

This instrument prepared by or under the direction of:

Name: Neisen O. Kasdin
Address: 98 SE 7 Street
Suite 1100
Miami, FL 33131

(space above reserved for clerk)

**FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS
REGARDING IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY**

This First Amendment to the Declaration of Restrict Covenants Regarding Improvements in the Public Right-of-Way ("Amended Declaration") is entered into this _____ day of _____, 2017, by 3315 Tower Condominium, Inc., 3500 Hotel, LLC, 3420 Collins Avenue, LLC, 3201 Hotel, LLC, and 3425 Collins, LLC, (collectively the "Owner") and in favor of the City of Miami Beach, Florida, a municipality of the State of Florida (the "City").

WHEREAS, the Owner is amending the Declaration of Restrictive Covenants ("Covenant") previously recorded in the public records of Miami-Dade County at Official Records Book 30249, Page 2982 to clarify that the extent of the improvements installed pursuant to the Covenant and this Amended Covenant are the same as what is reflected in FDOT permit number 2016-L-691-10 and City of Miami Beach permit number RWP0516-0163 (the "Permits") and to clarify the maintenance requirements imposed under the Maintenance Memorandum of Agreement between the City and the Florida Department of Transportation under FDOT permit number 2016- L -691-10 are applicable to the Owner; and

WHEREAS, the remainder of the Covenant is unchanged and remains in full force and effect.

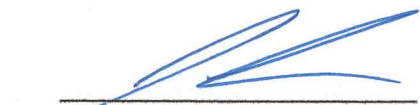
NOW, THEREFORE, for good and valuable consideration, the Owner voluntarily covenants and agrees that the Property shall be subject to the following restrictions that are intended and shall be deemed to be covenants running with the land and binding upon the Owners of the Property, their successors in interest and assigns, as follows:

1. The recitals and findings set forth in the preamble of this Declaration are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.
2. The physical extent of the Improvements referenced in the Covenant are the same as what is reflected in the Permits.
3. The remainder of the Covenant is unchanged and remains in full force and effect.

Signed, sealed, executed and acknowledged on 9 day of May, 2017.

First Amendment to Declaration Of Restrictive Covenants
Regarding Improvements In The Public Right-Of-Way

WITNESSES:



Print Name: Jose Chavez



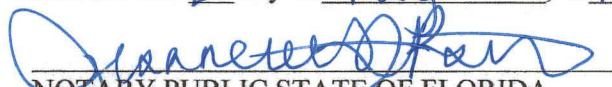
Print Name: Francisco

Print Name: Francisco

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

I HEREBY CERTIFY that on this day personally appeared before me Howard Lorber
who is personally known to me, or has produced drivers license as
identification, and he/she acknowledge that he/she executed the foregoing, freely and voluntarily,
for purposes therein expressed.

SWORN TO AND SUBSCRIBED before me this 20th day of May, 2017.



NOTARY PUBLIC STATE OF FLORIDA
Print Name: Jeannette Roth

My Commission Expires:



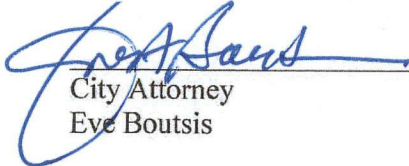
First Amendment to Declaration Of Restrictive Covenants
Regarding Improvements In The Public Right-Of-Way

Approved:


Public Works Director
Eric Carpenter

5/24/17
Dated

Approved as to form and language
And for execution


City Attorney
Eve Boutsis

5/24/17
Dated

This instrument prepared by or under the direction of:

Name: Neisen O. Kasdin
Address: 98 SE 7 Street
Suite 1100
Miami, FL 33131

(space above reserved for clerk)

**DECLARATION OF RESTRICTIVE COVENANTS
REGARDING IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY**

This Declaration of Restrict Covenants Regarding Improvements in the Public Right-of-Way ("Declaration") is entered into this 9 day of September, 2016, by 3315 Tower Condominium, Inc., 3500 Hotel, LLC, 3420 Collins Avenue, LLC, 3201 Hotel, LLC, and 3425 Collins, LLC, (collectively the "Owner") and in favor of the City of Miami Beach, Florida, a municipality of the State of Florida (the "City").

WHEREAS, the Owner is the fee simple Owner of the following described property ("Property"), located at 3500, 3420, 3400, 3201, 3315 and 3425 Collins Avenue and 3301 Indian Creek Drive, City of Miami Beach, Florida, legally described in Exhibit "A".

WHEREAS, the Owner has requested of the City to install the following described improvements in the public right-of-way adjacent to the Property: surface paving materials and landscaping (the "Improvements") substantially in accordance with the plans reviewed and approved by the City's staff and Historic Preservation Board (HPB File No. 7510, see Exhibit "B"), entitled Faena District Paving, prepared by Raymond Jungles Studio, and dated November, 2014 (the "Plan" see Exhibit "C"); and

WHEREAS, the Owner, through a private party agreement, has agreed to install the Improvements in front of the property located at 3411 Indian Creek Drive (legally described in Exhibit "D"), a property the Owner does not own but which is owned by King David Towers, Inc., a Florida Condominium Association, substantially in accordance with the Plan as modified and shown in Exhibit "E"; and

WHEREAS, the Owner, has applied to the Public Works Department for permission to install the Improvements within the public right-of-way, according to the Plan; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged including consideration of the approval of the right-of-way permit and/or plans approved by the Public Works Department, the Owner voluntarily covenants and agrees that the Property shall be subject to the following restrictions that are intended and shall be deemed to be covenants running with the land and binding upon the Owners of the Property, their successors in interest and assigns, as follows:

1. The recitals and findings set forth in the preamble of this Declaration are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

2. The Owner covenants and agrees as follows:

Declaration Of Restrictive Covenants
Regarding Improvements In The Public Right-Of-Way

- a. To install and maintain (in a "like new" condition) the Improvements as depicted in Exhibits "C" and "E" for as long as the Owner, and his, her, or its successors and assigns own the Property; and
 - b. To replace, restore and/or repair the Improvements as depicted in Exhibits "C" and "E" at Owner's expense, in the event the Public Works Department must issue an underground utility or right-of-way permit for work in that area; and
 - c. To hereby grant to the City the right to remove, add, repair, maintain, replace or have the Owner remove, add, repair, maintain, replace any of the Improvements as depicted in Exhibits "C" and "E" within the right-of-way, at Owner's expense, in the event the City determines in its reasonable discretion that such action is required; and
 - d. To add the City as additional named insured on the Certificates of Insurance for Liability and Workmen's Compensation for a coverage in the minimum limits as approved by the City's Risk Manager.
 - e. The City has the right to remove, repair, restore the area and charge the costs of all work (direct costs plus overhead and administration charges) to the Owner. Should Owner fail to pay for the work performed by the City will result in a lien being placed against the Owner's property, and/or a collection action to be filed in Circuit Court.
3. This voluntary Declaration shall remain in full force and effect and shall be binding upon the Owners of the Property, their successors in interest and assigns for an initial period of thirty (30) years from the date this instrument is recorded in the public records, and shall be automatically extended for successive periods of ten (10) years, unless modified, amended or released prior to the expiration thereof.
 4. This Declaration may be modified, amended or released as to any portion of the Property by a written instrument executed by the then Owners of the fee-simple title to the land to be affected by such modification, amendment or release providing that same has been approved by the Public Works Director of the City, or his designee, or the successor administrative officer with jurisdiction over the matter. Should this instrument be so modified, amended or released the Public Works Director, or his successor, or other administrative officer with jurisdiction over the matter, shall execute a written instrument in recordable form effectuating and acknowledging such modification, amendment or release.
 5. Invalidation of any provision of this Declaration by judgment of Court shall not affect any of the other provisions of this Declaration, which shall remain in full force and effect.
 6. This Declaration shall be recorded in the Public Records of Miami-Dade County, Florida, at the cost of the Owners.
 7. It is understood and agreed that any official inspector of the City may have the right, upon reasonable prior written notice to Owners, at any time during normal working hours of entering and investigating the use of the Property, to determine whether the conditions of this Declaration are being complied with.

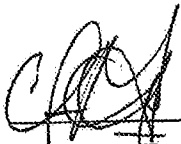
Declaration Of Restrictive Covenants
Regarding Improvements In The Public Right-Of-Way

8. An action to enforce the terms and conditions of this Declaration may be brought by the City and may be by action at law or in equity against any party or person violating or attempting to violate any provision of this Declaration either to restrain violations or to recover damages. The prevailing party in the action or suit shall be entitled to recover costs and reasonable attorneys' fees, at all levels of trial and appeal. This enforcement provision shall be in addition to any other remedies available under the law.
9. The Owners, and their successors and assigns, hereby agree to indemnify and hold harmless the City, its officers and employees, from any and all liability that may arise by virtue of the City permitting the installation of these items.

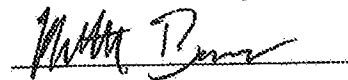
Signed, sealed, executed and acknowledged on 23 day of September, 2016.

