

ORDINANCE NO. 08-09

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING," CREATING SECTION 30-50.20, ENTITLED "VILLAGE MIXED USE" DISTRICT (VMU); WHICH SECTION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CREATION OF THE VMU DISTRICT ON APPROXIMATELY 41.59 ACRES WITHIN 17777 – 18001 OLD CUTLER ROAD; AND REZONING THE DESIGNATED AREA TO THE "VILLAGE MIXED USE" DISTRICT; PROVIDING FOR DEFINITIONS, USES, GENERAL BUILDING REQUIREMENTS (DENSITY, HEIGHT, PARKING), AND PROCEDURES FOR ADMINISTRATIVE SITE PLAN REVIEW; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay pursuant to the Village's adopted Comprehensive Plan have pledged to develop a Land Development Code tailored to the needs of the Village's residents and properties; and,

WHEREAS, the Village has created Chapter 30 of the Village's Code of Ordinances entitled "Zoning," which Chapter shall be divided into divisions relating to separate subjects and which Chapter shall be considered the Village's Land Development Code; and,

WHEREAS, the Mayor and Village Council desire to create, consistent with the Village's Comprehensive Plan, a zoning district known as "Village Mixed Use," which provisions shall be found at Division 50, Section 20 of Chapter 30, entitled "Village Mixed Use" (VMU) District relating to the creation of a new zoning district within the Village to allow for a mixture of residential and commercial uses on a portion of the property known as the Palmetto Bay Village Center owned by 17777 Old Cutler Road, LLC; and,

WHEREAS, the Mayor and Village Council desire to amend the official zoning map to reflect the creation of the VMU district on approximately 41.59 acres within 17777 – 18001 Old Cutler Road; and,

WHEREAS, the VMU district provides for definitions, uses, general building requirements (density, height, parking), and procedures for administrative site plan review; and,

WHEREAS, the Village Mixed Use District is consistent with the Comprehensive Plan and in accordance with the Future Land Use Map, and,

WHEREAS, the Mayor and Village Council desire to adopt 30-50.20 as part of the Village's Land Development Code.

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WHEREAS, the Village Mixed Use District is consistent with the Comprehensive Plan and in accordance with the Future Land Use Map, and,

WHEREAS, the Mayor and Village Council desire to adopt 30-50.20 as part of the Village's Land Development Code.

BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE
VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village of Palmetto Bay hereby creates Section 30-50.20 of the Village's Land Development Code, which shall read as follows:

30-50.20 VMU, VILLAGE MIXED USE DISTRICT.

(a) Purpose, Intent and Applicability.

The purpose of the Village Mixed Use District (VMU) is to offer residents and visitors an expanded range of opportunities to live and work within the Village, by creating a mixed-use development with the characteristics of a pedestrian oriented neighborhood that promotes the health and well being of its residents by encouraging physical activity, alternative transportation and greater social interaction. By enacting the VMU, the Village shall:

(1) Create and preserve an interconnected system of green space to protect Biscayne Bay:

(2) create an inviting mixed-use, pedestrian-friendly environment and a new use predominately comprised of high-end housing for older persons;

(3) establish a postcard-quality town scene that will be a symbol of the caliber, character and identity of the Village of Palmetto Bay; and

(4) protect and enhance scenic Old Cutler Road, minimizing any visual impacts from proposed development

The boundaries shown in attached Figure 1 shall constitute the Village Mixed Use District boundary plan with all areas therein designated as zoned within the requirements of the ordinance.

(b) No provision in this Section 30-50.20 shall be applicable to any property lying outside the boundaries of the Village Mixed-Use District ("VMU")

(c) Definitions.

Terms used throughout this zoning district, under Section 30-50.20 shall take their commonly accepted meaning unless otherwise defined in other Village Code provisions. Terms requiring interpretation specific to this zoning district are as follows:

Grade: The established grade of the Property shall be established at the crown of the public road, as defined by this division, adjoining the Property.

1
2 Property: The entire land (Figure 1) within the VMU District, regardless of
3 ownership.

5 Residential Building Type: one of the following residential building types permitted
6 in the VMU District: Rowhouses/Townhouses or Senior Housing (as hereinafter defined).

8 Rowhouses/Townhouses: a single-family attached dwelling unit of a group of two
9 (2) or more units each separated from the adjoining unit by a common party firewall or slab.
10 Each common party fire wall shall extend to the roof line or above the roof of units that it
11 serves or otherwise meet fire code separation requirements. Each Rowhouse/Townhouse
12 unit shall be serviced with separate utilities and shall otherwise be independent of any other
13 unit. Notwithstanding the above, these units may be stacked one over the other, and may be
14 placed above or beside a shared garage and/or storage area.

