



VILLAGE OF KEY BISCAYNE

Office of the Village Manager

MEMORANDUM

Village Council

Franklin H. Caplan, *Mayor*

Michael E. Kelly, *Vice Mayor*

Michael W. Davey

Enrique Garcia

Robert Gusman

Mayra P. Lindsay

James S. Taintor

Village Manager

Genaro "Chip" Iglesias

DATE: August 18, 2011

TO: Honorable Mayor and Members of the Village Council

FROM: Genaro "Chip" Iglesias, Village Manager

RE: Partial Vacation of Ocean Drive Right-of-Way

RECOMMENDATION

It is recommended that the Village Council approve the request to vacate 57.5 ft. of the 115 ft. Ocean Drive right-of-way located between 301 and 350 Ocean Drive.

BACKGROUND

The current right-of-way on Ocean Drive is 115 ft. as established by Miami-Dade County. As indicated in the attached report from our traffic engineer Ramon Castella, the proposed 57.5 ft. right-of-way is more than sufficient to handle the traffic from the proposed development at 350 Ocean Drive and the existing and potential re-development of property located at 301 Ocean Drive.

RESOLUTION NO. 2011-

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA APPROVING AN ABANDONMENT AND VACATION OF 57.5 FEET OF THE OCEAN DRIVE RIGHT-OF-WAY; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Consultatio Key Biscayne LLC (the “Applicant”) is the owner of approximately 10.11 acres of real property located at 350 Ocean Drive, Key Biscayne, Florida (the “Property”); and

WHEREAS, for several decades the Property was used as a hotel and was a place of public accommodation, which required an ongoing need for a substantial public right-of-way; and

WHEREAS, the Applicant desires to change the use of the Property, which would alleviate the need for the existing width of the Ocean Drive right-of-way (the “Right-of-Way”); and

WHEREAS, the Applicant has filed a Planning and Zoning Application seeking to abandon and vacate 57.5 feet of the Right-of-Way; and

WHEREAS, after proper public notice, the Village Council has conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record; and

WHEREAS, the Village Council has determined that there is no longer a public need for the existing width of the Right-of-Way, and that reducing the Right-of-Way to 57.5 feet is in the public’s interest as this will enhance pedestrian safety as well as traffic circulation.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The recitals set forth above are hereby adopted and confirmed.

Section 2. Approval of a Partial Abandonment & Vacation of the Right-of-Way.
The Village Council hereby abandons and vacates 57.5 feet of the Right-of-Way, as legally described on Exhibit "A." To the extent that any portion of the abandoned and vacated Right-of-Way is owned in fee simple title by the Village, the Village shall transfer its interest to the adjacent fee simple title property owner.

Section 3. Conditions. The approvals granted by this Resolution are subject to compliance with the following condition, to which the Applicant stipulated and agreed to at the public hearing:

- 1, The Property is developed in accordance with the site plan prepared by Arquitectonica International Corporation, entitled "Proposed Site Plan," dated July 15, 2011, and consisting of 37 pages.

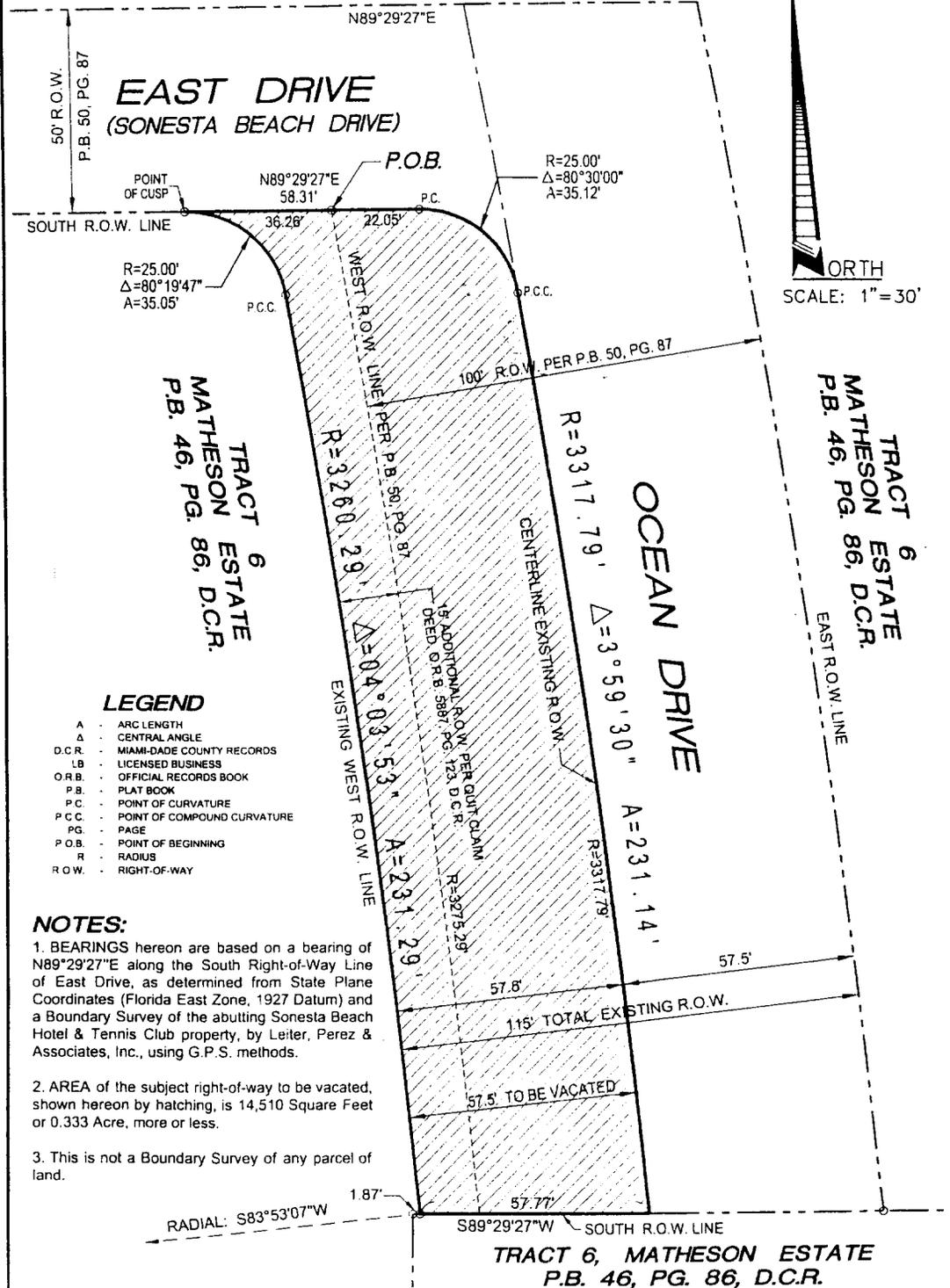
Section 4. Recording. This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County. A copy of the proof of recordation shall be submitted to the Building, Zoning and Planning Department prior to the issuance of any building permits.

Section 5. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this ____ day of August, 2011.

EXHIBIT "A"
OCEAN DRIVE R.O.W. TO BE VACATED
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

TRACT 6, MATHESON ESTATE
P.B. 46, PG. 86, D.C.R.



LEGEND

- A . . . ARC LENGTH
- Δ . . . CENTRAL ANGLE
- D.C.R . . . MIAMI-DADE COUNTY RECORDS
- LB . . . LICENSED BUSINESS
- O.R.B . . . OFFICIAL RECORDS BOOK
- P.B . . . PLAT BOOK
- P.C . . . POINT OF CURVATURE
- P.C.C . . . POINT OF COMPOUND CURVATURE
- PG . . . PAGE
- P.O.B . . . POINT OF BEGINNING
- R . . . RADIUS
- R.O.W . . . RIGHT-OF-WAY

NOTES:

1. BEARINGS hereon are based on a bearing of N89°29'27"E along the South Right-of-Way Line of East Drive, as determined from State Plane Coordinates (Florida East Zone, 1927 Datum) and a Boundary Survey of the abutting Sonesta Beach Hotel & Tennis Club property, by Leiter, Perez & Associates, Inc., using G.P.S. methods.
2. AREA of the subject right-of-way to be vacated, shown hereon by hatching, is 14,510 Square Feet or 0.333 Acre, more or less.
3. This is not a Boundary Survey of any parcel of land.

NOTE: THIS IS NOT A LAND SURVEY.
 FOR LEGAL DESCRIPTION, SEE SHEET 2 OF 2.

LEITER, PEREZ & ASSOCIATES, INC.
 LAND DEVELOPMENT CONSULTANTS
 CIVIL ENGINEERS - LAND SURVEYORS
 LAND PLANNERS - ENVIRONMENTAL
 160 N.W. 176TH ST., SUITE 403, MIAMI, FLORIDA 33189
 MIAMI-DADE (305) 652-5133 BROWARD (954) 524-2202 FAX (305) 652-0411
 E-Mail: office@leiterperez.com WEBSITE: www.leiterperez.com LICENSED BUSINESS No. 6787

REVISION:	
07-17-11	57.5' R.O.W.

FILE: 11-137Vacated.dwg
 DATE: 07-12-11 JOB NO.: 11-137 FILE: L-1819(1) SHEET 1 OF 2



Engineers
Architects
Planners

August 2, 2011

Village of Key Biscayne
88 W. McIntyre Street
Key Biscayne, Florida 33149

**Attention: Jud Kurlancheek, A.I.C.P.
Director – Building, Zoning & Planning Dept.**

**Reference: Proposed Sonesta Development – Ocean Drive Partial Vacation
Key Biscayne, Florida**

Dear Mr. Kurlancheek:

As requested, we reviewed the proposed vacation of the Ocean Drive west half right-of-way, from East Drive south approximately 231 feet to the dead end. The remaining right-of-way will be 57.5 feet in width, which meets or exceeds the Miami-Dade County Sub-Division standards for this type of facility.

The required roadway and sidewalk improvements for the proposed 154 unit Sonesta project and the ultimate future build-out of the Silver Sands can be accommodated within the 57.5 foot wide right-of-way corridor.

If you have any questions, or need additional information, please do not hesitate to contact me at (305) 445-2900, or via e-mail at rcastella@c3ts.com.

Sincerely,

Corzo Castella Carballo Thompson Salman, P.A.

Ramon Castella, P.E.
Principal
8/2/11
RC/er

\\Gablesdata\clerical\Projects\1108-00\Correspondence\1L080211 Kurlancheek_Sonesta Development.doc

**SPECIAL MEETING OF
THE VILLAGE COUNCIL
OF THE VILLAGE OF KEY
BISCAYNE, FLORIDA**

AUGUST 18, 2011

IN RE: RIGHT OF WAY VACATION

**SUBMISSION IN SUPPORT
OF R.O.W. VACATION APPLICATION BY
CONSULTATIO KEY BISCAYNE, L.L.C.**

Counsel for Applicants
SHUBIN & BASS, P.A.
46 S.W. 1st Street
Third Floor
Miami, Florida 33130
Tel. (305) 381-6060
Fax (305) 381-9457



VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning
88 West McIntyre Street, Suite 250 Key Biscayne, FL 33149
Phone (305) 365-5512 Fax (305) 365-5556
www.keybiscayne.fl.gov

PLANNING AND ZONING APPLICATION

Date Filed: 7-15-11

File #: SP-19 0
(to be completed by Staff)

1. REQUEST FOR

- | | |
|---|--|
| <input type="checkbox"/> SUPERVISORY VARIANCE | <input type="checkbox"/> AMENDMENT TO ZONING ORDINANCE |
| <input type="checkbox"/> ADMINISTRATIVE VARIANCE | <input type="checkbox"/> SPECIAL EXCEPTION |
| <input checked="" type="checkbox"/> REGULATORY VARIANCE | <input type="checkbox"/> AMENDMENT TO THE COMPREHENSIVE PLAN |
| <input type="checkbox"/> APPEAL OF AN ADMINISTRATIVE DECISION | <input type="checkbox"/> ZONING DISTRICT CHANGE |
| <input checked="" type="checkbox"/> SITE PLAN APPROVAL | |
| <input type="checkbox"/> UNUSUAL USE | |
| <input checked="" type="checkbox"/> OTHER <u>Vacation of right-of-way</u> | |

Explain your request:

See attached letter of intent.

2. Street Address of Property: 350 Ocean Drive, Key Biscayne, Florida

Legal Description: Lot(s) See Exhibit "A" Block _____

Subdivision: _____

3. Name of Applicant: Consultatio Key Biscayne, I. L.C.

Mailing Address of Applicant: 1200 Brickell Avenue, Suite 1950

Miami, Florida 33131

Business Telephone: (786) 528-5874 Home Telephone: _____

Fax (786) 362-7183 Email: mcorti@consultatiousa.com

4. Name of Property Owner if Different from Applicant: N/A
Address of Property Owner if Different from Applicant: _____

Business Telephone: _____ Home Telephone: _____

Fax: _____ Email: _____

5. Contact Person: Name John K. Shubin, Esq./Amy E. Huber, Esq.
Address Shubin & Bass, P.A. 46 SW 1st Street, 3rd Floor, Miami, Florida 33130
Telephone: (305) 381-6060 Fax: (305) 381-9457

6. Name/address of anyone else who should receive notice of the hearing?
Marcos Corti Maderna 1200 Brickell Ave., Suite 1950, Miami, Florida 33131
John K. Shubin 46 SW 1st Street, 3rd Floor, Miami, Florida 33130

7. If applicant is owner, indicate date purchased: September 2009

8. If applicant is lessee, indicate date leased _____ Years _____

9. Is there an option to purchase the property? Yes () No (X)

10. Is the request the result of a violation notice? No If yes, attach a copy of the violation.

11. Existing use of property Vacant. If residential, how many apartments _____?
hotel units 292? If commercial, how many sq. ft. in your space _____?
Single family home? Yes () No ()

12. If this application pertains to an Appeal of an Administrative Decision, indicate the basis of the appeal. (If necessary attach additional explanation)
N/A

13. If this is a request for a variance, the Code requires that you substantiate why this request should be granted. In order to do this properly, please indicate how your request complies with the following standards:
a. Maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.

See attached letter of intent.

-
- b. Is compatible with the surrounding land uses and would not be detrimental to the community.

See attached letter of intent.

14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.
16. If you are a lobbyist as described in the Village Code, please contact the Village Clerk at (305) 365-5506.

SUPERVISORY VARIANCES ONLY

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature

ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for and Administrative Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature

Date	Name (Type or Print)	Address	Signature

Date	Name (Type or Print)	Address	Signature

Date Name (Type or Print) Address Signature

Date Name (Type or Print) Address Signature

Date Name (Type or Print) Address Signature

If you need additional signatures please use the above format

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

(I) (We) certify that (I) (we) understand and will comply with the provisions and regulations of the Zoning Regulations. (I) (we) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my) (our) knowledge. (I) (we) understand that the application and attachments become part of the official records of the Village and are not returnable.

Signature of Applicant

Date 7.14.11

Signature of Owner

Date 7.14.11

Application Received by:

Date 7-15-11

Approved by:

Date

AFFIDAVITS

Complete one or more of the following that relates to your request

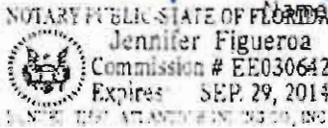
Tenant or Owner Affidavit (if tenant is applicant then owner must sign owner power of attorney affidavit)

I, Marcos Corti-Hausser being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief

I, Marcos Corti-Hausser, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this
14 day of July by Marcos Corti
Name of person making statement



[Signature]
Signature of Applicant
[Signature]
Signature of Notary Public - State of Florida

Jennifer Figueroa
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced FL License

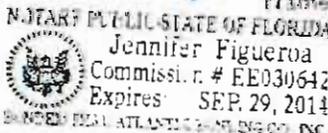
Corporation Affidavit

I, Marcos Corti-Hausser being first duly sworn, depose and say that we are the HAUSSER ~~President and Secretary, Asst Secretary~~ of the aforesaid corporation and as such have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and belief that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing

I, Marcos Corti-Hausser hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this
14 day of July by Marcos Corti
Name of person making statement



[Signature]
Signature of President (Corp Seal)
[Signature]
Signature of Notary Public - State of Florida

Jennifer Figueroa
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced FL License

Owner/Power of Attorney Affidavit

I, Marcos Corti Marquis, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect the request for SITE PLAN APPROVAL,

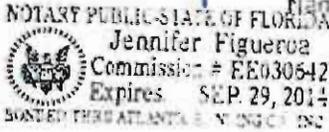
R.O.W. VARIATION & VARIANCE REQUESTS.

relative to my property which is hereby made by me OR I am here by authorizing STUBIN & BASS to be my legal representative before the Village Council.

