

This instrument was prepared by:
Sebastian Bohorquez, Esq.
Shutts & Bowen LLP
200 S. Biscayne Boulevard
Suite 4100
Miami, FL 33131

(Space Reserved for Clerk)

OPINION OF TITLE

To: City of Miami Beach

With the understanding that this Opinion of Title is furnished to the City of Miami Beach, as inducement for acceptance of a Lot Split Application (the "Application"), it is hereby certified that I have examined: (i) that certain Old Republic National Title Insurance Company ("Old Republic") Owner's Policy of Title Insurance covering the period from the beginning to the 30th day of September, 2019, at the hour of 10:40 A.M. inclusive, (ii) that certain Old Republic Title Update covering the period from the 30th day of September, 2019, at the hour of 10:40 A.M., through the 3rd day of December, 2019 at the hour of 11:00 P.M., inclusive (collectively, the "Title Evidence"), of the following described property:

LOTS 28 AND 29 AND THE SOUTH 2/3 OF LOT 27, BLOCK 1-A OF LA GORCE GOLF SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 43, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Based solely on my examination of the Title Evidence I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

5830 NBR LLC, a Florida limited liability company (the "Company")

Based solely on the Operating Agreement of the Company, Felix Cohen as manager of the Company, has apparent authority to execute the Application on the Company's behalf.

Subject to the following encumbrances:

1. **RECORDED MORTGAGES:**
None.
2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGEMENTS:**
None.

3. GENERAL EXCEPTIONS:

- A. Facts which would be disclosed by an accurate and comprehensive survey of the premises herein described.
- B. Rights or claims of parties in possession.
- C. Construction, Mechanic's, Contractors' or Materialmen's lien claims, if any, where no notice thereof appears of record.
- D. Easements or claims of easements not shown by the public records.
- E. General or special taxes and assessments required to be paid in the year 2019 and subsequent years.
- F. The nature, extent or existence of riparian rights
- G. Any and all rights in 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 the navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling of such areas.
- H. Title to any lands lying below the mean or ordinary high-water line of any navigable or tidally influenced waters.

4. SPECIAL EXCEPTIONS:

- A. All matters contained on the Plat of La Gorce Golf Subdivision, recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida.
- B. Design Review Board Order for 5840 North Bay Road (North Parcel) recorded in Official Records Book 31256, Page 4781 and Design Review Board Order for 5840 North Bay Road (South Parcel) recorded in Official Records Book 31256, Page 4873, of the Public Records of Miami-Dade County, Florida.
- C. City of Miami Beach Planning Board – Division of Land/Lot Split Final Order recorded in Official Records Book 31260, Page 4377, of the Public Records of Miami-Dade County, Florida.
- D. Matters as shown on the Survey prepared by Delta Mapping and Surveying, Inc., under Job/Client No. 18-0388B, dated August 30, 2018, revised September 25, 2019, including but not limited to the following: (i) the Seawall meanders on the West property line and crosses over the property line on the South portion of the West property line; (ii) Neighbor's column encroaches .6' on the Southeast corner of the property; and (iii) Neighbor's column encroaches 1 foot on the Northeast corner of the property.

Opinion of Title

5840 N. Bay Road
Miami Beach, Florida

Page 3 of 3

- E. Assignment of Mortgage recorded October 1, 2019 in Official Records Book 31628, Page 2663, of the Public Records of Miami-Dade County, Florida.

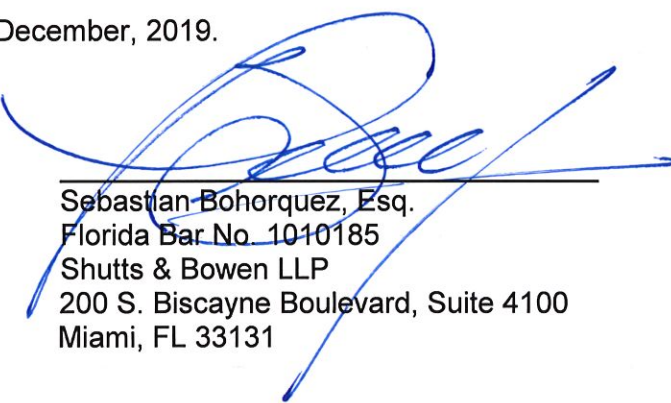
Therefore, it is my opinion that the following party(ies) must join in the Application in order to make it valid and binding on the lands described herein.

