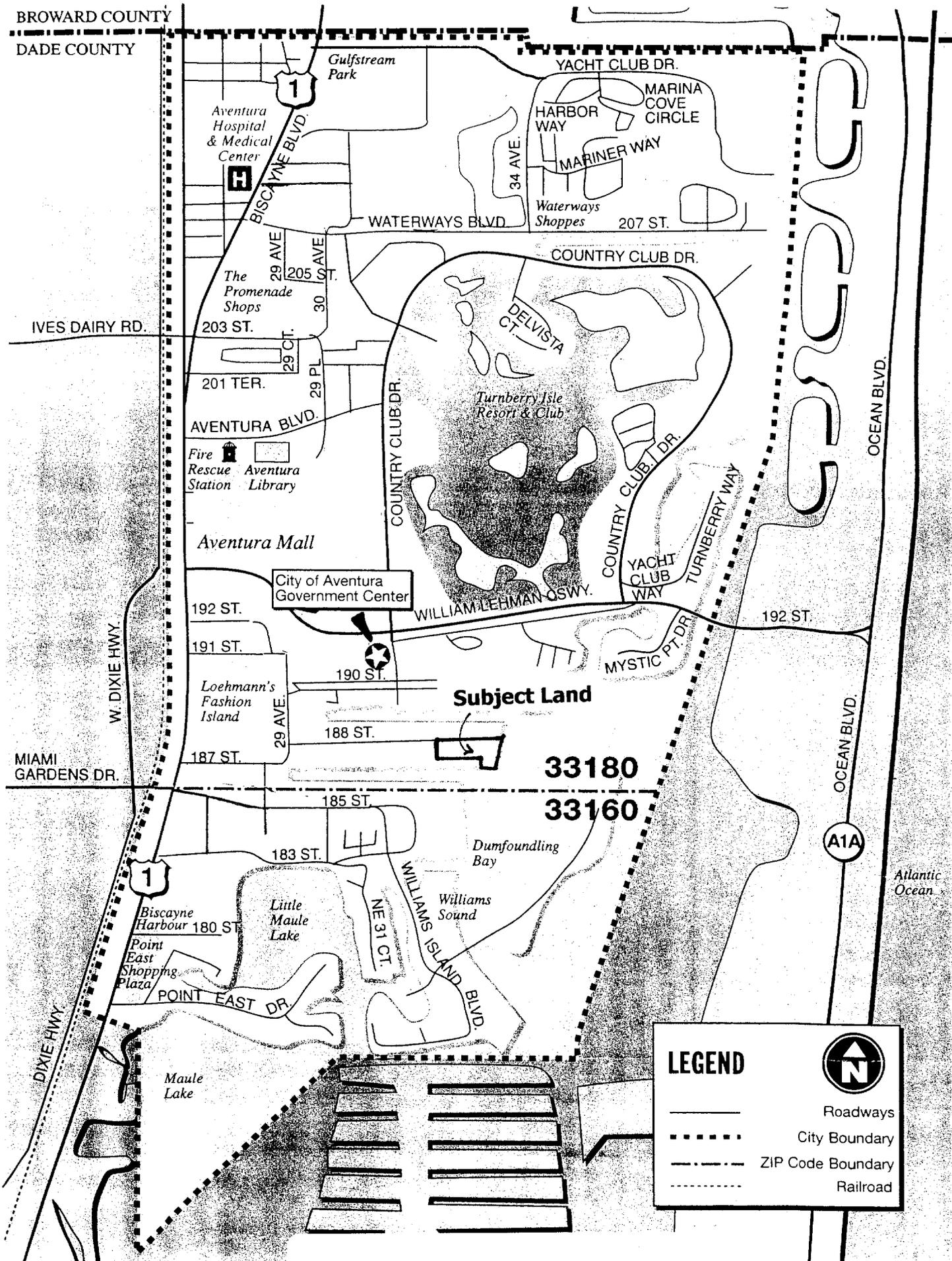
PMG Aventura, LLC

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'RS' followed by a long horizontal stroke.