I, Marcos Corti Marquis, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI DADE

Sworn to (or affirmed) and subscribed before me this 19 day of July by Marcos Corti
Name of person making statement



[Signature]
Signature of President (Corp. Seal)

[Signature]
Signature of Notary Public - State of Florida

Jennifer Figueroa
Print, Type, or Stamp Commissioned Name of Notary Public

Personally known OR Produced Identification
Type of Identification Produced FL license

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I

ALL THAT PIECE, PARCEL OR LOT OF LAND SITUATE, LYING AND BEING IN THE SW ¼ , SECTION 32 AND FRACTIONAL SECTION 33, TOWNSHIP 54 SOUTH, RANGE 42 EAST, IN THE CITY OF KEY BISCAVNE, COUNTY OF MIAMI-DADE, STATE OF FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF TRACT 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46 PAGE 86 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN ALONG THE SOUTH LINE OF TRACT 6, EAST FOR A DISTANCE OF 1200.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND, SAID POINT OF BEGINNING ALSO BEING THE S.E. CORNER OF THE PLAT OF HOLIDAY COLONY AS RECORDED IN PLAT BOOK 50 AT PAGE 87, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, THENCE CONTINUE EAST FOR A DISTANCE OF 761.0 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; THENCE MEANDER NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN FOR A DISTANCE OF 518.3 FEET MORE OR LESS TO A POINT LYING 500.00 FEET NORTH OF THE SOUTH LINE OF TRACT 6 EXTENDED EAST AS MEASURED AT RIGHT ANGLES; THENCE RUN WEST ALONG A LINE 500.00 FEET NORTH OF, AND PARALLEL TO, THE SOUTH LINE OF SAID TRACT 6, AS MEASURED AT RIGHT ANGLES, FOR A DISTANCE OF 631.9 FEET MORE OR LESS TO A POINT; THENCE RUN SOUTH 0°38'55" WEST FOR A DISTANCE OF 327.79 FEET TO A POINT; THENCE RUN NORTH 89° 24'30" WEST FOR A DISTANCE OF 157.55 FEET TO A POINT OF NON-TANGENCY WITH A CIRCULAR CURVE CONCAVE TO THE WEST, THE CENTER OF WHICH BEARS NORTH 89°51'26" WEST FROM THE AFOREMENTIONED POINT OF NON-TANGENCY; SAID POINT ALSO BEING A POINT ON THE EASTERLY LINE OF BLOCK 5 OF THE PLAT OF HOLIDAY COLONY, AS RECORDED IN PLAT BOOK 50, PAGE 87 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 3°14'04" AND A RADIUS OF 3081.59 FEET FOR A DISTANCE OF 173.96 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2

ALL THAT PIECE, PARCEL OR LOT OF LAND SITUATE, LYING AND BEING IN THE SW $\frac{1}{4}$, SECTION 32, TOWNSHIP 54 SOUTH, RANGE 42 EAST, IN THE CITY OF KEY BISCAYNE, COUNTY OF MIAMI-DADE, STATE OF FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF TRACT 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46, PAGE 86 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN ALONG THE SOUTH LINE OF TRACT 6, EAST FOR A DISTANCE OF 1200.00 FEET TO A POINT OF NON-TANGENCY WITH A CIRCULAR CURVE CONCAVE TO THE WEST THE CENTER OF WHICH BEARS NORTH $86^{\circ}37'22''$ WEST FROM THE AFOREMENTIONED POINT OF NON-TANGENCY, SAID POINT ALSO BEING THE SE CORNER OF THE PLAT OF HOLIDAY COLONY, AS RECORDED IN PLAT BOOK 50, PAGE 87 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF $3^{\circ}14'04''$ AND A RADIUS OF 3081.59 FEET FOR A DISTANCE OF 173.96 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF $10^{\circ}46'23''$ AND A RADIUS OF 3081.59 FEET FOR A DISTANCE OF 579.42 FEET TO A POINT ; SAID POINT ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF EAST DRIVE; THENCE RUN ALONG THE SAID RIGHT WAY LINE, EAST FOR A DISTANCE OF 160.62 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF $80^{\circ}19'47''$ AND A RADIUS OF 25.00 FEET FOR A DISTANCE OF 35.03 FEET TO A POINT OF COMPOUND CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE WEST, SAID POINT ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OCEAN BOULEVARD; THENCE RUN SOUTHERLY ALONG THE SAID WESTERLY RIGHT OF WAY LINE ON THE ARC OF THE CIRCULAR CURVE HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF $4^{\circ}03'53''$ AND A RADIUS OF 3260.29 FEET FOR A DISTANCE OF 231.29 FEET TO A POINT; THENCE LEAVING THE SAID RIGHT OF WAY LINE, RUN WEST 1.87 FEET TO A POINT; THENCE RUN SOUTH $0^{\circ}38'55''$ WEST FOR A DISTANCE OF 327.79 FEET TO A POINT ; THENCE RUN NORTH $89^{\circ}24'30''$ WEST FOR A DISTANCE OF 157.55 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

Disclosure of Ownership Interest for

Consultatio key Biscayne, LLC, Florida limited liability partnership

1.	Consultatio Key Biscayne, LLC, Florida limited liability partnership		100%
A.	<u>Members</u>	<u>Class A Percentage Interest</u>	<u>Class B Percentage Interest</u>
	Consultatio Real Estate, Inc. 1200 Brickell Avenue - Suite 1950 Miami, FL 33131	100%	
	Biscayne Coast Corp. 701 Brickell Av. - Suite 1460 Miami, FL 33131		4 0%
	Cantomi KB Inc. Juan Carlos Gomez 1348, Apto 501 Montevideo República Oriental del Uruguay		6 0%
	Consultatio Real Estate, Inc. 1200 Brickell Avenue - Suite 1950 Miami, FL 33131		50 0%
	Fordsand Key Biscayne Inc. 1455 Ocean Drive - #1004 Miami, FL 33139		4 0%
	Kilak Developments, Inc. Rio Amba N 6, Casa de Campo, La Romana 07803 República Dominicana		4 0%
	Losdono Inc. 201 Alhambra Circle- Suite 901 Coral Gables, FL 33134		8 0%
	Pacheco Trade Corp. 201 Alhambra Circle- Suite 901, Coral Gables, FL 33134		12 0%
	Pampira, LLC 444 Brickell Av. #824 Miami, FL 33131		4 0%
	Printemps Fund Real Estate Inc. Calle Treinta y Tres 1373, Suite 104 Montevideo República Oriental del Uruguay		4 0%
	Sisbro US Inc. Sarandi 1567 1251 - Ciudad A de Buenos Aires Argentina		4 0%
B.	<u>Managers</u>		
	Eduardo F. Costantini		
	Cristián Costantini		
	José M. Chouhy Oria		
	Jorge Brave		
	Marcos Corti Maderna		
2.	Consultatio Real Estate, Inc.		
A.	<u>Shareholders</u>		<u>Percentage</u>
	Consultatio S.A.		100%

Av. Madero 900 20^o floor
C1106ACV - Ciudad de Buenos Aires
República Argentina

B. Board of Directors
Eduardo F. Costantini

José M. Chouhy Oria

Cristián Costantini

3. **Consultatio S.A. (Public Company)**

A. <u>Shareholders</u>	Percentage
Eduardo F. Costantini Av. Figueroa Alcorta 3051- Piso 14 ^o C1425CKJ - Ciudad de Buenos Aires República Argentina	66,44%
Compañía Inmobiliaria San Martín de Tours (*) Viamonte 1453, 9 ^o floor - Suite 60 C1055ABA - Ciudad de Buenos Aires República Argentina (*) Wholly owned by Eduardo F. Costantini (95%) and one of his daughters -Mariana Costantini- (5%)	1,07%
Administración Nacional de la Seguridad Social - Fondo de garantía de Sustentabilidad (**) Tucumán 500, 3 ^o piso C1049AAJ - Ciudad de Buenos Aires República Argentina (**) National Pension Fund managed by the Government of the Argentine Republic	26,62%
Carlos A. Reyes Terrabusi Av. Alvear 1597 C1014AAC - Ciudad de Buenos Aires República Argentina	3,78%
Floating at the "Buenos Aires Stock Exchange" Sarmiento 299 C1041AAE - Ciudad de Buenos Aires República Argentina	2,09%

B. <u>Directors</u>	
Eduardo F. Costantini	President
Cristián Costantini	Vice-President
Carlos A. Reyes Terrabusi	Director
Juan Güiraldes	Director
Patricio Furlong	Director
José M. Chouhy Oria	Alternative Director
María José van Mortegan	Alternative Director

4. **Consultatio Key Biscayne, LLC - Class B**

Percentage Interest

Entity Owning Class B % interest in
Consultatio Key Biscayne, LLC

Consultatio Real Estate, Inc.

