



CFN 2012R0522479
OR Bk 28202 Pgs 1208 - 1216 (9pgs)
RECORDED 07/25/2012 11:56:07
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

DOCUMENT COVER PAGE

For those documents not providing the required space on the first page, this cover page must be attached.

It must describe the document in sufficient detail to prohibit its transference to another document.

An additional recording fee for this page must be remitted.

(Space above this line reserved for recording office use)

Document Title:

(Mortgage, Deed, Construction Lien, Etc.)

order

Executing Party:

Legal Description:
(If Applicable)

As more fully described in above described document.

Return Document To / Prepared By:

A. Gonzalez

333 Avenue of the Americas

**F.S. 695.26 Requirements for recording instruments affecting real property—
(Relevant excerpts of statute)**

(1) No instrument by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of shall be recorded by the clerk of the circuit court unless:

(e) **A 3-inch by 3-inch space at the top right-hand corner on the first page** and a 1-inch by 3-inch space at the top right-hand corner on each subsequent page are reserved for use by the clerk of the court...

**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: July 3, 2012

FILE NO: 18988

PROPERTY: 2-30 & 46-64 Ocean Drive, 1-35 & 69 Collins Avenue.
BLOCK 1

LEGAL: Lots 1,2,3,5, 6, 7, 8, 9, 10, 11, 12, 13 & 17 less the easterly 15 feet of Lots 7 & 8, and portions of the alley between said lots, Block 1, of Ocean Beach Fl, According to the Plat Thereof, as recorded in Plat Book 2 at Page 38, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for modifications to a previously issued Design Review Approval for the construction of a new condo-hotel complex with two (2) 7-story buildings on vacant lots. Specifically the applicant is requesting design modifications to the previously approved project.

ORDER

The applicant, TRG-Block One, Ltd, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is not consistent with Design Review Criteria 3 & 17 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. Where applicable, true curved glass railings shall be required at the corners of the structures where the reduced radii of the curves will result in the faceted glass railings having an adverse impact upon the integrity of the smoothly curved project design, subject to the review and approval of staff.

CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.
CITY OF MIAMI BEACH

[Signature] 7-10-2012
(Signature of Planning Director or Designee) (Date)

Personally known to me or Produced ID: _____

[Signature]
Notary Public, State of Florida at Large

Printed Name: *Teresa Maria*
My Commission Expires: (Seal) 12-2-13

This document contains 8 pages.

TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Thru Budget Notary Services



- b. The final design and details, including materials and finishes of all exterior security devices shall be provided, in a manner to be reviewed and approved by staff.
 - c. The final design and detailing of all exterior and interior lighting visible from adjacent rights-of-way shall be provided, in a manner to be reviewed and approved by staff.
 - d. All exterior building signage shall be composed of flush mounted, back lit letters, and shall require a separate permit.
 - e. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - f. All roof-top fixtures, air-conditioning units and mechanical devices, both existing and proposed, shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - g. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. The proposed park on the northwest corner of the site shall be open to the public from dawn to dusk and shall be fully maintained by the applicant and/or its successor, the condominium association. Fencing, sign and gate details for the proposed park shall be subject to the review and approval of staff. Seating areas shall also be required and bike racks shall be located outside the fenced park so that they are accessible from the sidewalk, subject to the review and approval of staff.
 - b. Substantially more shade trees shall be required within the park area, including along First Street and Collins Avenue, subject to the review and approval of staff.
 - c. The final design and details of all exterior paving shall be provided, subject to the review and approval of staff. If non City standard materials are provided in the rights of way, any and all signs designating private property shall be prohibited on the subject site, including along all driveways, walkways and plazas.
 - d. Bicycle racks shall be provided, in a manner to be reviewed and approved by staff.



- e. Parking of vehicles shall be prohibited within the drop off area along South Pointe Drive. Such area shall be exclusively utilized for active valet drop-off and pick-up only.
 - f. All right-of-way trees shall include up-lighting, irrigation, and fertilization trenches, and possible structural soils within the sidewalk, as well as the use of the City's standard bound aggregate system, subject to the review and approval of staff.
 - g. Shade trees in accordance with the City Streetscape plans for South Pointe Drive, shall be extended along the entire portion of South Pointe Drive adjacent to the subject property in the areas where the eyebrow above the ground level storefront would not interfere with such tree placement, in a manner to be reviewed and approved by staff
 - h. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - i. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - l. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
4. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the



final building plans shall meet all other requirements of the Land Development Regulations of the City Code.

