

# The City of Aventura



Local Planning Agency  
Susan Gottlieb, Mayor

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

City Manager  
Eric M. Soroka, ICMA-CM

City Clerk  
Teresa M. Soroka, MMC

City Attorney  
Weiss Serota Helfman  
Pastoriza Cole & Boniske

## LOCAL PLANNING AGENCY AGENDA JUNE 5, 2012 - 6 PM

Aventura Government Center  
19200 West Country Club Drive  
Aventura, Florida 33180

1. CALL TO ORDER/ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES: January 3, 2012
4. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCES:
  - A. 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.
  - B. 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.
5. ADJOURNMENT

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. Anyone wishing to appeal any decision made by the City of Aventura Local Planning Agency 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 West 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. One or more members of the City of Aventura Advisory Boards may also be in attendance.



**MINUTES  
LOCAL PLANNING AGENCY  
MEETING  
JANUARY 3, 2012 6 PM**

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

1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order at 6:03 p.m. by Mayor Susan Gottlieb. Present were Commissioners Zev Auerbach, Bob Diamond, Teri Holzberg, Luz Urbaz Weinberg, Michael Stern, Vice Mayor Billy Joel, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.
2. **PLEDGE OF ALLEGIANCE:** Led by Raya Elias-Pushett.
3. **APPROVAL OF MINUTES:** A motion to approve the minutes of the October 5, 2010 LPA Hearing was offered by Vice Mayor Joel, seconded by Commissioner Holzberg, and unanimously passed.
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:** Mr. Wolpin read the following ordinance by title:

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, F.S., DATED SEPTEMBER 2, 2003, MADE BETWEEN MERCO GROUP AT AVENTURA LANDINGS I, II AND III, INC. AS DEVELOPER AND THE CITY OF AVENTURA, AS AMENDED OCTOBER 5, 2004 AND NOVEMBER 3, 2010, TO MODIFY EXHIBIT 'B' TO THE AGREEMENT AND TO EXTEND THE TERM OF THE AGREEMENT; RELATING TO THE PARCEL OF LAND ZONED RMF4, MULTIFAMILY HIGH DENSITY RESIDENTIAL DISTRICT, LOCATED ON NE 185 STREET AT NE 28 COURT, CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. Mayor Gottlieb opened the public hearing. Stanley Price, Esq., representing the applicant, addressed the Commission. There being no further speakers, the public hearing was closed. A motion to recommend approval was offered by Commissioner Auerbach and seconded by Commissioner Diamond. The motion passed unanimously by roll call vote.

5. **ADJOURNMENT:** There being no further business to come before the Local Planning Agency, the meeting adjourned at 6:13 p.m.

\_\_\_\_\_  
Teresa M. Soroka, MMC, City Clerk

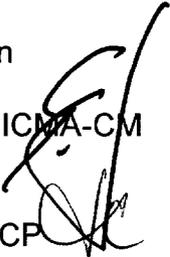
Approved by the LPA on \_\_\_\_\_.

**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)

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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**

<b>OWNER OF PROPERTY</b>	Happiness, Inc.
<b>NAME OF APPLICANT</b>	PMG Aventura, LLC
<b>LOCATION OF PROPERTY</b>	3250 NE 188 Street See Exhibit #2 for Location Map See Exhibit #3 for Aerial Photograph
<b>SIZE OF PROPERTY</b>	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.

<b>Applications Area (7.082 acres)</b>	<b>Land Use Category</b>	<b>Daily Trips</b>	<b>AM Peak Hour Trips</b>	<b>PM Peak Hour Trips</b>
Existing Land Use Designation	Business & Office (all office use)	4,091	601	559
Proposed Land Use Designation	Medium Density Residential High Residential	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**

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**Real Estate Principals**

It is our intention to begin the rezoning process as of May 1<sup>st</sup> 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.