<u>Name</u>	<u>Interest</u>
5830 NBR LLC, a Florida limited liability company	Fee simple

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the Application.

I, the undersigned, further 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.

Respectfully submitted this 27th day of December, 2019.


Sebastian Bohorquez, Esq.
Florida Bar No. 1010185
Shutts & Bowen LLP
200 S. Biscayne Boulevard, Suite 4100
Miami, FL 33131

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

The foregoing instrument was acknowledged before me this 27th day of December, 2019, by Sebastian Bohorquez, who is personally known to me or has produced _____, as identification.



ELIZABETH BERNARDO
MY COMMISSION # FF 958623
EXPIRES: February 8, 2020
Bonded Thru Budget Notary Services


Notary Public

My Commission Expires: February 8, 2020


Print Name

**5840 North Bay Road Miami Beach, Florida
Specimen Tree Arborist Report**



Prepared for:

Christopher Cawley
780 Northeast 69th Street, Suite 1106
Miami, FL 33138
(786) 534-5327
chris@christophercawley.com

Submitted by:

Bartlett Tree Experts

Jeremy T. Chancey, Commercial Arborist Representative, Local Manager
ASCA Registered Consulting Arborist #646
ISA Certified Arborist #FL-0762A
ISA Tree Risk Qualified
Certified Landscape Inspector #2007-007

Kristopher Ratliff BIS Qualified
ISA Certified Arborist # FI-6512A
ISA Tree Risk Qualified (TRAQ)

TABLE OF CONTENTS

- EXECUTIVE SUMMARY
- TREE TABLE all TREES
- DISCUSSION
- PHOTOS

5840 North Bay Road Miami Beach, Florida
SPECIMEN TREE REPORT

May 6, 2018

Christopher Cawley
780 Northeast 69th Street, Suite 1106
Miami, FL 33138
(786) 534-5327
chris@christophercawley.com

Dear Mr. Cawley,

Thank you for allowing Bartlett Tree Experts the opportunity to review the trees and palms located at 5840 North Bay Road Miami Beach, Florida.

We found eight shade trees on the property. This report details those eight trees found on the property. The trees were measured at breast height (54 inches above the ground level), were applicable. The tree numbers are; three, #32, #31, #30, #28, #26, #20, and #16. Three of these trees are in good condition, two are in fair condition, and the remaining three are in poor condition. We have provided photographs and more details of the trees herein.

If you have any questions, please feel free to contact me at the office number or my cell phone at (954) 612-2500. Thank you again for this opportunity.

Best regards,



Jeremy T. Chancey
ASCA Registered Consulting Arborist #646
ISA Certified Arborist #FL-0762A
ISA Tree Risk Qualified
Certified Landscape Inspector #2007-007

Kristopher Ratliff BIS Specialist
ISA Certified Arborist #FL-6512A
ISA Tree Risk Qualified (TRAQ)

EXECUTIVE SUMMARY

Bartlett Tree Experts conducted a review of eight trees at 5840 North Bay Road Miami Beach, Florida. The attributes that we collected included size, condition class, and observed defects.

The trees have been numbered on the tree disposition provided by your office. Three of the eight trees listed are Pongam, (*Pongamia pinnata*), two of the remaining trees are Umbrella, (*Schefflera actinophylla*), one is an Avocado (*Persea americana*), one is a Sapodilla, (*Manilkara zapota*), and the remaining tree is a *Euphorbia sp.*

Understanding of Inventory Constraints

It is important for the tree owner or manager to know and understand that all trees pose some degree of risk from failure or other conditions. The information and recommendations within this report have been derived from the level of tree risk assessment identified in this report, using the information and practices outlined in the *International Society of Arboriculture's Best Management Practices for Tree Risk Assessment*, as well as the information available at the time of the inspection. However, the overall risk rating, the mitigation recommendations, or any other conclusions do not preclude the possibility of failure from undetected conditions, weather events, or other acts of man or nature. Trees can unpredictably fail even if no defects or other conditions are present. It is the responsibility of the tree owner or manager to schedule repeat or advanced assessments, determine actions, and implement follow up recommendations, monitoring and/or mitigation.

