

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the Owner, or having some right, title or interest in the following described property, (the subject of zoning application #91-298) lying, being and situated in Dade County, Florida, to wit:

See attached Exhibit "A": for legal description of property (hereinafter called "Property")

in order to assure the Board of County Commissioners of Metropolitan Dade County, Florida, and the residents of the area described in paragraph 13 below (hereinafter referred to as the Residents) that the representations made to them by the undersigned during consideration of application #91-298 by R.O. LOVELL AND E.B. LOVELL will be abided by (upon which the Residents rely and thus do not oppose the said zoning application), voluntarily make the following Declaration of Restrictions covering and running with the above-described property:

1. Public Road Dedication.

Access to the Property shall be provided by a sixty (60) foot wide public road (hereinafter referred to as "proposed N.W. 155 Street"), to be dedicated by Owner, which shall bisect the Property from east to west and extend from N.W. 79 Avenue to N.W. 82 Avenue, as reflected in that certain plan entitled "Proposed Street and Landscape Site Plan" dated 9-23-91 and prepared by Schwebke-Shiskin & Associates, Inc. (hereinafter referred to as the "Site Plan").

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2. Height Limitation On Buildings Upon The Property.

Notwithstanding the building height criteria applicable to the RU-5A district boundary classification, as contained in Chapter 33 of the Code of Metropolitan Dade County, all buildings constructed upon the Property on the north side of proposed N.W. 155 Street shall be allowed, but shall not exceed, one story and a height of twenty-five (25) feet, and those buildings constructed upon the Property on the south side of proposed N.W. 155 Street shall be allowed, but shall not exceed, two stories and a height of thirty-five (35) feet.

3. Limitation On Uses.

Only those uses presently permitted in the RU-5A zoning category as contained in Chapter 33, Code of Metropolitan Dade County, shall be permitted upon the Property, except that a Bank, with or without drive-in tellers, shall be permitted if approved after public hearing by Dade County (except that no bank drive-in facilities shall be located within 300 feet of N.W. 82 Avenue and within 500 feet of N.W. 79th Avenue). The Owner may, without requiring the approval of the Residents as outlined in Paragraph 13 below, apply for a public hearing to request a bank with drive-in facilities so long it meets all other requirements of this Declaration.

4. Aggregate Square Footage Limitation of Buildings Upon The Property.

Notwithstanding the aggregate building square footage allowed to be constructed upon the Property under the RU-5A district boundary classification, as contained in Chapter 33 of the Code

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of Metropolitan Dade County, the maximum aggregate square footage to be constructed upon the Property shall not exceed 100,000 square feet. For purposes of this limitation, covered parking garages shall be excluded from square footage calculations.

5. Walls, Landscaping and Building Setbacks.

All walls, landscaping and building setbacks shall be constructed and maintained upon the Property as reflected in that certain plan entitled "Landscape Plan For: Messrs. R.O. Lovell and E.B. Lovell", dated 10-21-91 and prepared by Martinez/Pose Architects (hereinafter referred to as the "Landscape Plan"). In addition to the walls and landscaping reflected in the Landscape Plan, there shall be, within each platted office lot upon the Property (excluding platted landscaped areas and the "Lovell Office Site" reflected in the Landscape Plan): (a) a green belt consisting of a grass area not less than twenty (20) feet wide which shall extend from the interior boundary of the sidewalk to the front line of each building. Said green belt shall be free of vehicular traffic and parking but may include a pedestrian walkway and (b) a 36 inch high masonry wall which shall be located at least 18 inches from the interior boundary of the sidewalk and shall extend across the full frontage of each lot, (drive cuts, greenbelt and pedestrian walkways excepted). All landscaping and green areas contained within each individual platted office lot shall be maintained by the owner of said lot or by the property owners association described below. All other landscaped and green areas, including swale areas, entrance feature areas and any other landscaped area reflected in either the Site Plan or Landscape Plan which are not contained within a platted office lot shall be

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maintained by the Owner or by a property owners association which shall be created by the Owner and whose membership shall consist of all the fee title holders of platted office lots within the Property.