Entity Owning 100% interest in entity
disclosed
in previous column
Consultatio S A

Ultimate Beneficial Owner

(already described in 2 & 3 above,

Biscayne Coast Corp.	N/A	Gamilio Mendez Chong
Cantomi KB Inc.	Cantomi Uruguay S.A.	Carlos J. Miguens
Fordsand Key Biscayne Inc.	N/A	
Kliak Developments, Inc.	N/A	Carlos Eduardo Antonio María Oliva Funes
Losdono Inc.	N/A	Rodolfo Raul D'Onofrio
Pacheco Trade Corp.	Pacheco Trade Corp.	Adrian G. Sucari Martin Horacio Sucari
Pampira, LLC.	N/A	Claudio Scalfise M. Gabriela Scalfise
Printemps Fund Real Estate Inc.	N/A	Martin N. Huffmann Laura M. Huffmann Carolina M. Huffmann Federico N. Huffman
Sisbro US Inc	N/A	Guillermo Horacio Varela Mabel Angelica Varela

LAW OFFICES
SHUBIN & BASS
P R O F E S S I O N A L A S S O C I A T I O N

Via Hand Delivery

July 15, 2011

Mr. Jud Kurlancheek, AICP
Building, Zoning & Planning Director
Village of Key Biscayne
85 West McIntyre Street
Key Biscayne, Florida 33149

Re: Application for Redevelopment of 350 Ocean Drive, Key Biscayne, Florida

Dear Mr. Kurlancheek:

Please accept this correspondence and the enclosed application (the "Application") for the redevelopment of 350 Ocean Drive, Key Biscayne, Florida (the "Subject Property") on behalf of Consultatio Key Biscayne, LLC. In order to accomplish the redevelopment of the Subject Property as previously presented to the Village of Key Biscayne Council (the "Council"), the Village has advised that the redevelopment requires the following applications and approvals by the Council: (1) site plan application approval; (2) two variance requests from Section 30-103(b) (one for each side of the building); and, (3) vacation of right of way of Ocean Drive from 115 feet to 55 feet.

The Proposed Project

The project as proposed includes 154 multi-family dwelling units with various amenities for the residents which include pools, spa, recreation area, gym, meeting space, kid's play area, lounge, and bar, grill and restaurant (the "Project").

Documentation & Studies

As part of these applications, we are submitting a number of different plans, documents and studies, which include the following:

1. Site plans, elevations, renderings, landscape plans, etc. which satisfy the requirements for site plan review approval process;
2. Traffic Impact Analysis dated June, 2011, prepared by the Corradino Group;

3. Concurrency Study for Water, Sewer, and Solid Waste dated June, 2011, prepared by VSN Engineering, Inc.;
4. Ocean Drive Right of Way Vacation Sketches and Legal Descriptions signed and sealed July 12, 2011;
5. Waiver of Objection by Miami Dade County Water and Sewer executed on July 13, 2011;
6. Adjacent Property Setback Analysis dated July 1, 2011; and
7. Project Summary Data and Comparison Sheet dated July 15, 2011.

Variance Requests

Pursuant to Section 30-63 of the Village Zoning Code, Consultatio is requesting two variances from Section 30-103(b) ,which requires that “no portion of Building may extend beyond a ‘building envelope’ formed by a prism the base of which is formed by the Lot boundaries and whose height is defined by two base angles of 63 degrees each.” The project as proposed is seeking base angles of 79 degrees each on both the North and South sides of the Project.

Section 30-63 states that a variance may be granted upon a finding that the desired Variance meets the following criteria:

1. The Variance will result in conditions that maintain and are consistent in all material respects with the intent and purpose of these Regulations, and that the general welfare, stability and appearance of the community will be protected and maintained.

Response:

The Variances as requested are consistent in all material respects with the intent and purpose of these Regulations. As demonstrated in the attached adjacent property setback analysis, the neighboring properties all provide for base angles in excess of 63 degrees (approximatcly 80 degrees). The general welfare, stability and appearance of the community will be protected and maintained in that the Project provides for more than a 390 foot setback from the West property line, which necessitates the Variance requests. In addition, the Variances are slightly less than that of the neighboring properties and therefore maintain the appearance of the community.

2. The Variance will be compatible with the surrounding land Uses, and otherwise consistent with these Regulations and Comprehensive Plan, and will not be detrimental to the community.

Response:

The Variances are compatible with the surrounding properties and are consistent with the Regulations and Comprehensive Plan in that the Variances are similar to (and actually less than) the neighboring properties. The Variances will not be detrimental to the community. The property is being developed with medium-density multi-family residential dwelling units. The Zoning Code does not require the base angles of 63 degrees; however, the HR Zoning District does.

In summary, the Variance requests are consistent and compatible with the surrounding properties and maintains the general welfare, stability and appearance of the community.

Vacation of Right of Way

Ocean Drive currently provides for a 115 foot right of way. This amount is far in excess of what is needed or required for access and circulation. The remaining 55 ft. proposed is more than adequate to service this area. The vacation of the right of way from 115 ft. to 55 is necessary in order to facilitate better traffic circulation, and provide additional buffering for the residents in Holiday Colony. The vacation, in addition to the easements provided by Consultatio, also provides for enhanced beach access. The sketches and legal descriptions of the existing tight of way, proposed abandoned right of way, and new right of way are attached hereto as composite Exhibit "4." Miami Dade County Water and Sewer has no objection to the vacation request.

Traffic Analysis

The attached Traffic Analysis completed by the Corradino Group concludes that the Project is well within the acceptable levels of service. In addition, the Traffic Analysis also concludes that the Project, in comparison to the previously approved project, generates fewer trips and has a positive impact on the transportation network.

Concurrency Study for Water, Sewer and Solid Waste

The attached Concurrency Study completed by VSN Engineering, Inc. finds that the existing water system is adequate to provide water and fire protection for the Project. It also finds that there is a net decrease in the proposed water use as compared to the existing hotel. All sewer collection will be handled by the Pump Station currently on site and this system is adequate to serve this Project.

Recreation and Open Space (Pursuant to Comprehensive Plan)**Recreation and Open Space Required**

2.47 persons per unit x 154 dwelling units = 380.38 or 381 people

381 people/ 1000 x 2.5 acres = 0.9525 acres

0.9525 ac x 43,560 sq ft/ac = **41,490.9 sq ft. of required recreation and open space**

Recreation and Open Space Provided

10' Dedicated Access Sonesta and Ocean Drive	5,042 sq. ft.
25' Dedicated South Beach Access	22,552 sq. ft.
25' Dedicated North Beach Access	<u>14,794 sq. ft.</u>

TOTAL: **42,388 sq. ft. provided**

Approved Project

Pursuant to your request, attached please find a comparison data sheet which demonstrates that the proposed Project is less intense than the previously Approved Project. The proposed Project provides for an overall reduction of square footage, lot coverage and dwelling units, compared to the Approved Project.

