

**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 approval of a revocable permit to construct eyebrows, fins and permitted signage that encroaches over the City right-of-way associated with a 4-story commercial building and parking garage located at 1045 5<sup>th</sup> Street, Miami Beach, Florida it is hereby certified that I have examined First American Title Insurance Company policy number 5011412-0200971e with an effective date of July 14, 2014 at 13:48:33 P.M. and First American Title Insurance Company updates from July 14, 2014 at 13:48:33 P.M. through July 17, 2018 at 11:00 PM:

PARCEL 1:

Lots 12, 13 and 14, inclusive, Block 98, of OCEAN BEACH, FLA. ADDITION NO. 3, according to the Plat thereof, recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

PARCEL 2:

Lots 9, 10 and 11, less the South 10.00 feet thereof, Block 98, of MCGUIRES' SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, Page 83, of the Public Records of Miami-Dade County, Florida.

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

**MAC 1045 5TH St., LLC, A Florida limited liability company**

**NOTE:** Michael Comras is the Manager of MAC 1045 5TH St., LLC and is an authorized signatory for such entity.

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. Restrictions, dedications, conditions, reservations, easements and other matters shown on the Plat of OCEAN BEACH, FLA. ADDITION NO. 3, as recorded in Plat Book 2, Page 81, 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).
2. Restrictions, dedications, conditions, reservations, easements and other matters shown on the Plat of MCGUIRES' RE-SUBDIVISION OF LOTS 6 THROUGH 11, BLOCK 98, OF OCEAN BEACH, FLA. ADDITION NO. 3, as recorded in Plat Book 6, Page 83, 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).

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3. Road right-of-way across the South 10 feet of Lots 9, 10 and 11 of Parcel 2, as dedicated by instrument recorded in Deed Book 300, Page 411 and Deed Book 309, Page 187.
4. Affidavit recorded in Official Records Book 29351, Page 2441.
5. Order from The City of Miami Beach Historic Preservation Board recorded in O.R. Book 30355, Page 2979, Public Records of Miami-Dade County, Florida, which provides for terms, conditions and restrictions.
6. Conditional Use Permit recorded in O.R. Book 30390, Page 3198, Public Records of Miami-Dade County, Florida, which provides for terms, conditions and restrictions.
7. Order issued by the Planning Board of the City of Miami Beach and recorded June 27, 2018 in O.R. Book 31032 at Page 1861.
8. Liens on account of Notice of Commencement filed by MAC 1045 5<sup>th</sup> St., LLC and recorded on January 5, 2018 in O.R. Book 30842 at Page 3462, filed January 25, 2018, as amended by Amended Notice of Commencement recorded July 6, 2018 in O.R. Book 31048 at Page 999.
9. Rights of Target Corporation, as Lessee, as evidenced by Memorandum of Lease recorded November 8, 2017 in O.R. Book 30750 at Page 4237 and by Subordination, Non-Disturbance and Attornment Agreement recorded in O.R. Book 30797 at Page 3857.
10. UCC-1 in favor of City National Bank of Florida and recorded December 19, 2017 in O.R. Book 30797 at Page 3843.
11. Modified Conditional Use Permit recorded October 10, 2017 in O.R. Book 30712 at Page 1243.

All in the Public records of Miami-Dade County, Florida.

**RECORDED MORTGAGES:**

Amended and Restated Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing given by MAC 1045 5TH ST., LLC, a Florida limited liability company to City National Bank of Florida dated as December 15, 2017 and recorded December 19, 2017 in Official Records Book 30797, Page 3772, in the Public Records of Miami-Dade County, Florida.

*I HEREBY CERTIFY* that I have reviewed all the aforementioned encumbrances and exceptions.

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

<u>Name</u>	<u>Interest</u>
MAC 1045 5TH ST., LLC	Fee Simple Owner

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 9 day of August, 2018.



Ellen Rose, Esq.  
**Florida Bar No. 246786**  
Katz Barron  
2699 South Bayshore Drive 7<sup>th</sup> Floor  
Miami, Florida 33133

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of August, 2018, by Ellen Rose, who is personally known to me or has produced \_\_\_\_\_, as identification.



Notary Public



Print Name

My Commission Expires:

