

ORDINANCE #2014-32

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING THE REZONING OF 30± ACRES GENERALLY LOCATED EAST OF NW 107TH AVENUE AND SOUTH OF NW 87TH TERRACE, DORAL, FLORIDA, FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) TO THE MIDTOWN DORAL PLANNED UNIT DEVELOPMENT (PUD); AND APPROVING THE RELEASE OF THE AMENDED AND RESTATED DECLARATION OF RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 28578 AT PAGE 2516; PROVIDING FOR RECORDATION AND PROVIDING FOR EFFECTIVE DATE

WHEREAS, 107 Avenue Doral Properties, ("Applicant"), has requested approval of a rezoning of 30 ± acres, as legally described in "Exhibit A", located east of NW 107th Avenue and South of NW 87th Terrace ("Property"), Doral, Florida, from Traditional Neighborhood Development (TND) to the Midtown Doral Planned Unit Development (PUD) and approval of the release of the Amended and Restated declaration of restrictions recorded in Official Records Book 28578 at Page 2516, as depicted in "Exhibit B"; and

WHEREAS, the site is surrounded by residential development, FPL easement and mixed-use development on the southern end of the property; and

WHEREAS, the proposed development program for this property includes both residential, office and a mix of retail uses within close proximity to adjacent residential communities; and

WHEREAS, the proposed development includes 1,548 units consistent with the Third Amendment and Restated Section 8 Settlement Agreement; an increase in retail square footage from 220,000 to 300,000 square feet; and an additional 75,000 square feet of office; and

WHEREAS, on October 8, 2014, the City Council held a quasi-judicial hearing and received testimony and evidence related to the Application from the Applicant and other persons and found that the rezoning is consistent with the Comprehensive Development Master Plan and is in the best interest of the residents of the City of Doral; and

WHEREAS, after careful review and deliberation, staff has determined that this application has complied with the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA THAT:

Section 1. Recitals. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Approval. The rezoning of this property and the release of the amended and restated declarations of restrictions recorded in Official Records Book 28578 at Page 2516 of the Public Records of Miami-Dade County is hereby approved.

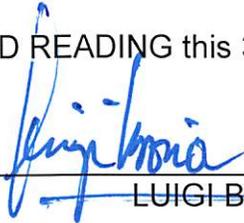
Section 3.. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Ruiz who moved its adoption. The motion was seconded by Councilmember Fraga and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 17th day of September, 2014.

PASSED AND ADOPTED on SECOND READING this 3rd day of December, 2014.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE USE
OF THE CITY OF DORAL.



WEISS, SEROTA, HELFMAN, COLE,
BIERMAN & POPOK, PL
CITY ATTORNEY

EXHIBIT "A"

Exhibit "A"

Legal Description

A portion of Section 8, Township 53 South, Range 40 East, City of Doral, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest Corner of said Section 8; thence $S01^{\circ}43'29''E$, along the West Line of the Northwest 1/4 of said Section 8, for a distance of 240.07 feet; thence $N89^{\circ}39'28''E$ for a distance of 40.01 feet to the POINT OF BEGINNING of the hereinafter described Parcel of Land; thence continue $N89^{\circ}39'28''E$ for a distance of 310.09 feet; thence $S01^{\circ}43'29''E$, along the West Line of a 170 feet Wide Florida Power and Light Easement, as recorded in Official Records Book 6142, at Page 326 of the Public Records of Miami-Dade County, Florida, for a distance of 379.33 feet to a point hereinafter refer to as Reference Point "A"; thence $S88^{\circ}16'31''W$ for a distance of 310.00 feet; thence $N01^{\circ}43'29''W$, along a line 40.00 feet East of and parallel with the said West Line of the Northwest 1/4 of said Section 8, for a distance of 386.81 feet to the POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE at the aforementioned Reference Point "A"; thence $S01^{\circ}43'29''E$, along the West Line of a 170 feet Wide Florida Power and Light Easement, as recorded in Official Records Book 6142, at Page 326 of the Public Records of Miami-Dade County, Florida, for a distance of 60.00 feet to the POINT OF BEGINNING of the hereinafter described Parcel of Land; thence continue $S01^{\circ}43'29''E$, along the last described line for a distance of 508.24 feet to a point hereinafter refer to as Reference Point "B"; thence $S88^{\circ}16'31''W$ for a distance of 104.00 feet; thence $N01^{\circ}43'29''W$ for a distance of 100.00 feet; thence $S88^{\circ}16'31''W$ for a distance of 206.00 feet; thence $N01^{\circ}43'29''W$, along a line 40.00 feet East of and parallel with the West Line of the Northwest 1/4 of said Section 8, for a distance of 408.24 feet; thence $N88^{\circ}16'31''E$ for a distance of 310.00 feet to the POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE at the aforementioned Reference Point "B"; thence $S01^{\circ}43'29''E$, along the West Line of a 170 feet Wide Florida Power and Light Easement, as recorded in Official Records Book 6142, at Page 326 of the Public Records of Miami-Dade County, Florida, for a distance of 50.00 feet to the POINT OF BEGINNING of the hereinafter described Parcel of Land; thence continue $S01^{\circ}43'29''E$, along the last described line for a distance of 1363.29 feet to a point hereinafter refer to as Reference Point "C"; thence $S88^{\circ}16'31''W$ for a distance of 310.00 feet; thence $N01^{\circ}43'29''W$, along a line 40.00 feet East of and parallel with the West Line of the Southwest 1/4 of said Section 8, for a distance of 1258.97 feet; thence $N88^{\circ}16'31''E$ for a distance