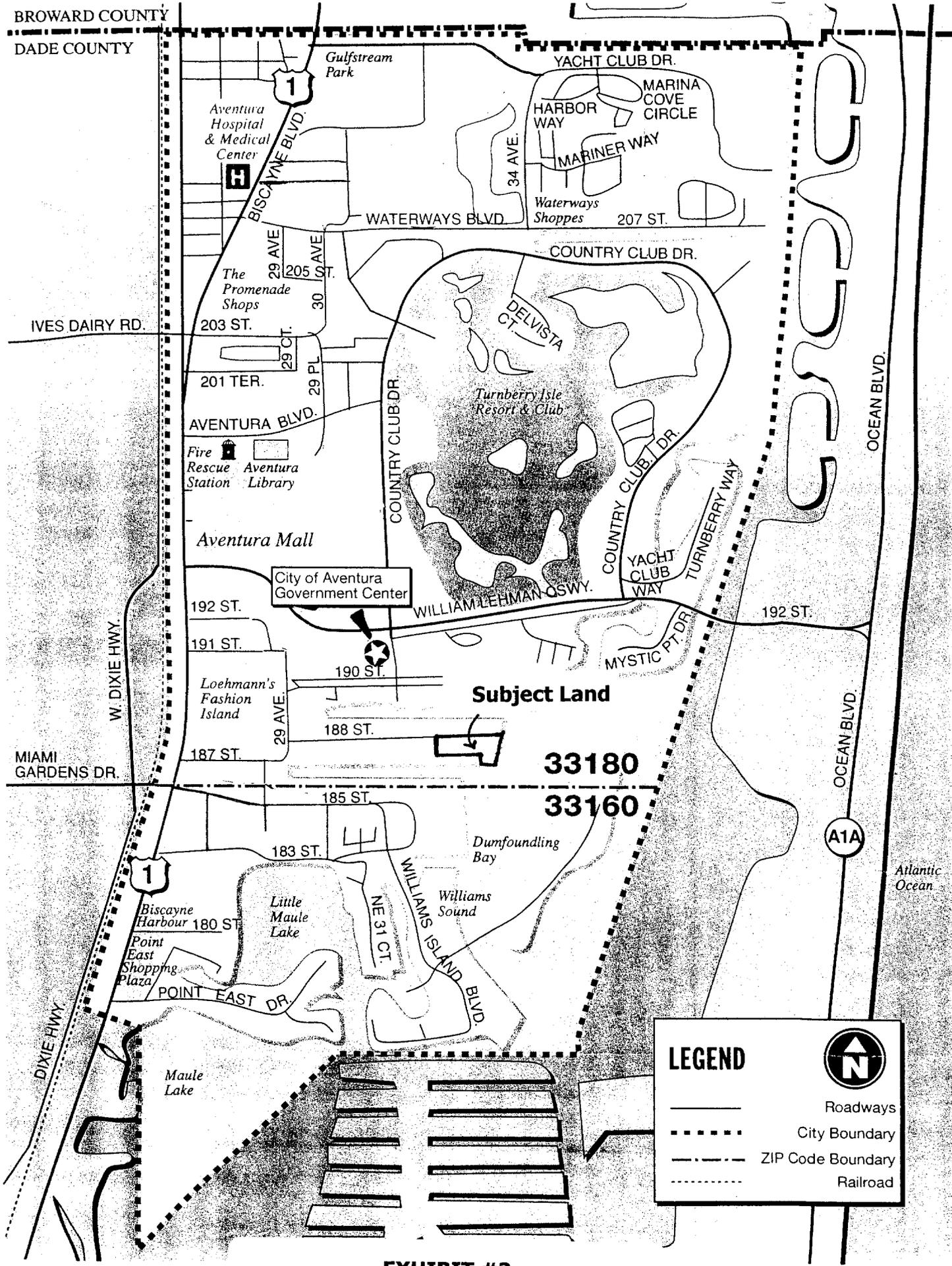
PMG Aventura, LLC

Sincerely,

A handwritten signature in black ink, appearing to be 'RS' with a long horizontal stroke extending to the right.

Ryan Shear  
Managing Director

BROWARD COUNTY  
DADE COUNTY



**LEGEND**

- Roadways
- City Boundary
- ZIP Code Boundary
- Railroad

**EXHIBIT #2**  
**01-CPA-12**



**EXHIBIT #3**  
**01-CPA-12**



Calvin, Giordano & Associates, Inc.  
EXCEPTIONAL SOLUTIONS

- 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

## Memorandum

### 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

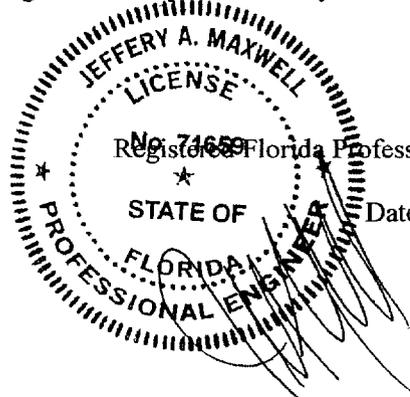
**SUBJECT:** **Magnum Marine Plat Traffic Statement**

