

## 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 Right-of-Way Easement Agreement (the "Easement"), covering the real property, hereinafter described, it is hereby certified that I have examined the following: (i) Owner's Policy of Title Insurance Number 5011412-0592272e issued by First American Title Insurance Company dated December 20, 2018, at the hour of 1:41:36 p.m.; and (ii) Title Search Report under File No.: 7222-6344692 issued by First American Title Insurance Company, which covers the period of time from December 20, 2018, through January 30, 2023, at the hour of 8:00 a.m., of the following described property:

See attached Exhibit "A"

I am of the opinion that on January 30, 2023, at 8:00 a.m., the fee simple title to the above-described real property (the "Property") was vested in:

312 Ocean Park, LLC, a Florida limited liability company, as the owner of all Units within the Ocean Park Condominium and the holder of an undivided interest in the Common Elements pursuant to that certain Declaration of Ocean Park Condominium.

Ocean Park South Beach Condominium Association, Inc. is authorized to execute the Easement in accordance with Chapter 718, Florida Statutes.

Subject to the following encumbrances (If "none" please indicate):

1. **RECORDED MORTGAGES:**

None.

2. **OTHER MATTERS:**

- a. Facts which would be disclosed by a current accurate survey of the Property.
- 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 for the year 2022 and subsequent years.
- f. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of OCEAN BEACH, FLA., as recorded in Plat Book 2, Page(s) 38, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

- g. Terms and conditions of City of Miami Beach Historic Preservation Board Order filed in Book 29250, Page 2134.
- h. Terms and conditions of City of Miami Beach Historic Preservation Board Supplemental Order filed in Book 29250, Page 2104.
- i. Survey by Target Surveying, LLC dated 8/21/2018, survey no. 338476 showing a fence extending beyond the western boundary of parcel 2.
- j. Terms and conditions of City of Miami Beach Historic Preservation Board Order filed in Book 31336, Page 118.
- k. Terms and conditions of City of Miami Beach Historic Preservation Board Order filed in Book 31336, Page 130.
- l. Claim of Lien, Official Records Book 33034, Page 923.
- m. Claim of Lien, Official Records Book 33181, Page 4500.
- n. Claim of Lien, Official Records Book 33210, Page 852.
- o. Notice of Commencement, Official Records Book 32318, Page 4842.
- p. Amended Notice of Commencement, Official Records Book 32983, Page 2115.
- q. First Amended Notice of Commencement, Official Records Book 33518, Book 3588.
- r. Declaration of Restrictive Covenants in Lieu of Unity of Title, Official Records Book 32269, Page 1306.
- s. Declaration of Restrictive Covenants in Lieu of Unity of Title, Official Records Book 32269, Page 1313.
- t. Underground Easement, Official Records Book 32717, Page 4245.
- u. Declaration of Ocean Park Condominium, Official Records Book 33521, Page 3284.

All recording references are as to the Public Records of Miami-Dade County, Florida.

Therefore, it is my opinion that the following party(ies) must join in the proffered Easement in order to make it valid and binding on the Property.

<u>Name</u>	<u>Interest</u>
<b>Ocean Park South Beach Condominium Association, Inc.</b>	<b>Authorized per Chapter 718, Florida Statutes</b>

*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 proffered, recordable Easement.

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.

*[Signature Page Follows]*

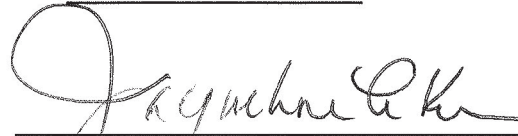
Respectfully submitted this 17<sup>th</sup> day of February, 2023.



David J. Coviello  
Florida Bar No. 011825  
Shutts & Bowen LLP  
200 South Biscayne Boulevard  
Suite 4100  
Miami, Florida 33131

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

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization this 17<sup>th</sup> day of February, 2023, by David J. Coviello, who () is personally known to me or () has produced \_\_\_\_\_ as identification.



Notary Public Printed Name: Jacqueline A. Kerr  
My Commission Expires: 7/29/23



# EXHIBIT "A"

## LEGAL DESCRIPTION:

The Northwesterly three (3) feet of the Southeasterly fifteen (15) feet of Lot 7, Block 4, OCEAN BEACH, FLORIDA, according to the plat thereof, as recorded in Plat Book 2 at Page 38, of the Public Records of Miami-Dade County, Florida.

## SURVEYOR'S NOTES:

- This site lies in Section 3, Township 54 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida unless otherwise noted.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2000-177.

## SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on February 16, 2023, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

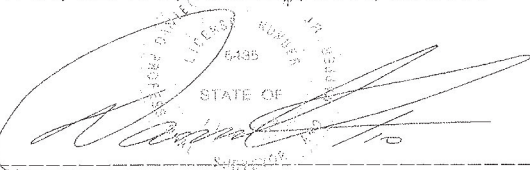
"Not valid without the signature and the original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below"

FORTIN, LEAVY, SKILES, INC., LB3653

Digitally signed by Daniel C Fortin  
DN: c=US, o=Florida,  
dnQualifier=A01410D0000017F51B2  
04DE001BDE6A, cn=Daniel C Fortin  
Date: 2023.02.16 15:08:07 -05'00'

By: \_\_\_\_\_

Daniel C. Fortin, Jr., For The Firm  
Surveyor and Mapper, LS6435  
State of Florida.



Drawn By	MAP
Cad. No.	210420
Ref. Dwg.	2000-177
Plotted:	2/16/23 7:25o

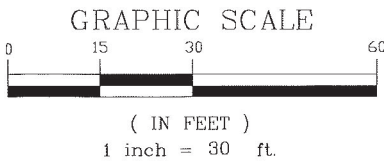
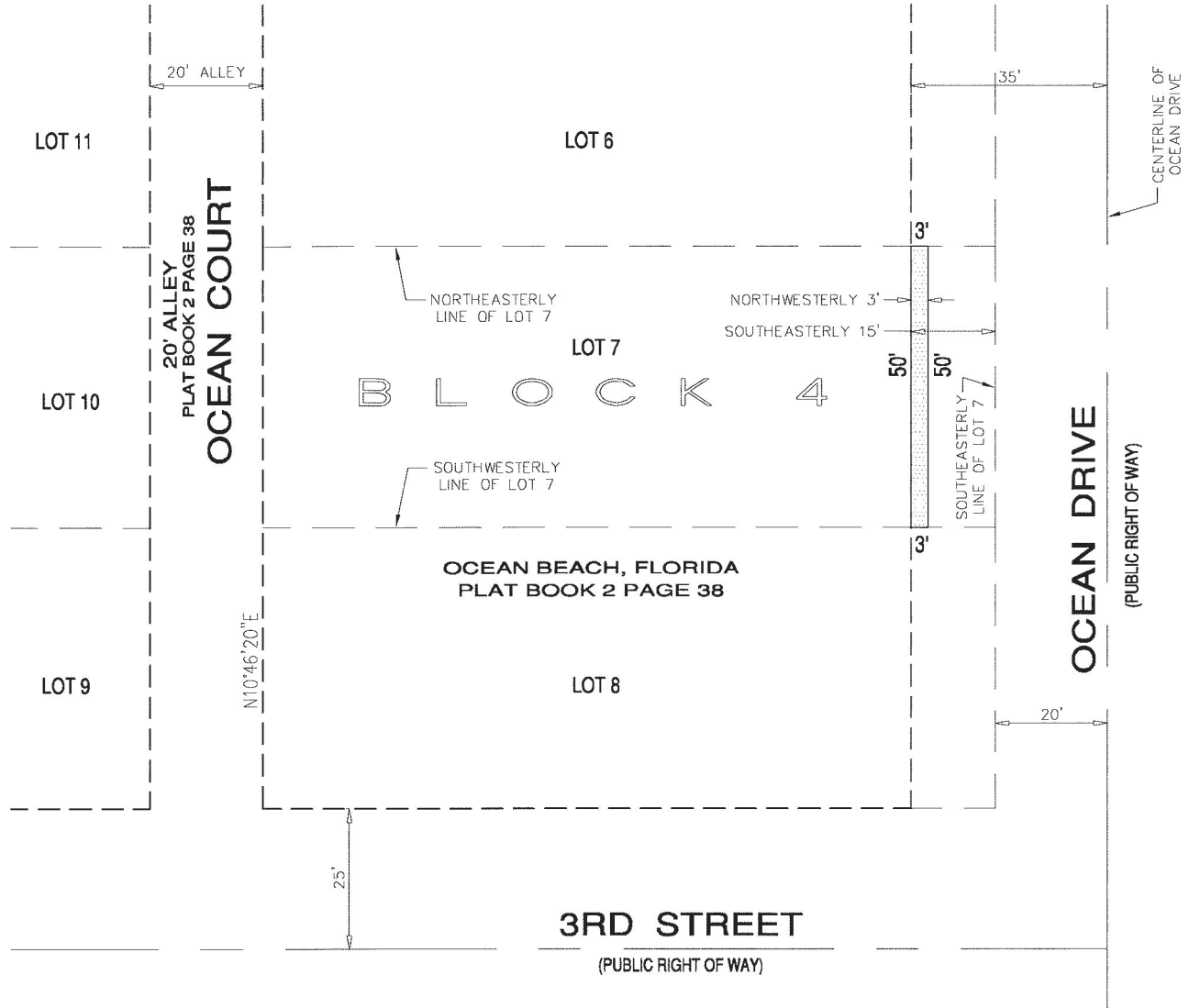
**LEGAL DESCRIPTION, NOTES & CERTIFICATION**

