

TAB 2

# Holland & Knight

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Tracy R. Slavens  
305.789.7642  
tracy.slavens@hklaw.com

May 22, 2020

## **HAND-DELIVERED**

Mr. Justin Proffitt, AICP  
Director, Community Development Department  
City of North Miami Beach  
17050 N.E. 19th Ave  
North Miami Beach, FL 33162-3100

**RE: Dezer Intracoastal Mall LLC / Intracoastal Mall Redevelopment – 3501 Sunny Isles Boulevard, North Miami Beach, Florida – Second Amendment to Letter of Intent**

Dear Mr. Proffitt:

Please accept this letter on behalf of Dezer Intracoastal Mall LLC (the “Applicant”), as the second amendment to the letter of intent date stamped received July 31, 2019 (the “Letter of Intent”), in connection with the public hearing application under process no. 19-3 (the “Application”) for that certain property generally located at 3501 Sunny Isles Boulevard, commonly known and referred to here as the “Intracoastal Mall” (or the “Property”).

### **Amendment of Application Information and Requests**

The Applicant reaffirms its requests for approval of the conceptual master development plan, which has been prepared in accordance with the MU/EWF district regulations, as proposed to be amended by Staff, and acceptance and execution of a development agreement pursuant to Chapter 163 of the Florida Statutes. With this second amendment to the Letter of Intent, the Application and Letter of Intent are hereby amended to modify the proposed development program as follows:

**FROM:** Up to 380,000 square feet of commercial/retail space, 200,000 square feet of office space, 2,000 multi-family residential units, 250 hotel keys, and extensive public spaces.

TO: Up to 375,000 square feet of commercial/retail space, 200,000 square feet of office space, 2,000 multi-family residential units, 250 hotel keys, and extensive public spaces.

The Conceptual Master Plan has been revised to reflect the above reduction in commercial/retail space and incorporate corrections and comments received by the reviewing departments during the Technical Review of Applications for Development (TRAD) process. The purpose of this amendment to the proposed development program is to provide consistency with the most recent Traffic Impact Analysis dated March 23, 2020, as prepared by Kimley-Horn and Associates, Inc., which addressed comments issued by both the reviewing departments and the Florida Department of Transportation (FDOT).

The revised Conceptual Master Plan and written responses to the TRAD comments, including the Fiscal Impact Analysis comments issued by Lambert Advisory, LLC on May 11, 2020, and Planning and Zoning Comments issued on May 18, 2020, are enclosed with this resubmittal for your review and consideration. The enclosed Conceptual Master Plan has been prepared in accordance with the City's Code, as proposed to be amended by Staff.

Based on the foregoing, we ask for your favorable review of this submittal. Thank you in advance for your considerate attention to this matter. Should you have any questions or require additional information, please contact me directly.

Very truly yours,

HOLLAND & KNIGHT LLP



Tracy R. Slavens, Esq.

Enclosures

Cc: Daniel A. Espino, Esq., City Attorney  
Sharon Cino, Planning & Zoning Manager  
Arthur Gallagher, Esq.  
Ms. Suria Yaffar, AIA  
Mr. Adrian Dabkowski, P.E.  
Joseph G. Goldstein, Esq.

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Tracy R. Slavens  
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February 6, 2020

## **HAND-DELIVERED**

Mr. Justin Proffitt, AICP  
Manager, Planning & Zoning Department  
City of North Miami Beach  
17050 N.E. 19th Ave  
North Miami Beach, FL 33162-3100

**RE: Dezer Intracoastal Mall LLC / Intracoastal Mall Redevelopment – 3501 Sunny Isles Boulevard, North Miami Beach, Florida – Amendment to Letter of Intent**

Dear Mr. Proffitt:

Please accept this letter on behalf of Dezer Intracoastal Mall LLC (the “Applicant”), as an amendment to the letter of intent date stamped received July 31, 2019 (the “Letter of Intent”), in connection with the public hearing application under process no. 19-3 (the “Application”) for that certain property generally located at 3501 Sunny Isles Boulevard, commonly known and referred to here as the “Intracoastal Mall” (or the “Property”).

### **I. Amendment of Application Information and Requests**

The Application and Letter of Intent are hereby amended to:

1) Reflect the addition of the ASA College parcel (folio no. 07-2210-002-2641) and a portion of the FDOT parcel to the south (no folio number available) to the Application. Therefore, the Property size is also hereby amended from  $\pm 26.3$  acres to  $\pm 29.08$  acres. Below is an aerial image of the Property:



2) Amend the proposed development program to up to 380,000 square feet of commercial/retail space, 200,000 square feet of office space, 2,000 multi-family residential units, 250 hotel keys, and extensive public spaces.

3) Include a request for a waiver, by the Director of the Community Development Department, of the requirement for a liner building on multi-level parking garage structure in accordance with Section 24-58(K)(2)b.i. of the City's Code.

4) Withdraw request to amend the to the text of the Mixed-Use District (MU) regulations to provide for a minimum unit size of 400 square feet for dwelling units. Micro-units no longer proposed as part of the Application.

In addition, the Applicant hereby affirms its requests for:

1) an amendment to the text of the City's Zoning and Land Development Code (the "Code"), specifically to the Mixed-Use District (MU) and Mixed-Use/Eastern Waterfront District (MU/EWF) regulations;

2) approval of the conceptual master development plan, which has been prepared in accordance with the MU/EWF district regulations; and

3) acceptance and execution of a development agreement pursuant to Chapter 163 of the Florida Statutes.

## **II. Proposed Text Amendments to the MU District and MU/EWF District Regulations**

As noted in our previously submitted materials, the MU and MU/EWF District Regulations were implemented prior to the Applicant's extensive efforts to retain renown architects and community planners to prepare a development plan for the Property. Once the Applicant engaged a design and engineering team, several items were identified in the district regulations that require modification in order to both achieve improved compatibility with the existing surrounding development and to accommodate the design that carves a new waterfront space through the center of the Property. The revised proposed text amendments are:

### ***Amendments to MU District Regulations – Sec. 24-58:***

- a. Deletion of Section 24-58(R)(2).
- b. Amendment of Section 24-58(S)(1)(a) to allow properties in the MU/EWF district to have a maximum building horizontal dimension of 560 feet.
- c. Amendment of Section 24-58(S)(1)(g) to provide a minimum requirement of twenty-five percent (25%) of active uses along the ground floor of a building when located on a primary street.
- d. Amendment of Section 24-58(S)(2) to allow MU/EWF projects to have a maximum block length of 600 feet.

Together, the above proposed amendments to Section 24-58 will allow for the effective design and creation of an active, distinctive, and pedestrian-friendly urban environment. Increasing the allowable building horizontal dimension and block length will allow for maximization of water views and green areas/open space on the Property, creating a continuous pedestrian experience with minimal vehicular conflicts. In addition, these text amendments allow for the significant physical and functional integration of uses and project components necessary to achieve the desired synergies and sense of place that are the hallmarks of quality mixed-use developments.

***Amendments to MU/EWF District Regulations – Sec. 24-58.7:***

- a. Amendment to Section 24-58.7(E)(4) to revise Figure MU/EWF-1: Sub-Areas Regulating Plan, Figure MU/EWF-2: Street Network Connectivity Regulating Plan, Figure MU/EWF-3: Designated Publically Accessible Open Spaces and Greenway Systems Regulating Plan, and Figure MU/EWF-4: Building Heights Regulating Plan to match the proposed layout of the project and ensure compatibility with the patterns of development surrounding the Property.
- b. Amendment to Section 24-58.7(E)(5) to allow for the modification of a regulating plan or diagram so long as certain conditions are met.
- c. Amendment to Section 24-58.7(G)(1) to modify active use requirement for buildings fronting NE 35 Avenue.
- d. Amendment to Section 24-58.7(G)(2), Table MU/EWF-1 to correct a scrivener's error.
- e. Amendment to Section 24-58.7(H)(2) to allow for the deletion of a primary or secondary street in connection with a site plan review application.
- f. Amendment to Section 24-58.7(J), Table MU/EWF-2 to provide for maximum permitted heights in accordance with proposed Figure MU/EWF-4.

The above proposed amendments to Section 24-58.7 will enable the Applicant to design and redevelop the Property in a manner that is thoughtful, innovative, and consistent with the spirit of the district regulations. Specifically, these amendments are necessary to achieve improved site configuration, and pedestrian and vehicular circulation and orientation, as well as the creation of the canal, which bifurcates the majority of the Property. The canal was not envisioned in the current regulating plan or diagrams, is the focal point of the proposed development. Not only will this new landmark contribute to the sense of place and identity of the project, but it will also serve as a natural and attractive component that will dramatically enhance the experience of visitors and residents alike. As such, the proposed text amendments are needed to amend the regulating plan, and provide consistency for the project with the associated MU/EWF district regulations.

The full proposed text amendment language, as revised pursuant to this amended letter of intent, is enclosed with this application for your consideration.



### **III. Conceptual Master Plan**

The Conceptual Master Plan has been revised to incorporate corrections and comments received by the reviewing departments during the Technical Review of Applications for Development (TRAD) meeting held on September 13, 2019.

The proposed development program has been amended to provide consistency with the Traffic Impact Analysis dated January 17, 2020, as prepared by Kimley-Horn and Associates, Inc, and is now limited to up to 380,000 square feet of commercial/retail space, 200,000 square feet of office space, 2,000 multi-family residential units, 250 hotel keys, and extensive public spaces. In addition, you will notice that the site has been reconfigured to provide improved overall alignment circulation, interconnectivity, and configuration of Blocks N1-3 and S1-4. The proposed revisions to the conceptual Master Plan also include the relocation of the elevated park to the ground along the central park and waterfront, the addition of a dog park on the southeast corner, and a play area on the northwest corner. With the proposed revisions, the proposed open space amounts to 425,466 square feet (34%). Lastly, please note that it has been determined that the right-of-way dedication along NW 35th Avenue is not needed with the proposed roadway improvements. Therefore, the proposed plan preserves the entrance to the shopping center and existing conditions along NW 35th Avenue. However, in the event a future right-of-way dedication along NW 35th Avenue is required, the Applicant reserves the right to use the dedicated portion of Property for setback calculation purposes in order to ensure compliance with applicable setback requirements.

The revised Conceptual Master Plan and written responses to the TRAD comment are enclosed with this resubmittal for your review and consideration.

### **IV. Development Agreement**

The proposed redevelopment of the Intracoastal Mall is intended to be built in phases with an extended development timeline. The Applicant is seeking the approval of a development agreement in order to vest the conceptual master development plan and establish clear criteria for the development of the project. The Applicant has prepared a draft development agreement for the City's consideration. This agreement is consistent with the requirements of the Florida Local Government Development Agreement Act (Sections 163.3220-163.3243 of the Florida Statutes) and Section 24-214 of the City's Code. The development agreement is intended to establish conditions applicable to the project over its development timeline and ensure that the redevelopment of the Intracoastal Mall is built in accordance with the conceptual master development plan.

Based on the foregoing, we ask for your favorable review of this submittal. Thank you in advance for your considerate attention to this matter. Should you have any questions or require additional information, please contact me directly.

Very truly yours,

HOLLAND & KNIGHT LLP



Tracy R. Slavens, Esq.

Enclosures

Cc: Sarah L. Johnston, Esq., City Attorney  
Sharon Cino, Planning & Zoning Manager  
Arthur Gallagher, Esq.  
Ms. Suria Yaffar, AIA  
Mr. Bernard Zyscovich, AIA  
Mr. Adrian Dabkowski, P.E.  
Joseph G. Goldstein, Esq



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July 31, 2019

## HAND-DELIVERED

RECEIVED

Mr. Justin Proffitt, AICP  
Manager, Planning & Zoning Department  
City of North Miami Beach  
17050 N.E. 19th Ave  
North Miami Beach, FL 33162-3100

JUL 31 2019

BY: M. DORAN

**RE: Dezer Intracoastal Mall LLC / Intracoastal Mall Redevelopment – 3501 Sunny Isles Boulevard, North Miami Beach, Florida – Letter of Intent for an Application seeking 1) a Text Amendment to the Zoning and Land Development Code; 2) Approval of a Conceptual Master Development Plan; and 3) Acceptance of a Development Agreement Pursuant to Chapter 163, F.S.**

Dear Mr. Proffitt:

Please accept this letter of intent on behalf of Dezer Intracoastal Mall LLC (the “Applicant”), in support of its public hearing application for approval of a conceptual master development plan and proffer of development agreement for that certain +/-26.3 acre property generally located at 3501 Sunny Isles Boulevard in North Miami Beach, Florida (the “City”). The site is commonly known and referred to here as the “Intracoastal Mall” (or the “Property”) and is further identified by folio no. 07-2210-002-2640 The Applicant is seeking:

- 1) an amendment to the text of the City’s Zoning and Land Development Code (the “Code”), specifically to the Mixed-Use District (MU) and Mixed-Use/Eastern Waterfront District (MU/EWF) regulations;
- 2) approval of the conceptual master development plan, which has been prepared in accordance with the MU/EWF district regulations; and
- 3) acceptance and execution of a development agreement pursuant to Chapter 163 of the Florida Statutes.

