

20 June, 2017

**Letter of Intent**

Project: Portofino and South Pointe Towers  
300 South Pointe Drive, Miami Beach FL 33139  
Folio: Master- 02-4210-000-0131  
Scope: Pedestal Waterproofing and Site Renovations

The project entails re-waterproofing and landscaping over an existing parking garage (pedestal - amenity level). Waterproofing consists of removal of existing paving, walls and planting and installation of new waterproofing. Landscape renovation includes new paving, planting, irrigation and furnishings. Swimming pools will be slightly re-configured. New arbor elements, site walls and open cabanas are proposed. Existing plant material which can be salvaged for re-use will be incorporated into the new landscape. We are seeking no waivers or variances.

Regards,

Marsh C. Kriplen

A handwritten signature in black ink, consisting of a stylized 'M' followed by a long, horizontal, slightly wavy line.

# MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2<sup>ND</sup> FLOOR  
MIAMI BEACH, FLORIDA 33139, WWW.MIAMIBEACHFL.GOV  
305-673-7550

## LAND USE BOARD HEARING APPLICATION

THE FOLLOWING APPLICATION IS SUBMITTED FOR REVIEW AND CONSIDERATION OF THE PROJECT DESCRIBED HEREIN BY THE LAND USE BOARD SELECTED BELOW. A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH BOARD REVIEWING THE PROPOSED PROJECT.

- ☐ BOARD OF ADJUSTMENT
- ☐ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
  - ☐ APPEAL OF AN ADMINISTRATIVE DECISION
- ☒ DESIGN REVIEW BOARD
- ☒ DESIGN REVIEW APPROVAL
  - ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.
- ☐ HISTORIC PRESERVATION BOARD
- ☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN
  - ☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
  - ☐ HISTORIC DISTRICT / SITE DESIGNATION
  - ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.
- ☐ PLANNING BOARD
- ☐ CONDITIONAL USE PERMIT
  - ☐ LOT SPLIT APPROVAL
  - ☐ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
  - ☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- ☐ FLOOD PLAIN MANAGEMENT BOARD
- ☐ FLOOD PLAIN WAIVER
- ☐ OTHER \_\_\_\_\_

SUBJECT PROPERTY ADDRESS: 300 South Pointe Drive, Miami Beach, FL 33139

LEGAL DESCRIPTION: PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A"

FOLIO NUMBER (S) Master: 02-4210-000-0131     Driveway: 02-4210-000-0130

South Pointe Tower: 02-4210-001-0001     Portofino Tower: 02-4210-013-0001

1. APPLICANT: ☐ OWNER OF THE SUBJECT PROPERTY ☐ TENANT ☐ ARCHITECT ☒ LANDSCAPE ARCHITECT  
☐ ENGINEER ☐ CONTRACTOR ☐ OTHER \_\_\_\_\_

NAME Marsh C. Kriplen  
 ADDRESS 2610 North Miami Avenue  
 BUSINESS PHONE 305.322.2896 CELL PHONE 305.322.2896  
 E-MAIL ADDRESS marsh@land.design

OWNER IF DIFFERENT THAN APPLICANT:

NAME Portofino/South Pointe Master Association, Inc.  
 ADDRESS 300 South Pointe Drive, Miami Beach, FL 33139  
 BUSINESS PHONE 305.534.4422 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS manager@portofino-towers.com

2. AUTHORIZED REPRESENTATIVE(S):

☐ ATTORNEY:

NAME David Haber Haber Slade PA  
 ADDRESS 201 South Biscayne Blvd., Suite 1205 Miami, FL 33131  
 BUSINESS PHONE 305.379.2400 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS dhaber@dhaberlaw.com

☐ AGENT:

NAME David Haber  
 ADDRESS as above  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

☐ CONTACT:

NAME Alyson Herman  
 ADDRESS 400 South Pointe Drive, Apt 307 Miami Beach FL, 33139  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE 215.514.3524  
 E-MAIL ADDRESS alysonherman@aol.com

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☐ ARCHITECT ☒ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: \_\_\_\_\_

NAME LAND  
 ADDRESS 2610 North Miami Avenue 2nd Fl.  
 BUSINESS PHONE 305.322.2896 614.439.4895 CELL PHONE 305.322.2896  
 E-MAIL ADDRESS marsh@land.design

FILE NO. \_\_\_\_\_

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4. SUMMARY OF APPLICATION – PROVIDE BRIEF SCOPE OF PROJECT:

Work consists of amenity level waterproofing and landscaping over existing garage. Waterproofing consists of removal of existing paving, walls and planting and installation of new waterproofing.

Landscape renovation includes new paving, new planting, irrigation, lighting and furnishings. Swimming pools will be slightly re-configured. New arbor elements, site walls and open cabanas are proposed.

Existing plant material which can be salvaged for re-use will be incorporated into the new landscape.

- 4A. IS THERE AN EXISTING BUILDING(S) ON THE SITE ☒ YES ☐ NO
- 4B. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION ☒ YES ☐ NO exterior only
- 4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) no new bldg. SQ. FT.
- 4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE). na SQ. FT.
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5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$ \_\_\_\_\_

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- A SEPARATE DISCLOSURE OF INTEREST FORM MUST BE SUBMITTED WITH THIS APPLICATION IF THE APPLICANT OR OWNER IS A CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP OR TRUSTEE.
  - ALL APPLICABLE AFFIDAVITS MUST BE COMPLETED AND THE PROPERTY OWNER MUST COMPLETE AND SIGN THE "POWER OF ATTORNEY" PORTION OF THE AFFIDAVIT IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IF OTHER PERSONS ARE SPEAKING ON THEIR BEHALF.
  - TO REQUEST THIS MATERIAL IN ALTERNATE FORMAT, SIGN LANGUAGE INTERPRETER (FIVE-DAY NOTICE IS REQUIRED), INFORMATION ON ACCESS FOR PERSONS WITH DISABILITIES, AND ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY CITY-SPONSORED PROCEEDINGS, CALL 305.604.2489 AND SELECT (1) FOR ENGLISH OR (2) FOR SPANISH, THEN OPTION 6; TTY USERS MAY CALL VIA 711 (FLORIDA RELAY SERVICE).
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PLEASE READ THE FOLLOWING AND ACKNOWLEDGE BELOW:

- APPLICATIONS FOR ANY BOARD HEARING(S) WILL NOT BE ACCEPTED WITHOUT PAYMENT OF THE REQUIRED FEE. ALL CHECKS ARE TO BE MADE PAYABLE TO THE "CITY OF MIAMI BEACH".
- PUBLIC RECORDS NOTICE – ALL DOCUMENTATION, SUBMITTED FOR THIS APPLICATION IS CONSIDERED A PUBLIC RECORD SUBJECT TO CHAPTER 119 OF THE FLORIDA STATUTES AND SHALL BE DISCLOSED UPON REQUEST.
- IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 2-482 OF THE CODE OF THE CITY OF MIAMI BEACH, ANY INDIVIDUAL OR GROUP THAT WILL BE COMPENSATED TO SPEAK OR REFRAIN FROM SPEAKING IN FAVOR OR AGAINST A PROJECT BEING PRESENTED BEFORE ANY OF THE CITY'S LAND USE BOARDS, SHALL FULLY DISCLOSE, PRIOR TO THE PUBLIC HEARING, THAT THEY HAVE BEEN, OR WILL BE COMPENSATED. SUCH PARTIES INCLUDE: ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS, OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVES ATTORNEYS OR AGENTS AND CONTACT PERSONS WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY; SUCH INDIVIDUALS MUST REGISTER WITH THE CITY CLERK PRIOR TO THE HEARING.

FILE NO. \_\_\_\_\_

- IN ACCORDANCE WITH SEC.118-31. - DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT DESIGN REVIEW BOARD/HISTORIC PRESERVATION BOARD), OR THE BOARD OF ADJUSTMENT SHALL DISCLOSE, AT THE COMMENCEMENT (OR CONTINUANCE) OF THE PUBLIC HEARING(S), ANY CONSIDERATION PROVIDED OR COMMITTED, DIRECTLY OR ON ITS BEHALF, FOR AN AGREEMENT TO SUPPORT OR WITHHOLD OBJECTION TO THE REQUESTED APPROVAL, RELIEF OR ACTION, EXCLUDING FROM THIS REQUIREMENT CONSIDERATION FOR LEGAL OR DESIGN PROFESSIONAL SERVICES RENDERED OR TO BE RENDERED. THE DISCLOSURE SHALL: (i) BE IN WRITING, (ii) INDICATE TO WHOM THE CONSIDERATION HAS BEEN PROVIDED OR COMMITTED, (iii) GENERALLY DESCRIBE THE NATURE OF THE CONSIDERATION, AND (iv) BE READ INTO THE RECORD BY THE REQUESTING PERSON OR ENTITY PRIOR TO SUBMISSION TO THE SECRETARY/CLERK OF THE RESPECTIVE BOARD. UPON DETERMINATION BY THE APPLICABLE BOARD THAT THE FOREGOING DISCLOSURE REQUIREMENT WAS NOT TIMELY SATISFIED BY THE PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION AS PROVIDED ABOVE, THEN (i) THE APPLICATION OR ORDER, AS APPLICABLE, SHALL IMMEDIATELY BE DEEMED NULL AND VOID WITHOUT FURTHER FORCE OR EFFECT, AND (ii) NO APPLICATION FROM SAID PERSON OR ENTITY FOR THE SUBJECT PROPERTY SHALL BE REVIEWED OR CONSIDERED BY THE APPLICABLE BOARD(S) UNTIL EXPIRATION OF A PERIOD OF ONE YEAR AFTER THE NULLIFICATION OF THE APPLICATION OR ORDER. IT SHALL BE UNLAWFUL TO EMPLOY ANY DEVICE, SCHEME OR ARTIFICE TO CIRCUMVENT THE DISCLOSURE REQUIREMENTS OF THIS SECTION AND SUCH CIRCUMVENTION SHALL BE DEEMED A VIOLATION OF THE DISCLOSURE REQUIREMENTS OF THIS SECTION.
- WHEN THE APPLICABLE BOARD REACHES A DECISION A FINAL ORDER WILL BE ISSUED STATING THE BOARD'S DECISION AND ANY CONDITIONS IMPOSED THEREIN. THE FINAL ORDER WILL BE RECORDED WITH THE MIAMI-DADE CLERK OF COURTS. THE ORIGINAL BOARD ORDER SHALL REMAIN ON FILE WITH THE CITY OF MIAMI BEACH PLANNING DEPARTMENT. UNDER NO CIRCUMSTANCES WILL A BUILDING PERMIT BE ISSUED BY THE CITY OF MIAMI BEACH WITHOUT A COPY OF THE RECORDED FINAL ORDER BEING INCLUDED AND MADE A PART OF THE PLANS SUBMITTED FOR A BUILDING PERMIT.

THE AFOREMENTIONED IS ACKNOWLEDGED BY: ☐ OWNER OF THE SUBJECT PROPERTY  
☒ AUTHORIZED REPRESENTATIVE

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

FILE NO. \_\_\_\_\_

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for removing this notice after the date of the hearing.