Bartlett Tree Experts can make no warranty or guarantee whatsoever regarding the safety of any tree, trees, or parts of trees, regardless of the level of tree risk assessment provided, the risk rating, or the residual risk rating after mitigation. The information in this report should not be considered as making safety, legal, architectural, engineering, landscape architectural, land surveying advice or other professional advice. This information is solely for the use of the tree owner and manager to assist in the decision making process regarding the management of their tree or trees. Tree risk assessments are simply tools which should be used in conjunction with the owner or tree manager's knowledge, other information and observations related to the specific tree or trees discussed, and sound decision making.

Tree Table all Trees

5/3/2018 5840 North Bay Road Miami Beach FL								
TREE #	COMMON NAME	BOTANICAL NAME	HEIGHT (ft)	WIDTH (ft)	DBH (in)	COND %	CONDITION	OBSERVATIONS
3	Pongam	<i>Pongamia pinnata</i>	35	46	40 @ 2ft	60	FAIR	Dead and broken limbs, Pruning wounds, codominant leaders, poor structure, decay in branch, Girdling material
16	Umbrella	<i>Schefflera actinophylla</i>	25	8	10	70	GOOD	poor location, girdling roots
20	Umbrella	<i>Schefflera actinophylla</i>	35	24	61	70	GOOD	codominant leaders, dead branches >2"
26	Sapadilla	<i>manilkara zapota</i>	30	22	18	40	POOR	storm damage, uneven crown
28	Pongam	<i>Pongamia pinnata</i>	40	34	16 & 13	60	FAIR	codominant leaders, poor location, pruning wound
30	Avacado	<i>Persea americana</i>	35	14	17	30	POOR	heading/topping cuts, decay in stem, low live crown ratio, dieback in crown 30%
31	Euphorbia	<i>Euphorbia</i>	30	10	16	45	FAIR	Lean, soil heaving, low live crown ratio
32	Pongam	<i>Pongamia pinnata</i>	35	48	40	35	POOR	Included bark, codominant leaders, poor structure, wound in branch, girdling roots
<p>* I certify that all the statements of fact in this evaluation are true, complete, and correct to the best of my knowledge and belief, and that they are made in good faith.</p> <p>Jeremy T. Chancey, FL-0762A, ISA Certified Arborist Kristopher Ratliff, FL-6512A, ISA Certified Arborist</p>								

Discussion

NORTH PROPERTY

Tree number three

This Pongam is in fair condition with a 60% health condition. The tree is 35 feet tall and 46 feet wide. The diameter measured at two feet above grade was 40 inches. The tree has codominant stems and large pruning wounds on the south side. There is evidence of storm damage with broken limbs two to four inches in diameter within the canopy, and a chain girdling one of the main leaders.

Tree number 16

The Umbrella tree has a height of 25 feet and a width of 8 feet with a diameter of 10 inches measured at breast height. It received a rating of 70% due to the lack of defects aside from the poor location and some small girdling roots. This tree is listed as a Prohibited Species per Miami-Dade Chapter 19.

SOUTH PROPERTY

Tree number 20

This Umbrella tree has a height of 35 feet and a width of 24 feet. The diameter of the tree measured 61 inches at breast height and has a rating of 65%. It has two main codominant leaders and some dead branches greater than two inches in diameter. This tree is listed as a Prohibited Species per Miami-Dade Chapter 19.

Tree number 26

The Sapodilla is a mature tree with a height of 30 feet and a width of 22 feet and a diameter of 18 inches measured at breast height. It has a health rating of 40%, there is some storm damage to the dominant central leader, as well as an uneven crown hanging over the south neighbor's house.

Tree number 28

This Pongam has a height of 40 feet and a width of 34 feet and two stems with diameters of 16 inches and 13 inches measured at breast height. The rating for this tree is 60%. The defects of this tree include codominant leaders and a pruning wound, the location for this tree is also poor.

Tree number 30

The Avocado has a height of 40 feet ,a width of 14 feet and a diameter of 17 inches measured at breast height as well as a health rating of 30% due to previous topping/heading cuts, as well as the column of decay in the stem and the low live crown ratio. There is also sings of dieback in the crown.

Tree number 31

This is a Euphorbia species with a height of 30 feet as well as a width of 10 feet and a diameter of 16 inches measured at breast height. It has a health rating of 45% due to the fact that it has a severe lean and evidence of soil heaving as well as a low live crown ratio.

Tree number 32

The Pongam is in fair condition with a 35% health condition. The tree is 35 feet tall and 48 feet wide. The diameter measured at breast height was 40 inches. The tree has included bark, as well as codominant leaders, a wound in the branch on the east side, poor structure , and girdling roots on the east side. The tree has minor storm damage and dieback of leaves present on the outer edge of the canopy.