Declaration Of Restrictive Covenants
Regarding Improvements In The Public Right-Of-Way

WITNESSES:



Print Name: Osiris Fernandez



Print Name: Matthew Boynes

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

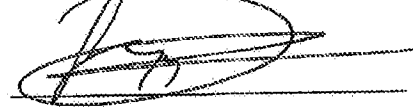
OWNER:

3500 Hotel, LLC

3420 Collins Avenue, LLC

3201 Hotel, LLC

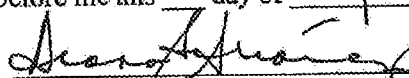
3425 Collins, LLC



Print Name: Sergio Jalife

I HEREBY CERTIFY that on this day personally appeared before me Sergio Jalife who is personally known to me, or has produced _____ as identification, and he/she acknowledge that he/she executed the foregoing, freely and voluntarily, for purposes therein expressed.

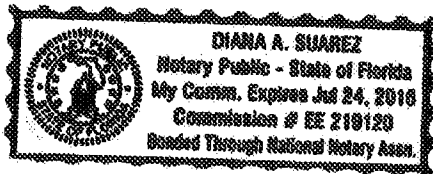
SWORN TO AND SUBSCRIBED before me this 23 day of May, 2016.



NOTARY PUBLIC STATE OF FLORIDA

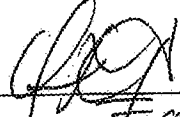
Print Name: Diana A. Suarez

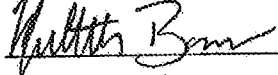
My Commission Expires:



Declaration Of Restrictive Covenants
Regarding Improvements In The Public Right-Of-Way

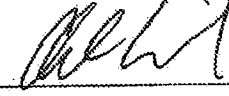
WITNESSES:


Print Name: Carlos Hernandez

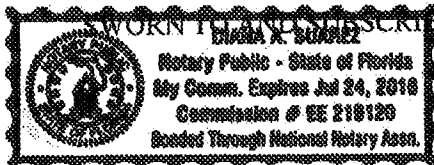

Print Name: Matthew Barnes

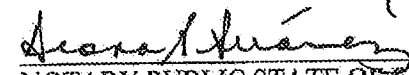
STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

OWNER:
3315 Tower Condominium, Inc.

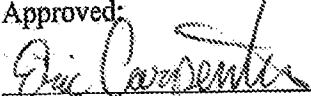

Print Name: Dant Hirsch

I HEREBY CERTIFY that on this day personally appeared before me Dant Hirsch
who is personally known to me, or has produced _____ as
identification, and he/she acknowledge that he/she executed the foregoing, freely and voluntarily,
for purposes therein expressed.



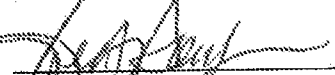
WITNESSED before me this 26 day of May, 2016.

NOTARY PUBLIC STATE OF FLORIDA
Print Name: Diana A. Suarez

My Commission Expires:

Approved:

Public Works Director
Eric Carpenter

9/23/16
Dated

Approved as to form and language
And for execution


City Attorney
Eve Boutsis

6/15/16
Dated

Exhibit "A"

PARCEL 1 – SAXONY HOTEL

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 17 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE N 20°01'58" E, ALONG THE WEST LINE OF LOTS 8, 7, 6 AND 5 OF SAID BLOCK 17 AND THE EAST RIGHT OF WAY LINE OF STATE ROAD A1A (COLLINS AVENUE), A DISTANCE OF 199.97 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 17;

THENCE S 69°51'51" E, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE VACATED THIRTY-THIRD STREET, PER RESOLUTION VACATING THIRTY-THIRD STREET FROM COLLINS AVENUE TO THE ATLANTIC OCEAN, RECORDED IN OFFICIAL RECORDS BOOK 3560, PAGE 115, AND THE NORTH LINE OF SAID BLOCK 17, A DISTANCE OF 340.47 FEET TO THE NORTHEAST CORNER OF LOT 4, OF SAID BLOCK 17;

THENCE CONTINUE S 69°51'51" E, ALONG THE EASTERLY PROJECTION OF THE SAID SOUTHERLY RIGHT OF WAY LINE OF THIRTY-THIRD STREET, A DISTANCE OF 25.79 FEET TO A POINT ON THE EROSION CONTROL LINE, A STATE DEFINED LINE, RECORDED IN PLAT BOOK 105, PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

THENCE S 11°49'20" W, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 201.27 FEET TO A POINT ON THE EASTERLY PROJECTION OF THE SOUTH LINE OF SAID LOT 1, BLOCK 17;

THENCE N 69°58'58" W, ALONG SAID EASTERLY PROJECTION OF THE SOUTH LINE OF LOT 1, BLOCK 17, A DISTANCE OF 49.81 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF SAID BLOCK 17;

THENCE CONTINUE N 69°58'58" W, ALONG THE SOUTH LINE OF LOTS 1 AND 8 OF SAID BLOCK 17, A DISTANCE OF 345.19 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

AND TOGETHER WITH:

PARCELS LS-2, LS-4, LS-5 AND LS-6, PARCELS OF LAND DESCRIBED IN THAT SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 29753, PAGE 993, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND LESS AND EXCEPT:

PARCELS LS-1 AND LS-3, PARCELS OF LAND DESCRIBED IN THAT SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 29753, PAGE 986, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Exhibit "A"

PARCEL 2 -- FAENA HOUSE

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 5, BLOCK 19, OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE S 82°30'37" E, ALONG THE NORTH LINE OF LOT 5 AND 2 OF SAID BLOCK 19, A DISTANCE OF 343.29 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 19;

THENCE CONTINUE S 82°30'37" E, ALONG THE EASTERLY PROJECTION OF THE NORTH LINE OF SAID LOT 2, BLOCK 19, A DISTANCE OF 28.41 FEET TO A POINT ON THE EROSION CONTROL LINE, A STATE DEFINED LINE RECORDED IN PLAT BOOK 105, PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, A DISTANCE OF 28.41 FEET TO A POINT ON THE EROSION CONTROL LINE, A STATE DEFINED LINE, RECORDED IN PLAT BOOK 105, PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE S 05°56'15" W, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 49.66 FEET;

THENCE S 11°49'20" W, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 175.72 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE VACATED THIRTY-THIRD STREET, PER RESOLUTION VACATING THIRTY-THIRD STREET FROM COLLINS AVENUE TO THE ATLANTIC OCEAN, RECORDED IN OFFICIAL RECORDS BOOK 3560, PAGE 115;

THENCE N 69°51'51" W, ALONG THE EASTERLY PROJECTION OF THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THIRTY-THIRD STREET, A DISTANCE OF 25.79 FEET TO THE NORTHEAST CORNER OF LOT 4, BLOCK 17 OF SAID AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY'S SUBDIVISION;

THENCE CONTINUE N 69°51'51" W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE VACATED THIRTY-THIRD STREET AND THE NORTH LINE OF SAID BLOCK 17, A DISTANCE OF 340.47 FEET TO THE NORTHWEST CORNER OF LOT 5, OF SAID BLOCK 17;

THENCE N 04°51'34" E, ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD A1A (COLLINS AVENUE), A DISTANCE OF 50.30 FEET TO THE SOUTHWEST CORNER OF LOT 6, OF SAID BLOCK 19;

THENCE CONTINUE N 07°25'57" E, ALONG THE WEST LINE OF SAID LOTS 6 AND 5 OF SAID BLOCK 19 AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 94.44 FEET TO THE POINT OF BEGINNING;

AND TOGETHER WITH:

PARCELS LS-1 AND LS-3, PARCELS OF LAND DESCRIBED IN THAT SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 29753, PAGE 986, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND LESS AND EXCEPT:

PARCELS LS-2, LS-4, LS-5 AND LS-6, PARCELS OF LAND DESCRIBED IN THAT SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 29753, PAGE 993, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Exhibit "A"

TOGETHER WITH

PARCEL 3 (3425 COLLINS AVENUE)

LOTS 1 THROUGH 8, INCLUSIVE, AND THE 16.00 FOOT ALLEY, ALL IN BLOCK 21, OF AMENDED MAP OF THE OCEAN FRONT PROPERTY OF MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 21 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE SOUTH 82° 33' 12" E, ALONG THE SOUTH LINE OF LOTS 8 AND 1 OF SAID BLOCK 21, A DISTANCE OF 344.00 FEET TO THE EXISTING SOUTHEAST CORNER OF SAID LOT 1, BLOCK 21;

THENCE NORTH 08° 49' 29" EAST, ALONG THE EXISTING EAST LINE OF LOTS 1, 2, 3 AND 4 OF SAID BLOCK 21 AND ALSO ALONG THE BULKHEAD LINE, AS SHOWN IN THE PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE", AS RECORDED IN PLAT BOOK 105, PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, A DISTANCE OF 200.72 FEET TO THE EXISTING NORTHEAST CORNER OF SAID LOT 4;

THENCE SOUTH 82° 38' 28" EAST, ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4, BLOCK 21, A DISTANCE OF 25.57 FEET TO A POINT ON THE EROSION CONTROL LINE, AS SHOWN IN SAID PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE";

THENCE SOUTH 08° 59' 18" WEST, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 200.76 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, BLOCK 21;

THENCE NORTH 82° 33' 12" WEST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK 21 A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCELS COLLECTIVELY CAN ALSO BE DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 21 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE NORTH 07° 26' 48" EAST, ALONG THE WEST LINE OF LOTS 8, 7, 6 AND 5 OF SAID BLOCK 21, A DISTANCE OF 200.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 21;

THENCE SOUTH 82° 38' 28" EAST, ALONG THE NORTH LINE OF LOTS 5 AND 4, OF SAID BLOCK 21 AND ALONG THE EASTERLY EXTENSION OF SAID LOT 4, A DISTANCE OF 387.39 FEET TO A POINT ON THE EROSION CONTROL LINE, AS SHOWN IN PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE", AS RECORDED IN PLAT BOOK 105, PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

THENCE SOUTH 08° 59' 18" WEST, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 200.76 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, BLOCK 21;

THENCE NORTH 82° 33' 12" WEST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 AND ALONG THE SOUTH LINE OF SAID LOTS 1 AND 8, BLOCK 21 A DISTANCE OF 388.00 FEET TO THE POINT OF BEGINNING.