of 206.00 feet; thence N01°43'29"W for a distance of 104.32 feet; thence N88°16'31"E for a distance of 104.00 feet to the POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE at the aforementioned Reference Point "C"; thence S01°43'29"E, along the West Line of a 170 feet Wide Florida Power and Light Easement, as recorded in Official Records Book 6142, at Page 326 of the Public Records of Miami-Dade County, Florida, for a distance of 60.00 feet to the POINT OF BEGINNING of the hereinafter described Parcel of Land; thence continue S01°43'29"E, along the last described line for a distance of 1208.64 feet to a point of curvature of a circular curve to the left, concave to the East; thence Southeasterly along the arc of said curve, having for its elements a radius of 23.00 feet, through a central angle of 12°33'35" for an arc distance of 5.04 feet; thence S88°16'14"W for a distance of 310.55 feet a point hereinafter refer to a Reference Point "D"; thence N01°43'29"W, along a line 40.00 feet East of and parallel with the West Line of the Northwest 1/4 of said Section 8, for a distance of 1213.66 feet; thence N88°16'31"E for a distance of 310.00 feet to the POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE at the aforementioned Reference Point "D"; thence S01°43'29"E, along a line 40.00 feet East of and parallel with the West Line of the Northwest 1/4 of said Section 8, for a distance of 315.20 feet; thence S03°11'19"E, along the Easterly Right-of-way Line of N.W. 107th Avenue as recorded in Official Records Book 24939, at Page 4001 of the Public Records of Miami-Dade County, Florida, for a distance of 291.54 feet; thence N89°39'25"E, along a line 730.00 feet North of and parallel with the South Line of the Southwest 1/4 of said Section 8, for a distance of 302.64 feet; thence N01°43'29"W, along the West Line of a 170 feet Wide Florida Power and Light Easement, as recorded in Official Records Book 6142, at Page 326 of the Public Records of Miami-Dade County, Florida, for a distance of 608.96 feet to a point of curvature of a circular curve to the right, concave to the East; thence Northeasterly along the arc of said curve, having for its elements a radius of 23.00 feet, through a central angle of 12°33'07" for an arc of 5.04 feet; thence S88°16'17"W for a distance of 310.55 feet to the POINT OF BEGINNING.

AND:

A portion of the West 1/2 of Section 8, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest Corner of said Section 8; thence S01deg43min29secE, along the West Line of the Northwest 1/4 of said Section 8, for a distance of 1095.37 feet; thence N88deg16min31secE for a distance of 40.00 feet to the POINT OF BEGINNING of the hereinafter described Parcel of Land; thence continue N88deg16min31secE for a distance of 206.00 feet; thence S01deg43min29secE for a distance of 100.00 feet; thence N88deg16min31secE

for a distance of 104.00 feet; thence S01deg43min29secE, along the West Line of a 170.00 foot F.P.L. Easement as recorded in Official Records Book 6142, Page 326, for a distance of 50.00 feet; thence S88deg16min31secW for a distance of 104.00 feet; thence S01deg43min29secE for a distance of 104.32 feet; thence S88deg16min31secW for a distance of 206.00 feet to a point on a line 40.00 feet East of and parallel with the West Line of said Section 8; thence N01deg43min29secW, along the last described line for a distance of 254.32 feet to the POINT OF BEGINNING.