\_\_\_\_\_  
 SIGNATURE

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The foregoing instrument was acknowledged before me by \_\_\_\_\_, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

\_\_\_\_\_  
 NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_  
 PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR  
CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY  
 (Circle one)

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being duly sworn, depose and certify as follows: (1) I am the \_\_\_\_\_ (print title) of \_\_\_\_\_ (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner or tenant of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

\_\_\_\_\_  
 SIGNATURE

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The foregoing instrument was acknowledged before me by \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_, on behalf of such entity, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:

\_\_\_\_\_  
 NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_  
 PRINT NAME

FILE NO. \_\_\_\_\_



POWER OF ATTORNEY AFFIDAVIT

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Marsh C. Kriplen to be my representative before the Design Review Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

\_\_\_\_\_  
 PRINT NAME (and Title, if applicable)

\_\_\_\_\_  
 SIGNATURE

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The foregoing instrument was acknowledged before me by \_\_\_\_\_ of \_\_\_\_\_ who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

\_\_\_\_\_  
 NOTARY PUBLIC

My Commission Expires

\_\_\_\_\_  
 PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries, or partners. If any of the contract purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.\*

\_\_\_\_\_  
 NAME

\_\_\_\_\_  
 DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. \_\_\_\_\_

CITY OF MIAMI BEACH  
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

**1. CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY**

If the property that is the subject of the application is owned or leased by a corporation, partnership, or limited liability company, list ALL of the owners, shareholders, partners, managers, and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.\*

Portofino/South Pointe Master Association, Inc.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Alexander Ristl, President

Steven Fried, Vice President

Alyson Herman, Treasurer

Alessandro Ferretti, Secretary

Michael Krawitz, At Large

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

*IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.*

*NOTE: Notarized signature required on page 9*

FILE NO. \_\_\_\_\_



CITY OF MIAMI BEACH  
DEVELOPMENT REVIEW BOARD APPLICATION  
DISCLOSURE OF INTEREST

**2. TRUSTEE**

If the property that is the subject of this application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.\*

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TRUST NAME

NAME AND ADDRESS

% INTEREST

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

*NOTE: Notarized signature required on page 9*

FILE NO. \_\_\_\_\_

**3. COMPENSATED LOBBYIST:**

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

	NAME	ADDRESS	PHONE #
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____

Additional names can be placed on a separate page attached to this form.

\*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE, AND FEDERAL LAWS.

**APPLICANT AFFIDAVIT**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, Marsh C. Kriplen, being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
SIGNATURE

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The foregoing instrument was acknowledged before me by, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_  
PRINT NAME

FILE NO. \_\_\_\_\_



# PORTOFINO / SOUTH POINTE MASTER ASSOCIATION

## CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA

### LEGAL DESCRIPTION: EXHIBIT "A"

The Property described on the attached Schedule "1" and Schedule "2", LESS AND EXCEPT the property described on Schedule "3", Schedule "4" and Schedule "5".

### SCHEDULE "1"

#### LEGAL DESCRIPTION OF PHASE I REMAINDER

Commence (P.O.C.) at the Southeastly intersection of Biscayne Street (Formerly Biscayne Avenue) and Washington Avenue, as said Avenue and Street are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the public records of Dade County, Florida; thence S 10°47'35" W, 6.16 feet to the Southerly line of a 6.00 foot Roadway Dedication for Biscayne Street; thence N 87°38'57" E along the Southerly line of said dedication recorded in O.R. Book 12566, at page 2914 of the public records of Dade County, Florida, 364.79 feet to the Point of Beginning (P.O.B.) of the hereinafter described Phase I; thence S 10°47'35" W, 70.93 feet; thence N 87°38'57" E, 93.21 feet; thence N 22°1'03" W, 4.00 feet; thence N 87°38'57" E, 14.10 feet; thence S 22°1'03" E, 4.00 feet; thence N 87°38'57" E, 81.37 feet; thence S 22°1'03" E, 85.815 feet; thence run S 62°18'04" W, 24.53 feet; thence S 27°41'56" E, 18.00 feet; thence N 62°18'04" E, 2.00 feet; thence S 27°41'56" E, 38.33 feet; thence S 62°18'04" W, 2.00 feet; thence S 27°41'56" E, 116.74 feet; thence N 62°18'04" E, 27.00 feet; thence S 27°41'56" E, 16.67 feet; thence S 62°18'04" W, 27.00 feet; thence S 27°41'56" E, 29.33 feet; thence S 62°18'04" W, 145.65 feet; thence S 27°41'56" E, 12.00 feet; thence S 62°18'04" W, 27.93 feet; thence S 27°41'56" E, 43.555 feet; thence S 24°23'44" W, 40.00 feet to the Southerly line of said South Beach Park Subdivision; thence N 65°36'16" W, 352.64 feet along the said Southerly line; thence run N 24°23'44" E, 40.00 feet along the dividing line between Phase I and Phase III. The following 4 courses are on the said dividing line, thence run N 27°41'56" W, 29.35 feet; thence N 62°18'04" E, 81.58 feet; thence N 27°41'56" W, 158.00 feet; thence N 62°18'04" E, 134.42 feet; thence N 10°47'35" E, 69.213 feet to the above referenced Southerly line of the 6.00 foot Roadway Dedication; thence N 87°38'57" E along said Southerly line, 73.08 feet to the Point of Beginning (P.O.B.).

LESS PHASE I FOOTPRINT (a/k/a SOUTH POINT TOWER I CONDOMINIUM), WHICH IS ATTACHED AS EXHIBIT "A-1"

#### EXHIBIT "A-1"

#### LEGAL DESCRIPTION OF PHASE I FOOTPRINT:

Commence at the S.E. corner of Washington Avenue and Biscayne Street, as said Avenue and Street are shown on SOUTH BEACH PARK SUBDIVISION, recorded in Plat Book 6 at Page 77 of the Public Records of Dade County, Florida, and run S 10°47'35" W along the Easterly line of Washington Avenue, a distance of 238.22 feet to a point; Thence run S 22°1'03" E along the Easterly line of Washington Avenue, a distance of 40.31 feet to the intersection of the Northerly line of the GOVERNMENT RESERVATION, Recorded in O.R. Book 10271 at Pages 1068 and 1069 of the Public Records of Dade County, Florida, said Northerly line also being the Southerly line of said SOUTH BEACH PARK SUBDIVISION; Thence run S 65°35'12" E along the Southerly line of SOUTH BEACH PARK, a distance of 16.00 feet to Monument "C"; Thence run S 65°36'16" E along the Southerly line of said SOUTH BEACH PARK, a distance of 475.72 feet to a point; Thence run N 24°23'44" E, a distance of 50.70 feet to the Point of Beginning (P.O.B.), being the Southwest corner of the first level of the residential condominium building constituting South Pointe Towers I;