The proposed master development plan for the redevelopment of the Intracoastal Mall contemplates a mixed use development composed of residential, retail, and office uses that will implement the City’s vision for the Property.

## **Background**

The Intracoastal Mall was originally developed in the late 1980s as an open air shopping center and is currently improved with 234,026 square feet of retail uses. Its location, at the gateway of the eastern entrance to the City, has allowed the Intracoastal Mall to be a successful shopping center for decades. In recent years, the City has identified the Property's potential to become a true community center. As such, the Property is designated on the City's Comprehensive Plan Future Land Use Map as MU/EWF and correspondingly zoned MU/EWF.

With this application, the Applicant seeks to redevelop the Property with an innovative plan that incorporates the desired mix of uses while creating new waterfront and multiple layers of public spaces for the community to enjoy. In order to accomplish its design, modifications are needed to update the MU and MU/EWF district regulations. Additionally, because a number of existing tenants wish to continue serving the community at this location, the project will require a phased redevelopment. As such, the Applicant is proposing a Conceptual Master Development Plan and is proffering a Development Agreement that will ensure the project is developed in accordance with the design being presented herein. Thus, the Applicant is seeking approval of the following requests:

### **Application / Requests & Justifications**

#### 1. Text Amendments to MU District and MU/EWF District Regulations

The MU and MU/EWF District Regulations were implemented prior to the Applicant's extensive efforts to retain renown architects and community planners to prepare a development plan for the Property. Once the Applicant engaged a design and engineering team, several items were identified in the district regulations that require modification in order to both achieve improved compatibility with the existing surrounding development and to accommodate the design that carves a new waterfront space through the center of the Property. The proposed text amendments are:

##### *Amendments to MU District Regulations – Sec. 24-58:*

- a. Amendment to height standards to allow stories above the ground floor to have a maximum height of eighteen feet and allow a movie theater use to have a maximum story height of thirty-five feet. (Sec. 24-58(R)(2))
- b. Amendment to design standards for building configuration and design to allow buildings to have a maximum horizontal dimension of 560 feet, provide for specified locations of ground floor active uses on primary streets, and provide for a minimum unit size of 400 square feet for dwelling units. (Sec. 24-58(S)(1))
- c. Amendment to block requirements to allow MU/EWF projects to have a maximum block length of 600 feet. (Sec. 24-58(S)(2))

##### *Amendments to MU/EWF District Regulations – Sec. 24-58.7:*

- a. Amendment to Figure MU/EWF-1: Sub-Areas Regulating Plan, Figure MU/EWF-2: Street Network Connectivity Regulating Plan, Figure MU/EWF-3:

Designated Publically Accessible Open Spaces and Greenway Systems Regulating Plan, and Figure MU/EFW-4: Building Heights Regulating Plan to match the proposed layout of the project and ensure compatibility with the patterns of development surrounding the Property. (Sec. 24-58.7(E)(4))

- b. Amendment to allow for the modification of a regulating plan or diagram so long as certain conditions are met. (Sec. 24-58.7(E)(5))
- c. Amendment to modify building frontage design along NE 35 Avenue (Sec. 24-58.7(G)(1))
- d. Amendment to Table MU/EFW-1 to correct a scrivener's error. (Sec. 24-58.7(G)(2))
- e. Amendment to allow for the deletion of a primary or secondary street in connection with a site plan review application. ((Sec. 24-58.7(H)(2))
- f. Amendment to Table MU/EFW-2 to provide for maximum permitted heights in accordance with proposed Figure MU/EFW-4. (Sec. 24-58.7(J))

The full proposed text amendment language and regulating plans are enclosed with this application for your consideration. These amendments will enable the Applicant to design and redevelop the Property in a manner that is thoughtful, innovative, and consistent with the spirit of the district regulations.

## 2. Conceptual Master Development Plan

The City's Comprehensive Plan established a desired maximum density and intensity on the Property of 2,000 residential units and 2,500,000 square feet of nonresidential use. The City's Code implemented this desire by creating district regulations that would guide the design of development within the MU/EFW district. The Code provides:

The intent of the EASTERN MU/WF district is to establish a Mixed-use area that serves as the center of activity for the entire Eastern Shores neighborhood. The district shall provide for multi-family housing that enables residents to live on the waterfront. Providing new publically accessible open spaces as well as public access to and beautification of the waterfront are primary principals of the EASTERN MU/WF district. The district shall also improve the fire rescue station and provide a police sub-station to enhance the public services in the Eastern Shores neighborhood. Development patterns shall generally reflect planning and design principles that reduce traffic by designing a walkable neighborhood oriented around the five-minute walk. Additionally, there shall be primary orientation towards the waterfront, integration of housing, employment, shopping and recreation at the neighborhood level.

The land use principles for the MU/EFW District, set forth in Section 24-58.7(G)(1) of the Code, requires that the MU/EFW District "shall be developed as an identifiable place and shall act as an important center for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend

together to contribute to a coherent identity and sense of place.” To further this requirement, a regulating plan establishes the pattern of development envisioned within the MU/EWF District. The Applicant has engaged a team of leading design and engineering professionals to achieve this vision.

The Applicant is proposing to redevelop the Property with integrated well-planned mixed-use development consisting of 380,000 square feet of retail space, 2,000 multi-family residential units, up to 200,000 square feet of office space, and extensive public spaces. The Applicant is also proposing to exceed the open space requirements set forth by the district regulations.

The enclosed conceptual master development plan, prepared by Zyscovich Architects, envisions an urban mixed-use environment with active street frontages along NE 35th Avenue, interior streets, and provides active use along all levels fronting the perimeter and new internal waterfront areas. The conceptual master plan is truly placemaking. The plan was designed to provide primary orientation of all uses towards the waterfront and has created an extraordinary new waterfront environment. The conceptual master development plan provides extensive open space, which includes urban greenways, baywalks, waterfront promenades, plazas, and active pedestrian paths, as well as private open spaces for residents of the project.

Honoring the intent of the City’s Code, this project will serve as the center of activity for the entire Eastern Shores neighborhood. The project will beautify and activate the waterfront, by providing new publically accessible open spaces as well as public access. In addition, the proposed conceptual master development plan contemplates the improvement of the fire rescue station and the addition of a community facility to enhance the public services in the Eastern Shores neighborhood. This project is intended to attract visitors, improve the quality of life of the City’s residents, and encourage people to reside in the area. The master development plan is consistent with Policies 1.6.5 and 1.6.9 of the City’s Comprehensive Plan, and Section 24.58.7 of the Code, which seek to maximize the economic and aesthetic of the MU/EWF district in light of its waterfront location.

### 3. Development Agreement

The proposed redevelopment of the Intracoastal Mall is intended to be built in phases with an extended development timeline. The Applicant is seeking the approval of a development agreement in order to vest the conceptual master development plan and establish clear criteria for the development of the project. The Applicant has prepared a draft development agreement for the City’s consideration. This agreement is consistent with the requirements of the Florida Local Government Development Agreement Act (Sections 163.3220-163.3243 of the Florida Statutes) and Section 24-214 of the City’s Code. The development agreement is intended to establish conditions applicable to the project over its development timeline and ensure that the redevelopment of the Intracoastal Mall is built in accordance with the conceptual master development plan.

### Conclusion

The Intracoastal Mall, as proposed, is intended to be an landmark urban mixed-use development that will transform the City. The Property’s desirable location and the project’s

thoughtful design and mix of uses will attract residents, businesses, and visitors to the area and will establish an community gem in North Miami Beach. The residents and visitors to the project will enjoy a sophisticated metropolitan experience where they will be able walk between their homes, places of work, and the premiere shopping and dining destination in the City, all while enjoying picturesque waterfront views. Enclosed for your review in support of the Applicant's requests are copies of the application, draft text amendments, draft development agreement, conceptual master development plan, and required exhibits. The traffic analysis for the project will be submitted under separate cover.

Thank you in advance for your considerate attention to and favorable review of this application. Please do not hesitate to contact me should you need additional information or have additional questions regarding this matter.

Very truly yours,

HOLLAND & KNIGHT LLP



Tracy R. Slavens, Esq.

Enclosures

Cc: Sarah Johnston, Esq.  
Arthur Gallagher, Esq.  
Ms. Suria Yaffar, AIA  
Mr. Bernard Zyscovich, AIA  
Mr. Adrian Dabkowski, P.E.  
Joseph G. Goldstein, Esq.

TAB 1



**General information**

Project Name: Intracoastal Master Plan Submission Date July 31, 2019  
 Street Address(es) of the Property: 3501 Sunny Isles Blvd., North Miami Beach, FL 33160  
 Proposed Use: Mixed-Use  
 Project Planner(s): \_\_\_\_\_ (Leave blank for City Staff)

**Application request**

*The undersigned Applicant(s)/Agent(s)/Property Owner(s) request City of North Miami Beach consideration and review of the following application(s). Please check all that apply.*

- Abandonment and Vacations of Right of Way, Alleys, or Easements
- Annexation
- Comprehensive Plan Map Amendment - Small Scale
- Comprehensive Plan Map Amendment - Large Scale
- Comprehensive Plan Text Amendment
- Conditional Use
- Conditional Use – Special Limited
- Development Agreement
- Development of Regional Impact
- Development of Regional Impact - Notice of Proposed Change
- Planned Unit Development
- Plat/Replat
- Site Plan
- Variance
- Zoning Code Map Amendment
- Zoning Code Text Amendment
- Other: Master Plan Approval

**Project information**

Street Address(es) of the Property: 3501 Sunny Isles Blvd., North Miami Beach, FL 33160  
 Property Folio Number(s): 07-2210-002-2640, 07-2210-002-2641 and a portion of the FDOT parcel to the South (no folio number available)  
 Property Owner Name(s): Dezer Intracoastal Mall LLC  
 Property Owner(s) Mailing Address(es): 18001 Collins Ave., 31st Floor, Sunny Isles Beach, FL 33160





# City of North Miami Beach, Florida

## Planning and Zoning Application

17050 NE 19<sup>th</sup> Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com)

Telephone: Business 305-932-1000 Fax \_\_\_\_\_  
Other \_\_\_\_\_ Email agallagher@dezer.com

Applicant(s)/Agent(s): Dezer Intracoastal Mall LLC

Applicant(s)/Agent(s) Mailing Address: 18001 Collins Ave., 31st Floor, Sunny Isles Beach, FL 33160

Telephone: Business 305-932-1000 Fax \_\_\_\_\_  
Other \_\_\_\_\_ Email agallagher@dezer.com

### Proposed site data and land use(s) information

Please complete and/or respond to all requested information. If "Not Applicable," please note NA.

Current Comprehensive Plan Land Use designation(s): MU-EWF Mixed Use East Waterfront

Current Zoning District designation(s): MU-EWF Mixed Use East Waterfront

Proposed Comprehensive Plan Land Use designation(s) (if applicable): \_\_\_\_\_

Proposed Zoning District designations(s) (if applicable): \_\_\_\_\_

### Supporting information

- Aerial.
- Affidavit providing for property owner's authorization to process application.
- Annexation supporting materials.
- Application fees.
- Application representation and contact information.
- Appraisal.
- Architectural/building elevations (color).
- Architectural/building elevations architectural elements (color).
- Building floor plans and roof plan.
- Comprehensive Plan analysis.
- Comprehensive Plan text amendment justification.
- Concurrency Analysis (prepared by applicant).
- Department of Transportation Driveway Connection Permit
- Drainage Plan.
- Elevations.
- Encroachments plan.
- Environmental assessment.
- Exterior architectural materials board.
- Landscape plan.
- Land use map (subject property outlined).
- Lighting plan.