Ryan Shear
Managing Director

BROWARD COUNTY
DADE COUNTY



LEGEND

- Roadways
- City Boundary
- ZIP Code Boundary
- Railroad

Exhibit #2
01-REZ-12



Exhibit #3
01-REZ-12



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

Memorandum

- Fort Lauderdale Office** - 1800 Eller Drive, Suite 600, Fort Lauderdale, Florida 33316
Phone: 954.921.7781 • Fax: 954.921.8807
- Palm Beach Office** - 560 Village Blvd., Suite 340, West Palm Beach, Florida 33409
Phone: 561.684.6161 • Fax: 561.684.6360

Exhibit #4
01-REZ-12

DATE: May 15, 2012

TO: Mr. Ryan Shear
PMG Aventura LLC
19495 Biscayne Boulevard, Suite 410
Aventura, FL 33180

FROM: Jeffery Maxwell, PE, PTOE
Calvin, Giordano & Associates, Inc. (CGA)
1800 Eller Drive, Suite 600
Fort Lauderdale, FL 33316

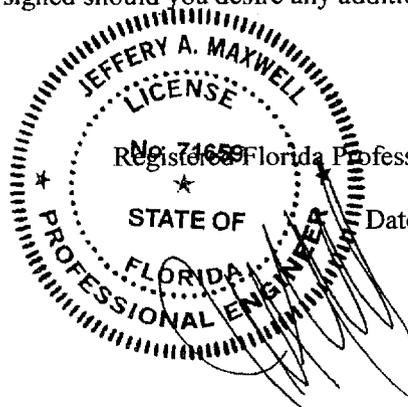
SUBJECT: **Magnum Marine Plat Traffic Statement**

Per your request, CGA has completed a trip generation analysis for project site know as the Magnum Marine Plat in the City of Aventura, Florida. Existing zoning currently allows for development of 428,560 square feet of general office. It is our understanding the proposed land use will consist of up to 225 condominium units in place of general office.

Trip generation estimates were calculated for the currently approved land use as well as the proposed land use based upon trip generation rates contained in the 8th Edition of "Trip Generation" published by the Institute of Transportation Engineers (ITE). Trips were calculated for a standard weekday as well as the morning and evening peak-hours of adjacent street traffic. As indicated on the Trip Generation Table included with this memorandum, the proposed change in land use will result in a net decrease in traffic attributable to the site.

The proposed 225-unit condominium development is expected to generate 2,784 fewer trips during a typical weekday as well as 502 fewer trips during the AM peak-hour and 442 fewer trips during the PM peak-hour. This corresponds to approximately 68% fewer weekday trips, 84% fewer AM peak-hour trips and 79% fewer PM peak-hour trips if the site is developed with residential uses rather than general office uses.

Please feel free to contact the undersigned should you desire any additional information.



Jeffery Maxwell, PE, PTOE
Registered Professional Engineer Number 71659

Date: 5-15-12

TRIP GENERATION TABLE
Magnum Marine Plat

Land Use	ITE Land Use Code	Intensity	ITE 8th Edition Equation	Daily Trips	AM Peak Hour			PM Peak Hour							
					Trips	%	In	%	Out	Trips	%	In	%	Out	
Proposed Use															
Condominium/Townhouse	230	225	Dwelling units	See Note 1	1,307	99	17%	17	83%	82	117	67%	78	33%	39
Total Trips				1,307	99	17	83%	82	117	67%	78	33%	39		
Existing Use															
General Office	710	428,560	Sq. Ft.	See Note 2	4,091	601	88%	529	12%	72	559	17%	95	83%	464
Total Trips				4,091	601	529	12%	72	559	17%	95	83%	464		
TOTAL NET TRIPS DIFFERENCE					-2,784	-502	-512	10	-442	-17	-425				

Note 1:

Condominium/Townhouse (ITE 230) : Daily Rate - 5.81, [50% In, 50% Out]
 Condominium/Townhouse (ITE 230) : AM Peak Hour Equation - Ln(T) = 0.80 Ln (X) + 0.26, [17% In, 83% Out]
 Condominium/Townhouse (ITE 230) : PM Peak Hour Equation - Ln(T) = 0.82 Ln (X) + 0.32, [67% In, 33% Out]

Note 2:

