



October 27, 2016

VIA ELECTRONIC MAIL

Mr. Ramon Trias
Planning and Zoning Director
City of Coral Gables
427 Biltmore Way, 2nd Floor
Coral Gables, FL 33134

Re: 728 Navarre Avenue / Request for Release of Restrictive Covenant

Dear Mr. Trias:

On behalf of 728 Navarre, LLC, we hereby request release of the Restrictive Covenant dated May 4, 1987 that encumbers the property located at 728 Navarre Avenue, (the "Property") recorded in Book 13281, Page 2450, of the Public Records of Miami-Dade County (the "Covenant"), which is attached as **Exhibit A**. We further request that the release of the Covenant is made effective upon approval of the proposed conditional use building site separation for the Property, which has been approved by the City Commission on first reading and is scheduled to come before the City Commission on second reading on November 15, 2016.

The Property, located on Block 25 of Coral Gables Section B, currently consists of three fully platted lots (8, 9, and 10), as well as the east 15 feet of Lot 6. Pursuant to the Covenant, Lots 9, 8 and the east 15 feet of Lot 7, "shall not be conveyed, mortgaged, or leased separate or apart from each other and...[shall] be held together as one tract." The Covenant renders the adjacent property, 734 Navarre Avenue, ("Adjacent Property") illegal and non-conforming pursuant to 3-206.E.1 since it results in a building site that is not composed of at least one fully platted lot. Specifically, the Adjacent Property is composed of the east 25 feet of Lot 6 and Lot 7, less the east 15 feet, of Block 25 of Coral Gables Section B. The Adjacent Property contains neither the entire platted Lot 6 nor Lot 7.

A separate covenant recorded in Book 13281, Page 2451, of the Public Records of Miami-Dade County, (the "Adjacent Covenant"), which is attached as **Exhibit B**, encumbers the Adjacent Property, which is owned by an affiliated company of 728 Navarre, LLC. The Adjacent Covenant unifies Lot 7 less the East 15 feet and the East 25 feet of Lot 6 in Block 25 of Coral Gables Section B, which, as mentioned above, does not comply with Zoning Code building site requirements. Once the Covenant is released, we intend to convey the east 15 feet of Lot 7 back to the 734 Navarre site and modify the Adjacent Covenant so that it requires that the east 25 feet of Lot 6 and Lot 7 not be conveyed, mortgaged, or leased separate or apart from each other and that they will be held together as one tract. This would result in a compliant Adjacent Property in that it would contain an entire platted Lot 7 as a result of the modification to the Adjacent Covenant. Simultaneously, and if the proposed building separation is approved, we will



also submit the new required unity of title covenants for the two new building sites to be created at 728 Navarre.

For the reasons stated above, we are requesting release of the Covenant to enable the re-conveyance of the east 15 feet of Lot 7 to the Adjacent Property, thus rendering it a legal and conforming building site. We would ask that the requested release of the Covenant be considered by the City Commission on November 15th as a companion item to the proposed building site separation. If you have any questions related to this request, please do not hesitate to contact me at (305) 376-6061. Thank you for your attention to this matter.

Sincerely,

Mario Garcia-Serra

cc: Mr. Craig Leen, City Attorney
Ms. Cristina Suarez, Assistant City Attorney
Mr. Charles Wu, Development Services Director
Mr. Scot Bolyard, Principal Planner

MIA_ACTIVE 4474124.2

OFF REC

13281 Fg 2450

03 MAY 18 AM 11:07
DECLARATION OF RESTRICTIVE COVENANT

87R188064

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned Robert D. Beilman is/are the fee simple owner(s) of the following described property situate and being in the City of Coral Gables, Florida:

Lot(s) 9, 8 and East 15 feet of Lot 7

Block 25 of CORAL GABLES SECTION B Subdivision, according to the plat thereof, as recorded in Plat Book 5 at Page 111 of the Public Records of Dade County, Florida, and

WHEREAS, the undersigned owner(s) of a single family residence at 728 Navarre Avenue desire to utilize said Lot(s) as a single building site, and the undersigned owner(s) do(es) hereby declare and agree as follows:

1. That the single family residence will not be used in violation of any ordinances of the City of Coral Gables now in effect or hereinafter enacted.
2. That the said Lot(s) above described upon which the single family residence is situated shall not be conveyed, mortgaged, or leased separate or apart from each other and that they will be held together as one tract.