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 8<sup>th</sup> 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			
<b>Proposed Use</b>															
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	
<b>Existing Use</b>															
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	72	559	95	464				
<b>TOTAL NET TRIPS DIFFERENCE</b>					<b>-2,784</b>	<b>-502</b>	<b>-512</b>	<b>10</b>	<b>-442</b>	<b>-17</b>	<b>-425</b>				

Note 1:

Condominium/Townhouse (ITE 230) : Daily Rate - 3.81, [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 Diaz 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**

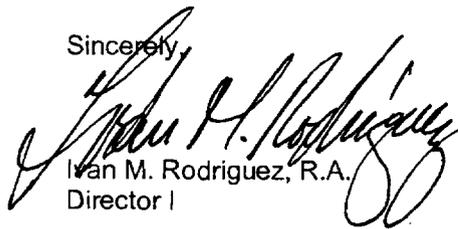
Dear Applicant:

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

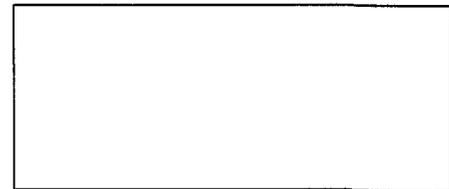
MDCPS Application Number: PH2812051000175 Local Government (LG): Aventura  
 Date Application Received: 5/10/2012 3:14:52 PM LG Application Number: 01 REZ 12  
 Type of Application: Public Hearing Sub Type: Land Use  
 Applicant's Name: Aventura on the Bay  
 Address/Location: 3250 NE 188 Street, Aventura, 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>Fortin Leamy Skiles</u>	<u>Surveyor</u>
<u>Calvin Giordano &amp; 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 M. Porecki  
 (Print)  
 Title: ATTORNEY  
 Address: 18901 NE 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  
2012



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: Kenn 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\*

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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: Karen 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.



# 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 16 DAY OF May, 2012

APPLICANT:

By: \_\_\_\_\_ (Signature)  
 Name: Adrienne Hammer (Print)  
 Title: Development Consultant (Print)

WITNESS MY HAND THIS 16 DAY OF May, 2012

PROPERTY OWNER:

By: \_\_\_\_\_ (Signature)  
 Name: Karen 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 14 DAY OF May, 2022

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)

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By: \_\_\_\_\_ (Signature)

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By: \_\_\_\_\_ (Signature)

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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.

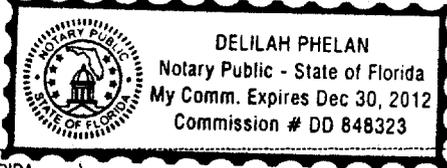
**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared 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



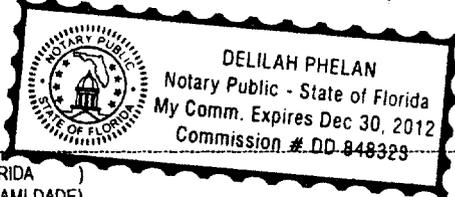
*[Handwritten signature of Delilah Phelan]*  
Notary Public State of Florida At Large  
Printed Name of Notary  
My commission expires

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



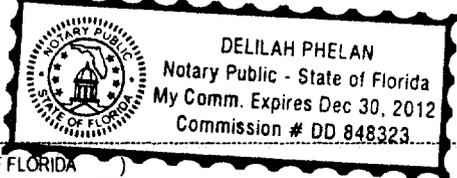
*[Handwritten signature of Delilah Phelan]*  
Notary Public State of Florida At Large  
Printed Name of Notary  
My commission expires

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.

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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 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: Karen 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)

By: \_\_\_\_\_ (Signature)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

By: \_\_\_\_\_ (Signature)

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By: \_\_\_\_\_ (Signature)

By: \_\_\_\_\_ (Signature)

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By: \_\_\_\_\_ (Signature)

By: \_\_\_\_\_ (Signature)

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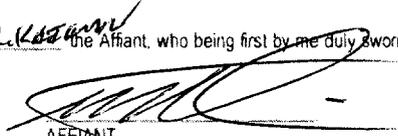
NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

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 ENAOKEW ALI 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**  
SWORN TO AND SUBSCRIBED before me this 16 day of MAY, 2017  
**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 )

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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:



# BUSINESS RELATIONSHIP AFFIDAVIT\*

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WITNESS MY HAND THIS 16<sup>th</sup> 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)

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WITNESS MY HAND THIS 16 DAY OF May, 2022

APPLICANT:

By: [Signature] (Signature)  
 Name: GARY EAN 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.