All of the following courses are along the exterior wall, or its projection, of said building: Thence run N 27°41'56" W, a distance of 199.67 feet; Thence run N 62°18'04" E, a distance of 21.83 feet; Thence run S 27°41'56" E, a distance of 1.50 feet; Thence run N 62°18'04" E, a distance of 11.70 feet; Thence run N 27°41'56" W, a distance of 10.66 feet; Thence run N 62°18'04" E, a distance of 27.13 feet; Thence run S 27°41'56" E, a distance of 27.90 feet; Thence run S 62°18'04" W, a distance of 15.93 feet; Thence run S 27°41'56" E, a distance of 4.00 feet; Thence run S 62°18'04" W, a distance of 14.08 feet; Thence run N 27°41'56" W, a distance of 14.17 feet; Thence run S 62°18'04" W, a distance of 8.83 feet; Thence run S 27°41'56" E, a distance of 5.17 feet; Thence run S 62°18'04" W, a distance of 10.33 feet; Thence run N 27°41'56" W, a distance of 5.17 feet; Thence run S 62°18'04" W, a distance of 11.49 feet to the Point of Beginning (P.O.B.).

#### LEGAL DESCRIPTION OF PHASE III PARCEL

Commence (P.O.C.) at the Southeastly intersection of Biscayne Street (Formerly Biscayne Avenue) and Washington Avenue, as said Street and Avenue are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the public records of Dade County, Florida; thence N 87°38'57" E along the Southerly line of said Biscayne Street, 291.65 feet; thence S 10°47'35" W along the dividing line between Commercial Parcel No. 1 and Phase I, 69.27 feet to the Point of Beginning (P.O.B.) of Phase III, described as follows: The following 3 courses are on the dividing line between Commercial Parcel No. 1 and Phase III; thence run N 79°12'25" W, 6.40 feet; thence S 87°38'57" W, 249.018 feet; thence S 62°18'04" W, 44.865 feet to the Easterly line of Washington Avenue referenced above; The following 2 courses are on the Easterly line of Washington Avenue; thence S 10°47'35" W, 150.72 feet; thence S 22°1'03" E, 40.31 feet to the Southerly line of the above referenced South Beach Park Subdivision; thence S 65°35'12" E, 16.00 feet; thence S 65°36'16" E, 203.12 feet along the said Southerly line; The following 6 courses are on the dividing line between Phase I and Phase III; thence run N 24°23'44" E, 40.00 feet; thence N 27°41'56" W, 29.35 feet; thence N 62°18'04" E, 81.58 feet; thence N 27°41'56" W, 158.00 feet; thence N 62°18'04" E, 134.43 feet; thence N 10°47'35" E, 6.103 feet to the Point of Beginning (P.O.B.).

#### LEGAL DESCRIPTION OF COMMERCIAL PARCEL NO. 1

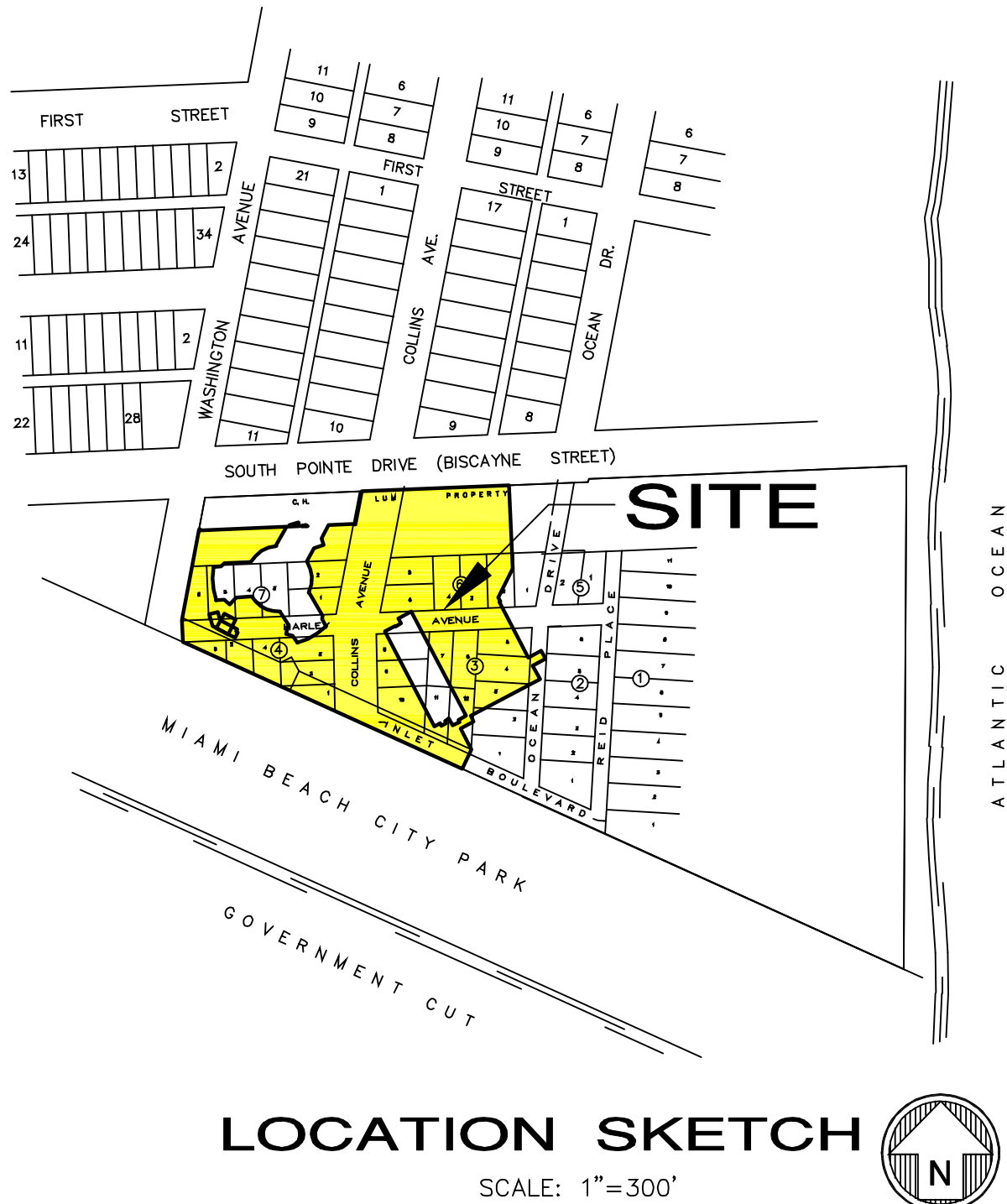
Commence (P.O.C.) at the Southeastly corner of Biscayne Street (Formerly: Biscayne Avenue) and Washington Avenue, as said Street and Avenue are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the public records of Dade County, Florida, and run S 10°47'35" W along the Easterly line of Washington Avenue, a distance of 6.16 feet to a point on the Southerly line of existing Biscayne Street, as said line was created by a 6.00 foot roadway dedication, said dedication recorded in Official Record Book 12566, at page 2914 of the public records of Dade County, Florida said point being the Point of Beginning (P.O.B.) of Commercial Parcel No. 1; thence run N 87°38'57" E along the Southerly line of said dedication, along the existing Southerly line of Biscayne Street, a distance of 274.65 feet; thence run S 10°47'35" W, a distance of 63.11 feet; thence run N 79°12'25" W, a distance of 6.40 feet; thence run S 87°38'57" W, a distance of 249.018 feet; thence run S 62°18'04" W, a distance of 44.865 feet to a point on the Easterly line of aforesaid Washington Avenue; Thence run N 10°47'35" E along the Easterly line of Washington Avenue, a distance of 81.34 feet to the Point of Beginning (P.O.B.).

