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LOT SPLIT OPINION OF TITLE

**City of Miami Beach
Attn: Planning Department
1700 Convention Center Drive
2nd Floor
Miami Beach, FL 33139**

RE: 320 Hibiscus Drive, Miami Beach, FL 33139- Opinion of Title Lot Split Application - Planning Board File No. **PB18-0220**

Dear Mr. Sir or Madam:

Pursuant to Section 118-321(A)(1) of the Code of the City of Miami Beach, and with the express understanding that this Opinion of Title is furnished to you as inducement for approval of the subject application (“Application”) for a lot split of the property identified in this opinion (the “Property”), I render this Opinion of Title as of September 27, 2018 before the Planning Board’s decision upon the application.

I certify that accompanying this Opinion of Title, as part of the Application, are copies of all deed restrictions, reservations, and covenants applicable to the Property.

I have conducted a title examination of the Property; whose legal description is as follows:

**Lots 11, 12 and 13 Block 1, of Hibiscus Island, according to the Plat thereof, as recorded in Plat Book 8, page 75, of the Public Records of Miami-Dade County, Florida.
Together with a strip of land 20' wide contiguous and abutting the waterfront end of Lots 11, 12 and 13 of Block 1, Hibiscus Island, which said 20' strip is a part of the 20' strip conveyed to the Biscayne Bay Island Company by Deed of the Trustees of the Internal Improvement Fund, as recorded in Deed Book 1501, page 479, of the Public Records of Miami-Dade County, Florida, (the “Property”).**

In my opinion: The fee simple title to the Property is vested in:

320 South Hibiscus Drive, LLC, a Florida limited liability company.

Title to the Property is subject to the following:

1. Taxes and assessments for the year 2018 and subsequent years, which are not yet due and payable.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Rights or claims of parties in possession not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
6. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
7. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Hibiscus Island, recorded in Plat Book 8, Page 75, of the Public Records of Miami-Dade County, Florida.
8. Water Utility Easement as contained in instrument recorded in Deed Book 1024, page 136, of the Public Records of Miami-Dade County, Florida.
9. Easement in favor of Florida Power & Light Company filed in Deed Book 1225, page 360, of the Public Records of Miami-Dade County, Florida.
10. Terms and provisions as contained in that certain Deed from the Trustees of the Internal Improvement Fund of the State of Florida to Biscayne Bay Islands Company filed in Deed Book 1496, page 305 and filed 10/8/1932 in Deed Book 1501, page 479, of the Public Records of Miami-Dade County, Florida.
11. Bridge Dedication as recorded in Deed Book 1401, page 115, of the Public Records of Miami-Dade County, Florida.
12. Ordinances and Resolutions Creating and Establishing a Special Taxing District described as Palm and Hibiscus Island Security Guard Special Taxing District filed 4/24/1980 in Official Records Book 10731, page 361, Official Records Book 12589, page 928 and affected by Official Records Book 13750, page 3563, of the Public Records of Miami-Dade County, Florida.
13. Right of Way Resolution as contained in instrument filed in Official Records Book 12204, page 714, of the Public Records of Miami-Dade County, Florida.
14. Interlocal Agreement by and between Miami-Dade County and the Palm and Hibiscus Island Security Guard Special Taxing District filed 2/13/1991 in Official Records

Book 14896, page 1832, of the Public Records of Miami-Dade County, Florida.

15. Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Modified Sovereign Submerged Lands Easement filed 9/30/1996 in Official Records Book 17369, page 4653, of the Public Records of Miami-Dade County, Florida.

16. Ordinance 10-51 for a Special Taxing District known as Hibiscus Island Overhead Services Relocation, which provide for special assessments, filed 6/8/2011 in Official Records Book 27715, page 4242, of the Public Records of Miami-Dade County, Florida.

17. Memorandums regarding the Hibiscus Island Overhead Services Relocation Improvements filed in Official Records Book 27715, page 4203, Official Records Book 29156, page 1794 and Official Records Book 29265, page 4828, of the Public Records of Miami-Dade County, Florida.