16 Senior Housing: attached dwelling units, intended to be "housing for older persons"
17 as such phrase is defined in Section 760.29 (4) Florida Statutes, which may also include
18 ancillary offices and dining and entertainment space; as well as medical and nursing services,
19 long term care, assisted living, continuing care, transitional or hospice uses which shall be
20 limited to use by residents of the Senior Housing. To the extent the provision of these
21 ancillary services requires the use of a separate bedroom apart from a resident's unit for
22 overnight stays, each such bedroom shall be considered a residential unit. Notwithstanding
23 the foregoing, the nursing and medical services to be provided as an accessory or ancillary
24 use to senior housing shall not allow for the establishment or creation within the VMU
25 district of a state licensed hospital or a "skilled nursing facility" as such term is defined by
26 section 1819 of the Social Security Act. Notwithstanding the preceding sentence, as an
27 exception thereto, ancillary nursing and medical services may serve, at any one time, no more
28 than 20 percent of the Senior Housing residents.

30 (d) Uses.

32 Uses are allowed in the VMU as provided for in this subsection. However, these
33 uses shall not be deemed or construed to prohibit a continuation of any structure, use or
34 occupancy in the VMU that were existing as of the date of the effective date of this
35 ordinance.

37 (1) Permitted Uses.

39 a. Residential uses. Residential uses are permitted in the VMU as
40 provided below in accordance with the Village's adopted Comprehensive Plan and
41 the Declaration of Restrictive Covenants and the First Amendment to the
42 Declaration of Restrictive Covenants recorded May 1, 1989 at Official Records Book
43 14089 at Pages 2349-52 and Official Records Book 12428 at Pages 923-1010, of the
44 Public Records of Miami-Dade County, Florida.

45
46 (1) Multi-family residential Rowhouses/Townhouses up
47 to 100 units

(ii) Senior Housing, intended to comply with 760.29, Florida Statutes, in the form of multi-family condominiums or apartments up to 300 residential units

b. Mixed uses. The vertical or horizontal integration of two (2) or more of residential, business and office, and other permissible uses. Vertical integration allows any combination of primary uses. Horizontal integration allows any combination of parcels with different primary uses within the VMU. The following uses shall be permitted, either as a mixed use or on their own:

- i. auditoriums;
- ii. banks;
- iii. banquet, convention or meeting halls;
- iv. beauty parlors, spa services and barber shops;
- v. civic uses, except schools;
- vi. day care center and nursery;
- vii. dry cleaning, pick up and drop off only;
- viii. fire stations or substations;
- ix. medical and dental offices; professional and general business offices; government offices;
- x. health clubs and private clubs;
- xi. hotel;
- xii. museums;
- xiii. newsstands;
- xiv. public parks; preserve areas;
- xv. recreational facilities; entertainment amphitheatre or stages; tennis courts; court games; putting greens, swimming pools;
- xvi. restaurants, coffee houses, cafeterias, delicatessens;

- xvii. rowhouses/townhouses;
- xviii. retail uses and service convenience uses;
- xix. senior housing; and
- xx. shoe repair shops.

c. Additional Uses. Approval of additional uses other than as set forth in i. through xx. above would require Village Council approval of the use provided such uses would not have an unfavorable effect on the economy of the Village, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, when considering the necessity for and reasonableness of such applied for use in relation to present and future development of the area concerned and the compatibility of the applied for use with such area and its development.

(2) Prohibited Uses.

Schools, public or private.

(e) General Requirements. These requirements shall not be deemed or construed to prohibit a continuation or restoration after casualty of any structure, use or occupancy in the VMU that was existing as of the date of the effective date of this ordinance.

(1) Buildings.

a. Heights. All height restrictions herein are deemed as consistent with the intent of the previously enacted Village of Palmetto Bay Comprehensive Plan which established parameters for this VMU district. Furthermore, all height restrictions must remain in conformity with any existing deed restrictions, declarations, or covenants in effect as to any lands within the VMU district. Multi-family Rowhouse/Townhouse units shall not exceed 70 feet above grade in height. Multi-family Senior Housing facilities shall not exceed 85 feet above grade in height. Non-residential buildings shall be no higher than 85 feet above grade in height. This shall not preclude, above such height restrictions, antennae, elevator and roof equipment, stairway roof access and railings or similar safety barrier, as long as said structures are not visible from the property line of the VMU district at Old Cutler Road.