#### LEGAL DESCRIPTION OF COMMERCIAL PARCEL NO. 2

Commence (P.O.C.) at the Southeastly corner of Biscayne Street (Formerly: Biscayne Avenue) and Washington Avenue, as said Street and Avenue are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the public records of Dade County, Florida, and run S 10°47'35" W along the Easterly line of Washington Avenue, a distance of 6.16 feet to a point on the Southerly line of 6.00 foot roadway dedication, said dedication recorded in Official Record Book 12566, at page 2914 of the public records of Dade County, Florida; thence run N 87°38'57" E along the Southerly line of said 6.00 foot dedication, along the existing Southerly line of Biscayne Street, a distance of 638.266 feet to the Point of Beginning (P.O.B.) of Commercial Parcel No. 2; thence run S 10°47'35" W, a distance of 70.93 feet; thence run S 87°38'57" W, a distance of 166.226 feet; thence run N 22°1'03" W, a distance of 4.00 feet; thence run S 87°38'57" W, a distance of 14.10 feet; thence run S 22°1'03" E, a distance of 4.00 feet; thence run S 87°38'57" W, a distance of 93.21 feet; thence run N 10°47'35" E, a distance of 70.93 feet to the existing Southerly line of the 6.00 foot dedication; thence run N 87°38'57" E along the existing Southerly line of Biscayne Street, a distance of 273.536 feet to the Point of Beginning (P.O.B.).

#### MASTER PARCEL INFRASTRUCTURE

Commence (P.O.C.) at the Southeastly corner of Biscayne Street (Formerly: Biscayne Avenue) and Washington Avenue, as said Street and Avenue are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the public records of Dade County, Florida, and run N 87°38'57" E along the Southerly line of said Biscayne Street, a distance of 638.266 feet; thence run S 10°47'35" W, a distance of 77.09 feet to the Point of Beginning (P.O.B.) of the Master Parcel Infrastructure; thence continue S 10°47'35" W, a distance of 88.124 feet; thence run S 87°38'57" W, a distance of 64.817 feet; thence run N 22°1'03" W, a distance of 4.00 feet; thence run N 87°38'57" E, a distance of 84.866 feet to the Point of Beginning (P.O.B.).



### KEY MAP

- SHEET 1: LEGAL DESCRIPTION & SURVEYORS NOTES
- SHEET 2: TOPOGRAPHIC IMPROVEMENTS
- SHEET 3: BOUNDARY, EASEMENTS & CORNER INFORMATION

#### SCHEDULE "2"

Commence at the Southeastly corner of Biscayne Street (Formerly: Biscayne Avenue) and Washington Avenue, as said Street and Avenue are shown on South Beach Park Subdivision, recorded in Plat Book 6, at Page 77 of the Public Records of Dade County, Florida, and run S 10°47'35" W along the Easterly line of said Washington Avenue, for 6.16 feet to a point on the Southerly line of Biscayne Street, as said line was created by a 6.00 foot roadway dedication, said dedication recorded in Official Record Book 12566, at Page 2914 of the Public Records of Dade County, Florida; thence N 87°38'57" E along the Southerly line of said 6.00 foot dedication, along the existing Southerly line of Biscayne Street, for 638.266 feet; thence S 10°47'35" W along the westerly line of the Access Easement Parcel Official Record Book 380 for 158.05 feet; thence S 87°38'57" W for 30.00 feet along the southerly line of the Master Parcel Infrastructure for 35.82 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; the following (5) courses being along the exterior boundary of PHASE I, REMAINDER per Official Record Book 15947 page 2575, (1) thence continue S 87°38'57" for 29.00 feet; (2) thence S 62°18'04" W for 24.53 feet; (3) thence S 27°41'56" E for 18.00 feet; (4) thence N 62°18'04" E for 2.00 feet; (5) thence S 27°41'56" E for 30.00 feet; thence N 26°10'10" E for 60.35 feet to the POINT OF BEGINNING.