6. Signage.

All signs upon the Property shall be of the type, size, configuration and shall be located upon the Property as reflected in the Landscape Plan. Notwithstanding the limitations and criteria on signage applicable to the RU-5A district boundary classification, as contained in Chapter 33 of the Code of Metropolitan Dade County the following criteria shall apply to the Property:

(A) Detached Signs Permitted Owner shall be allowed to locate one (1) free-standing detached sign upon each platted office lot within the Property as reflected in the typical "sign location plan" and "sign elevation" on pages A-1 and A-2 of the Landscape Plan. The total number of free-standing detached signs (excluding entrance feature signs) within the Property shall not exceed 21 signs. Wall signs shall not be permitted upon platted office lots where a free-standing detached sign has been approved but shall be permitted in lieu of free-standing detached signs; and

(B) Size of Lettering All letters and writing on the: (i) Entrance Feature sign located on N.W. 79th Avenue shall be contained within a 4 foot by 8 foot frame, (ii) Lovell Office site sign shall be contained within a 3 foot by 6 foot frame, and (iii) on the Entrance Feature sign located on N.W. 82 Avenue shall be

contained within a 3 foot by 6 foot frame.

7. Parking.

Sufficient parking shall be provided within each platted office site to prevent overflow parking upon any public road. Neither Owner nor Owner's tenants, assignees or successors in title shall apply to Metropolitan Dade County for any parking variance to permit less parking than required by law. Roof parking shall not be permitted. On-street parking shall not be permitted, but it shall not be Owner's responsibility to police this prohibition.

8. Uniformity of Design, Architectural Control  
And Notice to Homeowners.

An Architectural Control Board composed of three (3) persons designated by Owner shall review and approve all construction, landscaping, signage and development plans for any work upon any portion of the Property based on the Owner's guidelines. When the first building is designed and constructed, such shall form a style of architecture which shall be adhered to throughout the development of the Property for the purpose of uniformity in appearance, which shall be subjected to written guidelines set up by the Owner and binding upon purchasers. Upon sale of the last parcel of land within the Property by the undersigned Owner, the Architectural Control Board shall be designated by the property owners association described in paragraph 5 above.

Upon receipt of any proposed final site or construction plans for any portion of the Property the Architectural Control

Board shall notify and promptly provide to a member of the Board of Directors of the Royal Oaks Homeowners Association, Inc., who is also a resident of the Royal Oaks area, a copy of said plan.

9. Limitations On Other Lands.

Owner is the fee title holder of other lands abutting the Property, or situated in the vicinity of the Property, and more particularly described in exhibit "B" attached hereto (hereinafter referred to individually as Group A, Group B and Group C (and jointly as the Adjacent Properties), which are currently zoned GU (General Use) and AU (Agricultural Use). Owner hereby covenants and agrees to limit development of the Adjacent Properties to RU-1 single-family residential use and to restrict the density of Group A to not more than three (3) residential units per gross acre of land. In no event shall any lot be less than 75' by 100'. Owner represents that Group A, Group B and Group C and the subject Property comprise all of his real estate ownership in the area bounded by Miami Lakes Drive and N.W. 170 Street, between the Palmetto feeder road and N.W. 82nd Avenue.

10. Inspection.

It is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, shall have the privilege at any time during normal working hours of entering and investigating the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

11. Restrictions To Benefit All Owners.

These restrictions during their lifetime shall be for the benefit of, and a limitation upon, all present and future owners of the real property, for the public welfare, and for the residents of the Royal Oaks Homeowners Association, Inc.

12. Agreement Running With Land.

This Agreement on the part of the Owner shall constitute a covenant running with the land and shall be recorded in the Public Records of Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned and their heirs, successors and assigns for a period of fifty years or until such time as the same is modified or released.

13. Modification of Agreement.

This Declaration of Restrictive Covenants may be modified, amended, or released as to the property herein described, or any portion thereof, by a written instrument executed by the then-owner of the fee simple title to the lands to which such modification, amendment or release pertains, provided that the same is also approved by the Board of County Commissioners of Metropolitan Dade County, Florida, after public hearing and provided further that at least 75% of the owners residing in the single family homes lying within the area bounded by N.W. 170th Street on the north, Miami Lakes Drive on the South, the Palmetto Feeder Road on the East and N.W. 87th Avenue on the West who are also members of the Royal Oaks Homeowners Association, Inc. first approve such

modification, amendment or release by written instrument. Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Building and Zoning Department, or the executive officer of the successor of such Department, or in the absence of such director or executive officer, by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

In the event any of the conditions contained in this Agreement are not fulfilled, in addition to any other remedies available, the Dade County Building and Zoning Department is authorized to withhold any further permits, and refuse any inspections or grant any approvals, until such time as the Agreement is complied with.