Notwithstanding the filing of this application, Consultatio reserves all rights, approvals and permits to construct the development approved through Village of Key Biscayne Resolution 2007-16 (the "Approved Project"). The submission, processing and approval of this application shall not be construed as a waiver of its existing rights to develop the Approved Project.

Consultatio renews its commitment to move forward with the proposed Project in lieu of the Approved Project, provided that the proposed Project is reviewed and approved in a timely manner and not subject to an appeal.

We look forward to working with the Village as we process these applications. As always, please feel free to contact me with any questions regarding this correspondence or its enclosures.

Sincerely,

A handwritten signature in black ink, appearing to read "John K. Shubin", with a stylized flourish at the end.

John K. Shubin, Esq.
For the firm

Enc.

cc: Stephen J. Helfman



Water & Sewer
P.O. Box 330316 • 3071 SW 38th Avenue
Miami, Florida 33233-0316
T 305-665-7471

miamidade.gov

July 13, 2011

Armando Nuñez, Director
Department of Public Works
Village of Key Biscayne
88 West McIntyre Street, Suite 230
Key Biscayne, FL 33149

Via U.S. Mail

RE: Proposed vacation of portion of Ocean Drive right of way, south of East Drive (Sonesta Beach Drive), located in Tract 6, **MATHESON ESTATES**, as recorded in Plat Book 46, Page 86, Public Records of Miami-Dade County, Florida. Said portion being more particularly described in the attached Exhibit "A", Sheets 1 and 2, prepared by Leiter, Perez & Associates, Inc. (ob No. 11-137), dated July 12th, 2011 herein attached and being a part thereof. All lying and being in Section 32-54-42, Village of Key Biscayne, Miami-Dade County, Fl.

To Whom It May Concern:

The Miami-Dade Water and Sewer Department (WASD) maintains and operates water facilities located within the boundaries of the above referenced portion of right of way. WASD has **no objection** to the vacation of said portion of right of way **with the condition that a 12' WASD Easement be reserved**, with the right and privilege to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect our facilities and all appurtenances thereto, with full right of ingress thereto and egress therefrom on the right-of-way that is to be vacated. Said easement shall respect a minimum 25 feet vertical clearance. No structures will be allowed within the easement. WASD will not be held responsible for the restoration of pavers, ornamental brick and others except of asphalt in case of a main repaired.

In order to update and maintain our records, WASD requests that we be notified once this petition is scheduled for City Council's official consideration. Should you have any questions regarding this matter, do not hesitate to contact me.

Very truly yours,

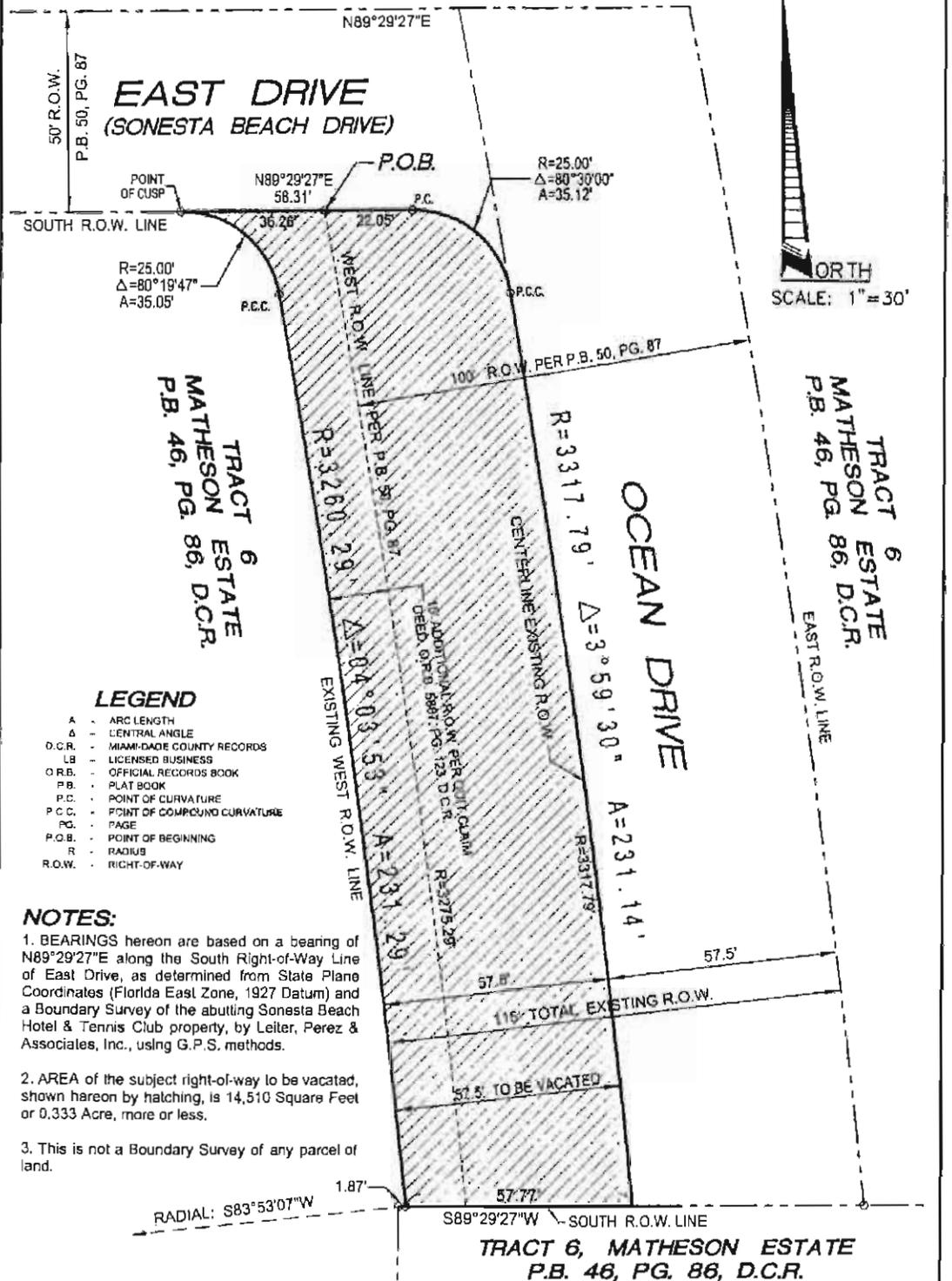
A handwritten signature in blue ink, appearing to read "Odalys C. Bello", written over a horizontal line.

Odalys C. Bello, P.S.M.
Right of Way - Plans Review Section - New Customer Division -WASD
3575 S. Le Jeune Rd. 3rd Floor
Miami, Florida 33146-2221
obello@miamidade.gov.

cc: Sergio Garcia, P. E., WASD Plans Review Section Manager
file

EXHIBIT "A"
OCEAN DRIVE R.O.W. TO BE VACATED
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

TRACT 6, MATHESON ESTATE
P.B. 46, PG. 86, D.C.R.



LEGEND

- A - ARC LENGTH
- Δ - CENTRAL ANGLE
- D.C.R. - MIAMI-DADE COUNTY RECORDS
- LB - LICENSED BUSINESS
- O.R.B. - OFFICIAL RECORDS BOOK
- P.B. - PLAT BOOK
- P.C. - POINT OF CURVATURE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.G. - PAGE
- P.O.B. - POINT OF BEGINNING
- R - RADIUS
- R.O.W. - RIGHT-OF-WAY

NOTES:

1. BEARINGS hereon are based on a bearing of $N89^{\circ}29'27''E$ along the South Right-of-Way Line of East Drive, as determined from State Plane Coordinates (Florida East Zone, 1927 Datum) and a Boundary Survey of the abutting Sonesta Beach Hotel & Tennis Club property, by Leiter, Perez & Associates, Inc., using G.P.S. methods.
2. AREA of the subject right-of-way to be vacated, shown hereon by hatching, is 14,510 Square Feet or 0.333 Acre, more or less.
3. This is not a Boundary Survey of any parcel of land.