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WITNESS MY HAND THIS 16<sup>th</sup> 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 16<sup>th</sup> DAY OF May, 2012

REPRESENTATIVE (Listed on Business Relationship Affidavit)

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

By: \_\_\_\_\_ (Signature)  
Name: \_\_\_\_\_ (Print)  
Title: \_\_\_\_\_ (Print)

By: [Signature] (Signature)  
Name: GARY JAY NESBITT (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)  
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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**

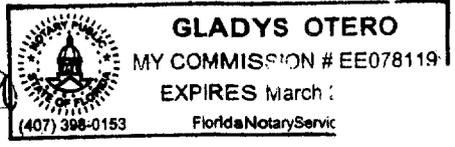
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jeffrey H. 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

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: \_\_\_\_\_

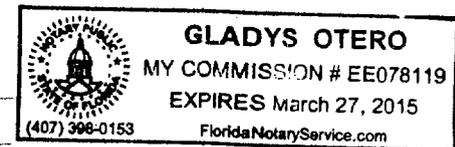
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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 16<sup>th</sup> day of May, 2012

[Signature]  
Notary Public State of Florida At Large



Printed Name of Notary  
My commission expires: \_\_\_\_\_

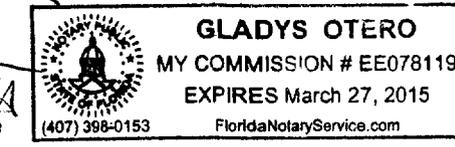
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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 16<sup>th</sup> 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 \_\_\_\_\_, 20012.

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.

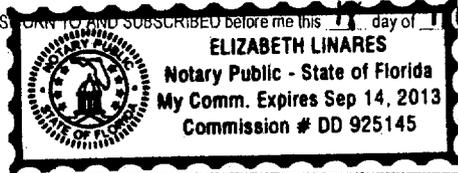
**NOTARIZATION PROVISION**

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.

*[Handwritten Signature]*  
AFFIANT

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



*[Handwritten 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.
- 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 \_\_\_\_\_ 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)  
Name: DAN FORTIN JR (Print)  
Title: VICE PRESIDENT (Print)

By: \_\_\_\_\_ (Signature)  
Name: \_\_\_\_\_ (Print)  
Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)  
Name: \_\_\_\_\_ (Print)  
Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)  
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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.

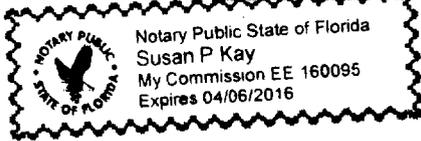
**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared 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: 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\*

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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 - Rabinstein + 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).

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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 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 \_\_\_\_\_, 20012

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)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: [Signature] (Signature)

Name: LUIS FLORES (Print)

Title: ATTORNEY (Print)  
Arnstein & Lehr

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

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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 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 Urbaz 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 Urbaz Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

**PASSED** on first reading this 5<sup>th</sup> 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 ½ of the North ½ of the South ½ of the SE ¼ 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 ¼ of Fractional Section 3 for 155.33 feet to a point that is 175 feet North of the Southwest corner of said North ½, North ½, South ½, SE ¼ 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

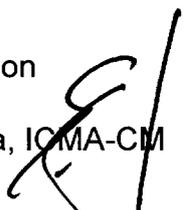
From said point of beginning, thence run South 00 degrees 31 minutes 59 seconds East along last described line, for 78.7 feet more or less to the southeast corner of said 7.65 acre parcel; thence run North 89 degrees 58 minutes 51 seconds West along the south line of said 7.65 acre parcel for 300 feet 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)

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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**

<b>OWNER OF PROPERTY:</b>	Happiness Inc.
<b>NAME OF APPLICANT</b>	PMG Aventura LLC
<b>LOCATION OF PROPERTY</b>	3250 NE 188 Street See Exhibit #2 for Location Map and Exhibit #3 for Aerial Photograph
<b>SIZE OF PROPERTY</b>	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.

<b>Applications Area (7.082 acres)</b>	<b>Land Use Category</b>	<b>Daily Trips</b>	<b>AM Peak HourTrips</b>	<b>PM Peak Hour Trips</b>
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**

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**Real Estate Principals**

It is our intention to begin the rezoning process as of May 1<sup>st</sup> 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.