5. The final building plans shall meet all applicable requirements of the Land Development Regulations of the City Code.
6. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
7. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.
 - d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.

- I. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
8. The project shall coordinate and comply with any landscaping or other sidewalk/street improvement standards prescribed by the CIP approved South Pointe Streetscape Project, prior to the completion of the project approved herein and the issuance of a Certificate of Occupancy.
9. The Applicant agrees to the following operational conditions for all permitted uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.

a. NOISE CONDITIONS

- i. No commercial outdoor bar counters shall be permitted on the premises.
- ii. The Design Review Board (DRB) or the Planning Director shall retain the right to call the owners and/or operators back before the DRB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
- iii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- iv. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises.
- v. No outdoor live music shall be permitted at any time, inclusive of percussion, musical instrument, or vocal.
- vi. Entertainment establishments, as well as dance halls, as defined in the Miami Beach City Code, shall be prohibited, and the applicant will not seek permits therefore.



- vii. Special events pursuant to the Miami Beach City Code may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.

b. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
 - iii. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary.
 - iv. Garbage dumpster covers shall be closed at all times except when in active use.
 - v. Garbage pickups and service deliveries shall not take place between 6PM and 8AM.
 - vi. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
 - vii. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
10. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
11. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
12. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order



meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

13. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
14. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-14, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "Block 1", as prepared by TEN Arquitectos and The Sieger Suarez Architectural Partnership, dated 4-6-12.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Design Review Approval will expire and become null and void.

In accordance with Section 118-264 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code.



Page 9 of 9



CFN 2012R0522481
DR Bk 28202 Pgs 1222 - 1229 (8pgs)
RECORDED 07/25/2012 11:56:07
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 2-30 + 46-64 Ocean Drive and 1-35 + 69 Collins Avenue – Block 1.

FILE NO. 2070

IN RE: The request by TRG, BLOCK ONE, LTD., for Conditional Use approval pursuant to Sections 118-192 and 130-38 of the City Code, for a mechanical parking garage with lifts for a portion of the required parking for the project, which includes 50 residential units, 3,290 square feet of retail, 7,880 square feet of restaurant, and 200 required parking spaces.

LEGAL DESCRIPTION: See Exhibits attached.

MEETING DATE: June 26, 2012

CONDITIONAL USE PERMIT

The applicant, TRG, BLOCK ONE, LTD., filed an application for Conditional Use approval under Sections 118-192 and 130-38 of the Land Development Regulations of the City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the CPS-1 Commercial Performance Standard limited mixed use Zoning District;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed:

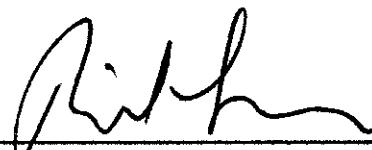
1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to TRG-BLOCK ONE, LTD as owner of the property. Any change of owner, or operator, or 50% (fifty percent) or more stock ownership change shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
3. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
4. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
5. Parking operation shall be by valet attendants only, except for residential unit owners who may park their vehicles on the ground level of the garage. Otherwise, no self parking shall be permitted.
6. There shall be personnel on-site monitoring the garage operation during hours of operation seven days a week. The structure, operation, procedures, maintenance, service response procedures, remote technical service team, local, on-site service team, and spare parts inventory shall be in accordance with the requirements of the manufacturer.
7. When construction has been completed, but before the commencement of the garage operations authorized by this Conditional Use Permit and before the issuance of a Business Tax Receipt, the garage operations shall be fully tested under the supervision of one of the noise consultants currently approved by the City to ensure that all aspects of the garage operation fully comply with applicable codes and this approval with respect to noise. The garage shall not begin operating until staff has received and approved in writing a final written report from the noise consultant stating that as tested, all aspects of the garage operation fully comply with the sound study. Thereafter, all aspects of the garage operation shall fully and continuously comply with the parameters of said testing.
8. For mechanical lifts, the parking lift platform must be sealed and of a sufficient width and length (minimum of eight feet by 16 feet) to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below, where applicable.
9. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift, where applicable.
10. All electrical components of the lifts shall be underwriters laboratories (UL) approved, where applicable.