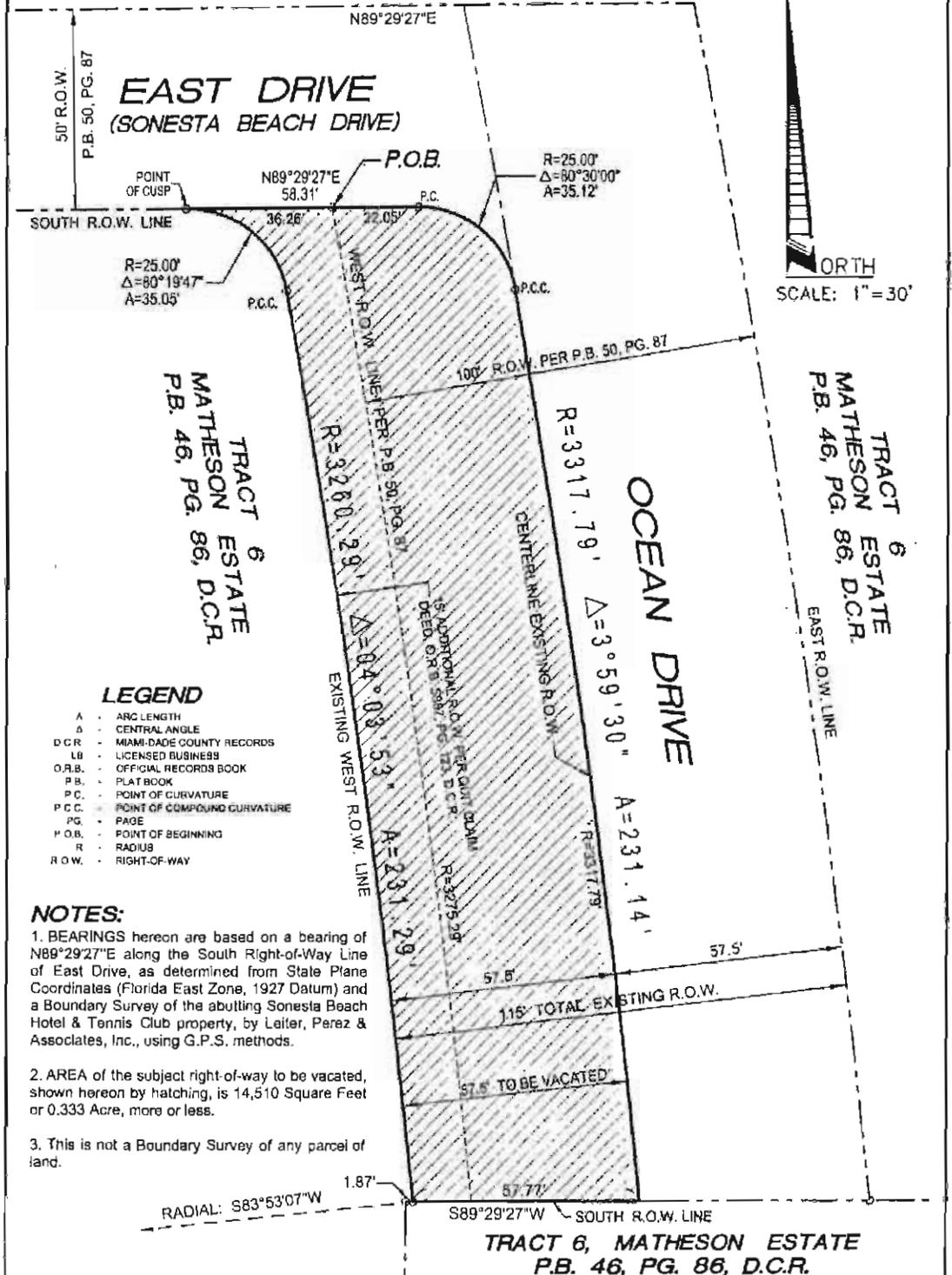
NOTE: THIS IS NOT A LAND SURVEY.
 FOR LEGAL DESCRIPTION, SEE SHEET 2 OF 2.

<p>LEITER, PEREZ & ASSOCIATES, INC. LAND DEVELOPMENT CONSULTANTS CIVIL ENGINEERS - LAND SURVEYORS LAND PLANNERS - ENVIRONMENTAL</p> <p>108 & W 137TH ST. SUITE 403, MIAMI, FLORIDA 33189 MIAMI-DADE (305) 852-5133 BROWARD (954) 226-7200 FAX (305) 852-0411</p> <p>E-Mail: office@leperaz.com WEBSITE: www.leiterperez.com LICENSED BUSINESS #06387</p>	REVISION:		
	07-17-11	57.5' R.O.W.	
DATE: 07-12-11	JOB NO. 11-157	FILE: L-1019(1)	SHEET 1 OF 2

FILE: 11-1J7Vacated.dwg

EXHIBIT "A"
OCEAN DRIVE R.O.W. TO BE VACATED
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

TRACT 6, MATHESON ESTATE
P.B. 46, PG. 86, D.C.R.



LEGEND

- A - ARC LENGTH
- Δ - CENTRAL ANGLE
- D.C.R. - MIAMI-DADE COUNTY RECORDS
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- P.G. - PAGE
- P.O.B. - POINT OF BEGINNING
- R - RADIUS
- R.O.W. - RIGHT-OF-WAY

NOTES:

1. BEARINGS hereon are based on a bearing of N89°29'27"E along the South Right-of-Way Line of East Drive, as determined from State Plane Coordinates (Florida East Zone, 1927 Datum) and a Boundary Survey of the abutting Sonesta Beach Hotel & Tennis Club property, by Leiter, Perez & Associates, Inc., using G.P.S. methods.
2. AREA of the subject right-of-way to be vacated, shown hereon by hatching, is 14,510 Square Feet or 0.333 Acre, more or less.
3. This is not a Boundary Survey of any parcel of land.

NOTE: THIS IS NOT A LAND SURVEY.
 FOR LEGAL DESCRIPTION, SEE SHEET 2 OF 2.

 LEITER, PEREZ & ASSOCIATES, INC. LAND DEVELOPMENT CONSULTANTS CIVIL ENGINEERS - LAND SURVEYORS LAND PLANNERS - ENVIRONMENTAL 150 N.W. 176TH ST., SUITE 403, MIAMI, FLORIDA 33159 MIAMI-DADE (305) 632-1133 BROWARD (954) 524-2202 FAX: (305) 632-0411 E-Mail: office@leiterperez.com WEBSITE: www.leiterperez.com LICENSED BUSINESS No 6787	REVISION: 07-17-11 57.5' R.O.W.
	DATE: 07-12-11 JOB NO.: 11-137 FILE: L-1819(1) SHEET 1 OF 2

EXHIBIT "A"

OCEAN DRIVE RIGHT-OF-WAY TO BE VACATED

LEGAL DESCRIPTION:

A parcel of land being a portion of the existing right-of-way of Ocean Drive, lying in Section 32, Township 54 South, Range 42 East, Village of Key Biscayne, Miami-Dade County, Florida, said portion being more particularly described as follows:

BEGINNING at the intersection of the South Right-of-Way Line of East Drive and the platted Westerly Right-of-Way Line of Ocean Drive, as is shown on the Plat of HOLIDAY COLONY, recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence with a bearing of N.89°29'27"E., along the Easterly extension of said South Right-of-Way Line of East Drive, a distance of 22.05 feet to the Point of Curvature of a circular curve to the right; thence Southeasterly along the arc of said curve, having a radius of 25.00 feet and a central angle of 80°30'00" for an arc length of 35.12 feet to a Point of Compound Curvature; thence Southeasterly along the arc of a circular curve to the right, having a radius of 3317.79 feet and a central angle of 3°59'30" for an arc length of 231.14 feet to the South Right-of-Way Line of said Ocean Drive, the preceding arc lying 57.5 feet Easterly of and concentric with the existing Westerly Right-of-Way line of Ocean Drive; thence S.89°29'27"W., along said South Right-of-Way Line of Ocean Drive, for 57.77 feet to a point on a circular curve, the radius point of which bears S.83°53'07"W. from the last described point; thence Northwesterly along the arc of said curve to the left, also being along the existing Westerly Right-of-Way Line of Ocean Drive, having a radius of 3280.29 feet and a central angle of 4°03'53" for an arc length of 231.29 feet to a Point of Compound Curvature of a circular curve to the left; thence Northwesterly along the arc of said curve, having a radius of 25.00 feet and a central angle of 80°19'47" for an arc length of 35.05 feet to a Point of Cusp lying on the South Right-of-Way Line of East Drive; thence N.89°29'27"E. along said South Right-of-Way Line of East Drive for 36.26 feet to the POINT OF BEGINNING.