b. Spaces. All buildings and building groups shall provide a minimum of ten (10) feet between each building or building groups

unless attached. Rowhouses/Townhouses shall provide a minimum of ten (10) feet between building groups.

c. Building placement and buildable area:

i. Minimum lot width, depth and size for Rowhouse/Townhouse: 24 feet wide by 30 feet deep. No Rowhouse/Townhouse shall be smaller than 600 square feet, and the average size of the Rowhouses/Townhouses in any grouping shall be a minimum of 800 square feet.

ii. Maximum lot coverage: Maximum lot coverage shall be 35 percent times gross lot area. The maximum lot coverage may be calculated by measurement of the entire VMU district with lot area coverage allocated by covenant or declaration of the property owners within the Property. Areas covered by water features, access roads, seawalls, sidewalks and other installations which are not habitable building space shall be considered as open space in calculations under this ordinance.

d. Allocation of development rights: All development rights shall be allocated by covenant or declaration of the property owners within the VMU. Development density shall be governed by height limitations, maximum lot coverage, and residential unit density and not by any other reference in the Land Development Code to floor area ratios, except for non-residential uses which shall not exceed a floor area ratio of 0.5.

e. Density: Overall density for all residential units on the Property, including Senior Housing facilities, shall be a minimum of 3.0 and a maximum of 14.0 dwelling units per gross acre, all as consistent with the Comprehensive Plan of the Village.

f. Covenant in lieu of unity of title: All property owners within the VMU shall, notwithstanding any provision herein, be obliged to abide by the conditions of any covenant in lieu of unity of title of record applicable to the lands in the VMU.

g. Parking.

i. Multi-story parking garages, parking lots and on-street parking on private roads shall count toward all parking requirements. Individual parking garages for Rowhouses/Townhouses shall count toward the parking requirement. Required parking for square footage and uses added after the effective date of this Ordinance shall be:

ii. All permissible uses set forth herein, except residential and medical not contained within a Senior Housing facility: One (1) parking space for each 350 square feet or portion

thereof, of net floor area, measured as the floor area less stairwells, balconies, hallways, lobbies, elevator shafts and all vertical penetrations.

iii. Multiple family dwelling units: One (1) parking space for each bedroom, up to two (2) bedrooms, and then one (1) parking space for every two (2) bedrooms thereafter.

iv. Senior Housing: A minimum of one (1) parking space per dwelling unit, up to the first two (2) bedrooms, and then, a half-space (.50) parking space for every bedroom thereafter.

v. Shared parking for non-residential uses may be allowed by the Director to meet the code required parking requirements, upon a review of the type of use, the level of projected use and the hours of operation compared to other uses on the Property.

vi. Medical: Other than medical uses which are contained within any Senior Housing facility, one (1) parking space for each 200 square feet, or portion thereof, of net floor area, measured as the floor area less stairwells, balconies, hallways, lobbies, elevator shafts and all vertical penetrations.

(f) Signs.

Signage shall be permitted on the exterior of any structure, not to exceed five (5) percent of the square footage area of the exterior facade of any structure. Monument signage shall also be permitted, not to exceed ten (10) feet in height.

(g) Entrance Features.

Entrance features shall be permitted upon a showing that the location and means of access do not create a visual obstruction that results in a traffic hazard, are complimentary in character and scale to the development on the Property, and are maintained in a manner acceptable to the Department.

(h) Hurricane Evacuation.

The property owner(s) shall create, enforce and implement a hurricane evacuation plan for its residents. All costs associated with the plan's implementation shall be borne by the master association which governs and enforces regulations applicable to all property owners in the district. The Village shall bear no costs associated with hurricane evacuation procedures required to be in full force and effect within the VMU.

(i) Non-conforming Structures, Uses, and Occupancies.

Nothing contained in this Section 30-50.20 shall be deemed or construed to prohibit a continuation or restoration after casualty of a legal nonconforming structure, use or occupancy in the VMU District that was existing as of the effective date of this ordinance.

(j) Review Procedure/Administrative Site Plan Review.

All applications for development approval within the VMU that are not otherwise permitted as nonconforming uses or structures shall comply with the requirements of Sections 30-30.5 and this section and with the site plan review criteria contained therein. Developments shall be processed and approved administratively or by Village Council action, as applicable, as follows:

(1) Administrative site plan review.

a. The Department shall review plans, including all materials required under Section 30-30.5 for completeness and compliance with the provisions of Sections 30-30.5 and 30-50.20, and for compliance with the site plan review criteria provided therein, including but not limited to traffic analysis.

b. This requirement shall be in addition to any declaration or covenant effecting the Property that imposes greater or different standards of review, including but not limited to any Covenant in Lieu of Unity of Title requiring public hearing and compliance with existing site plans absent such hearing and Village Council action, administrative review, notice and public meetings and hearings; and/or all other existing or future restrictions, which shall remain in full force and effect.

c. Conflicts. Conflicts with other sections, divisions and regulations. This section shall govern the VMU district in the event of conflicts with other zoning, subdivision or landscape regulations of this code.