# City of North Miami Beach, Florida

## Planning and Zoning Application

17050 NE 19<sup>th</sup> Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com)

- Liquor survey (for only review of location of lounge, bar, or package liquor store).
- Proof of City Lobbyist Registration.
- Massing model and/or 3D computer model.
- Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- Parking study.
- Photographs (color) of property, adjacent uses and/or streetscape.
- Plat.
- Property owners list, including a typewritten list and 2 sets of self-adhesive labels of all properties within 500 feet.
- Property survey and legal description.
- Public Realm Improvements Plan for mixed use projects.
- Public school preliminary concurrency analysis (residential land use/zoning applications only).
- Sign master plan (colored).
- Site plan and supporting information. (conceptual)
- Statement of use and/or cover letter.
- Streetscape master plan.
- Text amendment justification.
- Traffic accumulation assessment.
- Traffic impact statement.
- Traffic impact study.
- Traffic stacking analysis.
- Utilities consent.
- Utilities location plan.
- Vegetation survey.
- Warranty Deed.
- Zoning Code text amendment justification.
- Zoning Map (with subject property outlined)
- Other: Amended Regulating Plans

### Minimum Application Submission Requirements

1. **Proof of City Lobbyist Registration from the City Clerk.**
2. All application fees for each request in the amount of \$\_\_\_\_\_. (This does not include advertising, signage, postage, or cost recovery. Those fees will be collected later in the process and prior to the P&Z Board hearing)
3. Hard copies.
  - a. Fifteen (15) sets of 11x17 **Development Plans with Survey and Existing Plat** of the property.
  - b. Fifteen (15) sets of all the items identified in the Pre-application Conference.
  - c. Fifteen (15) sets of the **Application**.
  - d. Fifteen (15) sets of the **Letter of Intent** for the project.
4. **One (1) CD/DVD of the entire application including all items identified in the Pre-application Conference.** All discs shall be labeled with the applicant(s) name, project name and date of submittal.



**Applicant/agent/property owner affirmation and consent**

(I) (We) affirm and certify to all of the following:

1. Submission of the following:
  - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request;  
or
  - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of North Miami Beach entitlements in effect during the entire review process.
2. This application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of North Miami Beach unless identified and approved as a part of this application request and/or other previously approved applications.
3. That all the answers to the questions in this application, and all data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief.
4. Understand this application must be complete and accurate before a hearing can be advertised. In the event that I or anyone appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application (I)(We) understand that any City review shall be voidable at the option of the City of North Miami Beach.
5. Understand the failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. Understand that the application, all attachments, correspondence and fees become a part of the official records of the City of North Miami Beach and are not returnable.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. All representatives of the application have registered with and completed the required lobbyist forms from the City of North Miami Beach City Clerk's Office.
9. The application before the Board or City Council shall be represented by the legal owner, the prospective owner having a bona fide purchase contract or a duly qualified attorney retained by said owner or prospective owner.
10. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: concurrency review; property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review. Understand that if payment is not received the prior to Final Public Hearing Review, the Application shall be postponed by the City until such time all fees are paid.

*(See next page(s) for signature information)*

*(Please complete all below sections and indicate "Not Applicable (N/A)" as appropriate).*



Property owner(s) signature(s): <i>[Signature]</i>	Property owner(s) print name: <i>Gil Dezer</i>
Property owner(s) signature(s):	Property owner(s) print name:
Property owner(s) signature(s):	Property owner(s) print name:

Address(es): 18001 Collins Ave, 31st Floor, Sunny Isles Beach, FL 33160

Telephone: 305-932-1000 ext 212      Fax:      Email: [agallagher@dezer.com](mailto:agallagher@dezer.com)

**NOTARIZATION**

STATE OF FLORIDA/COUNTY OF

The foregoing instrument was acknowledged before me this 30 day of July 2017 by

Gil Dezer

(Signature of Notary Public - State of Florida)

*[Signature]*



**IRMA M PACCIONE**  
 Commission # GG 157056  
 Expires December 15, 2021  
 Bonded Thru Budget Notary Services

(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_

Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:





**City of North Miami Beach, Florida**  
**Planning and Zoning Application**  
 17050 NE 19<sup>th</sup> Ave. North Miami Beach, FL 33162 Tel: 305. 948.2966 [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com)

Property owner(s) signature(s): <i>[Signature]</i>	Property owner(s) print name: <b>GIL DEZER</b>
Property owner(s) signature(s):	Property owner(s) print name:
Property owner(s) signature(s):	Property owner(s) print name:

Address(es): 18001 Collins Ave., 31st Floor, Sunny Isles Beach, FL 33160

Telephone: 305-932-1000 Ext 212 Fax: Email: **agallagher@dezer.com**

**NOTARIZATION**

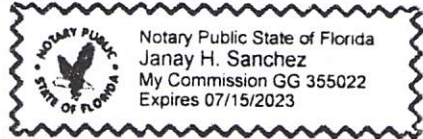
STATE OF FLORIDA/COUNTY OF  
 The foregoing instrument was acknowledged before me by    physical presence or    online notarization this 21<sup>ST</sup> day of APRIL 2020 by GIL DEZER

(Signature of Notary Public - State of Florida)

*[Signature]*

(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_



Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:



**City of North Miami Beach, Florida**

**Planning and Zoning Application**

17050 NE 19<sup>th</sup> Ave. • North Miami Beach, FL 33162 • Tel: 305.948.2966 • [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com)

Address(es):

Telephone:                      Fax:                      Email:

**NOTARIZATION**

STATE OF FLORIDA/COUNTY OF

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_

Applicant(s)/Agent(s) Signature(s):                      Applicant(s)/Agent(s) Print Name:  
*[Signature]*                      *Gil Dezer*

Address(es): 18001 Collins Ave., 31st Floor, Sunny Isles Beach, FL 33160

Telephone: 305-932-1000 Ext 212                      Fax:                      Email: [agallagher@dezer.com](mailto:agallagher@dezer.com)

**NOTARIZATION**

STATE OF FLORIDA/COUNTY OF

The foregoing instrument was acknowledged before me this 30 day of July 2019 by

*Gil Dezer*  
\_\_\_\_\_  
(Signature of Notary Public - State of Florida)  
*Irma M Paccione*



IRMA M PACCIONE  
Commission # GG 157056  
Expires December 15, 2021  
Bonded Thru Budget Notary Services

(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_



**Developmental Review Process  
Public Hearing Process Guide**

<b>Public Hearing Steps</b>	<b>Deadline and Submittal Date</b>
<b>Pre-application Conference</b>	Please call the department to schedule a Pre-application meeting. Tel: (305) 948-2966
<b>Submittal for TRAD Meeting</b>  (See TRAD Submission and Meeting Date Scheduled on Planning & Zoning Webpage)	Must include the following items: <ul style="list-style-type: none"> <li>• <b><u>Proof of City Lobbyist Registration from the City Clerk.</u></b></li> <li>• Check made payable to the City of North Miami Beach for all application fees for each request.</li> <li>• Fifteen (15) sets of 11x17 Development Plans with Survey and Existing Plat of the property binded together.</li> <li>• Fifteen (15) sets of the letter of intent for the project.</li> <li>• Fifteen (15) sets of the completed application.</li> <li>• One (1) DVD/USB of the entire application, plans, studies, etc.</li> <li>• Miami-Dade County Fire Department site plan review comments.</li> <li>• Any other documents, plans, studies identified from the Pre-Application Meeting.</li> </ul>
<b>TRAD Meeting Date</b>	See submission deadlines and meeting schedule on the P&Z Division webpage.
<b>Continuing Application Meeting</b>	Meeting is required in order to verify that all comments and issues are addressed <b>before</b> continuing the Public Hearing process.
<b>Re-submittal for P&amp;Z Board</b>  (See P&Z Board Submission deadlines and Meeting Schedule on the P&Z Webpage)	<ul style="list-style-type: none"> <li>• TRAD Comment Response Letter (Must respond to each TRAD Comment)</li> <li>• Check for remaining fees identified on the project invoice such as cost recovery, advertising, and any additional application requests.</li> <li>• Eighteen (18) sets of the completed application.</li> <li>• Eighteen (18) sets of 11x17 <b>Development Plans</b> with <b>Survey</b> and <b>Existing Plat</b> of the property binded together.</li> <li>• Eighteen (18) sets of the letter of intent for the project.</li> <li>• Three (3) sets of <b>gummed</b> mailing labels.</li> <li>• One (1) CD/DVD of the entire application, plans, studies, etc.</li> </ul>
<b>P&amp;Z Board Meeting Date</b>	Second Monday of the month
<b>City Commission Meeting</b>	(See City Commission Schedule on City Website)
<b>After City Commission</b>	Prior to the issuance of a building permit, a check for the remaining fees identified on the project invoice such as cost recovery, advertising, and any additional application requests are due.





### Minimum Site Plan Requirements Checklist

#### PLAT

1. Provide copy of existing or proposed plat for the subject property.

#### SURVEY

1. Signed, sealed and dated within the last year.
2. Abstracted for right of way and easements.
3. Full Legal Description.

#### SITE PLAN

1. Title Block including project name and design professional's address and phone number
2. Scale (must be engineer's scale)
3. North indicator
4. Location map showing relationship to major arterials
5. Drawing and revision dates, as applicable
6. Full legal description
7. Site Plan Data Table
  - Current use of property and intensity
  - Land Use designation
  - Zoning designation
  - Water/wastewater service provider
  - Site area (sq. ft., net and gross acres)
  - Building footprint coverage
  - Residential development: number of dwelling units, type, floor area(s), bedroom mix, site density (gross and net)
  - Non-residential development: uses, gross floor area
  - Parking data: parking required (#), parking provided (#), loading zones, ADA spaces
  - Building height (expressed in feet above grade)
  - Structure length
  - Number of stories
  - Setback table (required vs. provided)
  - Vehicular use area (in sq.ft. & % of site)
  - Open space (in sq. ft. & % of site)
  - Landscape area (in sq. ft. & % of site)
8. Site Plan Features (graphically indicated)
  - Municipal boundaries (as applicable)
  - Zoning designation of adjacent properties with current use listed

- Adjacent rights-of-way to opposite property lines (indicate all nearby curb cuts)
- Waterway width, if applicable
- Outline of adjacent buildings (indicate height in stories and approximate feet)
- Property lines (dimensioned)
- Building outlines of all proposed structures (dimensioned)
- Ground floor plan
- Dimension of grade at crown of road, at curb, sidewalk, building entrance, and finished floor elevation
- Dimension for all site plan features (i.e., sidewalks, building lengths and widths, balconies, parking spaces, street widths, etc.)
- Mechanical equipment dimensioned from property lines
- Setbacks and building separations (dimensioned)
- Driveways, parking areas, pavement markings (including parking spaces delineated and dimensioned as well as handicapped spaces as applicable)
- On-site light fixtures
- Proposed ROW improvements (i.e. bus stops, curbs, tree plantings, etc.)
- Pedestrian walkways (including public sidewalks and on-site pedestrian paths)
- Project signage, location, shape and size
- Traffic control signage
- Catch basins or other drainage control devices
- Fire hydrants (including on-site and adjacent hydrants, show distances to structures)
- Fire Rescue Vehicle turning radii
- Easements (as applicable)
- Indication of any site or building design methods used to conserve energy and/or water.
- Indication of any site or building design methods used to incorporate the principles of Crime Prevention Through Environmental Design (CPTED)
- Location and method of screening of refuse stations, storage areas and off-street loading areas. (See city staff for dumpster diagram)
- Method maintaining any common or joint use area

#### SITE DETAILS

1. Provide details of the following:



- Ground floor elevation
- Storefronts, awnings, entryway features, doors, windows
- Fence/wall (measured from the finished grade of the abutting property or crown of adjacent street)
- Dumpster
- Light fixtures
- Balconies, railings
- Trash receptacles, benches, other street furniture
- Pavers, concrete, hardscape ground cover material

### FLOOR PLANS

1. Delineate and dimension, indicating use of spaces
2. Show property lines and setbacks on all plans
3. Typical floor plan for multi-level structure
4. Floor plan for every level of parking garage
5. Roof plan

### BUILDING ELEVATIONS

1. All building facades with directional labels (ie. North, South) and building names if more than one building
2. Dimensions, including height and width of all structures
3. Dimensions of setbacks and required stepbacks from property lines
4. Dimension grade at crown of road, at curb, sidewalk, building entrance, and finished floor
5. Indicate architectural elements, materials and colors
6. Include proposed signage (will require separate building permit)

### LANDSCAPE PLAN

(see Mixed-Use ordinances for additional landscaping requirements)

1. Site Plan information (in tabular form on plans)
2. Title block including project name and design professional's address and phone number **(Must be signed and sealed by a registered Landscape Architect)**
3. Scale (must be engineer's scale)
4. North indicator
5. Drawing and revision dates, as applicable
6. Landscape Plan Features (graphically indicated)
  - Property lines
  - Easements (as applicable)
  - Landscape areas with dimensions

- All Existing trees and palms, must be adequate to calculate their species names and sizes, number, and canopy (indicate whether they are to remain, be relocated, or removed)
- Names and locations for all proposed trees, shrubs and groundcover, with quantities noted at each location
- Plant list (note species, sizes, quantities and any appropriate specifications)
- Site elements (buildings, parking areas, sidewalks, signs, fire hydrants, light fixtures, drainage structures, curbing, all utilities both above and below ground, sight vision triangles)
- Grading (swales, retention areas, berms, etc.)
- Show any required berms along right of way

### PHOTOMETRIC PLAN

1. Foot-candle readings must extend to all property lines.
2. Note on plan stating that proposed lighting will be designed and installed so as to reflect the light away and prevent any glare or excessive light on any adjacent property.