EXHIBIT "B"

Exhibit "B"

This instrument was prepared by, and after recording return to:

Name: Juan J. Mayol, Jr., Esq.
Address: Holland & Knight
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

(Space reserved for Clerk
of Court)

PARTIAL RELEASE OF DECLARATIONS OF RESTRICTIONS

WHEREAS, 107 Avenue Doral Properties, LLC, and the Grand Bay at Doral Community Development District (the "Owners") are the owners of the Property legally described in the attached Exhibit "A" (the "Property");

WHEREAS, the Property is located within the City of Doral and subject to its jurisdiction;

WHEREAS, two (2) public hearings for the rezoning of the Property to Midtown Doral Planned Unit Development were held before the City Council on September 17, 2014 and December 3, 2014;

WHEREAS, at which hearings the City Council adopted Ordinance No. 2014-__, which approved the rezoning of the Midtown Doral Planned Unit Development (the "Ordinance");

WHEREAS, an Amended and Restated Declaration of Restrictions was recorded in on the Property in Official Records Book 28578 at Page 2516 of the

Public Records of Miami-Dade County, Florida (the "Declaration") in connection with certain prior zoning approvals for the Property;

WHEREAS, the Ordinance approved a rezoning and development program that superseded all prior zoning approvals on the Property;

WHEREAS, the Owners have affirmed that they have abandoned said prior zoning approvals for the Property and all rights thereunder;

WHEREAS, the Director of the City Planning and Zoning Department (the "Director") is authorized to execute this release of the Declaration on behalf of the City of Doral pursuant to Section 53-558 of the City's Land Development Code; and

WHEREAS, the Owners and the Director desire to terminate the Declaration with respect to the Property.

NOW, THEREFORE, in consideration of the foregoing and along with other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners and the City of Doral agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and are hereby incorporated herein by reference. All exhibits to this Release are hereby deemed a part hereof.
2. **Release**. The following Declaration is hereby released, declared of no further legal effect, null and void, and terminated as it applies to the Property:

Amended and Restated Declaration of Restrictions was recorded in on
the Property in Official Records Book 28578 at Page 2516 of the Public
Records of Miami-Dade County, Florida.

The Clerk of the Circuit Court of Miami-Dade County, Florida, is hereby directed
to note the same upon the records.

[Execution Page Follows]

IN WITNESS WHEREOF, 107 Avenue Doral Properties, LLC, has caused these present to be signed in its name on this ____ day of _____, 2014.

WITNESSES:

107 Avenue Doral Properties, LLC
a Florida limited liability company

By:

Witness

Signature

Printed Name

Printed Name / Title

Witness

Address:

Printed Name

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, as _____ of 107 Avenue Doral Properties, LLC, a Florida limited liability company, on behalf of said company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

Notary Public – State of Florida

Printed Name

IN WITNESS WHEREOF, Grand Bay at Doral Community Development District, has caused these present to be signed in its name on this ____ day of _____, 2014.

WITNESSES:

Grand Bay at Doral Community Development District

By:

Witness

Signature

Printed Name

Printed Name / Title

Witness

Address:

Printed Name

Printed Name

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, as _____ of Grand Bay at Doral Community Development District, a local unit of special-purpose government organized and existing under the laws of the State of Florida, on behalf of said entity, who is personally known to me or has produced _____ as identification.

My Commission Expires:

Notary Public – State of Florida

Printed Name

Signed, witnessed, executed and acknowledged at Doral, Florida, on this -
_____ day of _____, 2014.

Witnesses:

**CITY OF DORAL
PLANNING & ZONING DEPT.**

Signature

By:

Print Name

Julian Perez, Director

Signature

Print Name

Approved as to legal sufficiency:

City Attorney

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this _____ day of _____,
2014, before me personally appeared Julian Perez, personally known to me as
the Director of the City of Doral Planning and Zoning Department, who is
described herein and who executed the foregoing instrument, and he did
acknowledge to me the execution thereof for the uses and purpose mentioned
and his capacity as Director of the City of Doral Planning and Zoning
Department.

Notary Public

My Commission Expires:

Print Name