(k) Public access to the general public of the VMU District's walking paths, trails, path around the existing lagoon, and bike paths shall be provided during daylight hours, with all parties utilizing said designated areas holding harmless the owners within the VMU and entering at their own risk. This public access shall provide a network of spaces available to the general public and interconnect the green spaces of the VMU District to the remainder of Village. Public access to this network of walkways and trails is consistent with the Village's Comprehensive Plan and more specifically, pages 3 and 9 of the underlying charrette report approving the creation of the VMU District. In no manner may residents trespass on other areas of the VMU District which are not within the above designated areas and the owners of property within the VMU district may develop reasonable regulations relating to the manner, and extent of use of the public access walkways, paths, and trails, provided that the above referenced hours shall not be modified except in the case of emergency involving public safety or the establishment of special events that require

limited access during the duration of the event. The VMU property owners shall be entitled to reconfigure the walkways and trails subject to public access. so long as interconnection to the remainder of the Village is preserved.

* * *

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 3. This ordinance shall be codified and included in the Code of Ordinances.

Section 4. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. This ordinance shall take effect immediately.

PASSED AND ENACTED this 9th day of June, 2008. (executed July 16, 2008)

First Reading: May 12th, 2008

Second Reading: June 9, 2008

Attest: Meghan Rader
Meghan Rader,
Village Clerk

Eugene P. Flinn, Jr.
Mayor (Vice Mayor Robinson in his absence)

APPROVED AS TO FORM:

Eve A. Boutsis,
Nagin Gallop Figueredo, P.A.
Office of Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller YES

Council Member Paul Neidhart **YES**

Council Member Shelley Stanczyk **YES**

Vice-Mayor Linda Robinson YES

Mayor Eugene P. Flanagan, Jr. YES

**SKETCH OF A PORTION OF TRACTS "A" & "B"
BURGER KING WORLD HEADQUARTERS, P.B. 127, PG 86, D.C.R.**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C5	116.91'	29.08'	29.01'	S83°25'34"E	14°15'06"
C6	52.68'	69.23'	64.35'	S35°14'33"E	75°17'29"
C7	52.27'	57.52'	54.66'	S34°19'12"W	63°02'29"
C8	181.21'	177.00'	170.05'	S16°10'07"E	55°57'47"
C9	183.40'	131.00'	128.23'	S17°22'40"E	40°55'26"
C10	162.36'	103.13'	101.40'	S24°22'22"W	36°23'33"
C11	229.96'	75.73'	75.39'	S52°00'11"W	18°52'05"
C12	52.50'	27.73'	27.41'	N55°52'57"E	30°16'07"
C13	116.02'	76.84'	75.44'	N12°21'54"E	37°56'52"
C14	498.45'	182.52'	181.50'	N02°52'51"E	20°58'50"
C15	309.63'	131.92'	130.93'	N25°34'37"E	24°24'41"
C16	555.99'	176.86'	176.12'	N21°56'05"E	18°13'33"
C17	289.00'	182.41'	179.39'	N29°33'22"E	36°09'46"
C18	709.44'	167.48'	167.09'	N37°25'19"E	13°31'33"
C19	199.86'	207.63'	198.42'	N01°47'37"W	59°31'23"
C20	363.84'	116.78'	116.28'	N52°30'14"W	18°23'22"

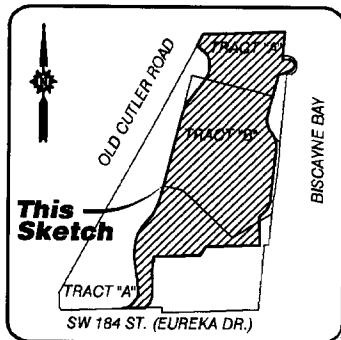
LEGEND:

D.C.R. . . . MIAMI-DADE COUNTY RECORDS
C5 CURVE NUMBER 5
P.B. . . . PLAT BOOK
PG. . . . PAGE
P.O.B. . . . POINT OF BEGINNING

DOUGHERTY'S SUBDIVISION,

P.O.B. P.B. 1, PG. 1, D.C.R.