### SCHEMATIC ENGINEERING PLAN

1. Signed and Sealed by a Registered Engineer.
2. Proposed or existing utility easements and fire hydrants and distance to structures.
3. Location and method of stormwater retention or detention.
4. Schematic Engineering Plan Details:
  - Outline of plan to provide water, sewer, roads, and drainage for the project.
  - Utility Pipe Sizes (lengths, material and preliminary locations)
  - Roadway cross-section (width, depth of base and subgrade)
  - Typical sections across property lines
  - Offsite utility and roadway public infrastructure necessary to serve the site
  - Illustrate how first one (1) inch of rainfall will be retained onsite

OVERALL LEGAL DESCRIPTION:

Tract "A", Lots 2 through 18 and a portion of Lots 1, 19 and 20, Block 19 and also that vacated street known as NE 165th Street extending from NE 35th Avenue Eastward to the Western Boundary of Lots 5 and 6; thence Southerly to State Road 826, all in Block 19 of EASTERN SHORES 2nd ADDITION, according to the Plat thereof, recorded in Plat Book 65, Page 43, and that portion of Lessee's interest in that certain Sovereignty Submerged Lands Lease between the Board of Trustees' of the Internal Improvement Trust Fund of the State of Florida and MSW Intracoastal Mall, L.L.C., recorded on February 2, 2009 in Official Records Book 26738, Page 946, all being recorded in the Public Records of Miami-Dade County, Florida and being more particularly described as follows:

Begin at the Southwest corner of Lot 20 of said Block 19; thence N 00°53'14" E along the West line of said Lot 20 for 30.41 feet; thence N 58°36'22" E for 128.16 feet; thence N 31°23'42" W for 33.10 feet to a point on the North line of said Lot 20; thence N 86°46'13" E along the North line of said Block 19 for 1605.47 feet to the Northeast corner of said Lot 6; thence

N 04°46'53" W for 1.86 feet; thence N 39°53'07" E for 1.99 feet; thence N 05°06'53" W for 5.99 feet; thence N 86°29'12" E for 25.80 feet; thence S 04°59'49" E for 144.76 feet; thence

N 86°44'31" E for 9.64 feet; thence S 04°42'35" E for 496.02 feet; thence S 85°31'00" W for 36.72 feet; thence S 04°46'53" E along the East line of Block 19, for 31.70 feet to a point on the Northerly Right-of-Way line of State Road 826, per Official Records Book 12103, Page 1685, of the Public Records of Miami-Dade County, Florida; the following two (2) courses being along said Northerly Right-of-Way line; (1) thence S 83°09'49" W for 77.17 feet to a point of curvature of a 1952.86 foot radius curve leading to the left; (2) thence Westerly along said curve through a central angle of 02°49'34" for an arc of 96.32 feet; the following two (2) courses being along the Easterly and Northerly lines of the Warranty Deed granted to Miami Dade Water and Sewer Authority as described in Official Records Book 11323, Page 1086, of the Public Records of Miami-Dade County, Florida; (1) thence N 04°50'25 W for 102.70 feet; (2) thence S 86°46'13" W for 75.11 feet (75.19 feet Deed); thence N 64°54'39" W along said Northerly line of Miami Dade Water and Sewer property and the Northerly line of the property granted to Florida Power and Light Company as described in Official Records Book 6829, Page 118, of the Public Records of Miami-Dade County, Florida for 57.61 feet (57.66 feet Deed) to the Northeast corner of the corrective Warranty Deed granted to Florida Power and Light Company as recorded in Official Records Book 270, Page 60 of the Public Records of Miami-Dade County, Florida; the following (2) courses being along the Northerly and Westerly boundaries of said Florida Power and Light property; (1) thence

S 85°09'35" W for 150.00 feet; (2) thence S 04°50'25" E for 150.33 feet (Deed 150.00 feet) to a point on the Northerly Right-of-Way line of State Road No. 826 per property described in Parcel 103, Case Number 84-15796, Miami-Dade County, Florida, said point lying on a circular curve of a 1757.28 foot radius, leading to the left and whose point bears S 07°24'51" E; thence Westerly along said Northerly Right-of-Way line through a central angle of 6°48'46" for an arc of 208.95 feet to a point on a non-tangent line; thence S 58°36'07" W along said Northerly Right-of-Way line of State Road No. 826 as described in Parcel 103 per said Case 84-15796, said line also being the Southeasterly line of said Tract "A" for 675.36 feet to a point of curvature of a 25.00 foot radius curve leading to the right; thence Westerly and Northerly along said curve being along the Southerly line of said Tract "A" through a



central angle of  $90^{\circ}00'00''$  for an arc of 39.27 feet to a point of tangency; thence  $N 31^{\circ}23'53'' W$  along the Southwesterly line of said Tract "A" and its Northwesterly prolongation thereof, said Westerly line also being the Easterly Right-of-Way line of NE 35th Avenue for 1006.59 feet to a point on the centerline of said vacated and abandoned NE 165th Street; thence  $N 86^{\circ}46'13'' E$  along said centerline for 35.79 feet; thence  $N 03^{\circ}13'47'' W$  for 30.00 feet to the POINT OF BEGINNING.

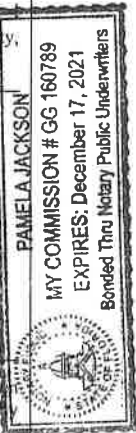
TAB 12



**CITY OF NORTH MIAMI BEACH  
ANNUAL LOBBYIST REGISTRATION**  
City of North Miami Beach Ordinance No. 2013-21

**RECEIVED MS**

DATE REGISTERED: <u>Dec. 31, 2019</u>				(TYPE OR PRINT IN INK) <b>2019 DEC 31 AM 3:16</b>	
NAME OF LOBBYIST:					
<u>Ms.</u>	<u>SLAVENS</u>	<u>TRACY</u>			
Mr./Ms.	LAST NAME	FIRST NAME	CNMB CITY CLERK'S OFFICE MI		
<u>HOLLAND &amp; KNIGHT, LLP</u>					
BUSINESS/FIRM NAME					
<u>701 BRICKELL AVENUE, SUITE 3300</u>					
ADDRESS					
<u>MIAMI</u>	<u>FLORIDA</u>	<u>33131</u>			
CITY	STATE	ZIP			
<u>305-374-8500</u>	<u>305-789-7799</u>	<u>tracy.slavens@hkklaw.com</u>			
BUSINESS PHONE	CELL PHONE	FAX	E-MAIL		
PRINCIPAL'S NAME: <u>Dezer Development, LLC</u>					
MAILING ADDRESS: <u>18001 Collins Avenue, Sunny Isles, FL 33160</u>				E-MAIL ADDRESS:	
PRINCIPAL'S CONTACT PERSON: <u>Arthur Gallagher, Esq.</u>					
BUSINESS PHONE NUMBER: <u>305-932-1000</u>		CELL PHONE:	FAX:		
DATE OF EMPLOYMENT BY LOBBYIST: <u>January 2017</u>					
THE LOBBYIST IS EMPLOYED FOR THE FOLLOWING SPECIFIC ISSUE: <u>Redevelopment of Intracoastal Mall</u>					
<b>OATH</b>					
<b>LOBBYIST AND PRINCIPAL CONFIRMATION OF ACKNOWLEDGEMENT AND RECEIPT OF A COPY OF ORDINANCE NO. 2013-21</b>					
I do solemnly swear that all of the foregoing facts contained in this Annual Lobbyist Registration are true and correct, and that I, <u>TRACY SLAVENS</u> hereby confirm acknowledgement and receipt of a copy of Ordinance No. 2013-21, further hereby attest and solemnly swear that I have not spent money on meals, gifts, entertainment, food and beverage(s) beyond the City, County, State regulations and/or prohibitions.					
State of Florida County of Miami-Dade					
Sworn to and subscribed before me by the above-described lobbyist on this <u>30</u> day of <u>DECEMBER</u> , 20 <u>19</u> .					
 Signature of Lobbyist			 Notary Public, State of Florida <u>PAMELA JACKSON</u> Type or Print Name		
Lobbyists shall pay all registration fees (\$250.00 annually, plus \$125.00 for each principal represented and for each issue a lobbyist has been retained to lobby on behalf of any one principal), and specifically define the issue for which they are employed. The Clerk shall reject a statement which does not detail the issue for which the lobbyist has been employed.					
<b>PENALTIES:</b> Failure to register pursuant to the City of North Miami Beach Ordinance Number 2013-21. Once the Office of the City Clerk has been notified of a failure to comply with the registration requirement the lobbyist may be subject to double the administrative (late) registration fee and the lobbyist may be registered. In addition, if the Mayor and City council determines, that further action is necessary, the Mayor and City Council may set additional fines, reprimand, suspend or prohibit the lobbyist from lobbying before the City Council, a City Board, a City Committee or members thereof, for a period not to exceed two (2) years.					
For Office Use Only:					
Data Entry Date _____, 20____				Entered By _____	





**CITY OF NORTH MIAMI BEACH  
ANNUAL LOBBYIST REGISTRATION**  
City of North Miami Beach Ordinance No. 2013-21

**RECEIVED**

TYPE OR PRINT IN INK  
**2019 DEC 31 PM 3:16**

DATE REGISTERED: <u>Dec. 31, 2019</u>			
NAME OF LOBBYIST:			
Ms.	MADRID	VANESSA	
Mr./Ms.	LAST NAME	FIRST NAME	MI
HOLLAND & KNIGHT, LLP			
BUSINESS/FIRM NAME			
701 BRICKELL AVENUE, SUITE 3300			
ADDRESS			
MIAMI	FLORIDA	33131	
CITY	STATE	ZIP	
305-374-8500	305-789-7799	vanessa.madrid@hkllaw.com	
BUSINESS PHONE	CELL PHONE	FAX	E-MAIL
PRINCIPAL'S NAME: Dezer Development, LLC			
MAILING ADDRESS: 18001 Collins Avenue, Sunny Isles, FL 33160		E-MAIL ADDRESS:	
PRINCIPAL'S CONTACT PERSON: Arthur Gallagher, Esq.			
BUSINESS PHONE NUMBER: 305-932-1000	CELL PHONE:	FAX:	
DATE OF EMPLOYMENT BY LOBBYIST: January 2017			
THE LOBBYIST IS EMPLOYED FOR THE FOLLOWING SPECIFIC ISSUE: Redevelopment of Intracoastal Mall			

CNMB CITY CLERK'S OFFICE

**OATH**

**LOBBYIST AND PRINCIPAL CONFIRMATION OF ACKNOWLEDGEMENT AND RECEIPT OF A COPY OF ORDINANCE NO. 2013-21**

I do solemnly swear that all of the foregoing facts contained in this Annual Lobbyist Registration are true and correct, and that I, VANESSA MADRID hereby confirm acknowledgement and receipt of a copy of Ordinance No. 2013-21. I further hereby attest and solemnly swear that I have not spent money on meals, gifts, entertainment, food and beverage(s) beyond the City, County, State regulations and/or prohibitions.

State of Florida  
County of Miami-Dade

Sworn to and subscribed before me by the above-described lobbyist on this 31 day of DECEMBER, 2019.

[Signature]  
Signature of Lobbyist

[Signature]  
Notary Public, State of Florida

PAMELA JACKSON  
Type or Print Name

Lobbyists shall pay all registration fees (\$250.00 annually, plus \$125.00 for each principal represented and for each issue a lobbyist has been retained to lobby on behalf of any one principal), and specifically define the issue for which they are employed. The Clerk shall reject any statement which does not detail the issue for which the lobbyist has been employed.