General Office (ITE 710) : Daily Equation - Ln(T) = 0.77 Ln (X) + 3.65, [50% In, 50% Out]
 General Office (ITE 710) : AM Peak Hour Equation - Ln(T) = 0.80 Ln (X) + 1.55, [88% In, 12% Out]
 General Office (ITE 710) : PM Peak Hour Equation - T = 1.12 (X) + 78.81, [17% In, 83% Out]



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Carlos L. Curbelo
Renier Díaz de la Portilla
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

May 21, 2012

VIA ELECTRONIC MAIL

Jeffrey Perlow, Esquire c/o
Aventura on the Bay
3250 NE 188 Street
Aventura, Florida 33180

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
AVENTURA ON THE BAY (01 REZ 12)
LOCATED 3250 NE 188 STREET
PH2812051000175 – Folio Nos. 2822030530010 and 2822030530020**

Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed project would yield a maximum residential density of 225 multifamily units, which generates 34 students; 16 elementary, 8 middle and 10 senior high students. **At this time, schools have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. **As such, this analysis does not constitute a Public School Concurrency approval.**

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,

Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L555
Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Ms. Vivian G. Villaamil
City of Aventura
School Concurrency Master File

**Exhibit #5
01-REZ-12**



Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH2812051000175 Local Government (LG): Aventura
 Date Application Received: 5/10/2012 3:14:52 PM LG Application Number: 01 REZ 12
 Type of Application: Public Hearing Sub Type: Land Use
 Applicant's Name: Aventura on the Bay
 Address/Location: 3250 NE 188 Street, Aventura, Florida
 Master Folio Number: 2822030530010
 Additional Folio Number(s): 2822030530020,

PROPOSED # OF UNITS 225
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 0
 MULTIFAMILY UNITS: 225



CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
231	AVENTURA WATERWAYS K-8 CENTER	0	16	0	NO	Current CSA
231	AVENTURA WATERWAYS K-8 CENTER	0	16	0	NO	Current CSA Five Year Plan
6241	HIGHLAND OAKS MIDDLE	-101	8	0	NO	Current CSA
6241	HIGHLAND OAKS MIDDLE	0	8	0	NO	Current CSA Five Year Plan
7141	DR MICHAEL M KROP SENIOR HIGH	-409	10	0	NO	Current CSA
7141	DR MICHAEL M KROP SENIOR HIGH	0	10	0	NO	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
2581	MADIE IVES COMMUNITY ELEMENTARY	153	16	16	YES	Adjacent CSA
6301	JOHN F KENNEDY MIDDLE	111	8	8	YES	Adjacent CSA
7381	MIAMI NORLAND SENIOR HIGH	808	10	10	YES	Adjacent CSA
*An Impact reduction of <u>17.64%</u> included for charter and magnet schools (Schools of Choice).						

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

Name <u>PMG Aventura, LLC</u>	Relationship <i>(i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</i>
<u>Kevin Maloney</u>	<u>Manager</u>
<u>Ryan Shear</u>	<u>Manager</u>
<u>Adrienne Hartman</u>	<u>Development Consultant</u>
<u>Forthin Leamy Skiles</u>	<u>Surveyor</u>
<u>Calvin Giordano's Associates</u>	<u>Traffic Engineer</u>

(Attach Additional Sheets If Necessary)

NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.

WITNESS MY HAND THIS 10 DAY OF May, 2012

AUTHORIZED REPRESENTATIVE OF APPLICANT:

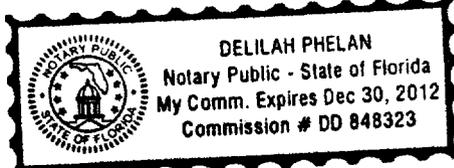
By: [Signature]
 (Signature)
 Name: Jessie W. Porello
 (Print)
 Title: ATTORNEY
 Address: 18901 NW 29th Ave. Suite 150
Aventura, FL. 33180

OWNER APPLICANT
 By: [Signature]
 (Signature)
 Name: Kevin Maloney
 (Print)
 Title: Manager of PMG Aventura, LLC
 Address: 19495 Biscayne Blvd
#410
Aventura, FL 33180

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Kevin Maloney as the manager authorized representative of the Applicant and/or the owner of the property subject to the application, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this 10 day of May, 2012



AFFIANT
[Signature]
 Notary Public State of Florida At Large
 Printed Name of Notary Delilah Phelan
 My commission expires: 12/30/12

Representatives

Name

Relationship

Fronberg Perlow; Karnik, PA

Zoning Attorney

Arnstein; Lehr

Attorney

FRANK KAIMAN

General Counsel

RON SILVER

Attorney



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS _____ DAY OF _____, 200__.

