MIAMIBEACH

PLANNING DEPARTMENT
1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information

FILE NUMBER	Is the property the primary residence & homestead of the applicant/property owner? ☐ Yes ☐ No (if "Yes," provide office of the property appraiser summary report)
DRB24-1040	

Board of Adjustment	Design Review Board
☐ Variance from a provision of the Land Development Regulations	■ Design review approval
☐ Appeal of an administrative decision	☐ Variance
☐ Modification of existing Board Order	☐ Modification of existing Board Order

Planning Board	Historic Preservation Board
☐ Conditional Use Permit	☐ Certificate of Appropriateness for design
☐ Lot Split	☐ Certificate of Appropriateness for demolition
☐ Amendment to the Land Development Regulations or Zoning Map	☐ Historic District/Site Designation
☐ Amendment to the Comprehensive Plan or Future Land Use Map	☐ Variance
☐ Modification of existing Board Order	☐ Modification of existing Board Order

☐ **Other:**

Property Information – Please attach Legal Description as "Exhibit A"

ADDRESS OF PROPERTY
1500 Bay Road, Miami Beach, FL, 33139

FOLIO NUMBER(S)
02-3233-007-0030, 02-3233-007-0032

Property Owner Information

PROPERTY OWNER NAME
MCZ/CENTRUM FLAMINGO III, L.L.C

ADDRESS	CITY	STATE	ZIPCODE
4582 S Ulster Street, Suite 1700	Denver	CO	80237

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS
303-757-8101		

Applicant Information (if different than owner)

APPLICANT NAME
William Moon

ADDRESS	CITY	STATE	ZIPCODE
1620 Logan Street	Denver	CO	80203

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS
303.894.5365	303.210.7362	bmoon@trybaarchitect.com

Summary of Request

PROVIDE A BRIEF SCOPE OF REQUEST

The scope includes updating the existing basketball court on the rooftop of the parking garage to be gardens including: a water features, a wading pool, vegetation, community seating, cooking amenities, a lawn, gardens, and cabanas. The proposed units will also require the demolition of numerous existing windows on levels 08 and 09, and the installation of new windows on those same levels. The existing curtainwall facing Biscayne Bay will be extended approximately 4' higher to allow for ideal views from level 09. Finally, the existing partially covered stair on the south façade (stair 06) will also be extended from level 08 to access level 09, and the existing east stairwell (stair 10) will be enclosed to allow for proper fire rating. (Please see Letter of Intent.)

Project Information			
Is there an existing building(s) on the site?		■ Yes	☐ No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		☐ Yes	■ No
Does the project include interior or exterior demolition?		■ Yes	☐ No
Provide the total floor area of the new construction.			SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).			SQ. FT.

Party responsible for project design				
NAME Tryba Architects		■ Architect ☐ Contractor ☐ Landscape Architect ☐ Engineer ☐ Tenant ☐ Other_____		
ADDRESS 1620 Logan Street		CITY Denver	STATE CO	ZIPCODE 80203
BUSINESS PHONE 303.894.5365	CELL PHONE 303.210.7362	EMAIL ADDRESS bmoon@trybaarchitect.com		

Authorized Representative(s) Information (if applicable)				
NAME Dan Dore		☐ Attorney ■ Contact ☐ Agent ☐ Other_____		
ADDRESS 4582 S Ulster St, Suite 1700		CITY Denver	STATE CO	ZIPCODE 80237
BUSINESS PHONE 303-757-8101	CELL PHONE	EMAIL ADDRESS daniel.dore@aircommunities.com		
NAME Barbara Frommell		☐ Attorney ■ Contact ☐ Agent ☐ Other_____		
ADDRESS 4582 S Ulster St, Suite 1700		CITY Denver	STATE CO	ZIPCODE 80237
BUSINESS PHONE 303-757-8101	CELL PHONE	EMAIL ADDRESS barbara.frommell@aircommunities.com		
NAME		☐ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS		CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS		

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".

- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
  (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.

- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.

- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.

- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.

- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

☐ Owner of the subject property ■ Authorized representative

SIGNATURE

Daniel Dore

PRINT NAME

7/12/2024

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

_____

SIGNATURE

Sworn to and subscribed before me this _____ day of _____ , 20_____. The foregoing instrument was acknowledged before me by _____ , who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

_____

NOTARY PUBLIC

My Commission Expires: _____

_____

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF Colorado

COUNTY OF Denver

I, Daniel Dore, being first duly sworn, depose and certify as follows: (1) I am the Senior Director of Capital FInance (print title) of Apartment Income REIT (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

Daniel Dore

SIGNATURE

Sworn to and subscribed before me this 12 day of July , 2024. The foregoing instrument was acknowledged before me by Daniel Dore , who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

KELLY BEHNKE
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20204018069
MY COMMISSION EXPIRES MAY 22, 2028

Kelly Behnke

NOTARY PUBLIC

My Commission Expires: May 22, 2028

Kelly Behnke

PRINT NAME

POWER OF ATTORNEY AFFIDAVIT

STATE OF Colorado

COUNTY OF Denver

I, Daniel Dore, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Daniel Dore to be my representative before the Design Review Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Daniel Dore
PRINT NAME (and Title, if applicable)

Daniel Dore
SIGNATURE

Sworn to and subscribed before me this 14th day of August, 2024. The foregoing instrument was acknowledged before me by Daniel Dore, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

KELLY BEHNKE
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20204018069
MY COMMISSION EXPIRES MAY 22, 2028

Kelly Behnke
NOTARY PUBLIC

My Commission Expires: May 22, 2028

Kelly Behnke
PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

NAME | **DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE	% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

MCZ/CENTRUM FLAMINGO III, LLC
NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
Please see attached	
Blackstone, Inc., is the ultimate indirect parent of Apartment Income REIT Corp. (a Maryland corporation) (EIN 84-1299717). Blackstone is a publicly traded company (NYSE:BX), subject to disclosure requirements under U.S. securities laws. No individual controls more than 5% interest in Blackstone, Inc. (https://link.edgepilot.com/s/fe508e19/xSkppWbHEUiBsllzN2qAOA?u=https://finance.yahoo.com/quote/BX/holders/).	

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
Barbara Frommell	4582 S Ulster St, Suite 1700, Denver, CO 80237	303-757-8101
Bill Moon	1620 Logan Street, Denver, CO 80203	303-894-5365

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF Colorado

COUNTY OF Denver

I, Dan Dore, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

Daniel Dore

SIGNATURE

Sworn to and subscribed before me this 12 day of July, 2024. The foregoing instrument was acknowledged before me by Daniel Dore, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