Exhibit "A"

TOGETHER WITH:

PARCEL 4 (3300 COLLINS AVENUE)

ALL OF BLOCK 20 AND ALL THAT LAND LYING WEST OF INDIAN CREEK DRIVE AND BETWEEN THE NORTH LINE OF LOT 10 IN BLOCK 20 AND THE SOUTH LINE OF LOT 10 IN BLOCK 20 BOTH PRODUCED WESTERLY TO THE WATERS OF INDIAN CREEK, ALL OF AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE AMENDED PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AND PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

ALSO BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 9, BLOCK 20, OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THENCE NORTH 07 DEGREES 35'14" EAST, ALONG THE EAST LINE OF LOTS 9, 8 AND 7 OF SAID BLOCK 20, AND THE WEST RIGHT OF WAY LINE OF STATE ROAD A1A (COLLINS AVENUE), A DISTANCE OF 131.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 7, BLOCK 20; THENCE NORTH 82 DEGREES 28'02" WEST, ALONG THE NORTH LINE OF LOTS 7 AND 10, OF SAID BLOCK 20 AND THE SOUTH RIGHT OF WAY LINE OF 34TH STREET, A DISTANCE OF 200.48 FEET TO THE NORTHWEST CORNER OF SAID LOT 10, SAID POINT BEING REFERENCE POINT "A"; THENCE SOUTH 07 DEGREES 25'37" WEST, ALONG THE WEST LINE OF SAID LOT 10, AND THE EAST RIGHT OF WAY LINE OF INDIAN CREEK DRIVE, A DISTANCE OF 87.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE SOUTH 70 DEGREES 04'28" EAST, ALONG THE SOUTH LINE OF SAID LOTS 10 AND 8, AND THE NORTH RIGHT OF WAY LINE OF 33RD STREET, A DISTANCE OF 204.97 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH:

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT "A"; THENCE NORTH 82'28'02" WEST, ALONG THE WESTERN PROJECTION OF THE NORTH LINE OF SAID LOT 10, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 82'28'02" WEST, A DISTANCE OF 7.94 FEET; THENCE SOUTH 11'30'22" WEST, A DISTANCE OF 73.30 FEET; THENCE SOUTH 70'04'28" EAST, ALONG THE WESTERN PROJECTION OF THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 13.47 FEET; THENCE NORTH 07'25'37" EAST, ALONG THE WEST RIGHT OF WAY LINE OF SAID INDIAN CREEK DRIVE, A DISTANCE OF 76.02 FEET TO THE POINT OF BEGINNING.

also known as 3301 Indian Creek Drive

Exhibit "A"

TOGETHER WITH:

PARCEL 5 (3400 COLLINS AVENUE)

LOTS 10 AND 11, BLOCK 22, ALL OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, AS RECORDED IN PLAT BOOK 5, AT PAGES 7 & 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 6 (3420 COLLINS AVENUE)

LOTS 12 AND 13, BLOCK 22, ALL OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, AS RECORDED IN PLAT BOOK 5, AT PAGES 7 & 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 7 (3500 COLLINS AVENUE)

LOTS 10, 11 AND 13, BLOCK 24, ALL OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, AS RECORDED IN PLAT BOOK 5, AT PAGES 7 & 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LOCATION SKETCH
CITY OF MIAMI BEACH
MIAMI-DADE COUNTY, FLORIDA
SECTION 26, TOWNSHIP 53, RANGE 42 EAST

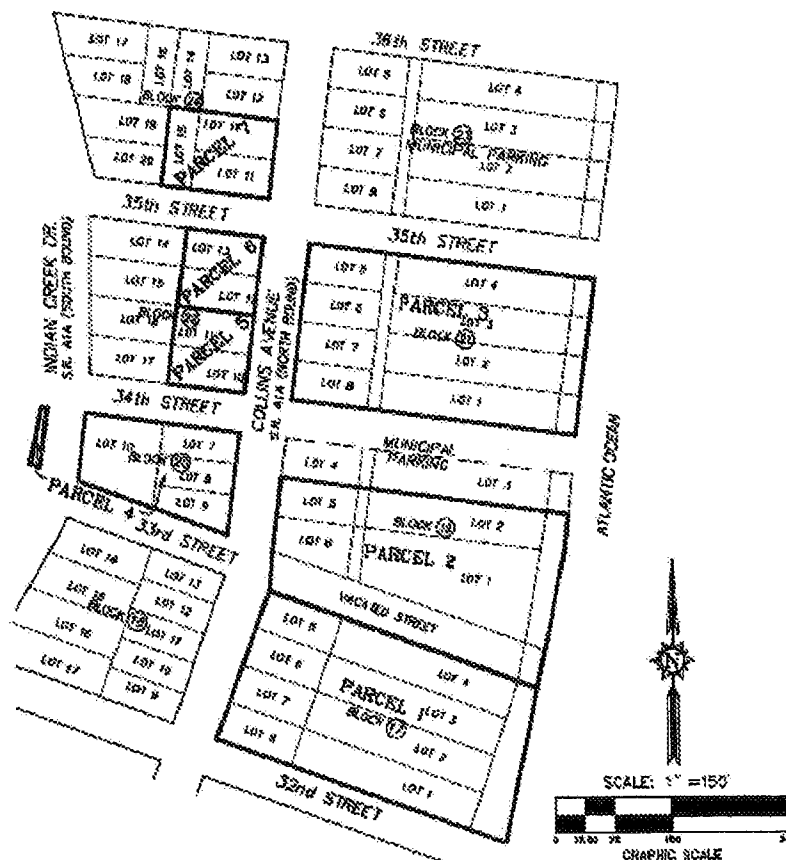


Exhibit "B"

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida



CFN: 20160569333
OR UL 201604-001-1471 - 14714 (1/14/16)
RECORDED 03/04/2016 15:01:44
HARVEY KIRK, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

MEETING DATE: February 10, 2015

FILE NO: 7540

PROPERTY: 3201-3425 Collins Avenue, 3400-
3500 Collins Avenue & 3301
Indian Creek Drive

APPLICANT: The Faena Group

LEGAL: A portion of the public right-of-way of Collins Avenue from 32nd Street to
36th Street along with a portion of the adjacent right-of-ways of 32nd Street,
33rd Street, 34th Street and 35th Street, all lying and being in the City of
Miami Beach, Florida.

IN RE: The Application for a Certificate of Appropriateness for the installation of a
sidewalk paving pattern located within the City's public right-of-way.

ORDER

The applicant filed an application with the City of Miami Beach Planning Department for a
Certificate of Appropriateness.

The City of Miami Beach Historic Preservation 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:

I. Certificate of Appropriateness

- A. The subject site is located within the Collins Waterfront Local Historic District.
- B. 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:
 1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-554(a)(1)
of the Miami Beach Code.



Exhibit "B"

Page 2 of 4
HPB File No. 7507
Meeting Date: February 10, 2019

2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is consistent with Certificate of Appropriateness Criteria "h", "c" & "g" in Section 118-564(a)(3) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-534 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The proposed paving design for the areas immediately adjacent to the standard 'Miami Beach Red' sidewalks shall be further developed in a manner which creates a more seamless transition, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 2. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the sidewalk as proposed, including bearing all costs associated with the design, construction and maintenance of the sidewalk, in a manner to be reviewed and approved by the Public Works Director and City Attorney. The covenant shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. 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.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.



Exhibit "B"

Page 3 of 4
HPB File No. 7507
Meeting Date: February 10, 2016

- C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- D. The Final 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 are adopted herein, including the staff recommendations, which were adopted by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "Faena District Miami Beach" as prepared by Jungles Landscape Architecture, dated November 2014.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Certificate of Appropriateness will expire and become null and void.

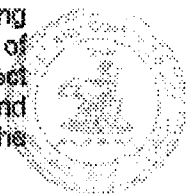


Exhibit "B"

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Meeting Date: February 10, 2015

in accordance with Section 118-561 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 13 day of February, 2015

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

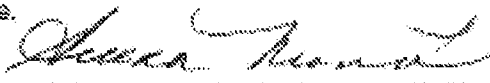
BY 
DEBORAH TACKETT
PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

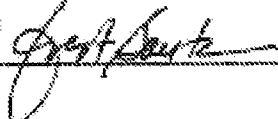
STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13th day of February, 2015 by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.




