

July 20 1994
DATE MICROFILMED

COURTHOUSE TOWER
LOCATION

Cresta Charles
CAMERA OPERATOR
DEPUTY CLERK, CIRCUIT COURT

OFF. REC. 16444PG2379

94R348180 1994 JUL 20 09:39

DECLARATION OF RESTRICTIONS

WHEREAS, The Graham Companies is the fee simple owner (the "Owner"), of the property described in the attached Exhibit A (the "Property");

WHEREAS, Owner intends to develop the Property located in the southwest one-quarter of Section 22, Township 52 South, Range 40 East, with residential dwelling units;

WHEREAS, residents of the nearby Lake Elizabeth, Lake Cynthia, Lake Carol, Lake Sandra, and Lake Glenn-Ellen subdivisions of Miami Lakes have petitioned Metropolitan Dade County for the creation of the "Miami Lakes Section I Security Guard Special Taxing District" (the "District"); to fund and construct a guardhouse and related improvements, and to operate and maintain these improvements;

WHEREAS, the Owner has represented to the Dade County Public Works Department (the "Department") that it wishes to include the Property in the District, upon certain terms and conditions, and upon the circumstances as set forth in this Declaration; and

WHEREAS, the Owner wishes to assure the Dade County Public Works Department and the Board of County Commissioners of Dade County, Florida, that it will abide by the representations it has made with respect to the inclusion of the Property in the District.

NOW, THEREFORE, the Owner hereby voluntarily makes the following covenants and agreements covering and running with the Property:

1. Inclusion in District. The Owner agrees to include the Property in the District, subject to the terms and conditions described in this Declaration.

2. Assessment of Property. The Property will be taxed for ad valorem tax purposes under one folio number, 30-2022-001-0570, commencing with the 1994 tax roll. As long as the Property (or any portion thereof) is undeveloped, the District shall assess the Property as one-half (1/2) of one unit. The District shall assess each completed dwelling unit constructed on the Property as one (1) unit. The Owner shall furnish the Department with an annual report, no later than June 1st of each year, setting forth the number of dwelling units with certificates of occupancy on the Property.

Jul 20 1999
DATE MICROFILMED

COURTHOUSE TOWER

LOCATION

Cresta Charles
CAMERA OPERATOR
DEPUTY CLERK, CIRCUIT COURT

OFF. REC. 16444P2380

3. Extension of Balgowan Road. If Balgowan Road is connected to Commerce Way from Ardoch Road, then Owner shall (a) construct the improvements described in this paragraph (the "Security Improvements"), and donate same to the District, and (b) complete the Security Improvements prior to occupancy of the first residential dwelling unit on the Property. The Security Improvements shall include a two lane entrance, a median for the guardhouse area, one exit lane, a guardhouse, electrical raceways and the pads for the gates, constructed to the Department's specifications. The Security Improvements shall be located in the median of Balgowan Road, approximately 200 to 300 feet north of Commerce Way. The final location, design and construction of the Security Improvements shall be subject to the approval of the Department Director.

4. Development of Property. In addition to the Owner's agreement to construct the Security Improvements as described in the preceding paragraph, Owner agrees to prohibit access to Balgowan Road through the Property from Commerce Way. Furthermore, Owner agrees that if Balgowan Road is connected to Commerce Way from Ardoch Road, the entrance to the Property from Balgowan Road shall be located north of the Security Improvements. Owner will submit any proposed site plan for development of the Property to Department, and Department shall review such site plan in order to confirm that the proposed development of the Property complies with the provisions of this paragraph.

5. Vacation of Roadway. If Dade County vacates the extension of Balgowan Road from Ardoch Road to Commerce Way, or takes other action which would eliminate or prevent the future construction of this roadway, then Owner shall have no obligation to construct the Security Improvements. * Owner shall be obligated to petition Dade County to vacate such portion of Balgowan Road, and obtain a final, non-appealable decision by the County regarding such petition, prior to Owner's commencement of dwelling unit construction on the Property. Provided, however, that nothing set forth in this paragraph shall be deemed to modify or limit the provisions of paragraph 1 regarding inclusion of the Property in the District. If Balgowan Road is extended from Ardoch Road to Commerce Way, then nothing set forth in this paragraph shall prohibit the Owner from proposing a reduction in the width of the right-of-way for this section of Balgowan Road.

6. Term. This Declaration shall run with the land and shall remain in full force and effect and shall be binding upon the Owner, its successors and assigns for an initial period of thirty (30) years from the date this Declaration is recorded in the Public Records of Dade County, Florida, and shall be extended automatically for successive periods of ten (10) years.

July 20 1999
DATE MICROFILMED

COURTHOUSE TOWER

LOCATION

Cresta Charles
CAMERA OPERATOR
DEPUTY CLERK, CIRCUIT COURTOFF. 16444PC2381
REC.

7. Amendment, Modification or Release. This Declaration may only be amended, modified or released as to the Property or any portion of the Property by a written instrument executed by the then Owner of the fee simple title to the Property or portion of the Property to which such amendment, modification or release pertains, providing that same is approved by the Director of the Department, or its successor agency. Should this Declaration be so amended, modified, or released, the Department Director shall execute a written instrument in recordable form effectuating and acknowledging such amendment, modification or release.

8. Application of Covenant. This Declaration shall constitute a covenant running with the land and the title to the Property, binding upon the Owner, its successors and assigns. This Declaration shall be for the benefit of and limitation upon all present and future owners of the Property and for the public welfare.

9. Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

10. Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other rights, remedies and privileges.

11. Severability. Invalidation of any one of the provisions of this Declaration by judgment or Court in no way shall affect any of the other provisions of this Declaration which shall remain in full force and effect.

12. Recording and Effective Date. This Declaration shall be effective and binding upon all parties only after it has been filed of record among the public records of Dade County, Florida at the cost of the owner.

OFF. REC: 16444PC2382

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of May, 1994.

WITNESSES:

The Graham Companies

Signature: Melba Wills
Print name: MELBA WILLS

By: Stuart S. Wyllie
Stuart S. Wyllie, Senior Executive Vice President

Signature: Vivian Johnson
Print name: VIVIAN JOHNSON

[CORPORATE SEAL]

STATE OF FLORIDA)
COUNTY OF DADE) SS:

The foregoing instrument was acknowledged before me this 11th day of May, 1994 by Stuart S. Wyllie, Senior Executive Vice President of The Graham Companies, on behalf of the corporation. He is personally known to me or who has produced N/A as identification and did (did not) take an oath that he executed this instrument freely and voluntarily for the uses and purposes herein described.

OFFICIAL NOTARY SEAL
VIVIAN JOHNSON
COMMISSION NUMBER
CC349285
MY COMMISSION EXPIRES
FEB. 20, 1998

Signature: Vivian Johnson
Print Name: VIVIAN JOHNSON
Notary Public, State of Florida

My commission expires:

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RIVIN,
Clerk of Circuit & County
Courts