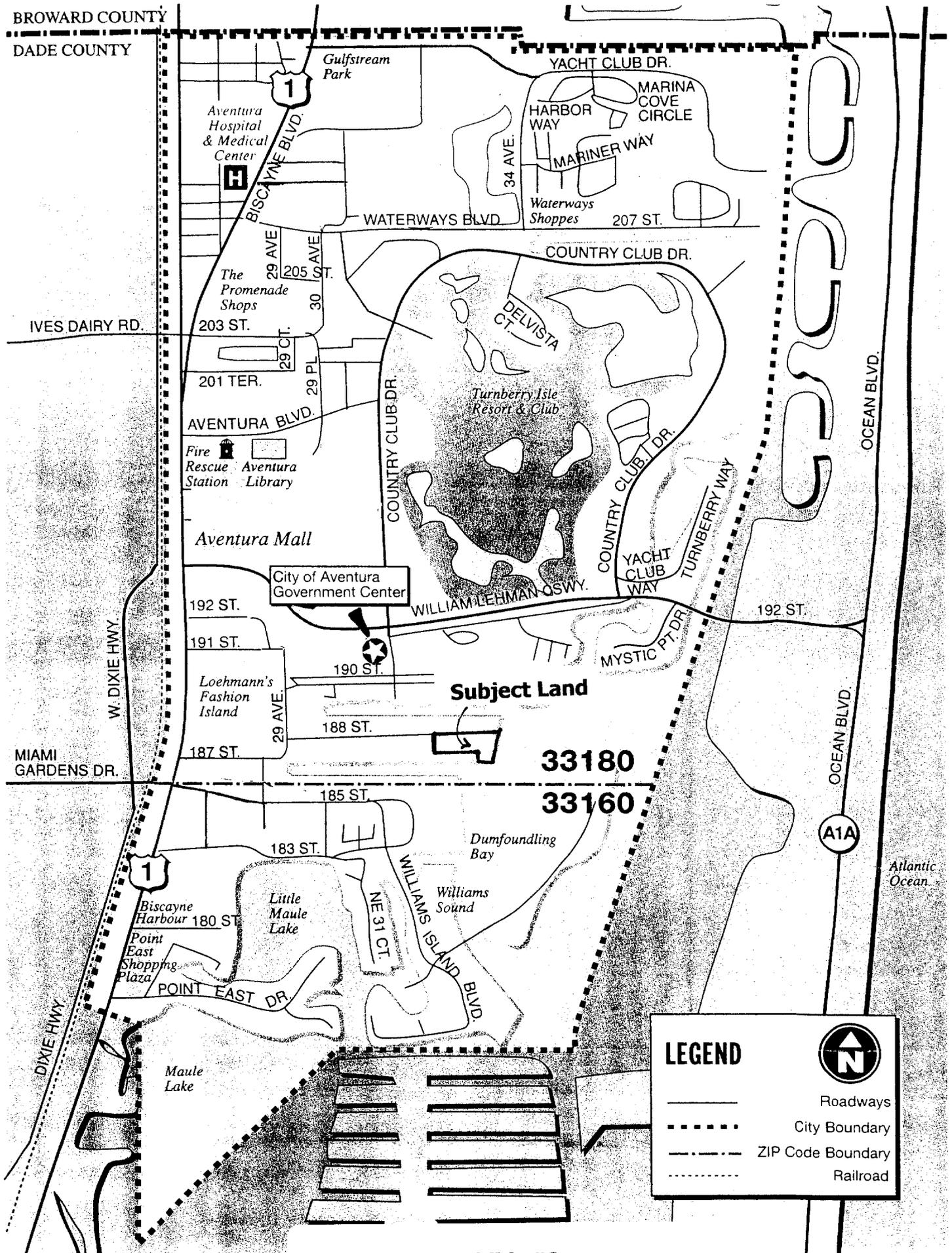
PMG Aventura, LLC

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

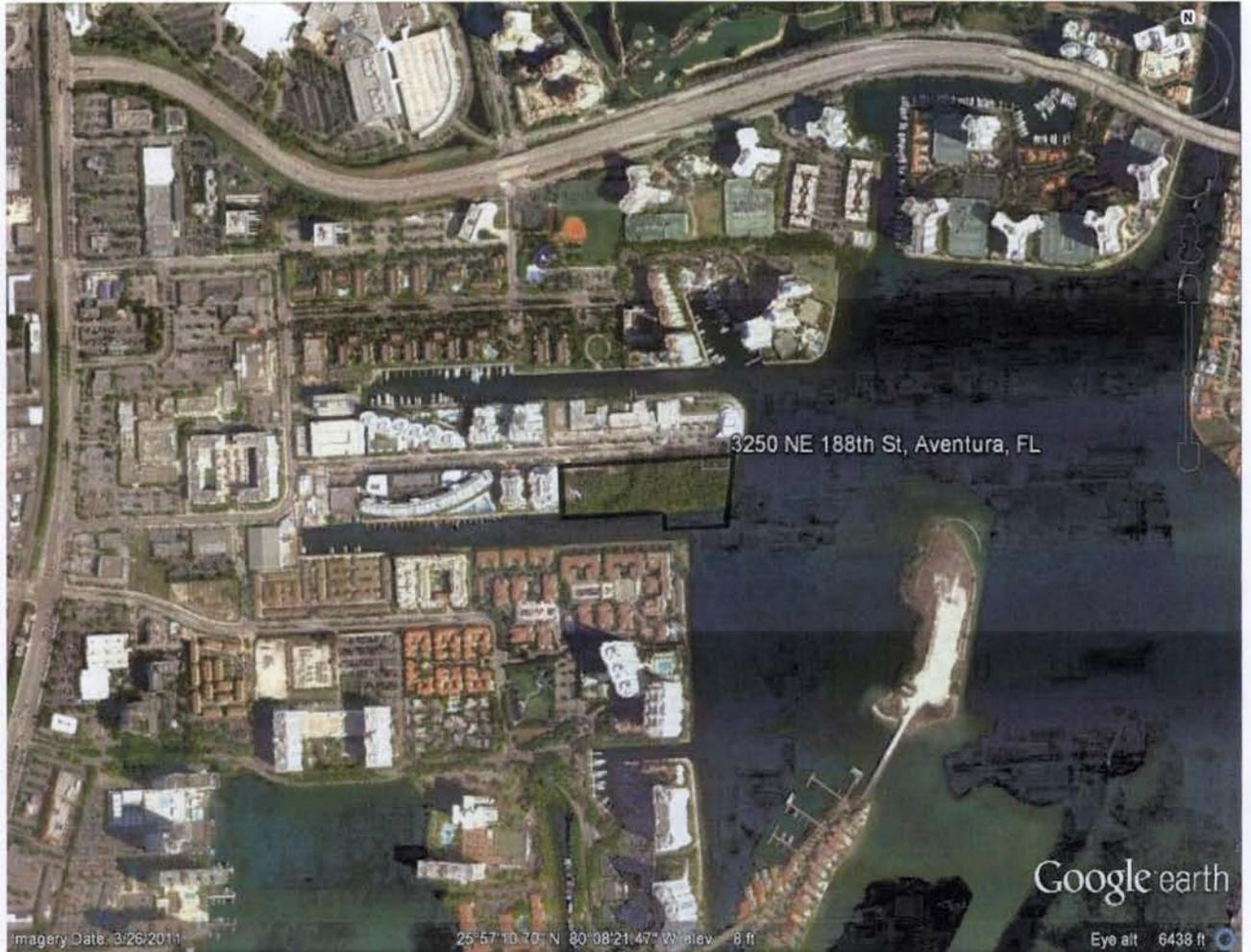


**LEGEND**

- 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

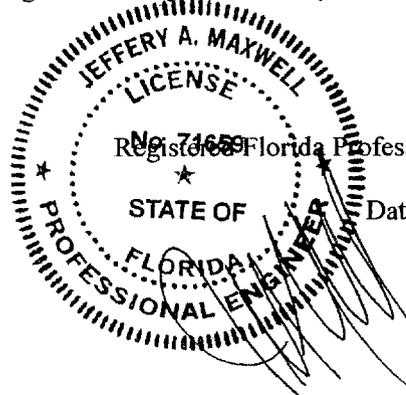
**SUBJECT:** **Magnum Marine Plat Traffic Statement**

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 8<sup>th</sup> 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

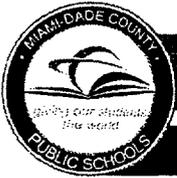
Land Use	ITE Land Use Code	Intensity	ITE 8th Edition Equation	Daily Trips	AM Peak Hour			PM Peak Hour							
					Trips	%	In	Out	Trips	%	In	Out			
<b>Proposed Use</b>															
Condominium/Townhouse	230	225	Dwelling units	See Note 1	1,307	99	17%	17	83%	82	117	67%	78	33%	39
<b>Total Trips</b>			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