TERESA MARIA
MY COMMISSION # FF042162
EXPIRES: December 2, 2017
Signed True Subject Matter Known


NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-17

Approved As To Form:  (2/12/2015)
City Attorney's Office:

Filed with the Clerk of the Historic Preservation Board on 2-13-2015 (WJR)

F:\PLAN\HPB\15HPB\02-15-2015\Orders\HPB 7515_3280-3600 Stock Collins Av Feb 15.FO.docx


TANACHIA ARNOLD 1144

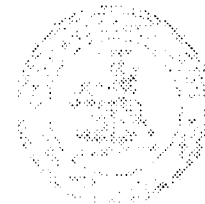


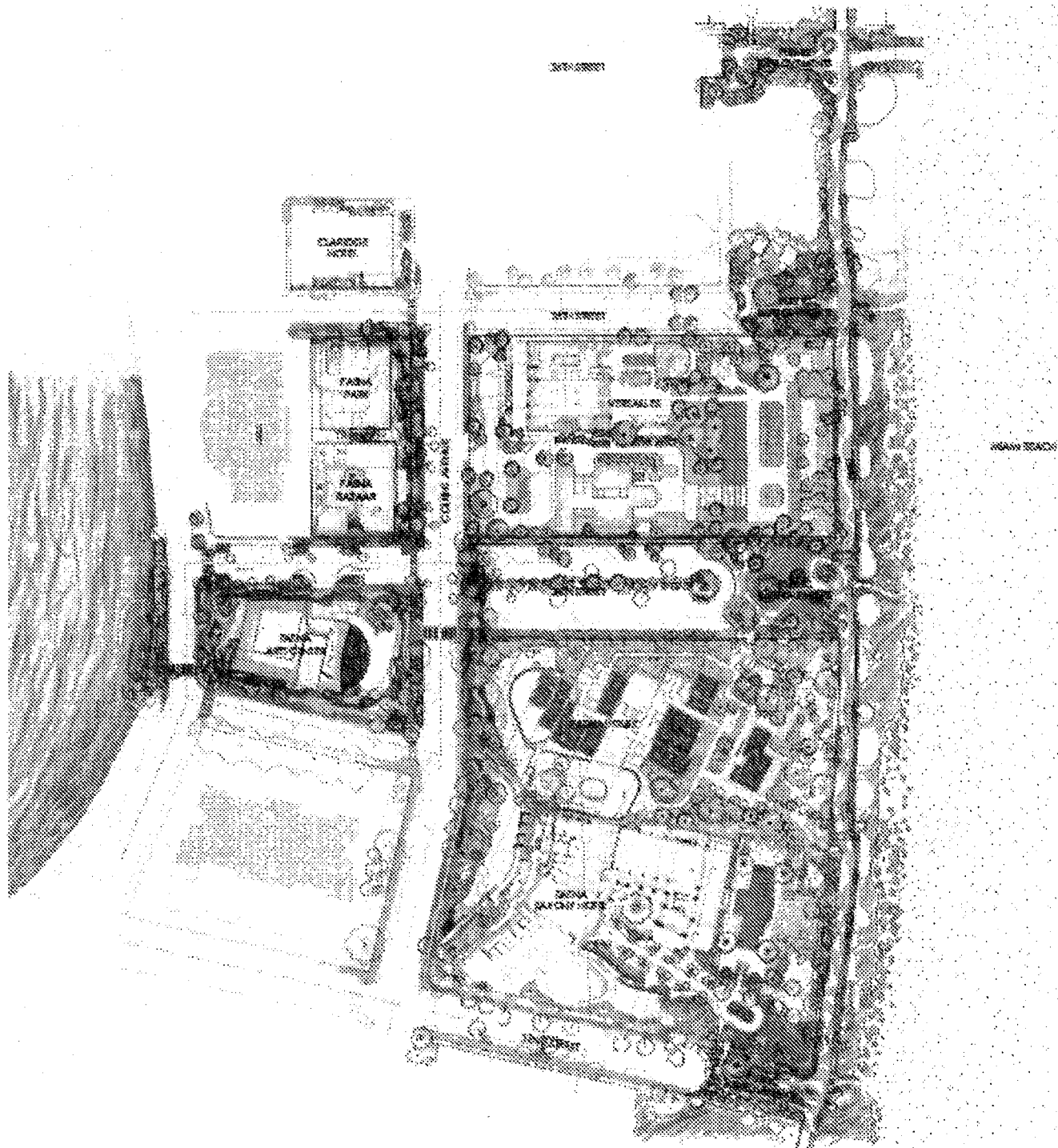
Exhibit "C"

Faena District Pavement (Beachwalk / R.O.W.)

Faena District Miami Beach

Miami Beach | November 2014

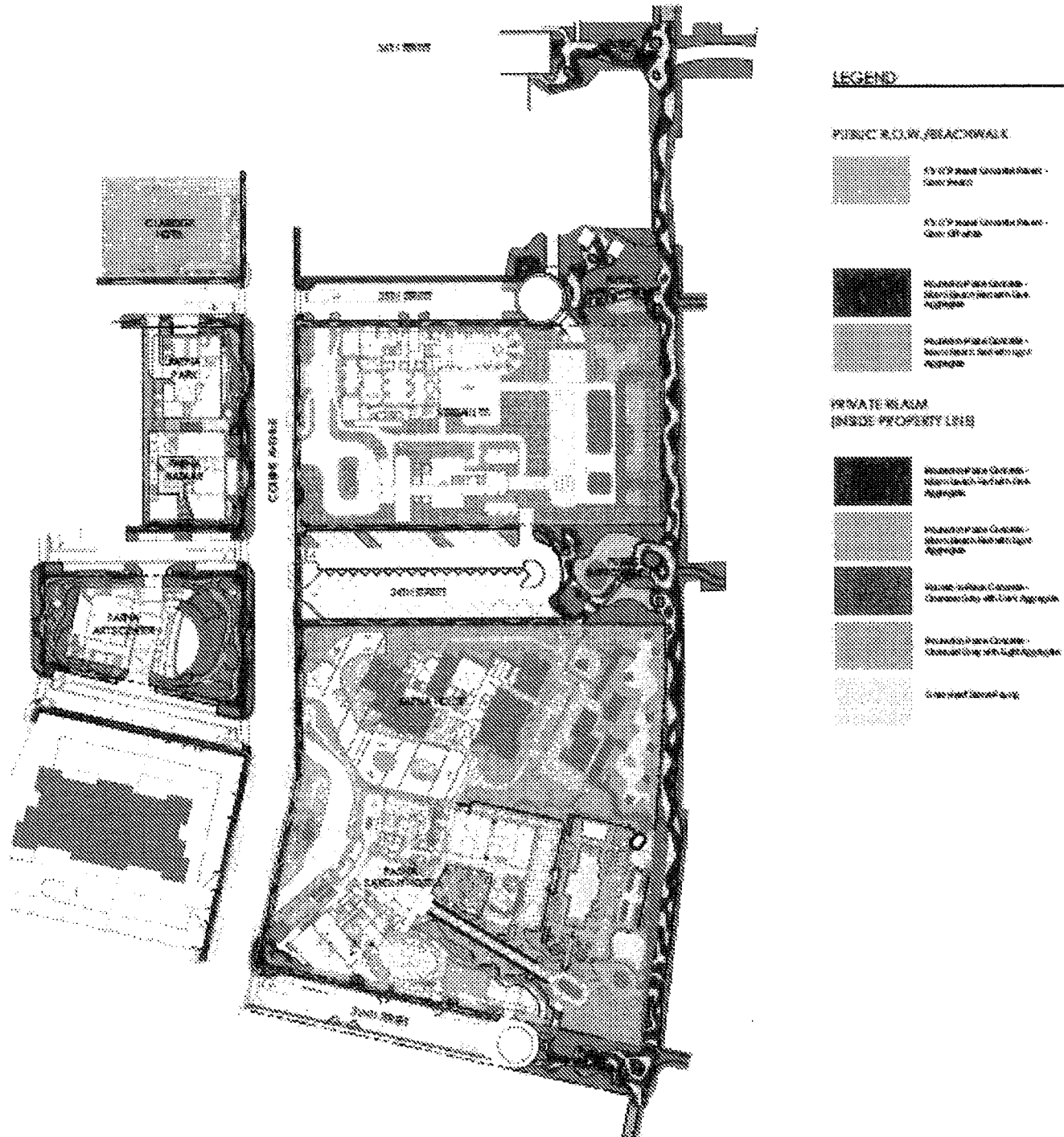
JUNGLES



Conceptual Pavement Pattern
Scale 1"=40'