**PENALTIES:** Failure to register pursuant to the City of North Miami Beach Ordinance Number 2013-21. Once the Office of the City Clerk has been notified of a failure to comply with the registration requirement the lobbyist may be subject to double the administrative (late) registration fee and the lobbyist may be registered. In addition, if the Mayor and City council determines, that further action is necessary, the Mayor and City Council may set additional fines, reprimand, suspend or prohibit the lobbyist from lobbying before the City Council, a City Board, a City Committee or members thereof, for a period not to exceed two (2) years.

PAMELA JACKSON  
MY COMMISSION # GG 160789  
EXPIRES: December 17, 2021  
Bonded Thru Notary Public Underwriters

For Office Use Only:

Data Entry Date \_\_\_\_\_, 20\_\_\_\_ Entered By \_\_\_\_\_





**CITY OF NORTH MIAMI BEACH  
ANNUAL LOBBYIST REGISTRATION**  
City of North Miami Beach Ordinance No. 2013-21

**RECEIVED**  
2015 DEC 31 AM 3:16  
CNMB CITY CLERK'S OFFICE

DATE REGISTERED: Dec. 31, 2019

NAME OF LOBBYIST:  
 Ms. ARCE MERCY  
 Mr./Ms. LAST NAME FIRST NAME MI  
 HOLLAND & KNIGHT, LLP

BUSINESS/FIRM NAME  
 701 BRICKELL AVENUE, SUITE 3300

ADDRESS  
 MIAMI FLORIDA 33131

CITY STATE ZIP  
 305-374-8500 305-789-7799 mercy.arce@hklaw.com

BUSINESS PHONE CELL PHONE FAX E-MAIL

PRINCIPAL'S NAME:  
 Dezer Development, LLC

MAILING ADDRESS: 18001 Collins Avenue, Sunny Isles, FL 33160 E-MAIL ADDRESS:

PRINCIPAL'S CONTACT PERSON:  
 Arthur Gallagher, Esq.

BUSINESS PHONE NUMBER: 305-932-1000 CELL PHONE: FAX:

DATE OF EMPLOYMENT BY LOBBYIST:  
 January 2017

THE LOBBYIST IS EMPLOYED FOR THE FOLLOWING SPECIFIC ISSUE: Redevelopment of Intracoastal Mall

**OATH**  
**LOBBYIST AND PRINCIPAL CONFIRMATION OF ACKNOWLEDGEMENT AND RECEIPT OF A COPY OF ORDINANCE NO. 2013-21**

I do solemnly swear that all of the foregoing facts contained in this Annual Lobbyist Registration are true and correct, and that I, MERCY ARCE hereby confirm acknowledgement and receipt of a copy of Ordinance No. 2013-21. I further hereby attest and solemnly swear that I have not spent money on meals, gifts, entertainment, food and beverage(s) beyond the City, County, State regulations and/or prohibitions.

State of Florida  
 County of Miami-Dade

Sworn to and subscribed before me by the above-described lobbyist on this 31 day of December, 2019.

Mercy Arce  
 Signature of Lobbyist

Pamela Jackson  
 Notary Public, State of Florida

Pamela Jackson  
 Type or Print Name

**PAMELA JACKSON**  
 MY COMMISSION # GG 160789  
 EXPIRES: December 17, 2021  
 Bonded Thru Notary Public Underwriters

Lobbyists shall pay all registration fees (\$250.00 annually, plus \$125.00 for each principal represented and for each issue a lobbyist has been retained to lobby on behalf of any one principal), and specifically define the issue for which they are employed. The Clerk shall reject any statement which does not detail the issue for which the lobbyist has been employed.

**PENALTIES:** Failure to register pursuant to the City of North Miami Beach Ordinance Number 2013-21. Once the Office of the City Clerk has been notified of a failure to comply with the registration requirement the lobbyist may be subject to double the administrative (late) registration fee and the lobbyist may be registered. In addition, if the Mayor and City council determines, that further action is necessary, the Mayor and City Council may set additional fines, reprimand, suspend or prohibit the lobbyist from lobbying before the City Council, a City Board, a City Committee or members thereof, for a period not to exceed two (2) years.

For Office Use Only:  
 Data Entry Date \_\_\_\_\_, 20\_\_\_\_ Entered By \_\_\_\_\_



**CITY OF NORTH MIAMI BEACH  
REGISTERED LOBBYIST 2020**

<b>LOBBYIST</b>	<b>DATE REGISTERED</b>	<b>PRINCIPAL</b>
JENNIFER FINE BILZIN SUMBERG 1450 Brickell Avenue, Suite 2300 Miami, FL 33131	12/6/19	<b>15699 W. DIXIE HIGHWAY, LLC</b> 17070 Collins Avenue, Suite 255 Sunny Isles, FL 33160  <b>SPECIFIC ISSUE:</b> Zoning Analysis on Property Located at 15699 W. Dixie Hwy, North Miami Beach, FL
STANLEY B. PRICE BILZIN SUMBERG 1450 Brickell Avenue, Suite 2300 Miami, FL 33131	12/9/19	<b>15699 W. DIXIE HIGHWAY, LLC</b> 17070 Collins Avenue, Suite 255 Sunny Isles, FL 33160  <b>SPECIFIC ISSUE:</b> Zoning Analysis on Property Located at 15699 W. Dixie Hwy, North Miami Beach, FL
CARTER N. McDOWELL BILZIN SUMBERG 1450 Brickell Avenue, Suite 2300 Miami, FL 33131	12/19/19	<b>N/A</b>
CARLY GRIMM BILZIN SUMBERG 1450 Brickell Avenue, Suite 2300 Miami, FL 33131	12/19/19	<b>N/A</b>
ARTHUR GALLAGHER DEZER DEVELOPMENT, LLC 18001 Collins Avenue, 31 <sup>st</sup> Floor Sunny Isles, FL 33160	12/19/19	<b>DEZER INTRACOASTAL MALL, LLC</b> 18001 Collins Avenue, 31 <sup>st</sup> Floor Sunny Isles, FL 33160  <b>SPECIFIC ISSUE:</b> Overseeing Development of Property Owned By the Principal and Its Affiliates, Including Intracoastal Mall <i>(4/5/2019)</i>
GIL DEZERTZOV DEZER DEVELOPMENT, LLC 18001 Collins Avenue, 31 <sup>st</sup> Floor Sunny Isles, FL 33160	12/19/19	<b>DEZER INTRACOASTAL MALL, LLC</b> 18001 Collins Avenue Sunny Isles Beach, FL 33160  <b>SPECIFIC ISSUE:</b> Redevelopment of Intracoastal Mall <i>(8/30/2019)</i>



**CITY OF NORTH MIAMI BEACH  
REGISTERED LOBBYIST 2020**

<b>LOBBYIST</b>	<b>DATE REGISTERED</b>	<b>PRINCIPAL</b>
MERCY ARCE HOLLAND & KNIGHT, LLP 701 Brickell Avenue, Suite 3300 Miami, FL 33131	12/31/19	<b>DEZER DEVELOPMENT, LLC</b> 18001 Collins Avenue Sunny Isles, FL 33160  <b>SPECIFIC ISSUE:</b> Redevelopment of Intracoastal Mall <i>(12/31/2018)</i>
JOSEPH G. GOLDSTEIN HOLLAND & KNIGHT, LLP 701 Brickell Avenue, Suite 3300 Miami, FL 33131	12/31/19	<b>LAAAJ LLC</b> 17071 West Dixie Highway North Miami Beach, FL 33160  <b>SPECIFIC ISSUE:</b> Mixed Use Project Land Use <i>(5/14/2019)</i>
TRACY SLAVENS HOLLAND & KNIGHT, LLP 701 Brickell Avenue, Suite 3300 Miami, FL 33131	12/31/19	<b>LAAAJ LLC</b> 17071 West Dixie Highway North Miami Beach, FL 33160  <b>SPECIFIC ISSUE:</b> Mixed Use Project Land Use <i>(5/14/2019)</i>
VANESSA MADRID HOLLAND & KNIGHT, LLP 701 Brickell Avenue, Suite 3300 Miami, FL 33131	12/31/19	<b>DEZER DEVELOPMENT, LLC</b> 18001 Collins Avenue Sunny Isles, FL 33160  <b>SPECIFIC ISSUE:</b> Redevelopment of Intracoastal Mall <i>(5/14/2019)</i>
KELLY MALLETTE RONALD L. BOOK, P.A. 18851 NE 29 <sup>th</sup> Avenue, Suite 1010 Aventura, FL 33180	1/3/20	<b>DEZER DEVELOPMENT</b> 18001 Collins Avenue, 31 <sup>st</sup> Floor Sunny Isles Beach, FL 33160  <b>SPECIFIC ISSUE:</b> Redevelopment of Intracoastal Mall <i>(7/26/2019)</i>
	1/3/20	<b>PRESTIGE MOTOR CAR IMPORTS, LLC</b> 14800 Biscayne Blvd. North Miami Beach, FL 33181  <b>SPECIFIC ISSUE:</b> General Business/Automobile Dealer Issues
	1/3/20	<b>DEZER DEVELOPMENT</b> 18001 Collins Avenue, 31 <sup>st</sup> Floor Sunny Isles Beach, FL 33160



**CITY OF NORTH MIAMI BEACH  
REGISTERED LOBBYIST 2020**

<b>LOBBYIST</b>	<b>DATE REGISTERED</b>	<b>PRINCIPAL</b>
		<b>SPECIFIC ISSUE:</b> Redevelopment of Intracoastal Mall (7/26/2019)
RONALD L. BOOK RONALD L. BOOK, P.A. 18851 NE 29 <sup>th</sup> Avenue, Suite 1010 Aventura, FL 33180	1/3/20	<b>7-ELEVEN</b> 800 Trafalgar Court, Suite 360 Maitland, FL 32751  <b>SPECIFIC ISSUE:</b> Retail Store
	1/3/20	<b>PRESTIGE MOTOR CAR IMPORTS, LLC</b> 14800 Biscayne Blvd. North Miami Beach, FL 33181  <b>SPECIFIC ISSUE:</b> General Business/Automobile Dealer Issues
	1/3/20	<b>DEZER DEVELOPMENT</b> 18001 Collins Avenue, 31 <sup>st</sup> Floor Sunny Isles Beach, FL 33160  <b>SPECIFIC ISSUE:</b> Redevelopment of Intracoastal Mall (7/26/2019)
RANA G. BROWN RONALD L. BOOK, P.A. 18851 NE 29 <sup>th</sup> Avenue, Suite 1010 Aventura, FL 33180	1/3/20	<b>7-ELEVEN</b> 800 Trafalgar Court, Suite 360 Maitland, FL 32751  <b>SPECIFIC ISSUE:</b> Retail Store
JEFFREY BERCOV BERCOV RADELL FERNANDEZ & LARKIN, PLL 200 South Biscayne Blvd., Suite 850 Miami, FL 33131	1/3/20	<b>BIZZI &amp; PARTNERS DEVELOPMENT</b> 55 East 59 <sup>th</sup> Street, 24 <sup>th</sup> Floor New York, NY 10022  <b>SPECIFIC ISSUE:</b> Land Use, Zoning & Permitting Matter For 2101-2151 NE 163 <sup>rd</sup> Street, North Miami Beach, Florida (4/22/19)
	1/3/20	<b>DIXIE INVESTMENTS AND REALTY, LLC AND ROE DIXIE, LLC</b> 571 West 183 <sup>rd</sup> Street New York, NY 10033  <b>SPECIFIC ISSUE:</b> Land Use, Zoning And Permitting For 17400 West Dixie Hwy, North Miami Beach (7/25/19)