APPLICANT:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

WITNESS MY HAND THIS 16 DAY OF May, 2012

PROPERTY OWNER

By: _____ (Signature)
 Name: Kevin P. Maloney (Print)
 Title: Manager (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-396 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

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- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 10 DAY OF May, 2002

APPLICANT:

By: [Signature] (Signature)
 Name: Ryan Sheun (Print)
 Title: Member (Print)

WITNESS MY HAND THIS 10 DAY OF May, 2002

PROPERTY OWNER

By: [Signature] (Signature)
 Name: Kathy Maloney (Print)
 Title: Manager (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

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- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16 DAY OF May, 2012

APPLICANT:

By: _____ (Signature)
 Name: Adriana Thomas (Print)
 Title: Principal Consultant (Print)

WITNESS MY HAND THIS 16 DAY OF May, 2012

PROPERTY OWNER

By: _____ (Signature)
 Name: Kevin McInerney (Print)
 Title: Manager (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 14 DAY OF May, 2002

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

Name: Kevin Maloney (Print)

Title: Manager (Print)

By: AA (Signature)

Name: Ryan Shear (Print)

Title: Manager (Print)

By: Adrienne Hartman (Signature)

Name: Adrienne Hartman (Print)

Title: Development Consultant (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

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By: _____ (Signature)

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Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

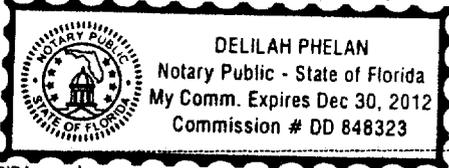
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Kevin Maloney the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Handwritten signature of Kevin Maloney]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 14 day of May, 2012



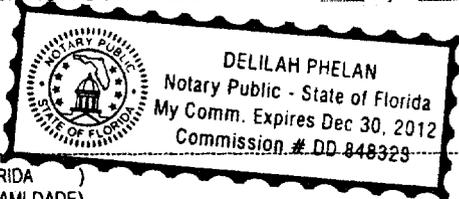
[Handwritten signature of Delilah Phelan]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Ryan Shear the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Handwritten signature of Ryan Shear]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of May, 2012



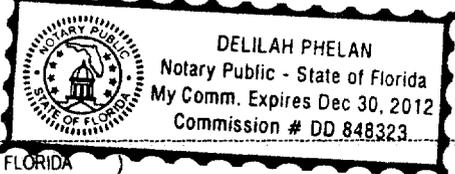
[Handwritten signature of Delilah Phelan]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Adrienne Hawthorn the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Handwritten signature of Adrienne Hawthorn]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of May, 2012



[Handwritten signature of Delilah Phelan]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: 12/30/12

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

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- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16 DAY OF MAY, 2012.

APPLICANT:

By: [Signature] (Signature)
Name: Frank Kojinas (Print)
Title: Attorney (Print)

WITNESS MY HAND THIS 16 DAY OF May, 2012

PROPERTY OWNER:

By: [Signature] (Signature)
Name: Kevin Maloney (Print)
Title: Manager (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 16 DAY OF MAY 2012, 200 .

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)
Name: FRANKLIN R. KAEMAN (Print)
Title: GENERAL COUNSEL (Print)

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

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Title: _____ (Print)
Title: _____ (Print)

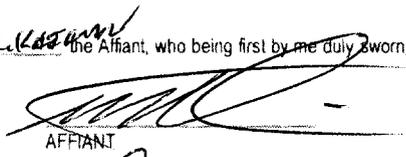
NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

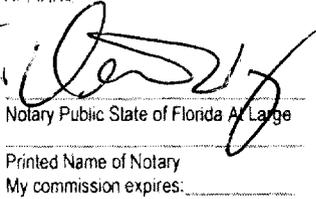
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared FRANKLIN L. LESTER the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.