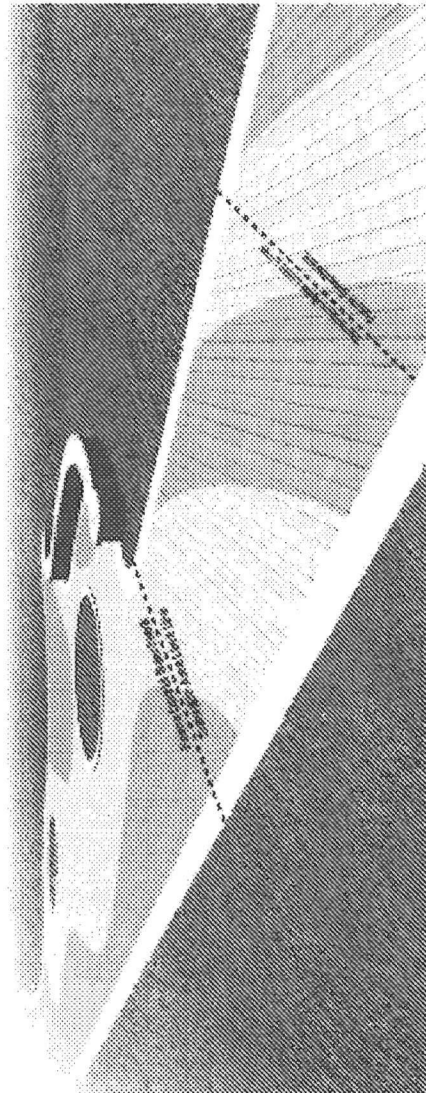
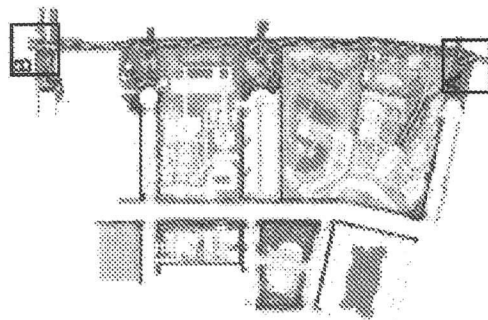
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Exhibit "C"

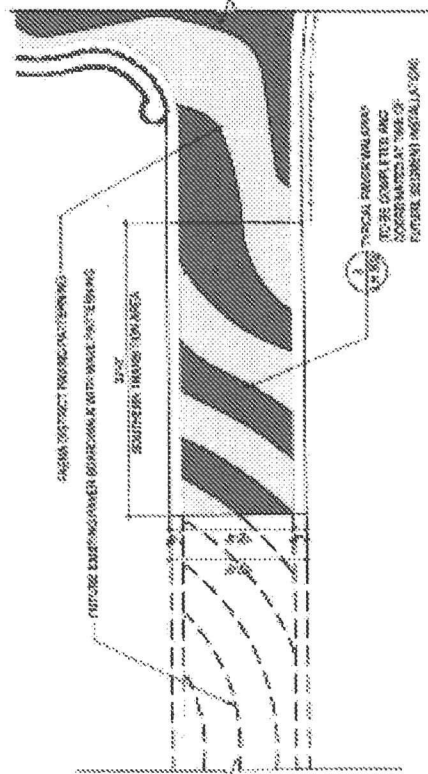


Pavement Materiality and Color
Scale 1" = 40'

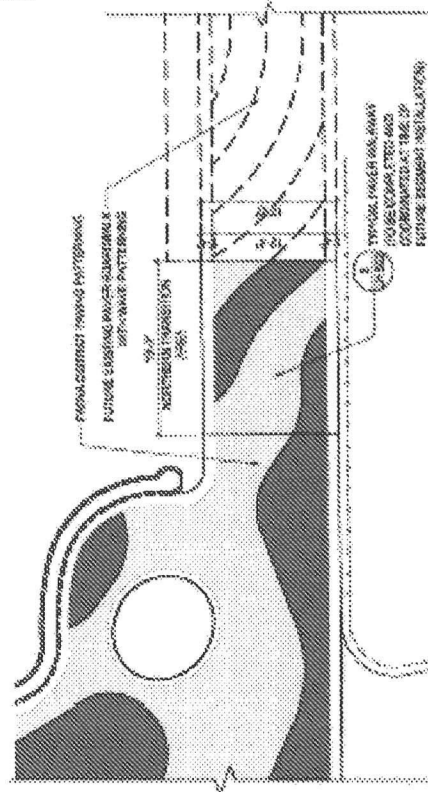
Exhibit "C"



(B) Future Paved District Northern Transition Paving Design
Scale 1/8" = 1'-0"



(A) Future Paved District Southern Transition Paving Design
Scale 1/8" = 1'-0"



(B) Future Paved District Northern Transition Paving Design
Scale 1/8" = 1'-0"

Exhibit "C"