**CITY OF NORTH MIAMI BEACH  
REGISTERED LOBBYIST 2020**

<b>LOBBYIST</b>	<b>DATE REGISTERED</b>	<b>PRINCIPAL</b>
	1/10/20	<p><b>TORAS EMES DEVELOPMENT COMPANY, INC.</b> 1051 N. Miami Beach Blvd. North Miami Beach, FL 33162</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning and Permitting For 1099 NE 164<sup>th</sup> Street and 16415 NE 11<sup>th</sup> Avenue, North Miami Beach, FL <a href="#">(8/6/19)</a></p>
<p>GREGORY FONTELA BERCOW RADELL FERNANDEZ &amp; LARKIN, PLLC 200 South Biscayne Blvd., Suite 850 Miami, FL 33131</p>	1/3/20	<p><b>BIZZI &amp; PARTNERS DEVELOPMENT</b> 55 East 59<sup>th</sup> Street, 24<sup>th</sup> Floor New York, NY 10022</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning &amp; Permitting Matter For 2101-2151 NE 163<sup>rd</sup> Street, North Miami Beach, Florida <a href="#">(4/22/19)</a></p>
	1/3/20	<p><b>DIXIE INVESTMENTS AND REALTY, LLC AND ROE DIXIE, LLC</b> 571 West 183<sup>rd</sup> Street New York, NY 10033</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning And Permitting For 17400 West Dixie Hwy, North Miami Beach <a href="#">(7/25/19)</a></p>
	1/10/20	<p><b>TORAS EMES DEVELOPMENT COMPANY, INC.</b> 1051 N. Miami Beach Blvd. North Miami Beach, FL 33162</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning and Permitting For 1099 NE 164<sup>th</sup> Street and 16415 NE 11<sup>th</sup> Avenue, North Miami Beach, FL <a href="#">(8/6/19)</a></p>
<p>MITCHELL H. EDELSTEIN STRATEGIC CAMPAIGN CONSULTANTS, INC. 7524 Adventure Avenue North Bay Village, FL 33141</p>		<p><b>BIZZI &amp; PARTNERS DEVELOPMENT</b> 55 East 59<sup>th</sup> Street, 24<sup>th</sup> Floor New York, NY 10022</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning &amp; Permitting Matter For 2101-2151 NE 163<sup>rd</sup> Street, North Miami Beach, Florida <a href="#">(5/16/19)</a></p>



**CITY OF NORTH MIAMI BEACH  
REGISTERED LOBBYIST 2020**

<b>LOBBYIST</b>	<b>DATE REGISTERED</b>	<b>PRINCIPAL</b>
		<p><b>DIXIE INVESTMENTS AND REALTY, LLC AND ROE DIXIE, LLC</b> 571 West 183<sup>rd</sup> Street New York, NY 10033</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning And Permitting For 17400 West Dixie Hwy, North Miami Beach (7/25/19)</p>
		<p><b>TORAS EMES DEVELOPMENT COMPANY, INC.</b> 1051 N. Miami Beach Blvd. North Miami Beach, FL 33162</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning and Permitting For 1099 NE 164<sup>th</sup> Street and 16415 NE 11<sup>th</sup> Avenue, North Miami Beach, FL (8/6/19)</p>
<p>MATTHEW AMSTER BERCOW RADELL FERNANDEZ &amp; LARKIN, PLLC 200 South Biscayne Blvd., Suite 850 Miami, FL 33131</p>	<p align="center">1/10/20</p>	<p><b>TORAS EMES DEVELOPMENT COMPANY, INC.</b> 1051 N. Miami Beach Blvd. North Miami Beach, FL 33162</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning and Permitting For 1099 NE 164<sup>th</sup> Street and 16415 NE 11<sup>th</sup> Avenue, North Miami Beach, FL (8/6/19)</p>
<p>STEVEN DELLA SALLA BIZZI &amp; PARTNERS DEVELOPMENT 55 East 59<sup>th</sup> Street, 24<sup>th</sup> Floor New York, NY 10022</p>	<p align="center">1/10/20</p>	<p><b>BIZZI &amp; PARTNERS DEVELOPMENT</b> 55 East 59<sup>th</sup> Street, 24<sup>th</sup> Floor New York, NY 10022</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning &amp; Permitting Matter For 2101-2151 NE 163<sup>rd</sup> Street, North Miami Beach, Florida (7/30/19)</p>
<p>VICTOR YUE DORSKY + YUE INTERNATIONAL, LLC 101 NE 3<sup>rd</sup> Avenue, Suite 500 Fort Lauderdale, FL 33301</p>	<p align="center">1/10/20</p>	<p><b>BIZZI &amp; PARTNERS DEVELOPMENT</b> 55 East 59<sup>th</sup> Street, 24<sup>th</sup> Floor New York, NY 10022</p> <p><b>SPECIFIC ISSUE:</b> Land Use, Zoning &amp; Permitting Matter For 2101-2151 NE 163<sup>rd</sup> Street, North Miami Beach, Florida</p>
<p>MICHAEL J. SNYDER MICHAEL J. SNYDER &amp;</p>	<p align="center">1/17/20</p>	<p><b>SKY LAKE SYNAGOGUE, INC.</b> <b>A Florida Not For Profit Corporation</b></p>



**CITY OF NORTH MIAMI BEACH  
REGISTERED LOBBYIST 2020**

<b>LOBBYIST</b>	<b>DATE REGISTERED</b>	<b>PRINCIPAL</b>
ASSOCIATES, P.A. 4000 Hollywood Blvd., Suite 455-S Hollywood, FL 33021		<b>c/o EDUARDO NIKOLAYIEVSKY</b> 1850 NE 183 <sup>rd</sup> Street North Miami Beach, FL 33179  <b>SPECIFIC ISSUE:</b> Rezoning of Property; Unity of Title; Possible Site Plan Approval (2/5/19)
	1/17/20	<b>JOSE GABRIEL OLEKSNIAANSKY</b> 3261 NE 165 <sup>th</sup> Street North Miami Beach, FL 33160  <b>SPECIFIC ISSUE:</b> Possible Variance For Construction Of Backyard Deck
JAVIER L. VAZQUEZ BERGER SINGERMAN LLP 1450 Brickell Avenue, Suite 1900 Miami, FL 33131	1/21/20	<b>ECHAD HOLDINGS</b> 930 NE 176th Street North Miami Beach, FL 33162  <b>SPECIFIC ISSUE:</b> Proposed Mixed Use Development
	1/21/20	<b>CK PRIVE GROUP 1800, LLC</b> 1200 Brickell Avenue, Suite 1200 Miami, FL 33131  <b>SPECIFIC ISSUE:</b> Proposed Modifications to Uptown Biscayne Project
THOMAS H. ROBERTSON BERCOW RADELL FERNANDEZ & LARKIN, PLLC 200 South Biscayne Blvd., Suite 850 Miami, FL 33131	1/27/20	<b>ECS BUSINESS SERVICES</b> 5050 Biscayne Blvd., Suite 201 Miami, FL 33137  <b>SPECIFIC ISSUE:</b> City Of North Miami Beach Water Restriction Charges
LYNN M. DANNHEISSER LYNN M. DANNHEISSER, LLC 3152 GIFFORD LANE MIAMI, FL 33133	1/28/20	<b>MARBY DEVELOPMENT, LLC</b> 21188 West Dixie Highway Miami, FL 33180  <b>SPECIFIC ISSUE:</b> Site Plan Approval 1904 NE 167th Street
DANIEL P. SPARKS TRULIEVE 3494 Martin Hurst Road	1/28/20	<b>ERIC POWERS</b> 3494 Martin Hurst Road Tallahassee, FL 32313





CITY OF NORTH MIAMI BEACH  
REGISTERED LOBBYIST 2020

LOBBYIST	DATE REGISTERED	PRINCIPAL
Tallahassee, FL 32313		<b>SPECIFIC ISSUE:</b> Conditional Use Application
ZEV (LUCAS) B. ROTH YESHIVA TORAS CHAIM TORES EMES 1025 NE Miami Gardens Drive North Miami Beach, FL 33179	1/30/20	<b>TORAS EMES DEVELOPMENT COMPANY, INC.</b> 1051 North Miami Beach Blvd North Miami Beach, FL 33162  <b>SPECIFIC ISSUE:</b> Land Use, Zoning And Permitting For 1099 NE 164 Street And 16415 NE 11 <sup>th</sup> Avenue, North Miami Beach, FL

TAB 11





CFN 2013R0991227  
DR Bk 28957 Pgs 3344 - 3355f (12pgs)  
RECORDED 12/18/2013 16:04:03  
DEED DDC TAX 381,000.00  
SURTAX 285,750.00  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

PREPARED BY:  
Sidley Austin LLP  
555 West 5<sup>th</sup> Street, Suite 4000  
Los Angeles, California 90013  
Attention: Bruce W. Fraser, Esq.

AFTER RECORDATION, RETURN TO:  
Sidley Austin LLP  
555 West 5<sup>th</sup> Street, Suite 4000  
Los Angeles, California 90013  
Attention: Bruce W. Fraser, Esq.

Parcel ID No. 07-2210-002-2640

**SPECIAL WARRANTY DEED**

A. CJUF III INTRACOASTAL LLC, a Delaware limited liability company ("**Grantor**"), having an address at 2000 Avenue of the Stars, 11<sup>th</sup> Floor, Los Angeles, California 90067 for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, has Granted, Sold, and Conveyed, and by these presents does Grant, Sell, and Convey, to DEZER INTRACOASTAL MALL LLC, a Florida limited liability company ("**Grantee**"), having an address at 18001 Collins Avenue, 31st Floor Sunny Isles Beach, Florida 33160, all that certain real property situated in the County of Miami-Dade, State of Florida, and more particularly described on **Exhibit A** attached hereto and made a part hereof for all purposes, together with all improvements now or hereafter situated thereon, together with all of the right, title and interest in and to the easements in anywise appertaining or belonging thereto (collectively, the "**Property**").

B. TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances belonging in any way to the Property, subject to the matters shown on **Exhibit B**, attached hereto and made a part hereof, but this reference shall not operate to reimpose same (collectively, the "**Permitted Encumbrances**"), unto the said Grantee, its successors and assigns, forever, and Grantor hereby covenants with Grantee that the Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property, and does hereby specially warrant the title to the Property and binds itself and its successors and assigns to warrant and forever defend all and singular the Property, subject to the Permitted Encumbrances, to Grantee, its successors and assigns, against every person lawfully claiming or to claim all or any part of the Property, by, through or under Grantor, but not otherwise.

C. All ad valorem taxes and assessments for the Property for the year in which this deed is executed have been prorated by the parties hereto as of the effective date of this deed, and Grantee by its acceptance of this deed hereby expressly assumes liability for the payment of all ad valorem taxes and assessments for said year and subsequent years.

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IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed by its duly authorized representative this 13 day of December, 2013, to be effective upon delivery.

Witnesses:

**GRANTOR:**

**CJUF III INTRACOASTAL LLC,**  
a Delaware limited liability company

By: CJUF III Intracoastal Member LLC,  
a Delaware limited liability company,  
its Investor Member

By: Canyon-Johnson Urban Fund III, L.P.,  
a Delaware limited partnership,  
its sole member

By: Canyon-Johnson Realty Advisors III LLC,  
a Delaware limited liability company,  
its General Partner


By: Canyon Capital Urban III General Partner Company,  
L.P.,  
a Delaware limited partnership,  
a Member

By: Canyon Capital Realty Advisors LLC,  
a Delaware limited liability company,  
its General Partner

  
Name: Katie Schrenk  
  
Name: Caroline Hlewa

By:   
Name: Jonathan M. Kaplan  
Title: Authorized Signatory

[SIGNATURES CONTINUE ON NEXT PAGE]

Legal	Acq/AM
	MW

LAI 2907216

Signature Page

Special Warranty Deed

Witnesses:

By: DOF I – Intracoastal, LLC,  
a Florida limited liability company,  
Member

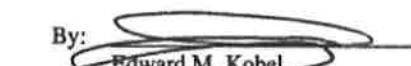
By: DeBartolo Opportunity Fund I, L.P.,  
a Delaware limited partnership,  
its sole member

By: DeBartolo Opportunity Fund I GP, LLC,  
a Delaware limited liability company,  
its General Partner

By: DeBartolo Development, LLC,  
a Delaware limited liability company,  
its sole member

  
Name: DEBORAH HUCKIN HAUPT

  
Name: KATY DEBORTE

By:   
Edward M. Kobel  
President

Signature Page

LA1 2907216

Special Warranty Deed

Book28957/Page3346

CFN#20130991227

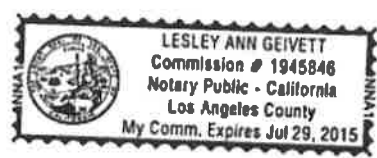
Page 3 of 12

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

On December 13, 2013, before me, Lesley Ann Geivett, a Notary Public, personally appeared Jonathan M. Kaplan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.  
  
[Signature]  
\_\_\_\_\_  
Signature of Notary Public



~~STATE OF FLORIDA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )~~

~~The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013 by Edward M. Kobel, President of DeBartolo Development, LLC, a Delaware limited liability company, on behalf DeBartolo Development, LLC, a Delaware limited liability company, as general partner of DeBartolo Opportunity Fund I GP, LLC, a Delaware limited partnership, as sole member of CJUF III Intracoastal Member LLC, a Delaware limited liability company, as member of CJUF III INTRACOASTAL LLC, a Delaware limited liability company, on behalf of CJUF III INTRACOASTAL LLC, a Delaware limited liability company. I certify under PENALTY OF PERJURY under the laws of the State of Florida that the foregoing paragraph is true and correct.~~

~~WITNESS my hand and official seal.  
  