AFFIANT

KENNETH WONG
Notary Public, State of New York
No. 01WO4862385
Qualified in Queens County
Commission Expires July 14, 2014


Notary Public State of Florida At Large
Printed Name of Notary
My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires:



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16th DAY OF May, 2012

APPLICANT:

By: [Signature] (Signature)
 Name: Jeffrey M. Perlow (Print)
 Title: Attorney (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
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- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16 DAY OF May, 2022

APPLICANT:

By: [Signature] (Signature)
 Name: GARY EAN NESSITT (Print)
 Title: ATTORNEY (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

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- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 16th DAY OF May, 2012

APPLICANT:

By: [Signature] (Signature)
Name: RON SILVER (Print)
Title: ATTORNEY (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

PROPERTY OWNER:

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 16th DAY OF May, 2022

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: Jeffrey M. Perlou (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: [Signature] (Signature)

Name: GARY IAN NEBBITT (Print)

Title: ATTORNEY (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: [Signature] (Signature)

Name: Ron Silver (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

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Title: _____ (Print)

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By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jeffrey H. Perlant the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of May, 2012

[Signature]
Notary Public State of Florida At Large



Printed Name of Notary
My commission expires: _____

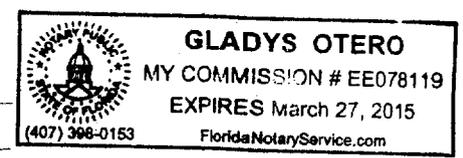
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Garry Ian Nesbitt the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16th day of May, 2012

[Signature]
Notary Public State of Florida At Large



Printed Name of Notary
My commission expires: _____

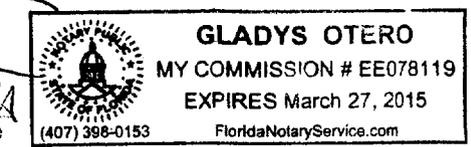
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Ron Silver the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16th day of May, 2012

[Signature]
Notary Public State of Florida At Large



Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
_____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 18 DAY OF May, 2012

APPLICANT:

By: [Signature] (Signature)
Name: JEFFERY MAXWELL (Print)
Title: TRAFFIC ENGINEER (Print)
CALVIN, GIORDANO & ASSOCIATES, INC.

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

PROPERTY OWNER:

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 18 DAY OF MAY, 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: JEFFERY MANWELL (Print)

Title: TRAFFIC ENGINEER (Print)

CALVIN, GIORDANO & ASSOCIATES, INC.

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

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Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

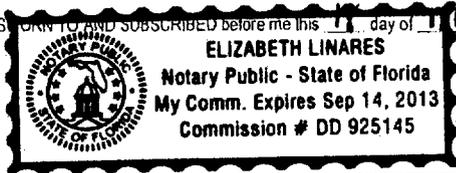
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared JEFFERY MAXWELL the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 11 day of May, 2012



[Signature]
Notary Public State of Florida At Large
Elizabeth Linares
Printed Name of Notary
My commission expires: 9/14/13

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.

2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
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- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS _____ DAY OF _____, 200__.

APPLICANT:

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200__.

PROPERTY OWNER:

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 16 DAY OF MAY, ~~200~~ 2012

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: DAN FULTON JR (Print)

Name: _____ (Print)

Title: VICE-PRESIDENT (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

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By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

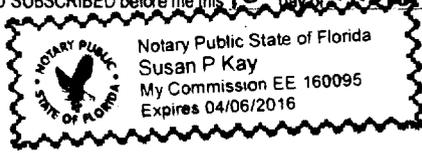
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared DANIEL C FORTIN JR the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of MAY, 2007



[Signature]
Notary Public State of Florida At Large
SUSAN P. KAY
Printed Name of Notary
My commission expires: EE 160095

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
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_____ (List name of Commissioner or Advisory Board Member) who serves on the
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- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 18 DAY OF MAY, 2002

APPLICANT:

By: _____ (Signature)
 Name: LUIS FLORES (Print)
 Title: Attorney - Arnstein + Lehr (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2002

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.