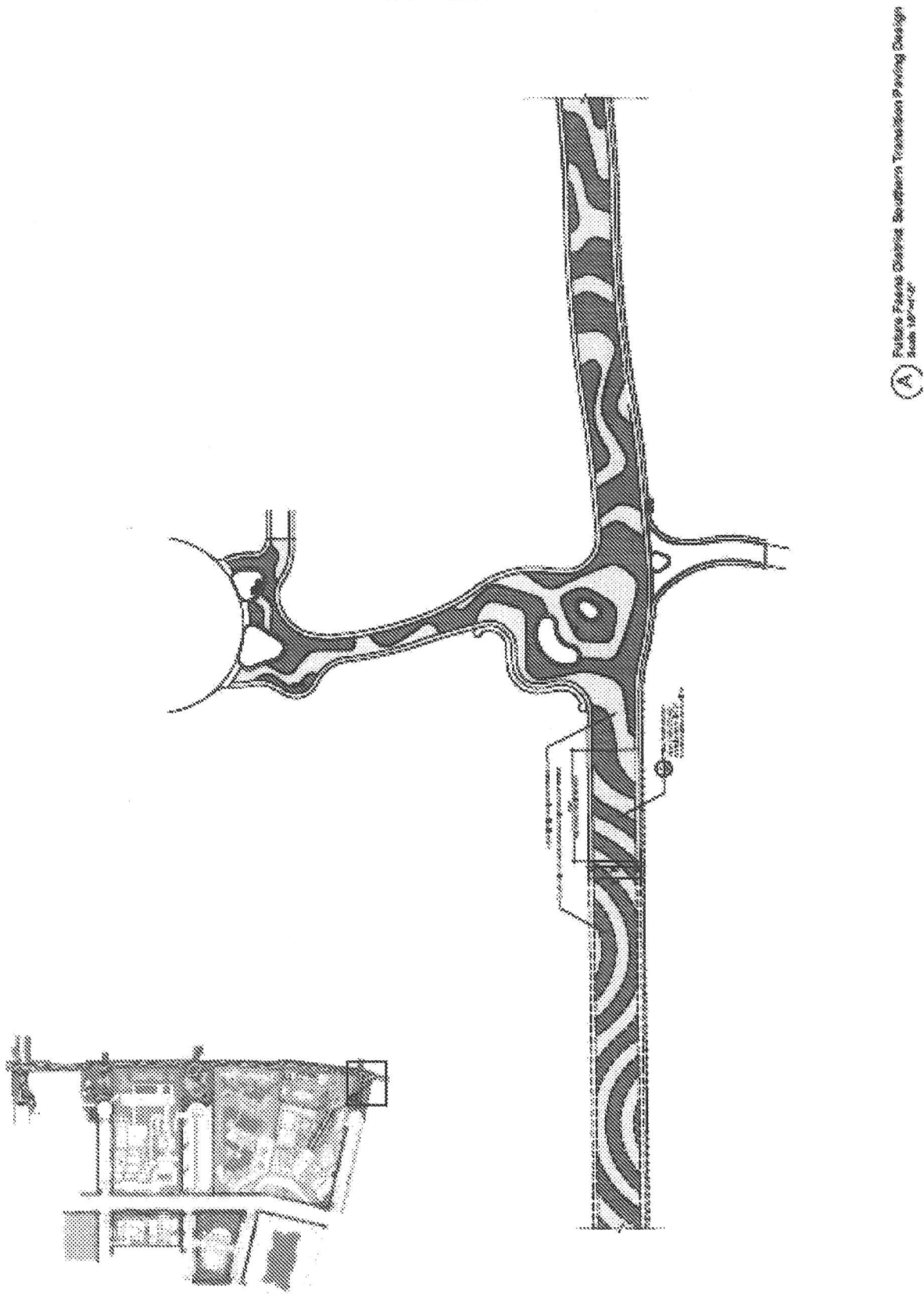


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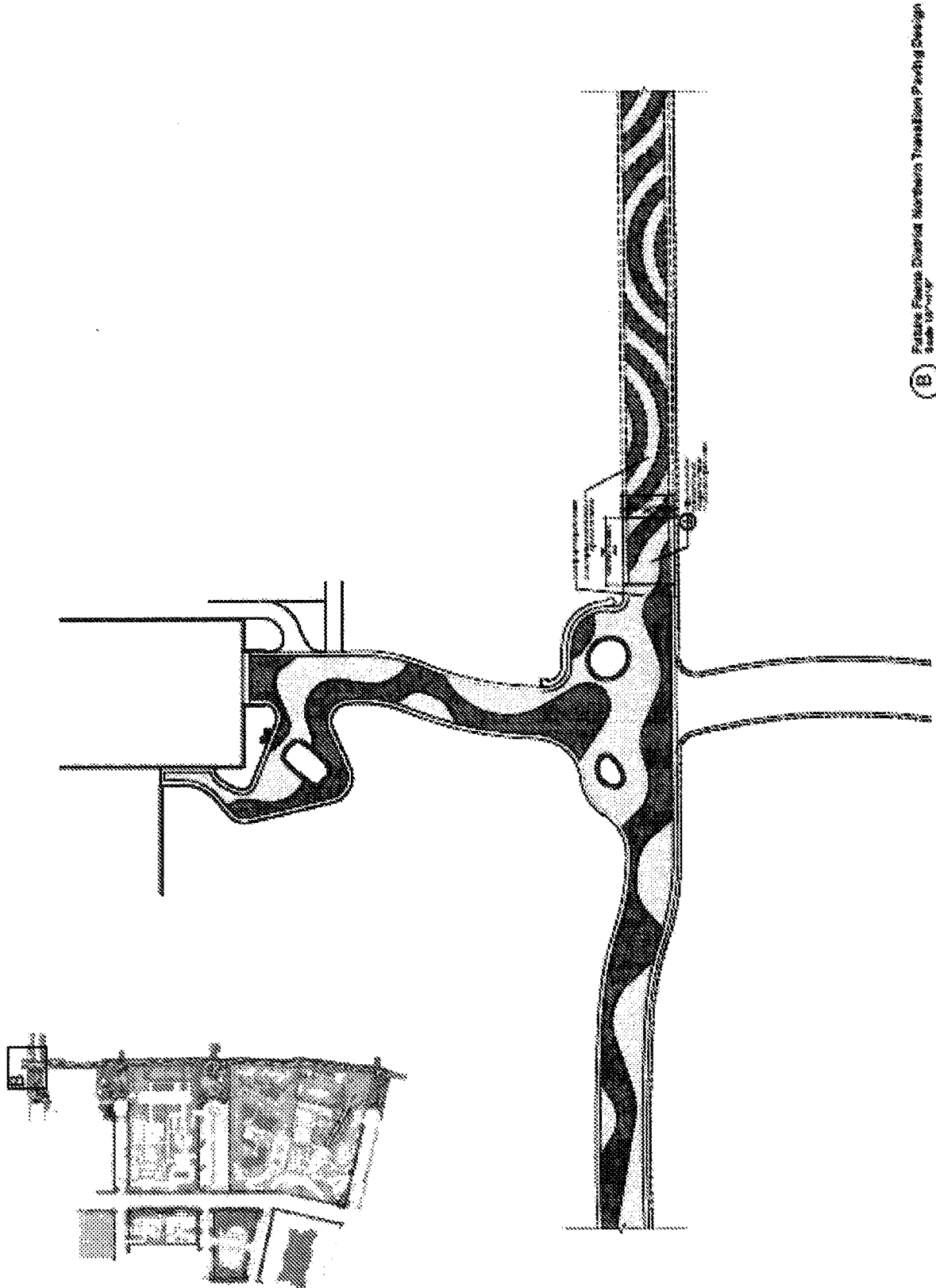
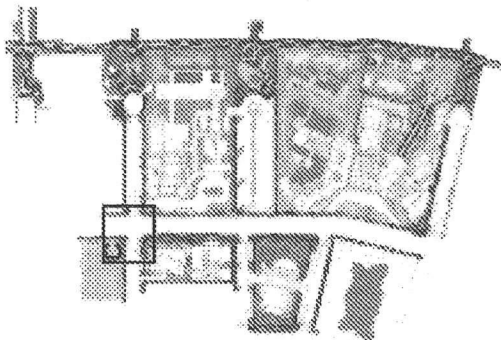
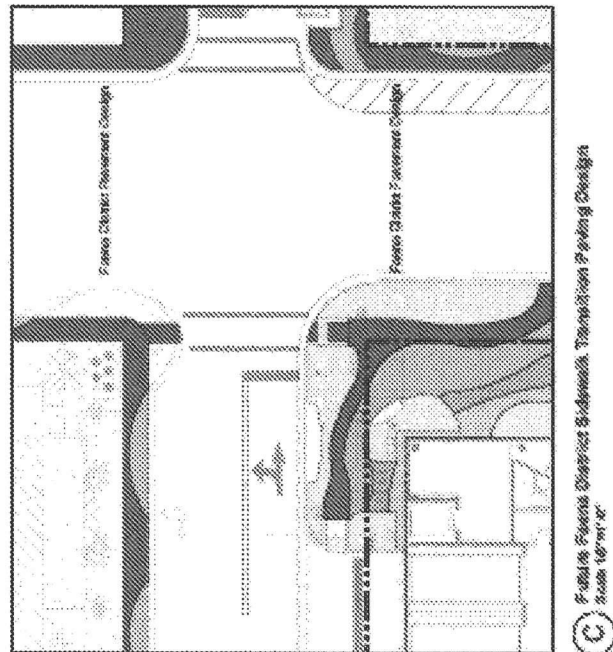
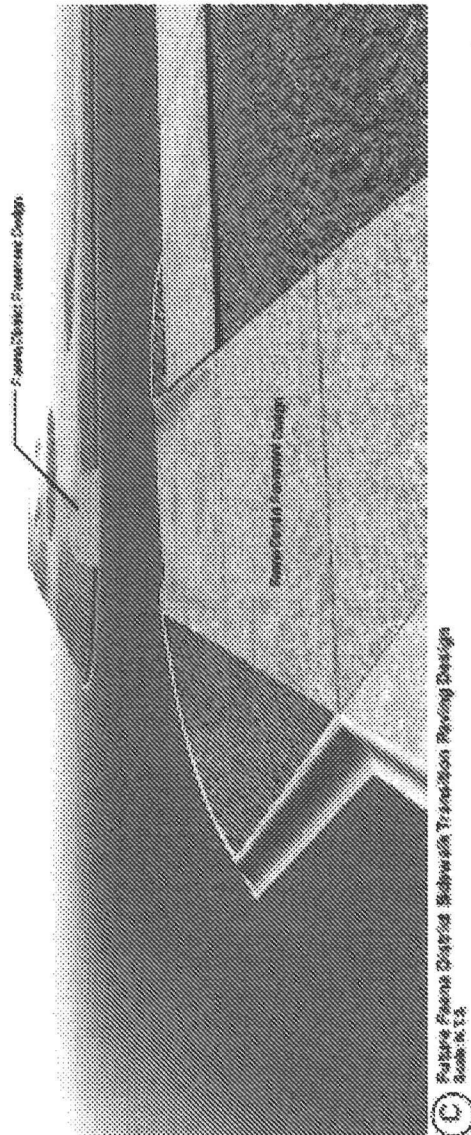
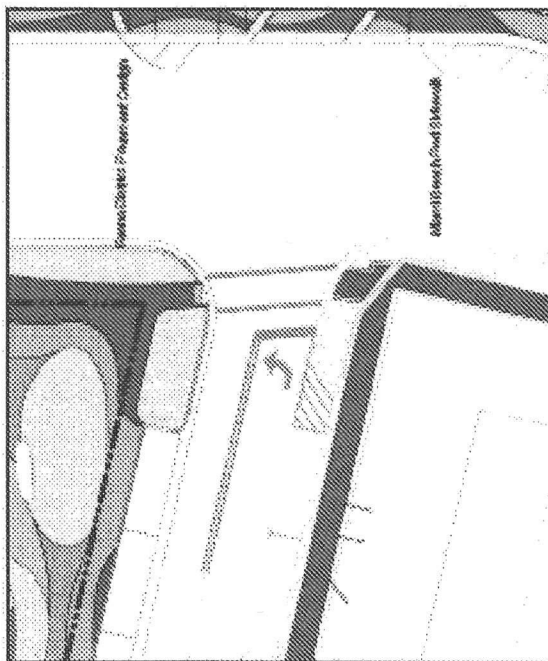


Exhibit "C"



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57, 20, 281, 9900 5

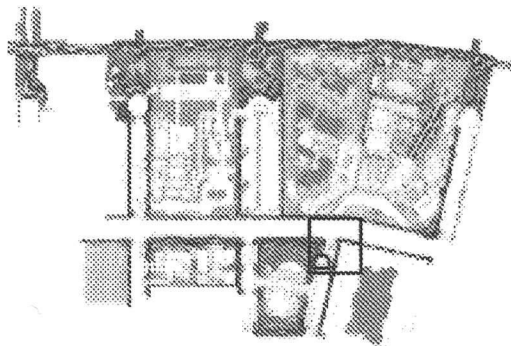
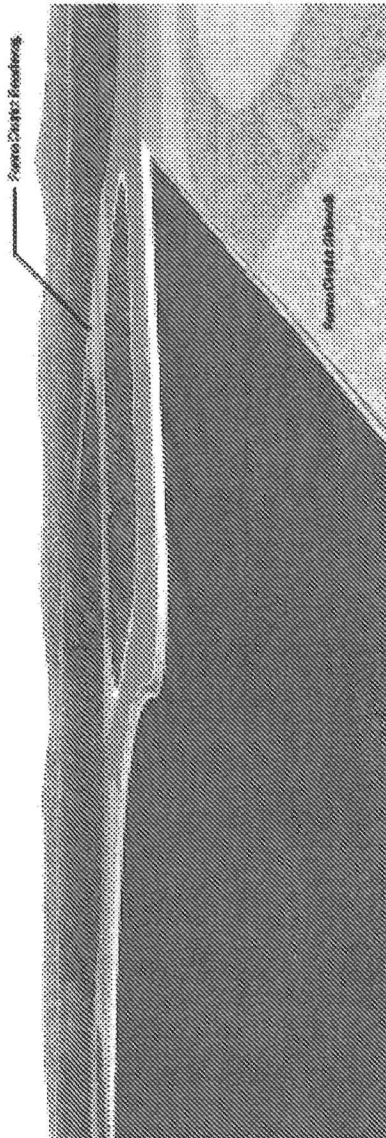
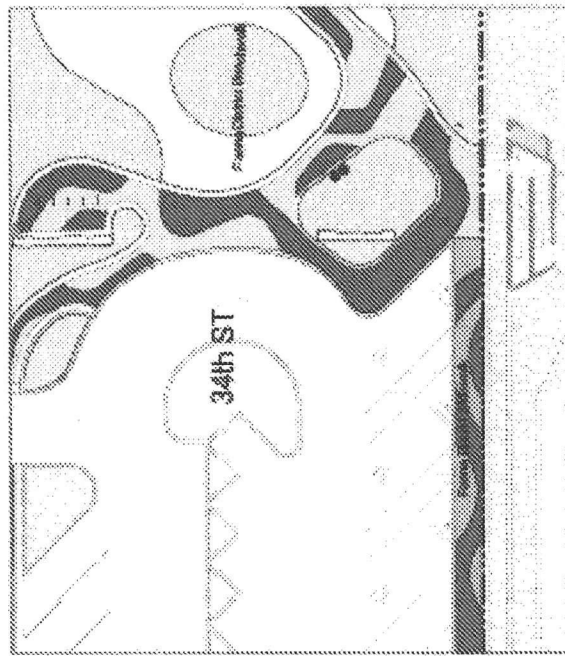