N87°39'08"E 744.70'

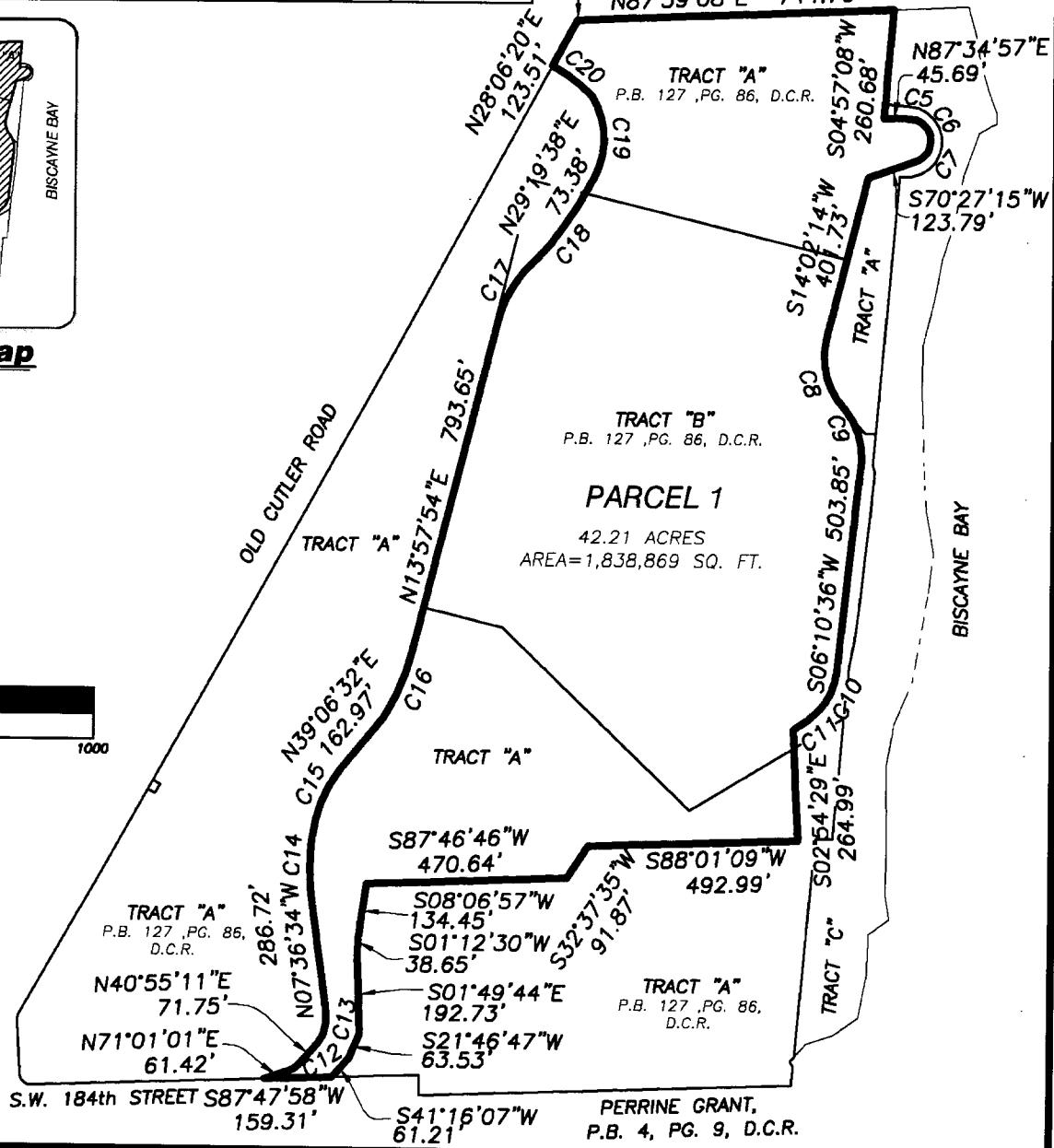


Location Map

NOT TO SCALE



SCALE: 1" = 500'



**SKETCH OF A PORTION OF TRACTS "A" & "B"
BURGER KING WORLD HEADQUARTERS, P.B. 127, PG 86, D.C.R.**

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF TRACTS "A" AND "B", BURGER KING WORLD HEADQUARTERS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 127, PAGE 86, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINS AT THE NORTHWEST CORNER OF TRACT "A" OF SAID BURGER KING WORLD HEADQUARTERS PLAT;