11. All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and serviced at least once per year with an annual safety report signed by a licensed mechanical engineer.
12. All vehicle elevators shall be maintained and kept in good working order.
13. The backup generators shall be maintained in proper operating condition. The location of the generators shall be submitted for the review and approval by staff to ensure that any negative impacts associated with the operation or testing of the equipment are minimized. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
14. There shall be approval by the Public Works Department of the parking bay as proposed, or with an equivalent of 4 parking spaces. Any modifications shall be submitted to the Planning Director for review and approval.
15. The applicant shall submit an MOT (Method of Transportation) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
16. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
17. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit.
18. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building permit for the parking facility.
19. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
20. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
21. Within a reasonable time after applicant's receipt of this Modified Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No certificate of use, certificate of occupancy, certificate of completion or Business Tax Receipt shall be issued until this requirement has been satisfied.

22. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
23. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code

Dated this 23rd day of July, 2012

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: 
Richard G. Lorber, AICP, LEED AP
Acting Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 23rd day of July, 2012 by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Thru Budget Notary Services

[NOTARIAL SEAL(STAMP)]



Notary: TERESA MARIA
Print Name:

Notary Public, State of Florida

My Commission Expires: 12-2-13

Commission Number: DD928148

Approved As To Form:
Legal Department (Meld 7-20-12)

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Exhibit "A-1"

Legal Description of the Land

PARCEL 1:

Lots 1, 5 and 6, Block 1, of OCEAN BEACH, FLA., according to the Plat thereof, as recorded in Plat Book 2, at Page 38 of the Public Records of Miami-Dade County, Florida, less and except therefrom the Easterly 15.00 feet for road widening purposes.

PARCEL 2:

Lots 2 and 3, Block 1 of OCEAN BEACH, FLA., according to the Plat thereof, as recorded in Plat Book 2, at Page 38 of the Public Records of Miami-Dade County, Florida, less and except therefrom the Easterly 15.00 feet of said Lot 3 for road widening purposes.

PARCEL 3:

Lots 7 and 8, less the Easterly 15.00 feet of said Lots 7 and 8 for road widening purposes, 9, 10, 11, 12 and 13, Block 1, of OCEAN BEACH, FLA., according to the Plat thereof, as recorded in Plat Book 2, at Page 38 of the Public Records of Miami-Dade County, Florida. Also less and excepting from said Lots 7 and 8, that part described as follows:

Commence at the Northeast corner of said Lot 7 and run North 79 degrees 12' 25" West, a distance of 15.00 feet to the Point of Beginning (P.O.B.) said distance being measured along the Northerly line of Lot 7; thence continue North 79 degrees 12' 25" West along the Northerly line of Lot 7, a distance of 4.00 feet; thence run South 10 degrees 47' 35" West, a distance of 84.56 feet to the Point of Curvature (P.C.) of a Circular Curve concave Northwesterly and having for its elements, a Central Angle of 76 degrees 51' 22" and a Radius of 25.90 feet; thence run Southwesterly along the Arc of said Curve for a distance of 33.53 feet to a Point of Intersection (P.I.) with the Southerly line of Lot 8; thence run North 87 degrees 38' 47" East along the said Southerly line of Lot 8 for a distance of 23.94 feet to a point; thence run North 10 degrees 47' 35" East along a line 15.00 feet Westerly of and parallel with Easterly line of said Lots 7 and 8 for a distance of 103.46 feet to the Point of Beginning (P.O.B.).

PARCEL 4:

That portion of the alley in Block 1 of OCEAN BEACH, FLA, according to the plat thereof as recorded in Plat Book 2, Page 38, of the Public Records of Miami - Dade County, Florida, lying south of the north line of lot 5 extended westerly to the west line of said alley, and lying north of the north right-of-way line of South Pointe Drive (f/k/a Biscayne Street).

PARCEL 5:

Lot 17, Block 1, of OCEAN BEACH, FLA., according to the plat thereof as recorded in Plat Book 2, Page 38, of the Public Records of Miami - Dade County, Florida.

PARCEL 6:

The East one-half (E 1/2) of that certain alley lying adjacent to the Westerly lot lines of Lots 1, 2 and 3, in Block 1, of OCEAN BEACH, FLA., according to the plat thereof as recorded in Plat Book 2, Page 38 of the Public Records of Miami - Dade County, Florida.

PARCEL 7:

The West one-half (W 1/2) of that certain alley lying adjacent to the Easterly line of Lot 17, in Block 1, of OCEAN BEACH, FLA., according to the plat thereof as recorded Plat Book 2, Page 38 of the Public Records of Miami - Dade County, Florida.