\_\_\_\_\_  
Signature of Notary Public~~

LAI 2907216 Acknowledgment Special Warranty Deed

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

On \_\_\_\_\_, 2013, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

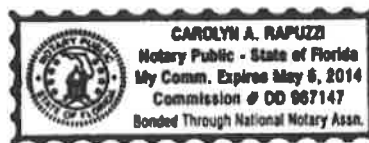
\_\_\_\_\_  
Signature of Notary Public

STATE OF FLORIDA )  
 ) ss.  
COUNTY OF Hillsborough )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of December, 2013 by Edward M. Kobel, President and on behalf of DeBartolo Development, LLC, a Delaware limited liability company, as sole member of DeBartolo Opportunity Fund I GP, LLC, a Delaware limited liability company, as general partner of DeBartolo Opportunity Fund I, L.P., a Delaware limited partnership, as sole member of DOF I - Intracoastal, LLC, a Florida limited liability company, as member of CJUF III Intracoastal LLC, a Delaware limited liability company, who is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal.

Carolyn A. Rapuzzi  
Signature of Notary Public



Acknowledgment

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Special Warranty Deed



**EXHIBIT A****LEGAL DESCRIPTION****PARCEL 1:**

Being a portion of Tract "A" and Lots 1 through 20, Block 19, and also that vacated street known as N.E. 165th Street extending from N.E. 35th Avenue Eastward to the Western boundary of Lots 5 and 6; thence Southerly to S.R. 826, all in Block 19, of EASTERN SHORES 2ND ADDITION, according to the Plat thereof, recorded in Plat Book 65, Page 43, Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Lot 20 of said Block 19; thence North 00 degrees 53' 14" East along the West line of said Lot 20 for 120.31 feet to the Northwest corner of said Lot 20; thence North 86 degrees 46' 13" East along the North line of said Block 19 for 1696.36 feet to the Northeast corner of Lot 6 of said Block 19; thence South 04 degrees 46' 53" East along the Easterly line of said Block 19 for 663.68 feet to a point on the Northerly right-of-way line of S.R. 826, per Official Records Book 12103, Page 1685, public records of Miami-Dade County, Florida; the following two (2) courses being along said Northerly right-of-way line; (1) thence South 83 degrees 09' 49" West for 77.17 feet to a point of curvature of a 1952.86 foot radius curve leading to the left; (2) thence Westerly along said curve through a central angle of 02 degrees 49' 34" for an arc of 96.32 feet; the following two (2) courses being along the Easterly and Northerly lines of the Warranty Deed granted to Miami-Dade Water and Sewer Authority as described in Official Records Book 11323, Page 1086, Public Records of Miami-Dade County, Florida; (1) thence North 04 degrees 50' 25" West for 102.70 feet; (2) thence South 86 degrees 46' 13" West for 75.11 feet (75.19 feet Deed); thence North 64 degrees 54' 39" West along said Northerly line of Miami Dade Water and Sewer property and the Northerly line of the property granted to Florida Power and Light Company as described in Official Records Book 6829, Page 118, Public Records of Miami-Dade County, Florida, for 57.61 feet (57.66 feet Deed) to the Northeast corner of corrective Warranty Deed granted to Florida Power and Light Company, recorded in Official Records Book 270, Page 60, Public Records of Miami-Dade County, Florida; the following two (2) courses being along the Northerly and Westerly boundaries of said Florida Power and Light property; (1) thence South 85 degrees 09' 35" West for 150.00 feet; (2) thence South 04 degrees. 50' 25" East for 150.33 feet (Deed 150,00 feet) to a point on the Northerly right-of-way line of S.R. No. 826 per property described in Parcel 104, Case Number 84-15796, Miami-Dade County, Florida, said point lying on a circular curve leading to the left whose radius point bears South 07 degrees 24' 51" East for 1757.28 feet; thence Westerly along said Northerly right-of-way line through a central angle of 00 degrees. 58' 46" for an arc of 30.04 feet to the Southeast corner of Parcel 103 of said Case No. 84-15796, the following four (4) courses being along exterior lines of said Parcel 103; (1) thence North 04 degrees 50' 25" West for 48.89 feet; (2) thence South 79 degrees 08' 15" West for 192.97 feet; (3) thence South 58 degrees 36' 07" West for 322.22 feet to a point of curvature of a 50.00 foot radius curve leading to the left; (4) thence Westerly and Southerly along said curve through a central angle of 90 degrees 00' 00" for an arc of 78.54 feet; thence South 58 degrees 36' 07" West along said Northerly right-of-way line of S.R. 826 as described in Parcel 104 per said Case 84-15796, said line also being the Southeasterly line of said Tract "A" for 312.25 feet to a point of curvature of a 25.00 foot radius curve leading to the right; thence Westerly and Northerly along said curve

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Special Warranty Deed

being along the Southerly line of said Tract "A" through a central angle of 90 degrees 00' 00" for an arc of 39.27 feet to a point of tangency; thence North 31 degrees 23' 53" West along the Southwesterly line of said Tract "A" and its Northwesterly prolongation thereof, said westerly line being also the Easterly right-of-way line of N.E. 35th Avenue for 1006.59 feet to a point on the center of said vacated and abandoned N.E. 165th Street; thence North 86 degrees 46' 13" East along said center line for 35.79 feet; thence North 03 degrees 13' 47" West for 30.00 feet to the Point of Beginning.

**LESS AND EXCEPT:**

A portion of Lots 5 and 6, Block 19, of EASTERN SHORES 2ND ADDITION, according to the Plat thereof, recorded in Plat Book 65, Page 43, Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Lot 20 in said Block 19; thence North 86 degrees 46' 13" East along the North line of said Block 19 for 1654.17 feet; thence South 03 degrees 13' 47" East for 79.67 feet to the Point of Beginning; thence South 04 degrees 42' 23" East for 125.22 feet; thence South 85 degrees 31' 04" West for 71.47 feet; thence North 05 degrees 02' 31" West for 23.96 feet; thence South 85 degrees 25' 51" West for 29.07 feet; thence North 05 degrees 02' 31" West for 100.88 feet; thence North 85 degrees 16' 25" East for 30.68 feet; thence North 04 degrees 54' 54" West for 9.59 feet; thence North 85 degrees 08' 37" East for 19.48 feet; thence South 05 degrees 09' 31" East for 9.62 feet; thence North 85 degrees 17' 21" East for 51.07 feet to the Point of Beginning.

**LESS AND EXCEPT:**

The East 70.00 feet of Lot 8 and all of Lot 7 and a portion of Lot 6, Block 19, of EASTERN SHORES 2ND ADDITION, according to the Plat thereof, recorded in Plat Book 65, Page 43, of the Public Records of Miami-Dade County, Florida, all being more particularly described as follows:

Commence at the Northwest corner of said Lot 20 in said Block 19; thence North 86 degrees 46' 13" East, along the North line of said Block 19 for 1231.36 feet to the Point of Beginning; thence continue North 86 degrees 46' 13" East along the previously described course for 318.98 feet; thence South 05 degrees 02' 31" East for 150.07 feet to the South line of said Lot 6; thence South 86 degrees 46' 13" West along the South line for 152.89 feet to the Southwest corner of said Lot 6; thence North 04 degrees 49' 24" West along the West line of said Lot 6 for 30.01 feet; thence South 86 degrees 46' 13" West along the Southerly line of said Lots 7 and 8 for 170.00 feet; thence North 03 degrees 13' 47" West along the West line of the East 70.00 feet of said Lot 8 for 120.00 feet to the Point of Beginning.

**ALSO LESS AND EXCEPT:**

A parcel of land lying in Section 10, Township 52 South, Range 42 East, City of North Miami Beach, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the intersection of Northeast 35 Avenue and Northeast 165 Street as recorded in EASTERN SHORES 2ND ADDITION, Plat Book 65, Page 43, of the Public Records of Miami-

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Dade County, Florida. Thence run along the centerline of Northeast 165 Street with a bearing of North 90 degrees East for 90.37 feet; thence North 04 degrees 07' 01" East for 60.45 feet to a point located on the Western boundary line of Lot 20, Block 19, of said "Eastern Shores Second Addition" subdivision which is also the point of beginning of the following described traverse outlining the referenced parcel of land, then continue along the Westerly boundary line of Lot 20 for 89.94 feet, to the Northwest-corner of Lot 20; thence North 90 degrees East along the Northerly property line of Lot 20 for 90.88 feet to a point; thence South 28 degrees 09' 55" East for 33.14 feet through the Easterly line of Lot 20 into Lot 19 to a point, thence South 61 degrees 50' 09" West for 128.16 feet to the Point of Beginning, said point also being 30.41 feet Northeasterly of the Southwest corner of Lot 20.

**PARCEL II:**

The non-exclusive easements as defined in the Shopping Center Operation and Reciprocal Easement Agreement, dated August 1, 1996, recorded August 5, 1996, in Official Records Book 17304, Page 2585, as modified by the Amended and Restated Shopping Center Operation and Reciprocal Easement Agreement, dated January 13, 1997, recorded January 15, 1997, in Official Records Book 17493, Page 4976, and as further amended in Official Records Book 19308, Page 3805, all of the Public Records of Miami-Dade County, Florida.

LESS AND EXCEPT that portion lying within Parcel I herein.

**PARCEL III:**

The Non-Exclusive Easements as defined in the Easement and Operating Agreement dated July 16, 1997 and recorded August 6, 1997 in Official Records Official Records Book 17743, Page 1323 of the Public Records of Miami-Dade County, Florida.

LESS AND EXCEPT that portion lying within Parcel 1 herein.

**PARCEL IV**

Lessee's interest in that certain Sovereignty Submerged Lands Lease between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and MSW Intracoastal Mall, L.L.C., recorded February 2, 2009 in Official Records Book 26738, Page 946, demising the following described land:

A parcel of submerged land bounded on the West by the East line of Block 19 of EASTERN SHORES 2ND ADDITION, according to the plat thereof, as recorded in Plat Book 65, at Page 43 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Northeast corner of Lot 6 of said Block 19 of EASTERN SHORES 2ND ADDITION; thence South 04° 46' 53" East along the East line of said Block 19, also being the West right of way line of Intracoastal Waterway per Plat Book 37 at page 8 and shown on said Plat Book 65 at Page 43 for 631.98 feet; thence North 85° 31' 00" East for 36.72 feet; thence North 04° 42' 35" West for 496.02 feet; thence South 85° 44' 31" West for 9.64 feet; thence North 04° 59' 49" West for 144.76 feet; thence South 86° 29' 12" West for 25.80 feet; thence

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South 05° 06' 53" East for 5.99 feet; thence South 39° 53' 07" West for 1.99 feet; thence South 04° 46' 53" East for 1.86 feet to the Point of Beginning.

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**EXHIBIT B****PERMITTED ENCUMBRANCES**

1. Taxes and assessments for the year 2012 and subsequent years, which are not yet due or payable.
2. The following matters shown on the ALTA/ACSM Land Title Survey, prepared by Fortin, Leavy, Skiles, Inc., Job No. 040697, dated March 23, 2012:
  - A. LP Tank located near northwest corner of the Property encroaches 1.28 feet onto the adjoining property.
  - B. Encroachment of portions of three (3) parking spaces located near the northwest corner of the Property onto the adjoining property.
  - C. Encroachment of one-store Winn Dixie building and Metal Building onto 10-foot drainage easement as per Plat Book 65, Page 43.
  - D. Wood deck extends beyond the north property line.
  - E. Sign located near southwest corner of the Property is located within 10-foot utility easement as per Official Record Book 11068, Page 1486.
3. Dedication and Easements as set forth on the Plat of Eastern Shores 2nd Addition, according to the Plat thereof, as recorded in Plat Book 65, Page 43, Public Records of Miami-Dade County, Florida.
4. Declaration of Easement by Eastern Shores Sales Company, a Florida corporation, recorded December 11, 1973, in Official Records Book 8530, Page 2013, Public Records of Miami-Dade County, Florida.
5. Declaration of Easement in favor of North Miami Beach Utility Co., Inc., a Florida corporation, recorded April 10, 1981 in Official Records Book 11068, Page 1486, Public Records of Miami-Dade County, Florida.
6. Grant of Easement in favor of Miami-Dade Water and Sewer Authority, recorded January 14, 1982, in Official Records Book 11323, Page 1084, Public Records of Miami-Dade County, Florida.
7. Declaration of Restrictions by Stan Baumann, recorded January 7, 1985 in Official Records Book 12533, Page 1322; Amendment recorded January 13, 1989 in Official Records Book 13960, page 1577, all of the Public Records of Miami-Dade County, Florida, but deleting any covenant, condition or restriction indicating a preference limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604 (c).
8. Easement Agreement in favor of The City of North Miami Beach, Florida, recorded March 13, 1986 in Official Records Book 12820, Page 639, Public Records of Miami-Dade County, Florida.