Photos

Tree number three



View looking east Pongam, minor dieback within upper canopy



View of girdling material on east stem



Decay in leader

Tree number 20



View of tree looking south west

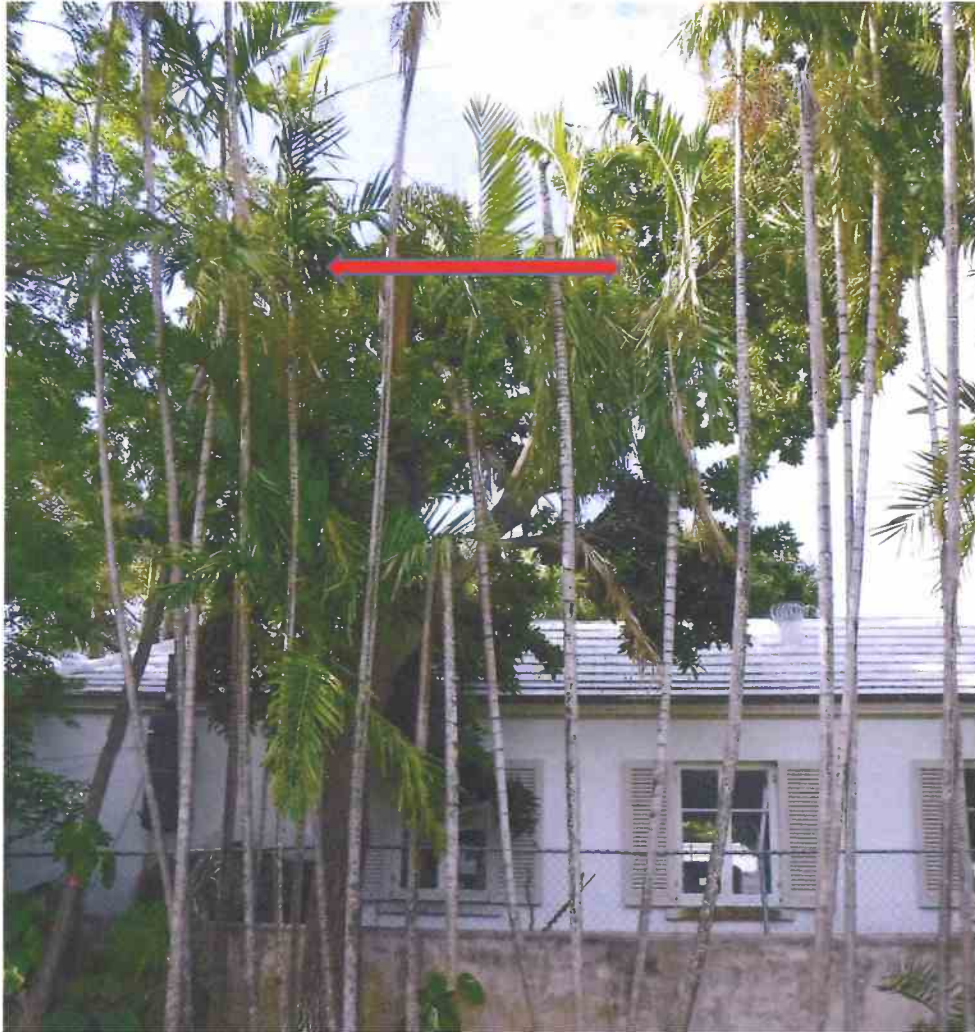


View of codominant leaders



View of dead branches

Tree number 26



View looking south

View of broken leader



Tree number 28



View looking south west



View of wound in stem



View of codominant leaders

Tree number 30



View looking south west



View of old pruning wounds



View of pocket of decay in stem

Tree number 31



View looking North West



View of soil heaving

Tree number 32



View looking south heading cuts evident



Wound in stem of tree



Included bark and wound in branches

End Report

I certify that all the statements of fact in this evaluation are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.



Jeremy T. Chancey

asca AMERICAN SOCIETY *of*
CONSULTING ARBORISTS

ASCA Registered Consulting Arborist #646

ISA Certified Arborist FL 0762-A

ISA Tree Risk Assessment Qualified

LIAF Certified Landscape Inspector

(954) 612-2500