THIS "SKETCH & LEGAL DESCRIPTION" WAS PREPARED UNDER MY SUPERVISION.

LEITER, PEREZ & ASSOCIATES, INC.

BY:  PRESIDENT
GEOFFREY LEITER, PROFESSIONAL SURVEYOR & MAPPER #5550
STATE OF FLORIDA

FILE: 11-137Vacated.dwg

NOTE:
THIS IS NOT A LAND SURVEY.
FOR SKETCH AND NOTES, SEE SHEET 1 OF 2.

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED
SURVEYOR AND MAPPER

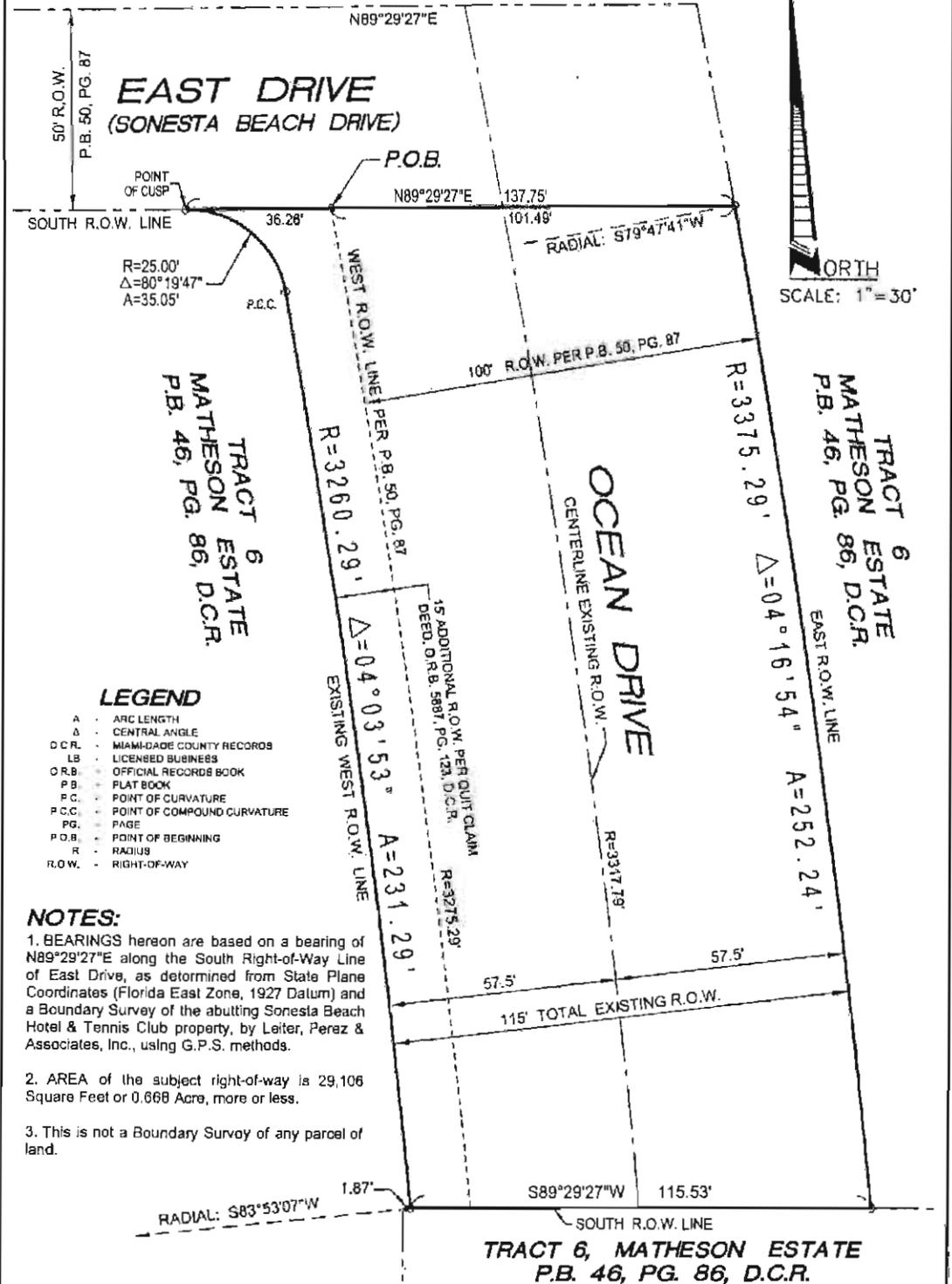
 LEITER, PEREZ & ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTANTS
CIVIL ENGINEERS - LAND SURVEYORS
LAND PLANNERS - ENVIRONMENTAL
140 N.W. 17TH ST., SUITE 402, MIAMI, FLORIDA 33139
MIAMI OFFICE (305) 652-5133 BROWARD (954) 324-2022 FAX (305) 652-5111
E-Mail: office@leiterperez.com WEBSITE: www.leiterperez.com LICENSED BUSINESS No. 6147

07-17-11	REVISION:	
	52.5' R.O.W.	
DATE: 07-12-11	JOB NO.: 11-137	FILE: L-181618

SHEET 2 OF 2

EXHIBIT "B"
EXISTING OCEAN DRIVE R.O.W.
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

TRACT 6, MATHESON ESTATE
 P.B. 46, PG. 86, D.C.R.



ORTH
 SCALE: 1" = 30'

LEGEND

- A - ARC LENGTH
- Δ - CENTRAL ANGLE
- D.C.R. - MIAMI-DADE COUNTY RECORDS
- L.B. - LICENSED BUSINESS
- O.R.B. - OFFICIAL RECORDS BOOK
- P.B. - PLAT BOOK
- P.C.C. - POINT OF CURVATURE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.G. - PAGE
- P.O.B. - POINT OF BEGINNING
- R - RADIUS
- R.O.W. - RIGHT-OF-WAY

NOTES:

1. BEARINGS hereon are based on a bearing of N89°29'27"E along the South Right-of-Way Line of East Drive, as determined from State Plane Coordinates (Florida East Zone, 1927 Datum) and a Boundary Survey of the abutting Sonesta Beach Hotel & Tennis Club property, by Leiter, Peraz & Associates, Inc., using G.P.S. methods.
2. AREA of the subject right-of-way is 29,106 Square Feet or 0.668 Acre, more or less.
3. This is not a Boundary Survey of any parcel of land.

NOTE: THIS IS NOT A LAND SURVEY.
 FOR LEGAL DESCRIPTION, SEE SHEET 2 OF 2.

LEITER, PEREZ & ASSOCIATES, INC.
 LAND DEVELOPMENT CONSULTANTS
 CIVIL ENGINEERS - LAND SURVEYORS
 LAND PLANNERS - ENVIRONMENTAL
 17841 W. 170TH ST., SUITE 403, MIAMI, FLORIDA 33169
 MIAMI-DADE (305) 852-5133 BROWARD (954) 824-2202 FAX (305) 852-0411
 E-Mail: office@leiterperez.com WEB: www.leiterperez.com LICENSED BUSINESS No. 8787

REVISIONS			

DATE: 07-12-11 JOB NO.: 11-137 FILE: L-18191 SHEET 1 OF 2

EXHIBIT "B" EXISTING OCEAN DRIVE RIGHT-OF-WAY

LEGAL DESCRIPTION:

A parcel of land being a portion of the existing right-of-way of Ocean Drive, lying in Section 32, Township 54 South, Range 42 East, Village of Key Biscayne, Miami-Dade County, Florida, said portion being more particularly described as follows:

BEGINNING at the intersection of the South Right-of-Way Line of East Drive and the platted Westerly Right-of-Way Line of Ocean Drive, as is shown on the Plat of HOLIDAY COLONY, recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence with a bearing of N.89°29'27"E., along the Easterly extension of said South Right-of-Way Line of East Drive, a distance of 101.49 feet to a point on a circular curve, the radius point of which bears S.79°47'41"W. from the last described point; thence Southeasterly along the arc of said circular curve to the right, also being along the existing Easterly Right-of-Way Line of Ocean Drive, having a radius of 3375.29 feet and a central angle of 4°16'54" for an arc length of 252.24 feet to the South Right-of-Way Line of said Ocean Drive; thence S.89°29'27"W., along said South Right-of-Way Line of Ocean Drive, for 115.53 feet to a point on a circular curve, the radius point of which bears S.83°53'07"W. from the last described point; thence Northwesterly along the arc of said curve to the left, also being along the existing Westerly Right-of-Way Line of Ocean Drive, having a radius of 3260.29 feet and a central angle of 4°03'53" for an arc length of 231.29 feet to a Point of Compound Curvature of a circular curve to the left; thence Northwesterly along the arc of said curve, having a radius of 25.00 feet and a central angle of 80°19'47" for an arc length of 35.05 feet to a Point of Cusp lying on the South Right-of-Way Line of East Drive; thence N.89°29'27"E. along said South Right-of-Way Line of East Drive for 36.26 feet to the POINT OF BEGINNING.