14. Enforcement.

Enforcement shall be by action at law or in equity against any parties or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages. Metropolitan Dade County shall have the right to enforce all terms, conditions and limitations contained in this agreement. The Royal Oaks Homeowners Association, Inc., and/or any of its members individually have the right to enforce the terms, conditions and limitations of this agreement. The prevailing party in the action shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available under the law.



15. Invalidation.

Invalidation of any of these covenants, by judgment or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal this 2nd day of July, 1992.

Signed, Sealed & Delivered in the presence of:

Maxine Maxa  
M/Maxine Maxa  
Shirley Hammer  
SHIRLEY HAMMER

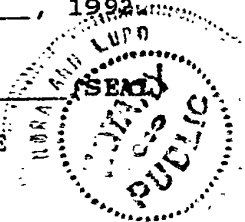
R.O. Lovell  
R.O. LOVELL  
E.B. Lovell  
E.B. LOVELL

STATE OF FLORIDA :  
  SS  
COUNTY OF DADE :

BEFORE ME, personally appeared R.O. LOVELL and E.B. LOVELL to me well known to be the person(s) described in and who executed the foregoing instrument, and acknowledge to and before me that they executed said instrument under oath, and for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Miami, Dade County, Florida this 2nd day of July, 1992.

Nora Ann Lupo  
NOTARY PUBLIC SIGNATURE  
STATE OF FLORIDA AT LARGE



My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION EXP. JULY 5, 1996  
BORNED THRU GENERAL INS. (IND.)

NORA ANN LUPO  
PLEASE PRINT OR TYPE NOTARY SIGNATURE  
1493 W. 84 Street  
Hialeah Fl 33014

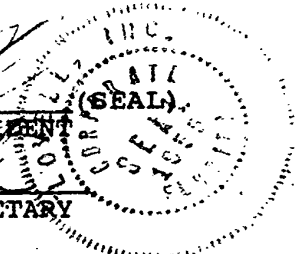
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IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal this 2<sup>ND</sup> day of July, 1992.

LOVELL, INC., a Florida corporation

BY: R.O. Lovell  
R.O. LOVELL, PRESIDENT

BY: E.B. Lovell  
E.B. LOVELL, SECRETARY



STATE OF FLORIDA :  
SS  
COUNTY OF DADE :

BEFORE ME, personally appeared R.O. LOVELL and E.B. LOVELL, as President and Secretary respectively, of Lovell, Inc., a Florida corporation to me well known to be the person(s) described in and who executed the foregoing instrument, and acknowledge to and before me that they executed said instrument under oath, and for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Miami, Dade County, Florida this 2<sup>ND</sup> day of July, 1992.

Nora Ann Lupo (SEAL)  
NOTARY PUBLIC SIGNATURE  
STATE OF FLORIDA AT LARGE



My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION EXPIRES JULY 6, 1995  
ISSUED THIS GENERAL REG. CHG.

NORA ANN LUPU  
PLEASE PRINT OR TYPE NOTARY SIGNATURE

1448W 89 Street  
Hialeah FL 33014

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EXHIBIT "A"

## LEGAL DESCRIPTION

RE: Zoning

A portion of Tract 58, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" of the Southeast 1/4 of Section 15, Township 52 South, Range 40 East, according to the plat thereof as recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, being more particularly described as follows:

Begin at the Southeast Corner of said Tract 58; thence run North 89 degrees 50 minutes 01 seconds West, along the South Line of said Tract 58, for 1284.24 feet; thence North 2 degrees 14 minutes 22 seconds West, along a line parallel with and 35.00 feet East of, as measured at right angles to, the West Line of said Tract 58, for 280.25 feet; thence South 89 degrees 50 minutes 01 seconds East, along a line parallel with and 280.00 feet North of, as measured at right angles to, the South Line of said Tract 58, for 1254.11 feet; thence South 2 degrees 15 minutes 40 seconds East, along a line parallel with and 30.00 feet West of, as measured at right angles to, the East Line of said Tract 58, for 84.56 feet to a Point of Curvature; thence Southerly and Southeasterly, along a circular curve to the left, having a radius of 460.00 feet and a central angle of 11 degrees 09 minutes 54 seconds for an arc distance of 89.64 feet to a Point of Tangency; thence South 13 degrees 25 minutes 34 seconds East, for 109.97 feet to the Point of Beginning. (Last mentioned three courses being coincident with the existing Westerly Right-of-Way Line of N. W. 79th Avenue), lying and being in Dade County, Florida and containing 8.115 Acres, more or less.