BUSINESS RELATIONSHIP AFFIDAVIT*

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- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 10th DAY OF May, 20012

APPLICANT:

By: Richard B. Evans (Signature)
 Name: RICHARD B. EVANS Esq (Print)
 Title: Attorney - Aronson & Lehr (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200__.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 10 DAY OF MAY, 2002

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: RICHARD B. IVANS (Print)

Title: ATTORNEY (Print)
Arnstein & Lehr

By: [Signature] (Signature)

Name: LUIS FLORES (Print)

Title: ATTORNEY (Print)
Arnstein & Lehr

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

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Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

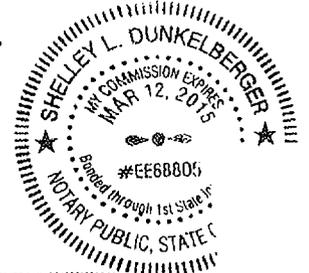
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared RICHARD B. IVANS the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Richard B. IVANS
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of May, 2012

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: 3-12-15



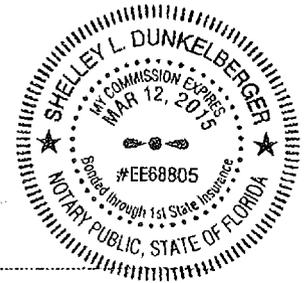
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared LOIS FLORES the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of May, 2012

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: 3-12-15



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200_____

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200_____

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

ORDINANCE NO. 2012- _____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A PARCEL OF LAND LOCATED AT 3250 NE 188 STREET AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, FROM OP, OFFICE PARK DISTRICT TO RMF3B, MULTIFAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, PMG Aventura LLC, through Application No. 01-REZ-12, has applied to amend the Official Zoning Map of the City of Aventura by amending the zoning designation for a parcel of land (the "Property") at 3250 NE 188 Street, as legally described in Exhibit "A" attached hereto, from OP, Office Park District to RMF3B, Multifamily Medium Density Residential District; and

WHEREAS the applicant has proffered to prepare and record on title to the land described in Exhibit "A" to this Ordinance, a declaration of restrictive covenants to restrict density on the parcel of land subject of this rezoning request to no more than 225 residential dwelling units on this 7.082 acre parcel and including any contiguous submerged land that may subsequently be acquired by the applicant or landowner, and the City Commission has accepted such proffer; and

WHEREAS, the City Commission concurrently with this rezoning application has considered a small scale Comprehensive Plan amendment to change the land use designation of the Property from Business and Office to Medium High Density Residential (01-CPA-12); and

WHEREAS, the City Commission has been designated as the local planning agency for the City pursuant to Section 163.3174, Florida Statutes, and as the local planning agency has determined that the rezoning is consistent with the applicable provisions of the City Comprehensive Plan as proposed to be amended; and

WHEREAS, the City Commission has held the required public hearings, duly noticed in accordance with law; and

WHEREAS, the City Commission has reviewed the application for rezoning and has considered the testimony of all interested parties at the public hearings, and has determined that the rezoning action set forth in this Ordinance is consistent with the Comprehensive Plan, as proposed to be amended, and with the health, safety and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

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

Section 2. Official Zoning Map Amended. That the Official Zoning Map of the City of Aventura is hereby amended by amending the zoning designation for the parcel of land located at 3250 NE 188 Street with legal description described in Exhibit "A" and folio numbers 28 2203 053 0010 and 28 2203 053 0020, from OP, Office Park District, to RMF3B, Multifamily Medium Density Residential District.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura and that the Official Zoning Map of the City may be revised so as to accomplish such intentions.

Section 5. Effective Date. This Ordinance shall be effective immediately upon the effective date of the small scale amendment to the Comprehensive Plan (01-CPA-12)

and upon recordation of the proffered declaration of restrictive covenants, in form satisfactory to the City Manager and City Attorney, restricting density to no more than 225 residential dwelling units on this parcel, including any additional contiguous submerged land that may subsequently be acquired by the applicant or landowner. The applicant has proffered to record the declaration of restrictive covenants prior to January 31, 2013 or prior to issuance of the site development building permit, whichever date is earlier.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on first reading. This motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on second reading. This motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 5th day of June, 2012.

PASSED AND ADOPTED on second reading this 10th day of July, 2012.