THIS "SKETCH & LEGAL DESCRIPTION" WAS PREPARED UNDER MY SUPERVISION.

FILE: 11-137Vacated.dwg

LEITER, PEREZ & ASSOCIATES, INC.

BY: Geoffrey Leiter PRESIDENT
GEOFFREY LEITER, PROFESSIONAL SURVEYOR & MAPPER #3399
STATE OF FLORIDA

NOTE:
THIS IS NOT A LAND SURVEY.
FOR SKETCH AND NOTES, SEE SHEET 1 OF 2.

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED
SURVEYOR AND MAPPER

 LEITER, PEREZ & ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTANTS
CIVIL ENGINEERS - LAND SURVEYORS
LAND PLANNERS - ENVIRONMENTAL
160 N.W. 176TH ST., SUITE 403, MIAMI, FLORIDA 33189
MIAMI-DADE (305) 652-5133 BROWARD (954) 624-2202 FAX (305) 652-0411
E-Mail: office@leiterperez.com WEBSITE: www.leiterperez.com LICENSED BUSINESS No. 8747

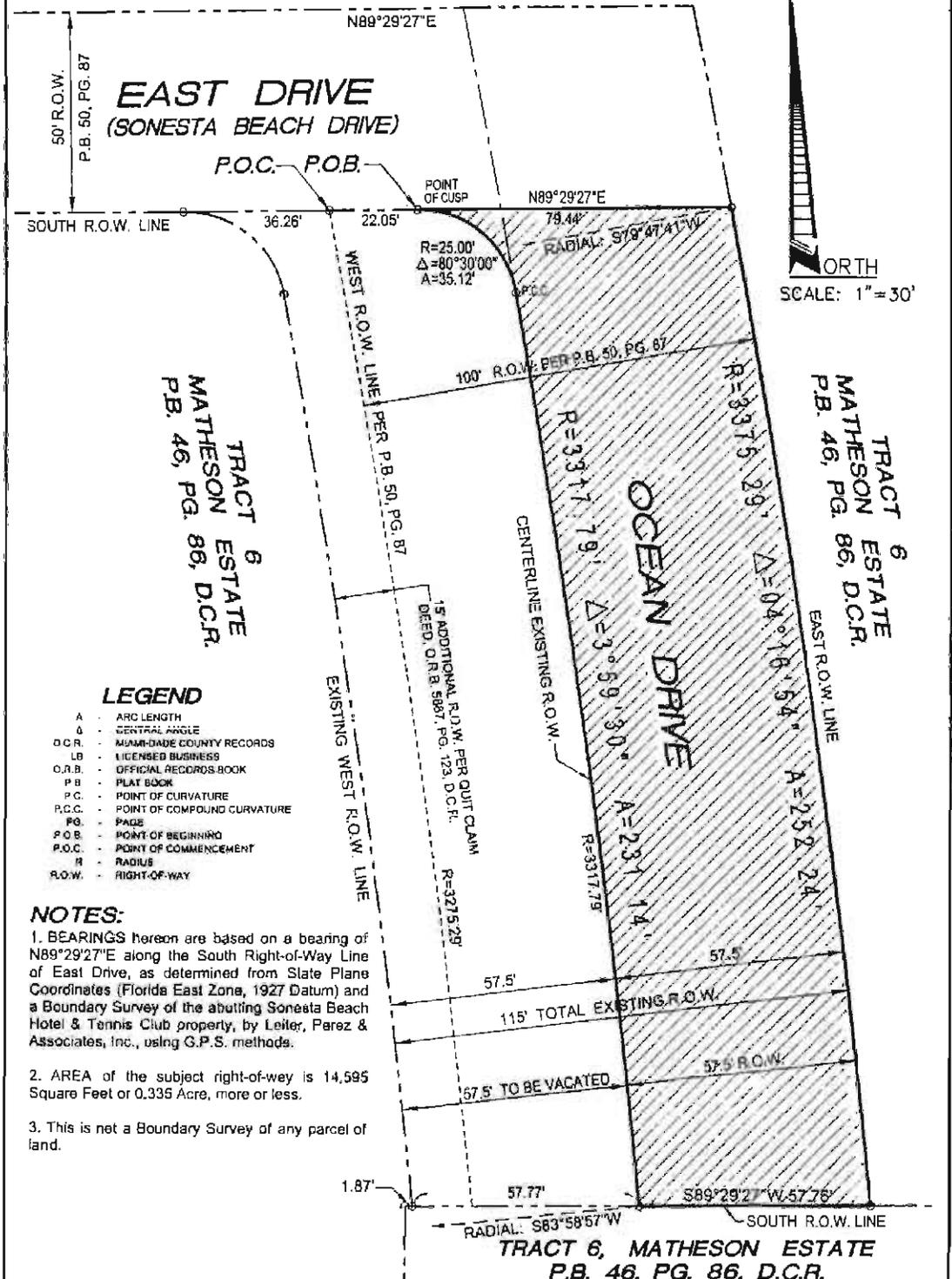
REVISION:

DATE: 07-12-11 JOB NO.: 11-137 FILE: 11-137.dwg

SHEET 2 OF 2

EXHIBIT "C"
NEW OCEAN DRIVE R.O.W.
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

TRACT 6, MATHESON ESTATE
P.B. 46, PG. 86, D.C.R.



LEGEND

- A - ARC LENGTH
- Δ - CENTRAL ANGLE
- D.C.R. - MIAMI-DADE COUNTY RECORDS
- LB - LICENSED BUSINESS
- O.R.B. - OFFICIAL RECORDS BOOK
- P.B. - PLAT BOOK
- P.C. - POINT OF CURVATURE
- P.C.C. - POINT OF COMPOUND CURVATURE
- PG. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R - RADIUS
- R.O.W. - RIGHT-OF-WAY

NOTES:

1. BEARINGS hereon are based on a bearing of N89°29'27"E along the South Right-of-Way Line of East Drive, as determined from State Plane Coordinates (Florida East Zone, 1927 Datum) and a Boundary Survey of the abutting Sonesta Beach Hotel & Tennis Club property, by Leiter, Perez & Associates, Inc., using G.P.S. methods.

2. AREA of the subject right-of-way is 14,595 Square Feet or 0.335 Acre, more or less.

3. This is not a Boundary Survey of any parcel of land.

NOTE: THIS IS NOT A LAND SURVEY.
 FOR LEGAL DESCRIPTION, SEE SHEET 2 OF 2.

LEITER, PEREZ & ASSOCIATES, INC.
 LAND DEVELOPMENT CONSULTANTS
 CIVIL ENGINEERS - LAND SURVEYORS
 LAND PLANNERS - ENVIRONMENTAL
 180 N.W. 17TH ST., SUITE 403, MIAMI, FLORIDA 33109
 MIAMI-DADE (305) 652-5133 BROWARD (954) 524-2202 FAX (305) 652-0411
 E-Mail: office@leiterperez.com WEBSITE: www.leiterperez.com LICENSED BUSINESS No. 6787

REVISION	
07-12-11	57.5' R.O.W.

FILE: 11-137vacated.dwg