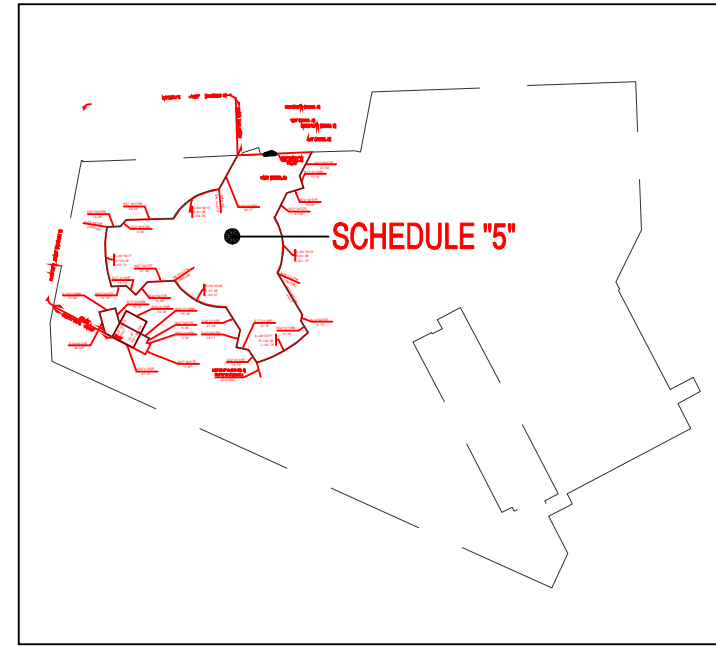
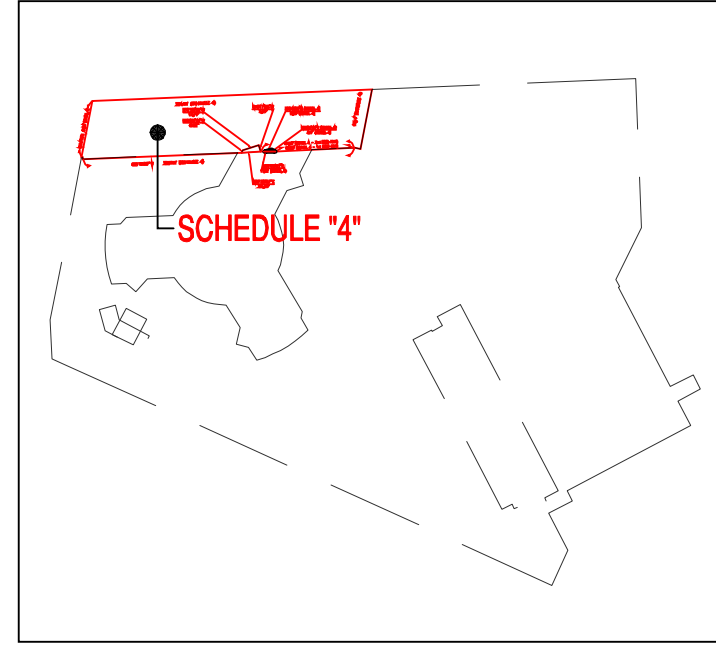
#### SCHEDULE "3"

##### PARCEL 1:

Commence (P.O.C.) at the Southeastly corner of Biscayne Street (formerly Biscayne Avenue) and Washington Avenue, as said Street and Avenue are shown on the SOUTH BEACH PARK SUBDIVISION, recorded in Plat Book 6, Page 77 of the Public Records of Miami-Dade County, Florida, and run South 10°47'35" West, along the Easterly line of Washington Avenue, a distance of 6.16 feet to a point on the Southerly line of a 6.00 foot Roadway Dedication, said Dedication recorded in Official Records Book 12566, Page 2914, of the Public Records of Miami-Dade County, Florida; thence run North 87°38'57" East along the Southerly line of said 6.00 foot Dedication, along the existing Southerly line of Biscayne Street, as expanded by said 6 foot Dedication, a distance of 638.266 feet to the Point of Beginning (P.O.B.) of the hereinafter described parcel of land; thence run South 10°47'35" West, along the Westerly line of Access Parcel per Official Records Book 15370, at Page 380, of the Public Records of Miami-Dade County, Florida, a distance of 70.93 feet; thence run South 87°38'57" West, along the Southerly line of Commercial Parcel No. 2 per Official Records Book 15370, at Page 380, of the Public Records of Miami-Dade County, Florida, a distance of 55.86 feet; thence run North 02°21'03" West, a distance of 69.07 feet to a point on the Southerly line of the 6.00 foot Roadway Dedication; thence run North 87°38'57" East, along the existing Southerly line of Biscayne Street, a distance of 71.99 feet to the Point of Beginning (P.O.B.).

##### PARCEL 2:

Commence (P.O.C.) at the Southeastly corner of Biscayne Street (formerly Biscayne Avenue) and Washington Avenue, as said Street and Avenue are shown on the SOUTH BEACH PARK SUBDIVISION, recorded in Plat Book 6, Page 77 of the Public Records of Miami-Dade County, Florida, and run South 10°47'35" West, along the Easterly line of Washington Avenue, a distance of 6.16 feet to a point on the Southerly line of a 6.00 foot Roadway Dedication, said Dedication recorded in Official Records Book 12566, Page 2914, of the Public Records of Miami-Dade County, Florida; thence run North 87°38'57" East along the Southerly line of said 6.00 foot Dedication, along the existing Southerly line of Biscayne Street, as expanded by said 6 foot Dedication, a distance of 638.266 feet; thence run South 10°47'35" West, along the Westerly line of Access Parcel per Official Records Book 15370, at Page 380, of the Public Records of Miami-Dade County, Florida, a distance of 70.93 feet to the Point of Beginning (P.O.B.) of the hereinafter described parcel of land; thence continue South 10°47'35" West for a distance of 88.12 feet, thence run South 87°38'57" West, along the Southerly line of Master Parcel Infrastructure for a distance of 35.82 feet; thence run North 02°21'03" West, a distance of 55.86 feet; thence run North 87°38'57" East, a distance of 55.86 feet to the Point of Beginning (P.O.B.).