Note: Bearings contained herein are based on an assumed Meridian along Northwest 82nd Avenue.

EXHIBIT "B" GROUP A

GROUP A

Tract 58 less the South 280 feet and East 30 feet

Tract 59 less the East 30 feet

Tract 60 less the East 30 feet

Tract 61 less the East 30 feet

Tract 62 less the East 30 feet

Tract 63 less the East 30 feet

Tract 64 less the East 30 feet

Tract 64 less the North 144.16 and the East 30 feet

All lying and being in Section 15, Township 52 South, Range 40 East, according to the Plat Book of Florida Fruit Lands Company's Subdivision No. 1, Recorded in Plat Book 2, Page 17 of the Public Records of Dade County.

EXHIBIT "B" GROUP B

GROUP B

Tract 4 less the East 45 feet and the North 100 feet of  
Tract 5 less the East 45 feet and less the West 150 feet.

and

Tract "A" of FCTC Valkar according to plat thereof,  
recorded in Plat Book 130, Page 5 of the Public Records  
of Dade County, Florida.

and

The East one-half of Tract 5 less the East 45 feet and  
the North 100 feet thereof;

and

The West 594 feet of the South 165 feet of Tract 6

and

Tract 6 less the West 594 and less the East 45 feet.

and

Tract 7 less the West Road ROW for N.W. 79 Avenue and  
less the East 45 feet all lying and being in Section  
15, Township 52 South, Range 40 East, according to the  
plat of Florida Fruit Lands Company's Subdivision No.  
1, recorded in Plat Book 2, Page 17, of the Public  
Records of Dade County, Florida.

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REC.EXHIBIT "B" GROUP C

The South one-half (S.1/2) of Tract 49 in Section 15, Township 52 South, Range 40 East, Florida Fruit Lands Company's Subdivision, according to the Plat thereof recorded in Plat Book 2 at Page 17, Public Records of Dade County Florida, LESS the following parcels:

1. The West 30 feet of the S. 1/2 of Tract 49
2. All that part of the S. 1/2 of Tract 49 in Section 15, Township 52 South, Range 40 East, of Florida Fruit Lands Company's Subdivision, according to the Plat thereof recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, which lies Easterly of the following described line: Beginning at a point on the South line of Tract 50 in Section 15, Township 52 South, Range 40 East, of Florida Fruit Lands Company's Subdivision, according to the plat thereof recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, said point being 200 feet West of, as measured at right angles to, the East line of said Section 15; thence run North along a line 200 feet West of, as measured at right angles and parallel to the East line of said Section 15; for a distance of 176.58 feet to the point of curvature of a circular curve to the right; thence run northerly along the arc of said circular curve to the right, having a radius of 2110.08 feet, through a central angle of 25 08' 51" for an arc distance of 926.13 feet to a point on the East line of said Section 15, said point being 428.98 feet North of the Southeast corner of NE 1/4 of said Section 15.

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EXHIBIT "B" GROUP C

The North 1/2 of Tract 49 in Section 15, Township 52 South, Range 40 East, of FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. ONE, according to the Plat thereof, as recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, less the West 30 feet thereof and less that part taken in eminent domain proceedings, Case No. 37259, described as:

All of that part of the North 1/2 of Tract 49 in Section 15, Township 52 South, Range 40 East, of FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2 at Page 17 of the public records of Dade County, Florida, which lies Easterly of the following described line: Beginning at a point of the South line of Tract 50 in Section 15, Township 52 South, Range 40 East, of Florida Fruit Land Company's Subdivision, according to the Plat thereof recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, said point being 200 feet West of, as measured at right angles to the East line of said Section 15; thence run North along a line 200 feet West of, as measured at right angles and parallel to the East line of said Section 15 for a distance of 176.58 feet to the point of curvature of a circular curve to the right; thence run Northerly along the arc of said circular curve to the right, having a radius of 2110.08 feet, through a central angle of 25°08'51" for an arc distance of 926.13 feet to a point on the East line of said Section 15, said point being 428.98 feet North of the Southeast corner of NE 1/4 of said Section 15.

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REC.

EXHIBIT "B" GROUP C

**LEGAL DESCRIPTION:** North 1/2 of Tract 51, less the Right-of-Way, FLORIDA FRUIT LANDS COMPANY SUBDIVISION of Section 15, Township 52 South, Range 40 East according to the plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida.

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED  
Clerk of Circuit & County  
Courts