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**

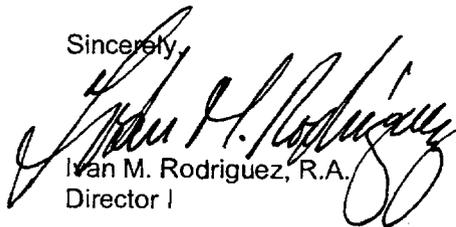
Dear Applicant:

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**

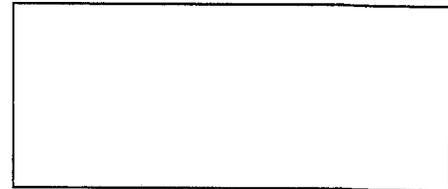


### Miami-Dade County Public Schools

#### 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 17.64% 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>Forbin Leahy 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 M. Portier  
 (Print)  
 Title: Attorney  
 Address: 18901 NW 29th Ave. Suite 150  
Aventura, FL. 33180

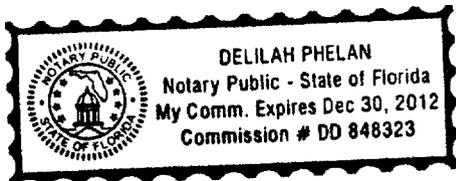
~~OWNER~~ Applicant  
 By: [Signature]  
 (Signature)  
 Name: Kevin Maloney  
 (Print)  
 Title: Manager of PMG Aventura, LLC  
 Address: 19495 Biscayne Blvd  
#410  
Aventura, FL 33180

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Kevin Maloney as the manager 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



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 16 DAY OF May, 2002

~~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 2-396 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: 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\*

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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 16 DAY OF May, 2012

APPLICANT:

By: \_\_\_\_\_ (Signature)  
 Name: Adrienne Thomas (Print)  
 Title: Development Consultant (Print)

WITNESS MY HAND THIS 16 DAY OF May, 2012

PROPERTY OWNER:

By: \_\_\_\_\_ (Signature)  
 Name: Kenneth McAloney (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)

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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.

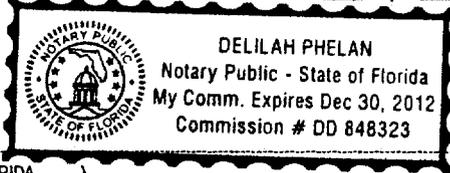
**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared 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



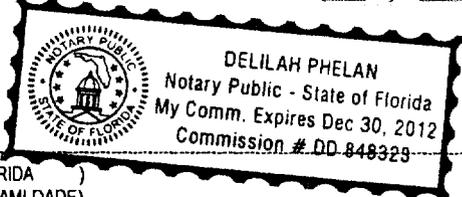
*[Handwritten signature of Delilah Phelan]*  
Notary Public State of Florida At Large  
Printed Name of Notary Delilah Phelan  
My commission expires: \_\_\_\_\_

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



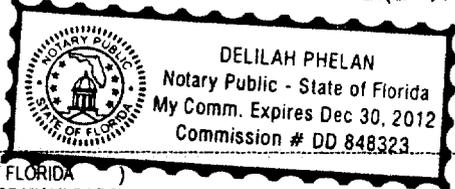
*[Handwritten signature of Delilah Phelan]*  
Notary Public State of Florida At Large  
Printed Name of Notary Delilah Phelan  
My commission expires: \_\_\_\_\_

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Achilles 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 Achilles 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 Delilah Phelan  
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 \_\_\_\_\_, 2012

\_\_\_\_\_  
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  
 \_\_\_\_\_ (List City Commission or City Advisory Board upon which member serves).

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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 16 DAY OF MAY, 2012.

APPLICANT:

By: \_\_\_\_\_ (Signature)  
 Name: Frank Kojima (Print)  
 Title: Attorney (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 16 DAY OF MAY 2012, 200  .

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: \_\_\_\_\_ (Signature)

Name: FRANKLIN R. KAUFMAN (Print)

Name: \_\_\_\_\_ (Print)

Title: GENERAL COUNSEL (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)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

By: \_\_\_\_\_ (Signature)

Title: \_\_\_\_\_ (Print)

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By: \_\_\_\_\_ (Signature)

By: \_\_\_\_\_ (Signature)

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By: \_\_\_\_\_ (Signature)

By: \_\_\_\_\_ (Signature)

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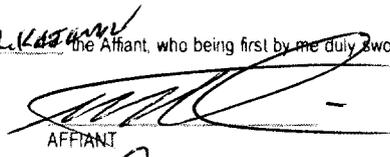
NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

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.