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Special Warranty Deed

9. Easement in favor of Florida Power & Light Company recorded April 11, 1986 in Official Records Book 12851, Page 930, Public Records of Miami-Dade County, Florida.
10. Easement in favor of Dade County and the City of North Miami Beach, Florida, recorded February 4, 1988 in Official Records Book 13563, Page 724; Amended Easement recorded April 19, 1988 in Official Records Book 13649, Page 534, Public Records of Miami-Dade County, Florida.
11. Easement Agreement in favor of the City of North Miami Beach, Florida, recorded July 30, 1990 in Official Records Book 14644, Page 121, Public Records of Miami-Dade County, Florida.
12. Shopping Center Operation and Reciprocal Easement Agreement by and between Intracoastal Pacific Limited Partnership, a Florida limited partnership, and United Automobile Insurance Company, a Florida corporation, recorded August 5, 1996, in Official Records Book 17304, Page 2585; Amended and Restated Shopping Center Operation and Reciprocal Easement Agreement recorded January 15, 1997, in Official Records Book 17493, Page 4976; Amendment to Amended and Restated Operation and Reciprocal Easement Agreement, recorded October 5, 2000 in Official Records Book 19308, Page 3805, all of the Public Records of Miami-Dade County, Florida.
13. Easement and Operating Agreement by and between Intracoastal Pacific Limited Partnership, a Florida limited partnership, and United Automobile Insurance Company, a Florida corporation, recorded August 6, 1997, in Official Records Book 17743, Page 1323, Public Records of Miami-Dade County, Florida.
14. Unity of Title Agreement by and between Intracoastal Pacific Limited Partnership, a Florida limited partnership, and Metropolitan Dade County, Florida, recorded June 12, 1997, in Official Records Book 17673, Page 4461, Public Records of Miami-Dade County, Florida.
15. A. Terms, conditions, covenants and restrictions as set forth in that Submerged Land Lease by and between Trustees and the Internal Improvement Trust Fund of the State of Florida, Lessor, and MSW Intracoastal mall, LLC, a Delaware limited liability company, Lessee, recorded February 2, 2009 in Official Records Book 26738, Page 946, Public Records of Miami-Dade County, Florida.  
  
B. Notwithstanding the insuring provisions of this Policy, no coverage is given for any loss or damage arising out of the failure to obtain approval and assignment of the existing Submerged Land Lease (reference in Exception 15A above) in favor of the Insured, or failure to establish a new lease of the leasehold Parcel IV between the Board of Trustees the Internal Improvement Fund and the Insured. (As to Parcel IV).
16. Rights of Tenants as Tenants only, under unrecorded written leases, without options to purchase or rights of first refusal.

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OR BK 28957 PG 3355  
LAST PAGE

17. Lease by and between Intracoastal Pacific Limited Partnership, Lessor, and The Gap, Inc., a Delaware corporation, Lessee, as evidenced by The Memorandum of Lease, recorded September 30, 1996, in Official Records Book 17369, Page 4244, Public Records of Miami-Dade County, Florida..
18. Lease by and between Stanley J. Baumann and Phyllis Baumann, Lessor, and General Cinema Corporation, Lessee, as evidenced by the Short Form or Memorandum of Lease, recorded October 2, 1986, in Official Records Book 13037, Page 1284; Assignment of Lease and Assumption Agreement to GC Companies, Inc., a Delaware corporation, recorded June 17, 1994, in Official Records Book 16405, Page 2262; Assignment of Lease and Assumption Agreement to General Cinema Theaters of Florida, Inc., a Florida corporation, recorded June 17, 1994 in Official Records Book 16405, Page 2268, all of the Public Records of Miami-Dade County, Florida.
19. Terms and Conditions of that certain Lease by and between Stanley J. Baumann, Phyllis Baumann and The Baumann Partnership, a general partnership, Lessor, and T.J. Maxx, Inc., a Massachusetts corporation, Lessee, as disclosed in that certain Short Form Memorandum of Lease, recorded February 3, 1987, in Official Records Book 13167, Page 2405; Amendment to Short Form Memorandum of Lease, recorded March 27, 1992, in Official Records Book 15446, Page 1653; Amended and Restated Memorandum of Lease recorded December 9, 2010 in Official Records Book 27515, Page 3613, all of the Public Records of Miami-Dade County, Florida.
20. Due to the premises described herein being artificially filled in land in what was formerly navigable waters, this Policy is subject to the right of the United States Government, arising by reason of the United States Government's control over navigable waters in the interest of navigation and commerce.
21. The nature, extent, or existence of riparian rights, if any, appurtenant to the insured lands lying below the mean/ordinary high water mark, are neither guaranteed nor insured, and the riparian rights of others as the same may affect the said property, are hereby excepted.

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**SPECIAL WARRANTY DEED**

*Prepared by:*

Raul E. Salas, Esq.  
Cole, Scott & Kissane, P.A.  
9150 S. Dadeland Blvd., Ste. 1400  
Miami, FL 33156

*After recording return to:*

James W. Shindell, Esq.  
Bilzin Sumberg Baena Price & Axelrod LLP  
1450 Brickell Avenue  
Ste 2300  
Miami, FL 33131

Tax Folio No(s). 07-2210-002-2641

(Above Space for Recorder's Use Only)

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made as of the <sup>7<sup>th</sup></sup> day of February 2020, by ASA College, Inc., a New York Corporation with an address at 1 Herald Center, New York, N.Y. 10001 ("Grantor"), in favor of Dezer Intracoastal Mall LLC, a Florida limited liability company, ("Grantee"), with an address at 18001 Collins Avenue, 31<sup>st</sup> Floor, Sunny Isles Beach, FL 33160.

GRANTOR, for and in consideration of the sum of \$10.00 paid by Grantee, receipt of which is acknowledged, does grant, bargain, sell, alien, remise, release, convey and confirm to Grantee, all rights and interest in the real property situate, lying and being in the County of Miami-Dade, State of Florida, and more particularly described on the attached Exhibit A ("Property").

TOGETHER WITH all right, title and interest of Grantor in (i) any and all structures and improvements on the Property; (ii) any land lying in the bed of any street or highway, opened or proposed, in front of or adjoining the Property; (iii) any waterways or submerged lands adjoin the Property, and (iv) all easements, rights of way, privileges, licenses, appurtenances and other rights and benefits belonging to, running with the owner of, or in any way related to the Property.



**TO HAVE AND TO HOLD**, the same in fee simple forever.

**SUBJECT TO** the matters reflected on the attached **Exhibit B** ("Permitted Exceptions") without reimposing same.

**AND** Grantor warrants the title to the Property and will defend the same against the lawful claims of others claiming by, through or under Grantor, but not otherwise, except Grantor shall not be obligated to defend claims arising from the Permitted Exceptions.

**IN WITNESS WHEREOF**, Grantor has executed this Special Warranty Deed as of the day and year first above written.

**GRANTOR:**

Signed, sealed and delivered  
in the presence of:

ASA College, Inc., a New York Corporation

*Mark Midenberg*  
Print Name: Mark Midenberg

By: *Jose Valencia*  
Name: JOSE VALENCIA  
Title: PRESIDENT

*A. S. S. S.*  
Print Name: A. S. S. S.

STATE OF New York )  
COUNTY OF Kings ) ss:

The foregoing instrument was acknowledged before me, by means of physical presence, this 6 day of February 2020 by Jose F. Valencia, as President of ASA College, Inc., a New York corporation, on behalf of the company. Said individual is personally known to me or produced a driver's license as identification.

*Dominga A. Acosta*  
Notary Public, State of New York

My commission expires:

**Dominga A. Acosta**  
Notary Public, State of New York  
NO. 01AC6183450  
Qualified in Kings County  
Commission Expires March 17, 2020

**EXHIBIT A**

**LEGAL DESCRIPTION**

**PARCEL 1 (BUILDING AREA)**

A PORTION OF LOTS 5 AND 6, BLOCK 19 OF EASTERN SHORES 2ND ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65 AT PAGE 43 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 20 IN SAID BLOCK 19; THENCE NORTH 86° 46' 13" EAST ALONG THE NORTH LINE OF SAID BLOCK 19 FOR 1654.17 FEET; THENCE SOUTH 03° 13' 47" EAST FOR 79.67 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 04° 42' 23" EAST FOR 125.22 FEET; THENCE SOUTH 85° 31' 04" WEST FOR 71.47 FEET; THENCE NORTH 05° 02' 31" WEST FOR 23.96 FEET; THENCE SOUTH 85° 25' 51" WEST FOR 29.07 FEET; THENCE NORTH 05° 02' 31" WEST FOR 100.88 FEET; THENCE NORTH 85° 16' 25" EAST FOR 30.68 FEET; THENCE NORTH 04° 54' 54" WEST FOR 9.59 FEET; THENCE NORTH 85° 08' 37" EAST FOR 19.48 FEET; THENCE SOUTH 05° 09' 31" EAST FOR 9.62 FEET; THENCE NORTH 85° 17' 21" EAST FOR 51.07 FEET TO THE POINT OF BEGINNING.

**PARCEL 2 (PARKING AREA)**

THE EAST 70.00 FEET OF LOT 8 AND ALL OF LOT 7 AND A PORTION OF LOT 6, BLOCK 19 OF EASTERN SHORES 2ND ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65 AT PAGE 43 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 20 IN SAID BLOCK 19; THENCE NORTH 86° 46' 13" EAST, ALONG THE NORTH LINE OF SAID BLOCK 19 FOR 1231.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 86° 46' 13" EAST ALONG THE PREVIOUSLY DESCRIBED COURSE FOR 318.98 FEET; THENCE SOUTH 05° 02' 31" EAST FOR 150.07 FEET TO THE SOUTH LINE OF SAID LOT 6; THENCE SOUTH 86° 46' 13" WEST ALONG THE SOUTH LINE FOR 152.89 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTH 04° 49' 24" WEST ALONG THE WEST LINE OF SAID LOT 6 FOR 30.01 FEET; THENCE SOUTH 86° 46' 13" WEST ALONG THE SOUTHERLY LINE OF SAID LOTS 7 AND 8 FOR 170.00 FEET; THENCE NORTH 03° 13' 47" WEST ALONG THE WEST LINE OF THE EAST 70.00 FEET OF SAID LOT 8 FOR 120.00 FEET TO THE POINT OF BEGINNING.

**EXHIBIT B**

**PERMITTED EXCEPTIONS**

1. Real estate taxes and assessments for the year 2020 and subsequent years.
2. Easement and Dedications of Roads and other matters contained on the Plat of Eastern Shores 2<sup>nd</sup> Addition, as recorded in Plat Book 65, Page 43, Public Records of Miami-Dade County, Florida.
3. Terms and Conditions of Unity of Title Agreement recorded in O.R. Book 17673, Page 4466, Public Records of Miami-Dade County, Florida.
4. Sewer Utility Agreements recorded in O.R. Book 12586, Page 2920 and O.R. Book 12586, Page 2924 Public Records of Miami-Dade County, Florida.
5. Shopping Center Operation and Reciprocal Easement Agreements recorded in O.R. Book 17304, Page 2585, as Amended in O.R. Book 17493, Page 4976, O.R. Book 17493, Page 4998 and O.R. Book 19308, Page 3805, Public Records of Miami-Dade County, Florida.
6. Easement in favor of Florida Power and Light Company recorded in O.R. Book 12851, Page 930, Public Records of Miami-Dade County, Florida.
7. Water System Easement agreement recorded in O.R. Book 14644, Page 121, Public Records of Miami-Dade County, Florida.
8. Water and Sewer Lines Easement and Operating Agreement recorded in O.R. Book 17743, Page 1323, amended in O.R. Book 19308, Page 3805, Public Records of Miami-Dade County, Florida.
9. Any portion of the Land lying waterward of the mean high water line of Waterway and Biscayne Bay, and lands accreted thereto.