KELLY BEHNKE
NOTARY PUBLIC / STATE OF COLORADO
NOTARY ID 20204018069
MY COMMISSION EXPIRES MAY 22, 2028

Kelly Behnke

NOTARY PUBLIC

My Commission Expires: May 22, 2028

Kelly Behnke

PRINT NAME

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

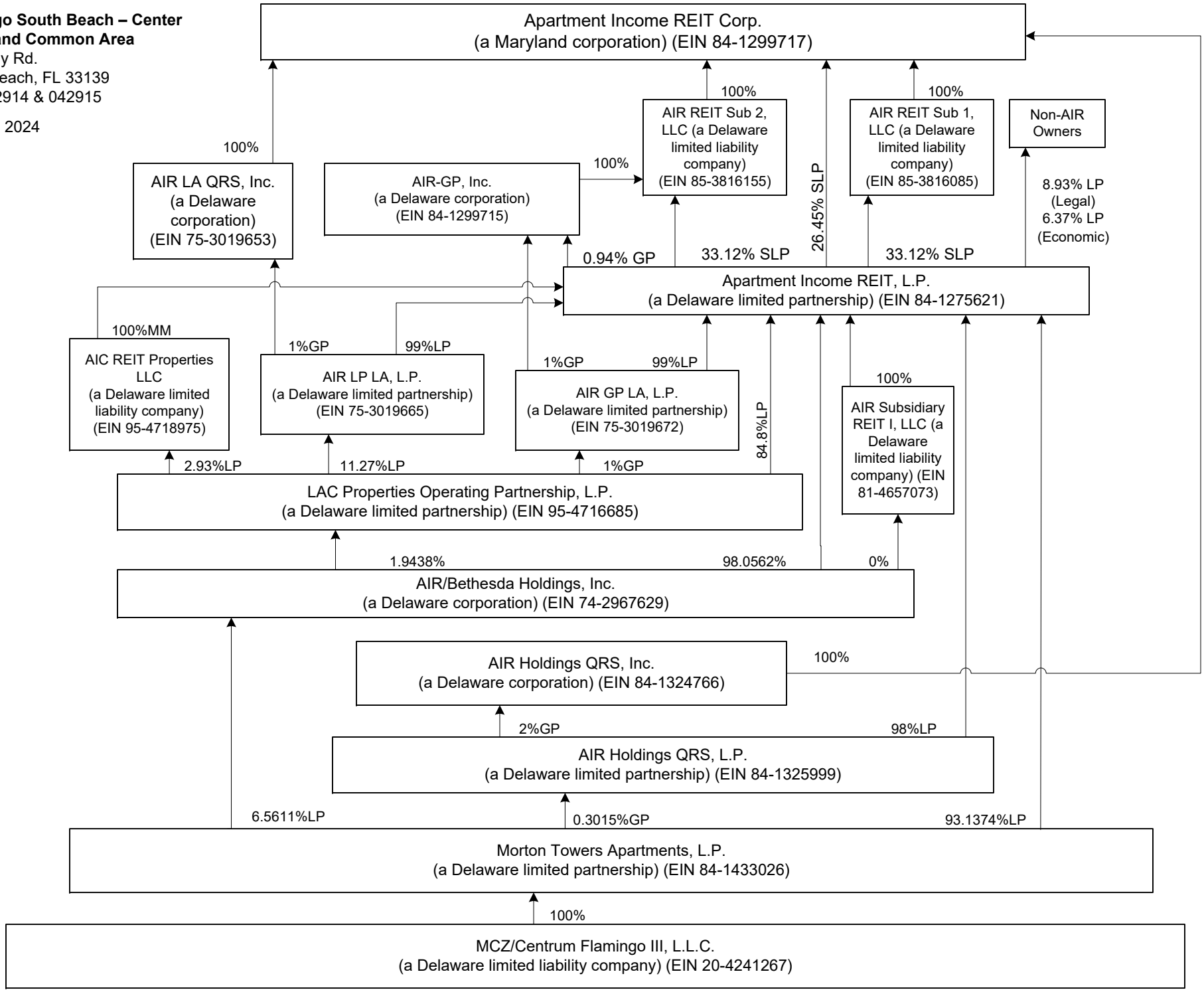
_____

TRUST NAME

NAME AND ADDRESS	% INTEREST
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Flamingo South Beach – Center Tower and Common Area
1504 Bay Rd.
Miami Beach, FL 33139
PS# 042914 & 042915

March 2024



AIR COMMUNITIES

TRYBA ARCHITECTS

Date: 4 August 2024

Subject: **Flamingo 1500 Bay Rd | Design Review Board – Legal Description - Exhibit A (Survey)**

PARCEL A:

A PORTION OF LOT 7 BLOCK 43 OF ALTON BEACH BAYFRONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4 AT PAGE 125, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF BAY ROAD AND 15TH STREET AS SHOWN ON THE AFOREMENTIONED PLAT OF ALTON BEACH BAYFRONT, THENCE RUN NORTH ALONG OF THE CENTERLINE OF BAY ROAD A DISTANCE OF 25.82 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 205.40 FEET TO THE MOST SOUTHEASTERLY CORNER OF THE 15 STORY NORTH TOWER BUILDING NO. 15 BAY ROAD, THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE RUN NORTH 09°29'16" WEST ALONG THE EAST FACE OF THE SAID NORTH TOWER BUILDING AND ALONG THE EXPANSION JOINT BETWEEN THE SAID NORTH TOWER BUILDING AND THE EXISTING 32 STORY CENTER TOWER BUILDING NO. 1504 BAY ROAD, FOR A DISTANCE OF 66.80 FEET TO A POINT; THENCE RUN SOUTH 80°45'24" WEST ALONG THE NORTH FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 146.16 FEET TO A POINT; THENCE RUN NORTH 09°14'36" WEST ALONG THE EAST SIDE OF THE CONCRETE DECK FOR A DISTANCE OF 28.21 FEET TO A POINT; THENCE RUN SOUTH 80°53'57" WEST ALONG THE NORTH SIDE OF THE CONCRETE DECK FOR A DISTANCE OF 78.71 FEET TO A POINT OF THE INTERSECTION WITH THE COVERED WALKWAY; THENCE RUN NORTH 30°12'05" WEST ALONG THE EAST FACE OF THE COVERED WALKWAY FOR A DISTANCE OF 180.54 FEET TO A POINT OF INTERSECTION WITH NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING; THENCE RUN SOUTH 59°50'43" WEST ALONG THE PROLONGATION OF AND THE NORTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 76.19 FEET TO A POINT; THENCE RUN SOUTH 30°02'59" EAST ALONG THE MOST SOUTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 170.44 FEET TO A POINT, THENCE RUN NORTH 59°55'49" EAST ALONG THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 1.04 FEET TO A POINT OF INTERSECTION WITH THE GLASS FACADE AT THE WESTERLY ENTRANCE TO THE SAID NORTH TOWER BUILDING AND A CIRCULAR CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 55.43 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 03°37'41" WEST, THROUGH A CENTRAL ANGLE OF 67°51'34" FOR AN ARC DISTANCE OF 66.65 FEET TO A POINT; THENCE RUN NORTH 52°56'12" WEST ALONG THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 1.19 FEET TO A POINT; THENCE RUN SOUTH 38°47'"00" WEST ALONG THE WEST FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 187.13 FEET TO A POINT; THENCE RUN SOUTH 51°08'05" EAST ALONG THE SOUTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 66.40 FEET TO A POINT; THENCE RUN NORTH 38°53'30" EAST ALONG THE SOUTHEASTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 41.76 FEET TO A POINT; THENCE RUN SOUTH 51°07'16" EAST FOR A DISTANCE OF 10.10 FEET TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY FACE OF THE COVERED WALKWAY; THENCE RUN NORTH 38°47'05" EAST ALONG OF THE SAID COVERED WALKWAY FOR A DISTANCE OF 137.43 FEET TO A POINT; THENCE RUN NORTH 50°43'03" WEST ALONG THE NORTH FACE OF THE OVERHEAD WALKWAY FOR A DISTANCE OF 8.38 TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY FACE OF TIRE SAID NORTH TOWER BUILDING; THENCE RUN NORTH 39°16'57" EAST ALONG THE SOUTHEASTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 12.92 FEET TO A POINT; THENCE RUN SOUTH 50°57'27" EAST ALONG THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 17.13 FEET TO A POINT ON THE COVERED ENTRANCE TO THE SAID NORTH TOWER BUILDING AND A POINT OF THE INTERSECTION WITH A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 89.54 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 59°40'05" EAST THROUGH A CENTRAL ANGLE OF 42°46'20", FOR AN ARC DISTANCE OF 66.84 FEET TO A POINT; THENCE RUN NORTH 08°44'48" WEST ALONG OF THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 17.22 FEET TO A POINT WITH THE SOUTHERLY FACE OF THE NORTH TOWER BUILDING; THENCE RUN NORTH 81°24'37" EAST ALONG THE SOUTHERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 11.61 FEET TO A POINT; THENCE RUN SOUTH 09°06'51" EAST FOR A DISTANCE OF 8.61 FEET TO A POINT OF INTERSECTION WITH THE SOUTH FACE OF THE COVERED WALKWAY; THENCE RUN NORTH 89°49'11" EAST ALONG OF THE SOUTH FACE OF THE COVERED WALKWAY FOR A DISTANCE OF 166.52 FEET TO A POINT; THENCE RUN NORTH 21°36'04" EAST ALONG THE CONCRETE WALL FOR A DISTANCE OF 11.99 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY FACE OF THE SAID NORTH TOWER BUILDING; THENCE RUN NORTH 80°48'27" EAST ALONG THE SOUTHERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 7.91 FEET TO A POINT OF BEGINNING.

PARCEL B:

TOGETHER WITH EASEMENT(S) BENEFITING PARCEL A, CREATED BY THAT CERTAIN RECIPROCAL MAINTENANCE AND USE EASEMENT AGREEMENT BY AND BETWEEN MORTON TOWERS APARTMENTS, L.P., A DELAWARE LIMITED PARTNERSHIP AND MCZ/CENTRUM FLAMINGO I, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY DATED FEBRUARY 17, 2006 AND RECORDED FEBRUARY 22, 2006 IN OFFICIAL RECORDS BOOK 24259, PAGE 455, AND THAT CERTAIN AGREEMENT REGARDING APPROVED FORMS OF COLLATERAL ASSIGNMENT PERTAINING TO THE RECIPROCAL MAINTENANCE, USE AND EASEMENT AGREEMENT DATED FEBRUARY 17, 2006 AND RECORDED FEBRUARY 22, 2006 IN OFFICIAL RECORDS BOOK 24259, PAGE 528, AS AFFECTED BY THE FIRST AMENDMENT TO RECIPROCAL MAINTENANCE, USE AND EASEMENT AGREEMENT RECORDED JUNE 6, 2008 IN OFFICIAL RECORDS BOOK 26417, PAGE 4557, ALL OF THE PUBLIC RECORDS OF MIAMI- DADE COUNTY, FLORIDA.

PARCEL C:

TOGETHER WITH EASEMENT(S) BENEFITING PARCEL A CREATED BY THAT CERTAIN HEALTH CLUB USE AGREEMENT BY AND BETWEEN AIMCO FLAMINGO HEALTH CLUB LLC, A DELAWARE LIMITED LIABILITY COMPANY, MCZ/CENTRUM FLAMINGO I, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY AND MORTON TOWERS APARTMENTS, L.P., A DELAWARE LIMITED PARTNERSHIP DATED FEBRUARY 17, 2006 AND RECORDED FEBRUARY 22, 2006 IN OFFICIAL RECORDS BOOK 24259, PAGE 583, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.