#### SCHEDULE "4"

Commence (P.O.C.) at the Southeastly corner of Biscayne Street (Formerly: Biscayne Avenue) and Washington Avenue, as said Street and Avenue are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the Public Records of Dade County, Florida, and run S 10°47'35" W along the Easterly line of Washington Avenue, a distance of 6.16 feet to a point on the Southerly line of existing Biscayne Street, as said line was created by a 6.00 foot roadway dedication, said dedication recorded in Official Record Book 12566, at page 2914 of the Public Records of Dade County, Florida said point being the Point of Beginning (P.O.B.); thence run N 87°38'57" E along the Southerly line of said dedication, along the existing Southerly line of Biscayne Street, a distance of 291.66 feet; thence run S 10°47'35" W a distance of 63.14 feet; thence run N 79°12'25" W, a distance of 6.40 feet; thence run S 87°38'57" W a distance of 283.58 feet; thence run N 10°47'35" E a distance of 1.75 feet; thence run S 87°38'57" W a distance of 1.50 feet to a point on the Easterly line of aforesaid Washington Avenue; Thence aforesaid Washington Avenue; thence run N 10°47'35" E along the Easterly line of Washington Avenue, a distance of 59.90 feet to the POINT OF BEGINNING (P.O.B.).

Less and except the following described parcel of land, at elevation +25.85 and above relative to the National Geodetic Vertical Datum of 1929, being more particularly described as follows:

A portion of C.H. LUM PROPERTY, as shown in SOUTH BEACH PARK, according to the plat thereof as recorded in Plat Book 6 at Page 77 of the Public Records of Dade County, Florida, being more particularly described as follows:

Commence (P.O.C.) at the Southeastly corner of Biscayne Street (Formerly: Biscayne Avenue) and Washington Avenue (formerly: Miami Avenue), as said Street and Avenue are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the Public Records of Dade County, Florida, and run S 10°47'35" W along the Easterly line of Washington Avenue, a distance of 6.16 feet to a point on the Southerly line of existing Biscayne Street, as said line was created by a 6.00 foot roadway dedication, said dedication recorded in Official Record Book 12566, at page 2914 of the Public Records of Dade County, Florida; thence run N 87°38'57" E along the Southerly line of said dedication, along the existing Southerly line of Biscayne Street, a distance of 291.66 feet; thence run S 10°47'35" W a distance of 63.14 feet; thence run N 79°12'25" W, a distance of 6.40 feet; thence run S 87°38'57" W a distance of 82.60 feet to the Point of Beginning (P.O.B.); thence run N 63°03'45" W a distance of 4.17 feet; thence run S 73°42'02" W a distance of 8.46 feet; thence run N 87°38'57" E a distance of 11.85 feet to the POINT OF BEGINNING (P.O.B.).

Also less and except the following described parcel of land, at elevation +35.80 and above relative to the National Geodetic Vertical Datum of 1929, being more particularly described as follows:

A portion of C.H. LUM PROPERTY, as shown on SOUTH BEACH PARK, according to the plat thereof as recorded in Plat Book 6 at Page 77 of the Public Records of Dade County, Florida, being more particularly described as follows:

Commence (P.O.C.) at the Southeastly corner of Biscayne Street (Formerly: Biscayne Avenue) and Washington Avenue (formerly: Miami Avenue), as said Street and Avenue are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the Public Records of Dade County, Florida, and run S 10°47'35" W along the Easterly line of Washington Avenue, a distance of 6.16 feet to a point on the Southerly line of existing Biscayne Street, as said line was created by a 6.00 foot roadway dedication, said dedication recorded in Official Record Book 12566, at page 2914 of the Public Records of Dade County, Florida; thence run N 87°38'57" E along the Southerly line of said dedication, along the existing Southerly line of Biscayne Street, a distance of 291.66 feet; thence run S 10°47'35" W a distance of 63.14 feet; thence run N 79°12'25" W, a distance of 6.40 feet; thence run S 87°38'57" W a distance of 97.58 feet to the Point of Beginning (P.O.B.); thence run N 61°17'58" W a distance of 7.57 feet; thence run S 72°36'02" W a distance of 17.77 feet; thence run S 23°58'44" W a distance of 3.05 feet; thence run N 87°38'57" E a distance of 20.34 feet to the POINT OF BEGINNING (P.O.B.).

#### SCHEDULE "5"

PORTOFINO TOWER, A CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded on October 29, 1996, under Clerk's file No. 96R-496398, in Official Records Book 17405, at Page 2575, of the Public Records of Miami-Dade County, Florida, as amended and/or supplemented from time to time.

#### SURVEYOR'S NOTES:

- This site lies in Section 10, 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 abstracted for easements and/or rights-of-way of records per First American Title Insurance Company, Agents File No. 25317/GML/SG dated March 2, 1998. All easements and or rights-of-way of record per title commitment that are plottable are shown on this "Boundary & Topographic Survey".
- Note: Documents for the amendment and/or supplementation of Portofino Tower, A Condominium, have not been researched and/or furnished by client.
- Bearings hereon are referred to an assumed value of N87°38'57"E for the South Right-of-Way line of South Pointe Drive (Biscayne Street), and evidenced by one (1) Found Nail & Disk LB3653 and one (1) Found 1/2" Pipe & Cap LB3653.
- Elevations shown hereon are relative to the National Geodetic Vertical Datum of 1929, based on Miami-Dade County Bench Mark No. D-145, Elevation +6.64, located on May 5, 2010 at the intersection of South Pointe Drive and Ocean Drive.
- Lands shown hereon are located within an area having a Zone Designation AE (EL 8) by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 12086C0319L, for Community No. 120651, dated September 11, 2009, and index map revised September 11, 2009, and is relative to the National Geodetic Vertical Datum of 1929.
- Dimensions indicated hereon are field measured by electronic measurement, unless otherwise noted.
- Lands shown hereon containing 186,433 square feet or 4.28 acres, more or less. These area does not include any portions labeled as "Not A Part".
- Precision of closure 1:10,000 - Commercial Class Survey.
- Roof overhang not shown unless otherwise noted.
- Improvements shown beyond the limits of this "Boundary and Topographic Survey" may not be current or located.
- Underground improvements and/or underground encroachments not shown unless otherwise indicated.
- Legal description shown hereon furnished by client and no claims as to ownership are made or implied.