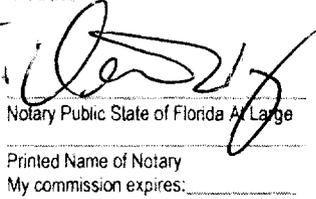
**NOTARIZATION PROVISION**

STATE OF <sup>NY</sup>FLORIDA )  
COUNTY OF MIAMI-DADE )

Before me, the undersigned authority, personally appeared ERNAKON ALKASAWAN 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.

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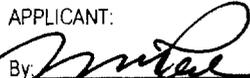
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WITNESS MY HAND THIS 16<sup>th</sup> DAY OF May, 2012

APPLICANT:

By:  (Signature)  
 Name: Jeffrey M. Perlou (Print)  
 Title: attorney (Print)

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

PROPERTY OWNER:

By: \_\_\_\_\_ (Signature)  
 Name: \_\_\_\_\_ (Print)  
 Title: \_\_\_\_\_ (Print)

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# BUSINESS RELATIONSHIP AFFIDAVIT\*

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WITNESS MY HAND THIS 16 DAY OF May, 2022

APPLICANT:

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

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

PROPERTY OWNER:

By: \_\_\_\_\_ (Signature)  
 Name: \_\_\_\_\_ (Print)  
 Title: \_\_\_\_\_ (Print)

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WITNESS MY HAND THIS 16<sup>th</sup> DAY OF May, 2002

APPLICANT:

By:  (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 16<sup>th</sup> DAY OF May, 2022

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 IAN NEBBITT (Print)

Name: \_\_\_\_\_ (Print)

Title: ATTORNEY (Print)

Title: \_\_\_\_\_ (Print)

By: [Signature] (Signature)

By: \_\_\_\_\_ (Signature)

Name: Bon Silver (Print)

Name: \_\_\_\_\_ (Print)

Title: Attorney (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

By: \_\_\_\_\_ (Signature)

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 Jeffrey H. 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

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: \_\_\_\_\_

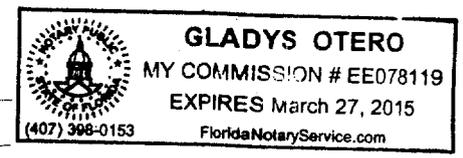
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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 16<sup>th</sup> 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 16<sup>th</sup> 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 \_\_\_\_\_, 20012.

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)

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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.

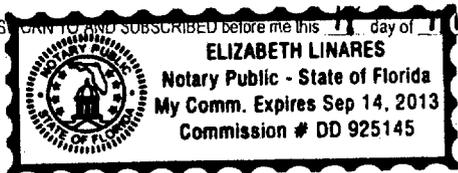
**NOTARIZATION PROVISION**

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.

*[Handwritten Signature]*  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 11 day of MAY, 2002



*[Handwritten 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.

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 \_\_\_\_ 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 FOLTIN 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)

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Title: \_\_\_\_\_ (Print)

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

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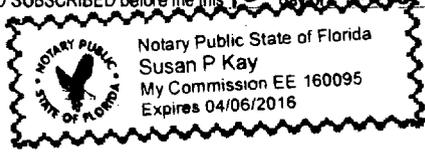
**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared DANIEL C FORTN 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 2017



*[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\*

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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, 2002

APPLICANT:

By: \_\_\_\_\_ (Signature)  
 Name: LUIS FLORES (Print)  
 Title: Attorney - Aronstein + 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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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 \_\_\_\_\_ (List City Commission or City Advisory Board upon which member serves).

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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<sup>th</sup> DAY OF May, 20012

APPLICANT:

By: Richard B. Evans (Signature)  
Name: RICHARD B. EVANS Esq (Print)  
Title: ATTORNEY - ACOSTA & LEHR (Print)

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20012

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 19 DAY OF May, 2022

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)

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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. 34-71(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, 2009

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



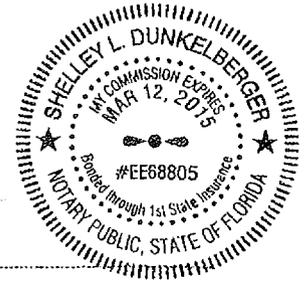
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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, 2009

[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 \_\_\_\_\_, 2009

\_\_\_\_\_  
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 \_\_\_\_\_, 2009

\_\_\_\_\_  
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 5<sup>th</sup> day of June, 2012.

**PASSED AND ADOPTED** on second reading this 10<sup>th</sup> 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