Exhibit "A-2"

Legal Description of Appurtenances

AIR SPACE PARCEL 1:

A parcel of air space lying above Lot 4, Block 1 of "Ocean Beach FLA." according to the plat thereof as recorded in Plat Book 2, Page 38 of the Public Records of Miami-Dade County, Florida, in which the lower horizontal plane lies at an elevation of 22.50' N.G.V.D. and the upper horizontal plane lies at the elevation 32.50' N.G.V.D. the horizontal location of this air space parcel is more particularly described as follows: Commence at the Northwest corner of Lot 1, Block 1 of said Plat of "Ocean Beach FLA." as recorded in Plat Book 2, Page 38 of the Public Records of Miami-Dade County, Florida; thence from said point of commencement (P.O.C.) run South 00 degrees 00' 00" East along the West line of said Lot 1 and the West line of Lots 2 and 3 of said Block 1 for 150.00 feet to the point of beginning (P.O.B.) of a parcel hereinafter described; from said P.O.B., run North 90 degrees 00' 00" East for 11.33 feet; thence South 00 degrees 00' 00" East along a line 11.33 feet East of and parallel to the West line of said Block 1 for 50.00 feet to a point; thence South 90 degrees 00' 00" West for 11.33 feet; thence North 00 degrees 00' 00" West along the West line of Lot 4, Block 1 for 50.00 feet to the point of beginning.

EASEMENT PARCEL 1:

Easement(s) for the benefit of Air Space Parcel 1, and Parcels 1 through 7 above (the "Block-One Parcels") as created by that certain Reciprocal Easement Agreement by and between TRG-Block One, Ltd., a Florida limited partnership and Taverna Opa of South Beach, Inc., a Florida corporation, recorded in Official Records Book 25464, Page 302, of the Public Records of Miami-Dade County, Florida for purposes of ingress and egress to build and maintain improvements, over and under the following described lands ("TRG Construction Easement"): Lot 4 in Block 1, and also that portion of the alley lying West of and adjacent to Lot 4 in Block 1 of OCEAN BEACH, FLA., according to the Plat thereof recorded in Plat Book 2, Page 38, of the Public Records of Miami-Dade County, Florida, less the easterly 15 feet thereof for road widening purposes.

Subject to the terms and provisions contained in said instrument.

EASEMENT PARCEL 2:

Easement(s) for the benefit of Air Space Parcel 1 and all of the "Block-One Parcels" as created by that certain Reciprocal Easement Agreement by and between TRG-Block One, Ltd., a Florida limited partnership and Taverna Opa of South Beach, Inc., a Florida corporation recorded in Official Records Book 25464, Page 302, of the Public Records of Miami-Dade County, Florida, for purposes of ingress and egress under, over and across the following described lands ("TRG Alley Easement"):

That portion of the alley lying West of and adjacent to Lot 4 in Block 1 of OCEAN BEACH, FLA., according to the Plat thereof recorded in Plat Book 2, Page 38, of the Public Records of Miami-Dade County, Florida

Subject to the terms and provisions contained in said instrument.

EASEMENT PARCEL 3:

Easement(s) for the benefit of Air Space Parcel 1 and all of the "Block-One Parcels" as created by that certain Reciprocal Easement Agreement by and between TRG-Block One, Ltd., a Florida limited partnership and Taverna Opa of South Beach, Inc., a Florida corporation recorded in Official Records Book 25464, Page 302, of the Public Records of Miami-Dade County, Florida, for purposes of access to maintain the improvements located within Air Space Parcel 1 on, over, through and across the following described lands ("TRG Maintenance Easement"):

That portion of Lot 4 in Block 1 of OCEAN BEACH, FLA., according to the Plat thereof recorded in Plat Book 2, Page 38, of the Public Records of Miami-Dade County, Florida, that extends ten (10) feet Northward, Eastward and Westward around the Air Space, and Southward, from the Air Space to the ground of the Taverna Property and on, over, under, through and across all portions of the Alley.

Subject to the terms and provisions contained in said instrument.