Susan Gottlieb, Mayor

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this ____ day of July, 2012.

CITY CLERK

Exhibit "A"

Legal Description of Property

Lots A and B, of Magnum Marine Plat, according to the Plat thereof, as recorded in Plat Book 147, Page 12, of the Public Records of Miami-Dade County, Florida.

Also known as:

A portion of that certain property deed to Gautier to Maule Industries Inc. and described in Deed Book 630 at Page 67 of the Public Records of Dade County, Florida, said portion being particularly described as follows: A portion of the Southeast $\frac{1}{4}$ of the Fractional Section 3, Township 52 South, Range 42 East, Dade County, Florida being particularly described as follows:

Commence at the Southwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Fractional Section 3, Township 52 South, Range 42 East; thence run South 89 degrees 56 minutes 45 seconds East along the south line of the southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Fractional Section 3 for a distance of 450 feet; then run North 00 degrees 39 minutes 25 seconds West for a distance of 185.83 feet; thence run North 89 degrees 20 minutes 35 seconds East for a distance of 1,217.70 feet to the point of beginning of the property herein described; thence continuing North 89 degrees 20 minutes 3 seconds East for 588.95 feet; then run North 00 degrees 39 minutes 25 seconds West for 35 feet; thence North 89 degrees 20 minutes 35 seconds East for 400 feet; thence run South 00 degrees 31 minutes 59 seconds East for 318.42 feet to the mean high water line of Dumfounding Bay and adjacent canal; thence along the said mean high water line for the next ten courses, run South 83 degrees 53 minutes 28 seconds West for 87.62 feet; thence run North 83 degrees 58 minutes 15 seconds West for 113.67 feet; thence run South 79 degrees 49 minutes 50 seconds West for 74.60 feet; thence run South 86 degrees 39 minutes 18 seconds West for 115.35 feet; thence run North 89 degrees 06 minutes 17 seconds West for 121.75 feet; thence run North 81 degrees 26 minutes 33 seconds West for 74.61 feet; thence run South 84 degrees 00 minutes 20 seconds West for 100.78 feet; thence run North 87 degrees 42 minutes 10 seconds West for 111.98 feet; thence run South 86 degrees 48 minutes 26 seconds West for 91.38 feet; thence run North 82 degrees 21 minutes 58 seconds West for 101.59 feet to the point of termination of the mean high water line; thence run North 0 degrees 39 minutes 25 seconds West for a distance of 274 feet to the point of beginning.

Together with that certain property located in Miami-Dade County more particularly described as follows:

EXHIBIT "A"
(continued)

Commence at the Northwest corner of the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Fractional Section 3, Township 52 South, Range 42 East, of Dade County, Florida; thence run 00 degrees 31 minutes 59 seconds East along the west line of the SE $\frac{1}{4}$ of Fractional Section 3 for 155.33 feet to a point that is 175 feet North of the Southwest corner of said North $\frac{1}{2}$, North $\frac{1}{2}$, South $\frac{1}{2}$, SE $\frac{1}{4}$ for 1989 feet to the Southeast corner of the 7.65 acre parcel described in trustees of the Internal Improvement Fund Deed No. 21380; thence run North 00 degrees 31 minutes 59 seconds West along the east line of said 7.65 acre parcel for 8.7 feet, more or less, to the north bank of the existing canal, being the southeast corner of the 16.0 acre parcel described in ORB 630 at Page 67 of the Public Records of Dade County, Florida and being the point of beginning of the hereinafter described parcel

From said point of beginning, thence run South 00 degrees 31 minutes 59 seconds East along last described line, for 78.7 feet more or less to the southeast corner of said 7.65 acre parcel; thence run North 89 degrees 58 minutes 51 seconds West along the south line of said 7.65 acre parcel for 300 feet to the point of intersection with the northerly extension of the east line of the 11.93 acre parcel as described in trustees of the Internal Improvement Fund Deed No. 21379; thence run North 00 degrees 31 minutes 59 seconds West along last described northerly extension for 77.3 feet more or less to the north bank of the existing canal, as described in the 16.0 acre parcel description; thence run Easterly meandering the north bank of the existing canal, as described in the 16.0 parcel for 300 feet more or less to the point of beginning