#### CERTIFICATION TO:

Marquesa Development, Ltd.  
Portofino / South Pointe Master Association, Inc.  
Fertinoy, Solowsky, Allen & Haber, PA  
Greenebaum & Rose Associates, Inc.  
Chicago Title Insurance Company

#### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Boundary Survey" was made under my responsible charge on July 16, 1997, and last updated on May 7, 2010, 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 of a Florida licensed surveyor and mapper."

FORTIN, LEAVY, SKILES, INC. LB3653

By: \_\_\_\_\_  
Daniel C. Fortin, For The Firm  
Surveyor and Mapper LS2853  
State of Florida

This Drawing is the Property of Fortin, Leavy, Skiles, Inc. and is an Instrument of Service not to be Reproduced in Whole or in Part without the Express WRITTEN Permission of Same.

LOCATE BLDG. UNDER CONST. & STAKEOUT PORTION OF E.L.Y. PROPERTY LINE (ON A 4" OFFSET)	DATE	BY	REVISION
3	130411	CEM	
2	100357	CEM	
1	001713	JUB	
No.	O.N.		Revision Description

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003663  
180 Northeast 168th Street / North Miami Beach, Florida 33162  
Phone: 305-655-4493 / Fax 305-651-7152 / Email flt@fltsurvey.com

**BOUNDARY SURVEY**  
**PORTOFINO / SOUTH POINTE MASTER ASSOCIATION**  
**CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA**

Date	4/2/98
Scale	1" = 30'
Drawn By	JUB
Cad. No.	980102
Plotted:	4/18/13 10:45a
Ref. Dwg.	297D-156
Field Book	478/55 JWL
Job. No.	980406
Dwg. No.	2001D-005
Sheet	1 of 3



**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

**MEETING DATE:** November 10, 1998

**IN RE:** The Application for Design Review Approval to change the status of an existing entrance driveway for South Pointe and Portofino Towers from temporary to permanent.

**PROPERTY:** 300 - 400 South Pointe Drive

**FILE NO:** 9943

**O R D E R**

The applicant, Marquesa Development, Ltd, filed an application with the City of Miami Beach's Planning Department for Design Review approval.

The City of Miami Beach's Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which is 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 not consistent with the Design Review Criteria Nos. 2, 6, 7, 8 & 17 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the afore-stated criteria and requirements if the following conditions are met:
  - 1. Public Art in the form of sculpture, in a pedestrian scale, shall be required along the north side of the subject property, in between the sidewalk and the driveway, in a manner to be approved by staff.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which is part of the record for this matter and the staff report and analysis, which is adopted herein, excluding the staff recommendations which were amended by the Board, that the Application for Design Review approval is granted for the above-referenced project subject to those certain conditions specified in paragraph B of the Findings of Fact hereof (condition #1), to which the applicant has agreed.

No building permit may be issued unless and until all conditions of approval as set forth herein have been met. The issuance of Design

SKG

Review approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including zoning approval. If adequate handicapped access is not provided, this approval does not mean that such handicapped access is not required or that the Board supports an applicant's effort to seek waivers relating to handicapped accessibility requirements.

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, as well as annotated floor plans which clearly delineate the Floor Area Ratio (FAR) calculations for the project, shall be submitted to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Design Review Board's file. If the Full Building Permit is not issued within one (1) year of the meeting date and construction does not commence within two (2) years of the meeting date, and continue diligently through completion, the Design Review approval will expire and become null and void.

Dated this 22nd day of December, 1998.

DESIGN REVIEW BOARD  
City of Miami Beach, Florida

By: Saul K. Gross, Chair  
Chairperson

Approved as to Form:

ag 12/17/98  
Office of the City Attorney  
(Initials/Date)

Final Order filed and in possession of the Clerk of the Board:

Alan R. Morrey 12-28-98  
Clerk of the Design Review Board  
(Initials/Date)

F:\PLAN\SDRB\DRB98\NOVDRB98\9943.FO

**CITY OF MIAMI BEACH**

**PLANNING DEPARTMENT**

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



TELEPHONE: (305) 673-7550  
FACSIMILE: (305) 673-7559

December 17, 1998

Marquesa Development, Ltd; c/o Cliff Schulman  
Greenberg Traurig et al. P.A.  
1221 Brickell Avenue  
Miami, FL 33131

RE: Final Order for Design Review File No. 9943  
300-400 South Pointe Drive

Dear Mr. Schulman:

Attached, please find an executed copy of the Final Order, for the above noted project. Notwithstanding the issuance of Design Review approval for said application by the Design Review Board, all outstanding development issues must be addressed, including without limitation, the satisfaction of any procedures required pursuant to the 1984 Development Agreement, to the extent applicable.

Specifically, since the Portofino Tower project (of which the above is a component) was reviewed and approved under the 1984 Development Agreement, it is our understanding that all reviews and approvals must continue to be made under the Development Agreement. Accordingly, based on Section 6A of the Development Agreement, this Department has concluded that the proposed driveway reconfiguration constitutes a substantial amendment and therefore, requires approval of the City Commission. Please note, nothing herein shall be construed to reinstate or revitalize the 1984 Development Agreement.

Therefore, the City Commission's approval of the proposed amendment to the Concept Plan, and all outstanding zoning matters must be fully resolved prior to the issuance of any Certificate of Completion for the subject project. If you have any questions with regard to this matter or you would like to discuss it further, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean J. Grandin, Jr.", written over a horizontal line.

Dean J. Grandin, Jr.  
Planning Director

DJG:TRM

F:\PLAN\ALL\TEMP\9943-FO.LT

cc: D. Grub Frieser  
C. Colonese  
DRB File No. 9943