Exhibit "C"



(E) Future Future Concrete Curb and Gutter, Transition Paving Design
Scale: 1/8" = 1'-0"



(E) Future Future Concrete Curb and Gutter, Transition Paving Design
Scale: 1/8" = 1'-0"

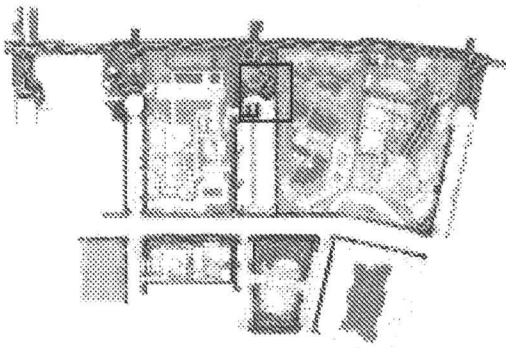


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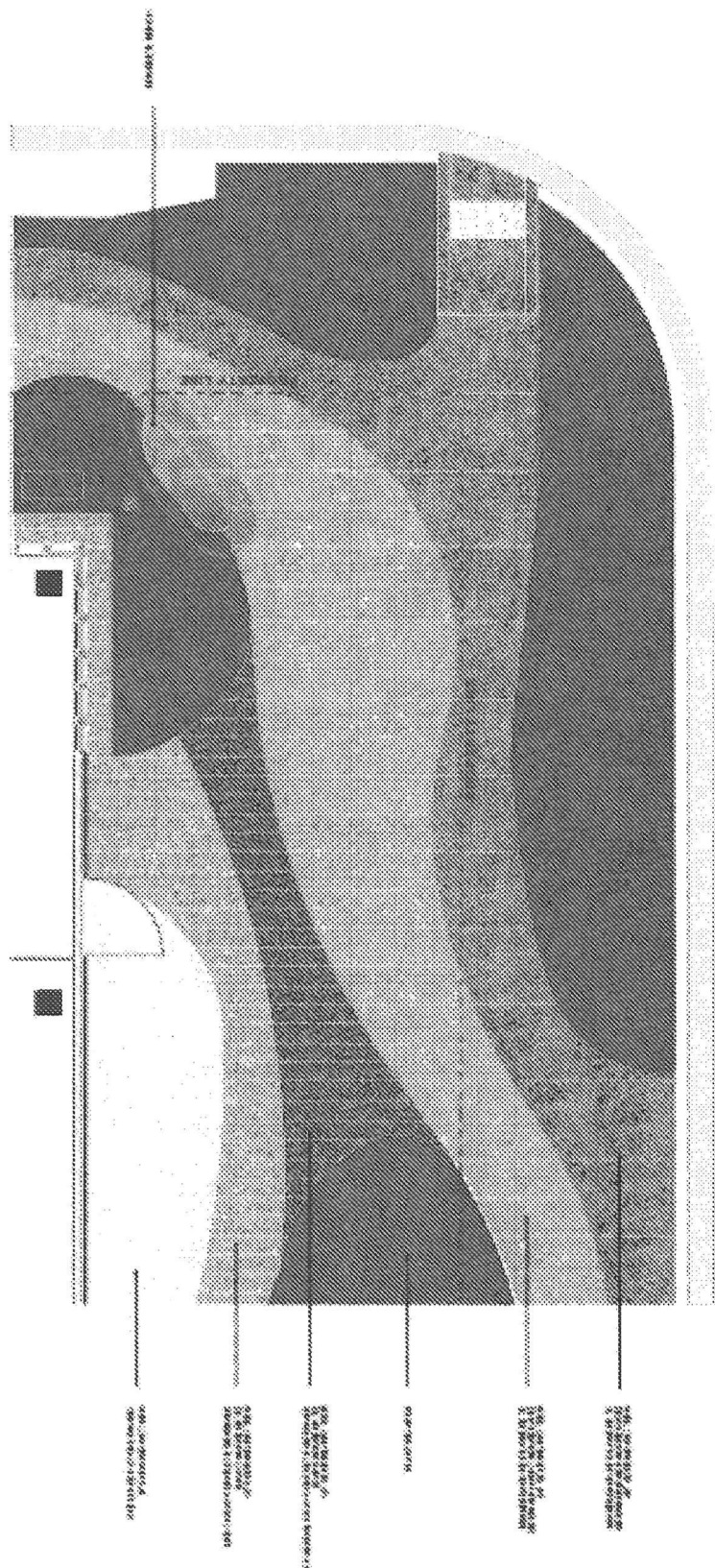


Exhibit "D"

Legal Description of 3411 Indian Creek Drive, King David Towers Condominium:

Lots 14, 15, 16 and 17 of Block 22 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