THENCE N.87°39'08"E., ALONG THE NORTH LINE OF SAID TRACT "A" AS SHOWN ON SAID BURGER KING WORLD HEADQUARTERS PLAT, A DISTANCE OF 744.70 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "A";

THENCE S.04°57'08"W., ALONG SAID EAST LINE AND THE SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 260.68 FEET;

THENCE N.87°34'57"E., A DISTANCE OF 45.69 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CHORD BEARING OF S.83°25'34"E.;

THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 116.91 FEET AND A CENTRAL ANGLE OF 14°15'06" FOR AN ARC DISTANCE OF 29.08 FEET TO A POINT OF COMPOUND CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CHORD BEARING OF S.35°14'33"E.;

THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 52.68 FEET AND A CENTRAL ANGLE OF 75°17'29" FOR AN ARC DISTANCE OF 69.23 FEET TO A POINT OF COMPOUND CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A CHORD BEARING OF S.34°19'12"W.;

THENCE SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 52.27 FEET AND A CENTRAL ANGLE OF 63°02'29" FOR AN ARC DISTANCE OF 57.52 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE S.70°27'15"W., A DISTANCE OF 123.79 FEET;

THENCE S.14°02'14"W., A DISTANCE OF 401.73 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A CHORD BEARING OF S.16°10'07"E.;

THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 181.21 FEET AND A CENTRAL ANGLE OF 55°57'47" FOR AN ARC DISTANCE OF 177.00 FEET TO A POINT OF REVERSE CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A CHORD BEARING OF S.17°22'40"E.;

THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 183.40 FEET AND A CENTRAL ANGLE OF 40°55'26" FOR AN ARC DISTANCE OF 131.00 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE S.06°10'36"W., A DISTANCE OF 503.85 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF S.24°22'22"W.;

THENCE SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 162.36 FEET AND A CENTRAL ANGLE OF 36°23'33" FOR AN ARC DISTANCE OF 103.13 FEET TO A POINT OF COMPOUND CURVATURE OF A TANGENT CURVE TO THE NORTHWEST, HAVING A CHORD BEARING OF S.52°00'11"W.;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 229.96 FEET AND A CENTRAL ANGLE OF 18°52'05" FOR AN ARC DISTANCE OF 75.73 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE S.02°54'29"E., A DISTANCE OF 264.99 FEET;
THENCE S.88°01'09"W., A DISTANCE OF 492.99 FEET;

THENCE S.32°37'35"W., A DISTANCE OF 91.87 FEET;
THENCE S.87°46'46"W., A DISTANCE OF 470.64 FEET;

THENCE S.08°06'57"W., A DISTANCE OF 134.45 FEET;
THENCE S.01°12'30"W., A DISTANCE OF 38.65 FEET;

THENCE S.01°49'44"E., A DISTANCE OF 192.73 FEET;
THENCE S.21°46'47"W., A DISTANCE OF 63.53 FEET;

THENCE S.41°16'07"W., A DISTANCE OF 61.21 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "A";
THENCE S.87°47'58"W., ALONG SAID SOUTH LINE, A DISTANCE OF 159.31 FEET;

THENCE N.71°01'01"E., A DISTANCE OF 61.42 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A CHORD BEARING OF N.55°52'57"E.

EXACTA
COMMERCIAL LAND SURVEYORS

L.B. 7551

1035 STATE ROAD 7, SUITE 315-23, WELLINGTON, FL 33414

TEL. No. 561-314-0769 FAX No. 561-314-0770

RECORDING AREA

LEGAL DESCRIPTION: (CONTINUED)

THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 52.50 FEET AND A CENTRAL ANGLE OF 30°16'07" FOR AN ARC DISTANCE OF 27.73 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N.40°55'11"E., A DISTANCE OF 71.75 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF N.12°21'54"E.;

THENCE NORTHEASTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 116.02 FEET AND A CENTRAL ANGLE OF 37°56'52" FOR AN ARC DISTANCE OF 76.84 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N.07°36'34"W., A DISTANCE OF 286.72 FEET TO A POINT ON THE ARC OF A TANGENT CURVE CONCAVE TO THE EAST;

THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 498.45 FEET AND A CENTRAL ANGLE OF 20°58'50" FOR AN ARC DISTANCE OF 182.52 FEET TO A POINT OF COMPOUND CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE NORtherly AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 309.63 FEET AND A CENTRAL ANGLE OF 24°24'41" FOR AN ARC DISTANCE OF 131.92 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N.39°06'32"E., A DISTANCE OF 162.97 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF N.21°56'05"E.;