NOW, THEREFORE, for good and valuable consideration, the undersigned do(es) hereby declare that he will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all of the terms and conditions set forth herein.

FURTHER, the undersigned declare(s) that this covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment and title to the above property and shall constitute a covenant running with the land and shall be binding upon the undersigned, his successors and assigns and may only be released by the City of Coral Gables, or its successor, in accordance with the ordinances of said City then in effect.

IN WITNESS WHEREOF, the undersigned has/have caused his hand(s) and seal(s) to be affixed hereto on this 4th day of May 19 87.

Robert D. Beilman
(Witness)

Robert D. Beilman (SEAL)

Normanna Germain
(Witness)

(SEAL)

RICHARD P. BRINKER
CLERK CIRCUIT COURT

STATE OF FLORIDA)
COUNTY OF DADE)

I, HEREBY CERTIFY that on this day personally appeared before me Robert D. Beilman and he acknowledged that he executed the foregoing, freely and voluntarily, for the purposes therein expressed.

SWORN TO and subscribed before me on this 4th day of May 19 87.

My commission expires:

Jason Normanna Germain
NOTARY PUBLIC

PREPARED BY:
Robert D. Zahner, Esquire
405 Biltmore Way
Coral Gables, Florida 33134

APPROVED AS TO FORM:
Robert D. Zahner
ROBERT D. ZAHNER, CITY ATTORNEY

UNITY OF TITLE

5

OFF REC: 13281 PG 2451

1987 MAY 18 AM 11:07

87R188065

DECLARATION OF RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned Robert D. Bellman is/are the fee simple owner(s) of the following described property situate and being in the City of Coral Gables, Florida:

Lot(s) Lot 7 less the East 15 feet and the East 25 feet of Lot 6 Block 25 of CORAL GABLES SECTION B Subdivision, according to the plat thereof, as recorded in Plat Book 5 at Page 111 of the Public Records of Dade County, Florida, and

WHEREAS, the undersigned owner(s) of a single family residence at 734 Navarre Avenue desire to utilize said Lot(s) as a single building site, and the undersigned owner(s) do(es) hereby declare and agree as follows:

- 1. That the single family residence will not be used in violation of any ordinances of the City of Coral Gables now in effect or hereinafter enacted.
2. That the said Lot(s) above described upon which the single family residence is situated shall not be conveyed, mortgaged, or leased separate or apart from each other and that they will be held together as one tract.

NOW, THEREFORE, for good and valuable consideration, the undersigned do(es) hereby declare that he will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all of the terms and conditions set forth herein.

FURTHER, the undersigned declare(s) that this covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment and title to the above property and shall constitute a covenant running with the land and shall be binding upon the undersigned, his successors and assigns and may only be released by the City of Coral Gables, or its successor, in accordance with the ordinances of said City then in effect.

IN WITNESS WHEREOF, the undersigned has/have caused his hand(s) and seal(s) to be affixed hereto on this 4th day of May 19 87.

Handwritten signatures and seals for Robert D. Bellman and two witnesses.

STATE OF FLORIDA)
COUNTY OF DADE)

RECEIVED IN OFFICE OF DEPUTY CLERK OF DADE COUNTY, FLORIDA
RICHARD F. WRINKER
CLERK OF DADE COUNTY

I HEREBY CERTIFY that on this day personally appeared before me Robert D. Bellman and he acknowledged that he executed the foregoing, freely and voluntarily, for the purposes therein expressed.

SWORN TO and subscribed before me on this 4th day of May 19 87.

My commission expires:

NOTARY PUBLIC

PREPARED BY: Robert D. Zahner

APPROVED AS TO FORM:

405 Biltmore Way
Coral Gables, Florida 33134

ROBERT D. ZAHNER, CITY ATTORNEY

UNITY OF TITLE