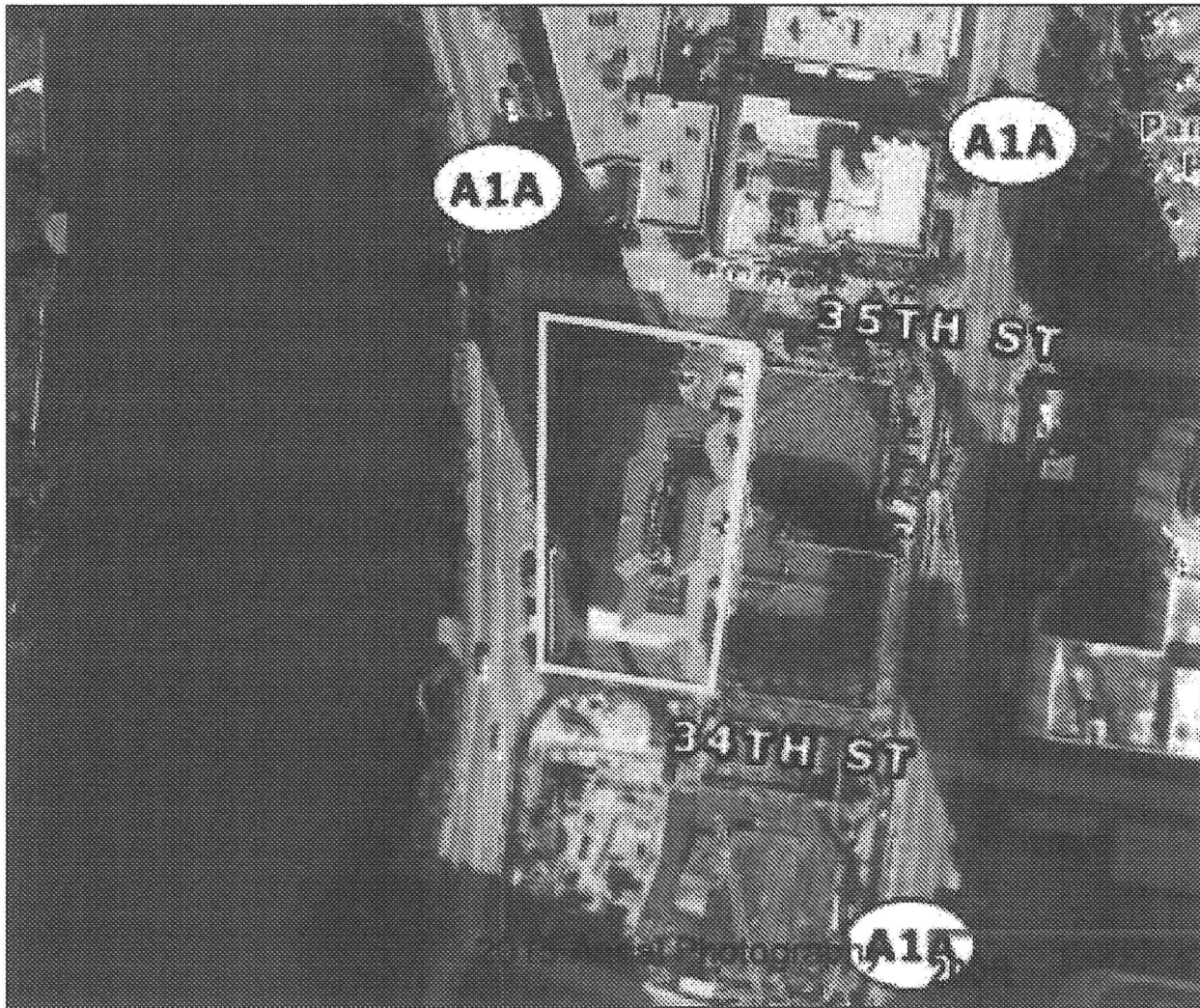
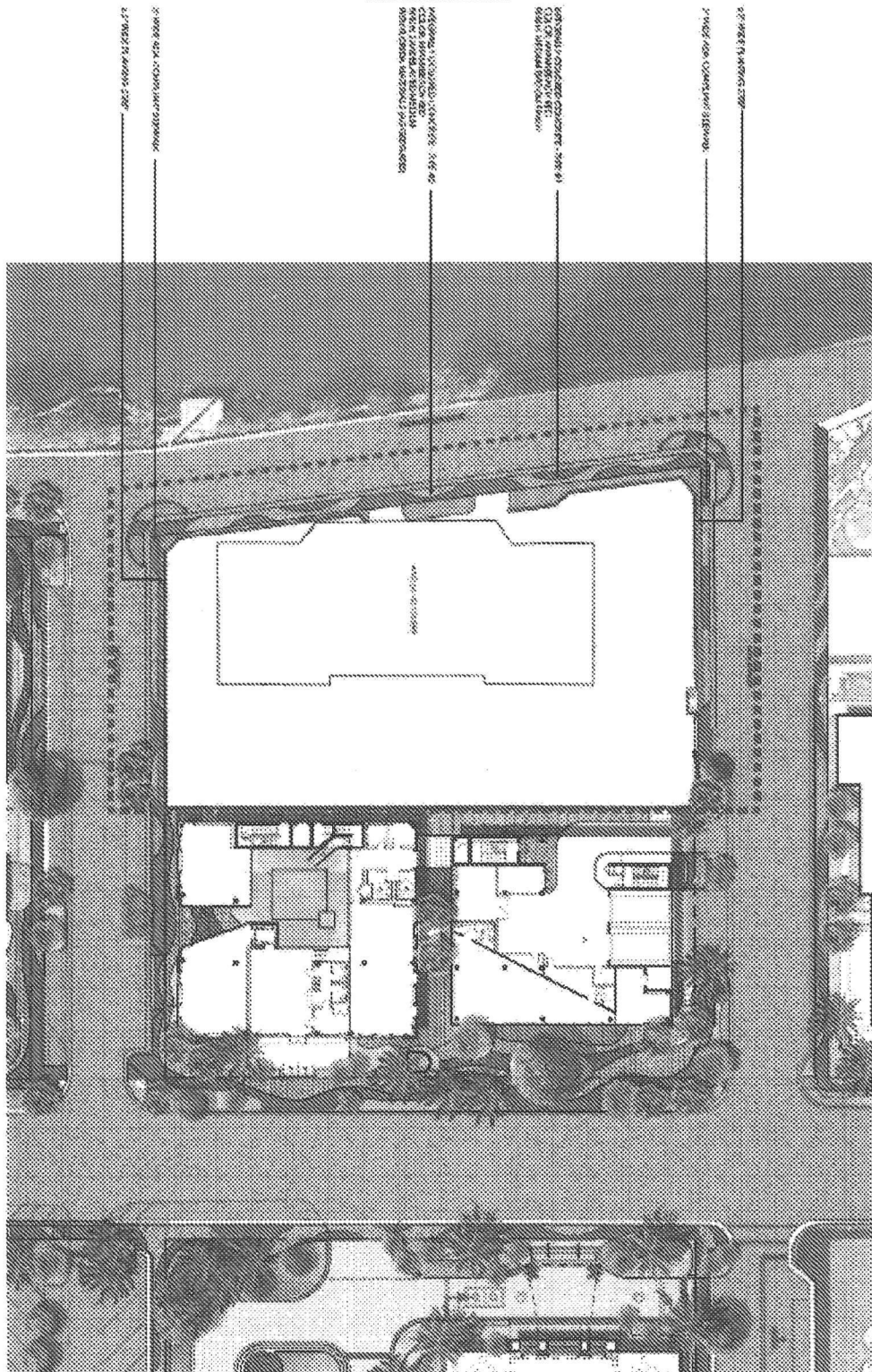


Exhibit "E"



HANDSCAPED IMPROVEMENTS PLAN

Exhibit "E"



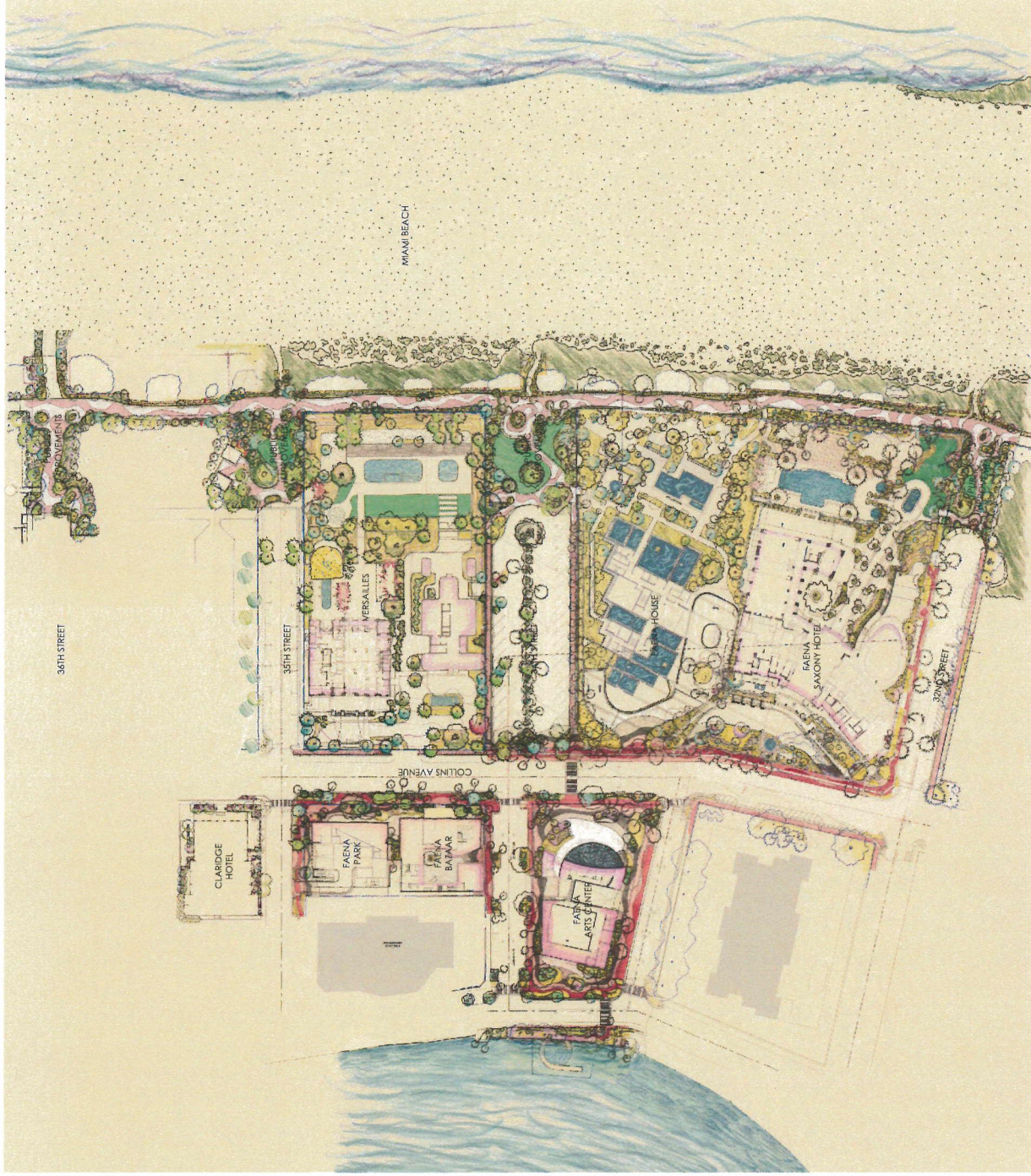
LANDSCAPE PLANNING IMPROVEMENTS PLAN

Exhibit "E"



NARRATIVE

- Pavement provides a unified district and establishes a sense of place, while acknowledging the City's established standards.
- Appropriate transitions provided at district limits including: beachwalk to beachwalk, sidewalk to sidewalk, and beachwalk to sidewalk transitions.
- Incorporation of Miami Beach Red with varying texture, aggregate and patterning, to integrate public and private realms for a larger gesture.
- Pavement pattern is informed by and responds to context and planting movements, rather than an independent gesture.
- Inspired by Roberto Burle Marx.



Conceptual Pavement Pattern
Scale 1"= 40'