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	2/16/23
Scale	NOT TO SCALE
Job. No.	230119
Dwg. No.	1023-009
Sheet	1 of 3



# EXHIBIT "A"



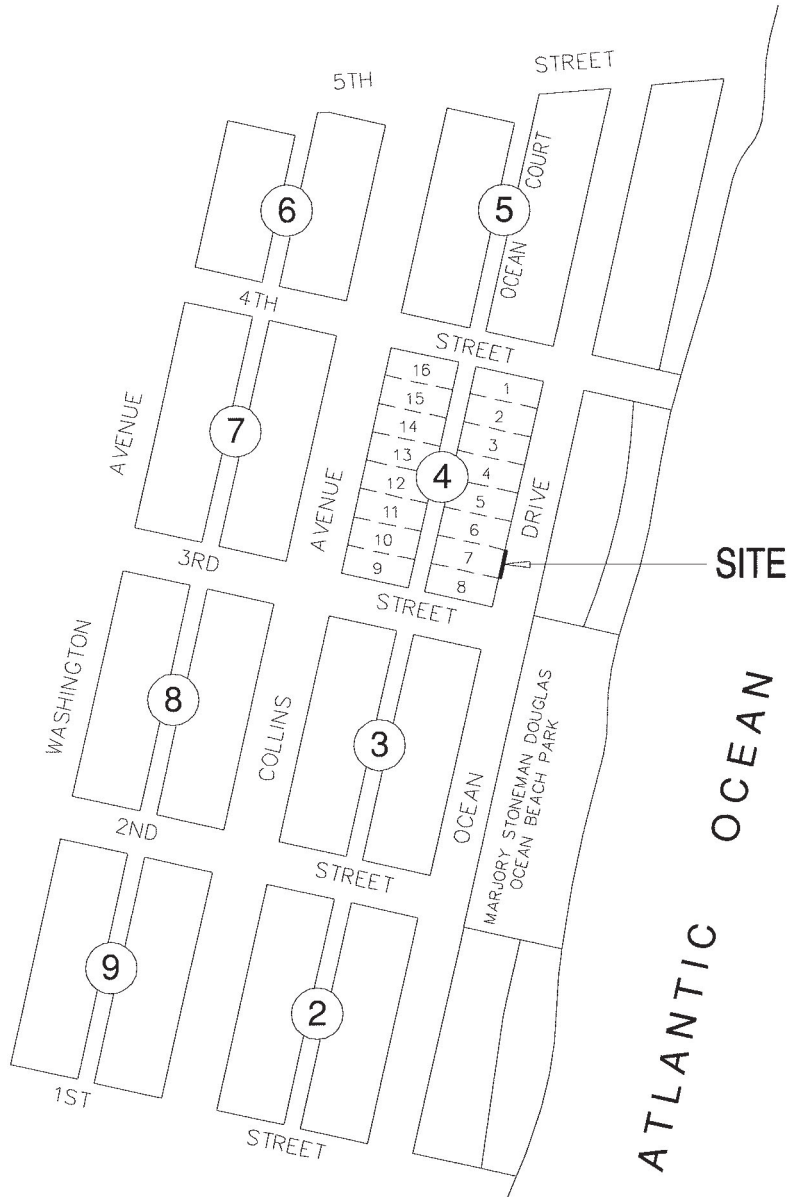
Drawn By	MAP
Cad. No.	210420
Ref. Dwg.	2000-177
Plotted:	2/16/23 7:25a

## SKETCH OF DESCRIPTION

**FORTIN, LEAVY, SKILES, INC.**  
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	2/16/23
Scale	1"=30'
Job. No.	230119
Dwg. No.	1023-009
Sheet	2 of 3

# EXHIBIT "A"



Drawn By	MAP
Cad. No.	210420
Ref. Dwg.	2000-177
Plotted:	2/16/23 7:25a

**LOCATION SKETCH**

**FORTIN, LEAVY, SKILES, INC.**  
**CONSULTING ENGINEERS, SURVEYORS & MAPPERS**  
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	2/16/23
Scale	NOT TO SCALE
Job. No.	230119
Dwg. No.	1023-009
Sheet	3 of 3