THENCE NORTHEASTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 555.99 FEET AND A CENTRAL ANGLE OF 18°13'33" FOR AN ARC DISTANCE OF 176.86 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N.13°57'54"E., A DISTANCE OF 793.65 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A CHORD BEARING OF N.29°33'22"E.;

THENCE NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 289.00 FEET AND A CENTRAL ANGLE OF 36°09'46" FOR AN ARC DISTANCE OF 182.41 FEET TO A POINT OF REVERSE CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF N.37°25'19"E.;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 709.44 FEET AND A CENTRAL ANGLE OF 13°31'33" FOR AN ARC DISTANCE OF 167.48 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE N.29°19'38"W., A DISTANCE OF 73.38 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A CHORD BEARING OF N.01°47'37"W.;

THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 199.86 FEET AND A CENTRAL ANGLE OF 59°31'23" FOR AN ARC DISTANCE OF 207.63 TO A POINT OF COMPOUND CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 363.84 FEET AND A CENTRAL ANGLE OF 18°23'22" FOR AN ARC DISTANCE OF 116.78 FEET TO A POINT ON A NON-TANGENT LINE. SAID POINT ALSO BEING ON THE WEST LINE OF SAID TRACT "A";

THENCE N.28°06'20"E., ALONG SAID WEST LINE, A DISTANCE OF 123.51 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE WITHIN MIAMI-DADE COUNTY, FLORIDA CONTAINING 42.21 ACRES (1,838,869 SQUARE FEET), MORE OR LESS.

SURVEY NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON S.87°47'58"W. ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 35-55-40, LYING WITHIN MIAMI-DADE COUNTY, FLORIDA.
2. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY OF OTHER MATTERS OF RECORD BY EXACTA, A LAND SURVEYING COMPANY. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY (THIS IS NOT A SURVEY).
3. THE LEGAL DESCRIPTION SHOWN HEREON WAS AUTHORED BY EXACTA COMMERCIAL SURVEYORS, INC. WITHOUT THE BENEFIT OF A TITLE SEARCH AND BASED ON SKETCH PROVIDED BY THE CLIENT.

FILE: C:\Exacta Commercial Surveyors\Grouper Financial\FL0803.0329 BK HQ S&D\0805-02248.dwg

SKETCH NO.
FL0805-02248

REVISIONS

DATE

BY

CERTIFICATE:

THIS IS TO CERTIFY THAT THE SKETCH & LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

JAVIER DE LA ROCHA

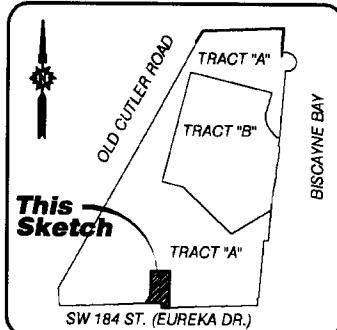
PROFESSIONAL SURVEYOR AND MAPPER NO. 8080 - STATE OF FLORIDA

SEAL

NOT VALID UNLESS
SEALED HERE WITH
AN EMBOSSED
SURVEYOR'S SEAL

SHEET 3 OF 3

**SKETCH OF A PORTION OF TRACT "A"
BURGER KING WORLD HEADQUARTERS, P.B. 127, PG 86, D.C.R.
PARCEL 2**



LEGEND:

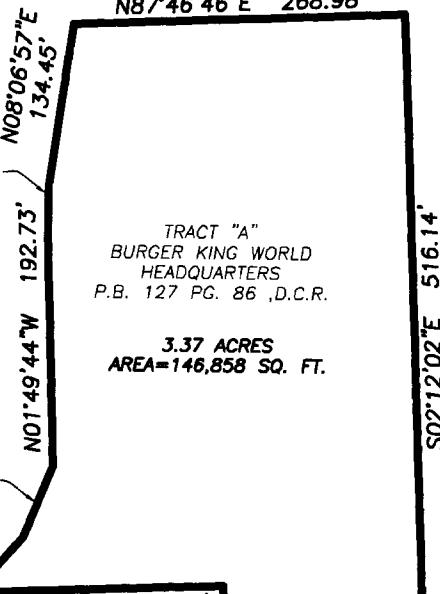
D.C.R. MIAMI-DADE COUNTY RECORDS
P.B. PLAT BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING

Location Map

NOT TO SCALE

TRACT "A"
BURGER KING WORLD
HEADQUARTERS
P.B. 127 PG. 86 ,D.C.R.

N87°46'46"E 268.98'



TRACT "A"
BURGER KING WORLD
HEADQUARTERS
P.B. 127 PG. 86 ,D.C.R.