18. The nature, extent or existence of riparian rights is not insured.

19. Any and all rights of the United States of America over artificially filled lands in what were formerly navigable waters, arising by reason of the United States of America's control over navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling in of such areas.

20. Terms, conditions, restrictions and obligations of that certain unrecorded Agreement, dated July 12, 2018 by and between Ilya Karpov and 320 South Hibiscus Drive, LLC, a Florida limited liability company as memorialized by a Memorandum of Contract evidencing the agreement to be recorded.

In my opinion, none of the above deed restrictions, reservations, or covenants applicable to the Property prevents or serves as exceptions to the lot split being requested.

I certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of The Florida Bar.

Attachments – copies of the above-identified documents.

Respectfully submitted,

Thomas G. Sherman, Esq.
Florida Bar No. 221287

State of Florida)
County of Miami-Dade County) SS:
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The foregoing Opinion of Title was acknowledged and executed before me this ____ day of September 2018 Thomas G, Sherman, Esq. , who is personally known to me or has produced as identification.

Notary Public – State of Florida – Signature

(SEAL)

Printed Name of Notary Public My

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 320 South Hibiscus Drive

FILE NO. PB 18-0220

IN RE: The applicant, 320 South Hibiscus Drive, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three platted lots, into two individual buildable parcels.

LEGAL DESCRIPTION: Lots 11, 12, and 13, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plat Book 8 Page 75, of the Public Records of Miami-Dade County, Florida. TOGETHER WITH a strip of land 20' wide contiguous and abutting the waterfront end of lots 11, 12 and 13 of Block 1, HIBISCUS ISLAND, which said 20' strip is part of the 20' strip conveyed to the Biscayne Bay Island Company by deed to the Trustees of the Internal Improvement Fund as recorded in Deed Book 1501, Page 479 at the Public Records of Miami-Dade County, Florida.

MEETING DATE: November 27, 2018

**DIVISION OF LAND/LOT SPLIT
DRAFT FINAL ORDER**

The applicant, 320 South Hibiscus Drive, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into two individual buildable parcels.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the City Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B of the City Code, subject to the subject to the following conditions, to which the Applicant has agreed:
 - 1. The two (2) lots created pursuant to this lot split application at 320 South Hibiscus Drive, shall comply with the following:
 - a. The subject lots shall not be subdivided any further.

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- b. Design Review Board review and approval shall be required for the proposed home(s) on each lot.
 - c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by John Ibarra & Associates, Inc., Land Surveyors, dated 08-06-2018.
 - d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
 - e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.
 - f. Unless otherwise approved through the variance process, the maximum unit size for each lot shall be limited to the lesser of 40% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105(b)(9) of the City Code, as may be revised from time to time.
 - g. Unless otherwise approved through the variance process, the maximum lot coverage for each lot shall be limited to the lesser of 25% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b) of the City Code, as may be revised from time to time.
 - h. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Sections 142-105 and 142-106 of the City Code, as may be revised from time to time. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted, with the exception noted in Conditions B.1.f. and B.1.g. above.
 - i. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
 - j. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this

application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.

3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under Section 118-323 of the City Code.
4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
5. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the City Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
8. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

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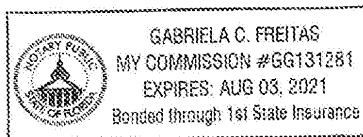
Dated this 24th day of DECEMBER, 2018.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush,
Chief of Planning & Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 24th day of December, 2018, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]

Gabriela Freitas
Notary:
Print Name: Gabriela Freitas
Notary Public, State of Florida
My Commission Expires: 8-3-21
Commission Number: 99131281

Approved As To Form: Justin Gaudin, 12/24/18
Legal Department

Filed with the Clerk of the Planning Board on Justin Gaudin (12/24/18)

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