EASEMENT PARCEL 4:

Easement(s) for the benefit of Air Space Parcel 1 and all of the "Block-One Parcels" as created by that certain Reciprocal Easement Agreement by and between TRG-Block One, Ltd., a Florida limited partnership and Taverna Opa of South Beach, Inc., a Florida corporation recorded in Official Records Book 25464, Page 302, of the Public Records of Miami-Dade County, Florida, for purposes of locating building foundation improvements over, within and across the following described lands ("TRG Foundation Encroachment Easement"):

Lot 4, Block 1, of OCEAN BEACH, FLA, according to the plat thereof as recorded in Plat Book 2, Page 38, of the Public Records of Miami - Dade County, Florida, less the easterly 15 feet thereof for road widening purposes, and less and except Air Space Parcel 1.

Subject to the terms and provisions contained in said instrument.

EASEMENT PARCEL 5:

Easement(s) for the benefit of Air Space Parcel and all of the "Block-One Parcels" as created by that certain Reciprocal Easement Agreement executed by and between TRG-Block One, Ltd., a Florida limited partnership and Southpointe Heights, LLC, a Delaware limited liability company, recorded in Official Records Book 25532, Page 3463, of the Public Records of Miami - Dade County, Florida, for purposes of ingress and egress under, over and across the following described lands:

That portion of the alley lying East of and adjacent to Lots 14 and 15 in Block 1 of OCEAN BEACH, FLA., according to the plat thereof as recorded in Plat Book 2, Page 38, of the Public Records of Miami - Dade County, Florida.

Subject to the terms and provisions contained in said instrument.

**BEFORE THE
BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA**

CFN 2013R0051842
OR Bk 28452 Pgs 1559 - 1562; (4pgs)
RECORDED 01/18/2013 15:35:56
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

IN RE: The application of
TRG-Block One, LTD
Block 1, 2-30 + 46-64 Ocean Drive, 1-35 + 69 Collins Avenue
Miami Beach, Florida

Meeting Date: December 7, 2012
File No. 3611

ORDER

The applicant, TRG-Block One, LTD, filed an application with the Planning Department for a variance in order to exceed the maximum permitted building height to construct a mixed-use structure, as follows:

1. A variance to exceed by 3'-0" the maximum building height of 75'-0" as measured from grade to the highest roof in order to build the structure at 78'-0" from grade.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the C-PS1 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variances when conditioned as provided for in this Order:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of

this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

IT IS THEREFORE ORDERED, by the Board, that the variance be APPROVED as requested and set forth above; with the following conditions to which the applicant has agreed:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. The applicant shall comply with all conditions imposed by the Public Works Department.
3. All improvements in the public right-of-way associated with the subject project shall be subject to the final review and approval of the Planning Department Director, Public Works Director, and the Parks and Recreation Department Director, and shall require an agreement, subject to the review and approval of the City Attorney, providing for the assumption of maintenance and liability obligations by the Applicant, and its successors and assigns, executed and recorded before the issuance of a building permit.
4. The applicant shall obtain a full building permit within eighteen months (18) months from the date of this hearing. If the full building permit is not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
5. The conditions in this Order are binding on the applicant, the property's owners and all successors in interest and assigns.
6. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the

criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

7. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code, except to the extent of the variance granted herein.
8. This Order shall be recorded, at the expense of the applicant, in the Public Records of Miami-Dade County; the original or a certified copy shall be provided to the Planning Department prior to the issuance of a Building Permit.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, entitled "Block 1", as prepared by The Sieger Suarez Architectural Partnership, dated October 5, 2012, modified in accordance with the conditions set forth in this Order and staff review and approval.

The applicant shall have a full building permit for the work contemplated herein issued by the Building Department on or before June 7, 2014 (within eighteen months of the date of this hearing) as per the above conditions. If the full building permit is not obtained within the specified time limits, the applicant shall apply to the Board for an extension of time prior to expiration of such period; otherwise, this Order will expire, and become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction.

This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida

By:



Richard G. Lorber, AICP, LEED AP
Acting Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 14th day of JANUARY, 2013, by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Board of Adjustment Order: Meeting of December 7, 2012
File No. 3611: TRG-Block One, LTD
Block 1, 2-30 + 46-64 Ocean Drive, 1-35 + 69 Collins Avenue, Miami Beach
Page 4 of 4



[NOTARIAL SEAL]
My Commission Expires:

A handwritten signature in cursive script, appearing to read "Teresa Maria".

Notary:
Print Name: TERESA MARIA
Notary Public, State of Florida

Approved As To Form:
Legal Department *(Need 1-10-13)*

Filed with the Clerk of the Board of Adjustment on 01/14/13 *(Signature)*

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