N01°12'30"E
38.65'

TRACT "A"
BURGER KING WORLD
HEADQUARTERS
P.B. 127 PG. 86 ,D.C.R.

N21°46'47"E
63.53'

TRACT "A"
BURGER KING WORLD
HEADQUARTERS
P.B. 127 PG. 86 ,D.C.R.

3.37 ACRES
AREA=146,858 SQ. FT.

TRACT "A"
BURGER KING WORLD
HEADQUARTERS
P.B. 127 PG. 86 ,D.C.R.

N41°16'07"E
61.21'

S87°47'58"W 203.42'

S87°47'58"W
161.11'

SOUTH LINE OF TRACT "A"

S 87°47'58" W 875.00'
SOUTH LINE OF SW 1/4 OF
SECTION 35-55-40

PERRINE GRANT, P.B. 4, PG. 9, D.C.R.

34
35
3
2

S.W. 184th STREET

N 87°47'58" E 975.0'

N 02°12'02" W

50.00'

POINT OF
BEGINNING

POINT OF
COMMENCEMENT
SW CORNER OF SECTION
35-55-40

**LEGL DESCRIPTION OF A PORTION OF TRACT "A"
BURGER KING WORLD HEADQUARTERS, P.B. 127, PG 86, D.C.R.
PARCEL 2**

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF TRACT "A", BURGER KING WORLD HEADQUARTERS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 127, PAGE 86, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND A PORTION OF SECTION 35, TOWNSHIP 55 SOUTH, RANGE 40 EAST. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING WITHIN MIAMI-DADE COUNTY, FLORIDA;

THENCE N.87°47'58"E., ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 975.00 FEET TO THE SOUTHERLY LIMITS OF SAID TRACT "A". SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE N.02°12'02"W., ALONG SAID SOUTHERLY LIMITS, A DISTANCE OF 50.00 FEET;

THENCE S.87°47'58"W., ALONG SAID SOUTHERLY LIMITS, A DISTANCE OF 203.42 FEET;

THENCE N.41°16'07"E., DEPARTING SAID SOUTHERLY LIMITS, A DISTANCE OF 61.21 FEET;

THENCE N.21°46'47"E., A DISTANCE OF 63.53 FEET;

THENCE N.01°49'44"W., A DISTANCE OF 192.73 FEET;

THENCE N.01°12'30"E., A DISTANCE OF 38.65 FEET;

THENCE N.08°06'57"E., A DISTANCE OF 134.45 FEET;

THENCE N.87°46'46"E., A DISTANCE OF 268.98 FEET;

THENCE S.02°12'02"E., A DISTANCE OF 516.14 FEET TO THE SOUTH LINE OF SAID TRACT "A";

THENCE S.87°47'58"W., ALONG SAID SOUTHERLY LIMITS, A DISTANCE OF 161.11 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN MIAMI-DADE COUNTY, FLORIDA CONTAINING 3.37 ACRES (146,858 SQUARE FEET, MORE OR LESS).

SURVEY NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON S.87°47'58"W. ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 35-55-40, LYING WITHIN MIAMI-DADE COUNTY, FLORIDA.
2. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY OR OTHER MATTERS OF RECORD BY EXACTA, A LAND SURVEYING COMPANY. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY (THIS IS NOT A SURVEY).
3. THE LEGAL DESCRIPTION SHOWN HEREON WAS AUTHORED BY EXACTA COMMERCIAL SURVEYORS, INC. WITHOUT THE BENEFIT OF A TITLE SEARCH AND BASED ON SKETCH PROVIDED BY THE CLIENT.

FILE: C:\Exacta Commercial surveyors\Grouper Financial\FL0803.0329 BK HQ S&D\0805-0224 Sketch & Description B.dwg

SKETCH NO. FL00805-0224	REVISIONS			DATE	BY	CERTIFICATE: THIS IS TO CERTIFY THAT THE SKETCH & LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.	SEAL NOT VALID UNLESS SEALED HERE WITH AN EMBOSSED SURVEYOR'S SEAL
	REVISE BOUNDARY LIMITS	6-16-08	JDLR	REVISE BOUNDARY LIMITS	7-7-08		
						JAVIER DE LA ROCHA	
DATE OF SKETCH: 06/02/08 DRAWN BY JDLR CHECKED BY SF FIELD BOOK N/A						PROFESSIONAL SURVEYOR AND MAPPER NO. 6080 - STATE OF FLORIDA	
						SHEET 2 OF 2	