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DECLARATION OF RESTRICTIONS

*Cave
Punk*

WHEREAS, Vestus Inc. a Delaware Corporation, and Ambucare International Inc. a Florida Corporation, d/b/a Casa Grande Venture, are the owners in fee simple of the following described property in the City of Coral Gables, Dade County, Florida, to-wit:

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Lots 15 and 16 in Block 29 of GRANADA SECTION CORAL GABLES, according to the Plat thereof, recorded in Plat Book 8 at Page 113 of the Public Records of Dade County, Florida, and

WHEREAS said property under the present existing zoning regulations of the City of Coral Gables has been restricted to single family residential use, being designated in the Zoning Code of the City of Coral Gables as being in R-5 Single Family Residential Use District, and used for off-street car parking in connection with a Restaurant formerly located on adjoining property to the North, and

WHEREAS, it is the desire of the owners of said property that exceptions to the Zoning Code of said City be made to permit an additional or alternative use, namely, a use for off-street car parking in connection with professional offices and medical clinic located on adjoining property to the North, but that while such alternative use is desirable, nevertheless certain restrictions should be imposed in the regulation of such use in the event the City of Coral Gables through its Zoning Board or City Commission approve the use of said property for off-street parking.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That said owners do hereby declare that the use of the real estate hereinabove described shall be and is hereby restricted as follows:

1. That said property, in addition to the present permissive use of same for single family residences, may be used for the parking of cars but solely in connection with the professional offices and medical clinic located on Lots 1 through 7 inclusive of Block 29 of GRANADA SECTION OF CORAL GABLES, Plat Book 8, Page 113.
2. That the actual use of same for off-street car parking purposes is further restricted as follows:
 - a. That the use of said property for the parking of cars shall be confined to those who may be patients, employees, or the managing personnel of said professional offices and medical clinic.
 - b. The parking area shall be paved with a hard surface.
 - c. The stalls or individual parking areas for each car must be marked on the paved surface and in a manner as may be prescribed by the City of Coral Gables.

*Bill
Joy*

- d. A stuccoed masonry Wall not less than four feet in height shall enclose the parking area on the following sides, to-wit:
1. Along the West end of said Lots 15 and 16, Block 29, GRANADA SECTION.
 2. Along the South side of said Lot 15, Block 29, GRANADA SECTION.
 3. Along the East end of Lots 15 and 16, Block 29, GRANADA SECTION.

The above walls along the West and East ends of said lots may be set back from the actual ends of said lots if deemed desirable, but that the Wall, along the South line of Lot 15 (being the North side of San Miguel Avenue) must, under all circumstances, be set back at least 3 feet from the South line of said Lot 15.

The Walls referred to herein shall not be of open grille work but must be solid in structure, meaning thereby that they must be so constructed as to prevent the passage of light through them. However, the solid Wall that may face San Miguel Ave. shall have affixed thereto on its outer side (the side facing San Miguel Avenue) decorative block of an ornamental grille design.

Any area outside of said Walls between the Walls and the boundry lines of said lots shall be planted in grass and maintained as such at all times, or in lieu thereof, such area may be landscaped with suitable foliage.

Any of said Walls that may deteriorate or may be damaged by storm, or otherwise, shall be repaired immediately.

- e. The sidewalks along Genoa Street and San Miguel Ave. contiguous to said lots shall be replaced by new sidewalks.
- f. The only access to said parking area on said lots shall be from Genoa Street at the Northwest corner of said Lot 16, or from adjacent Lot 1 on the North thereof. The width of such entrance shall not be more than 25 feet.
- g. Said parking area shall only be used between the hours of 8:00 A.M. and 9:00 P.M. No car shall enter said parking area at any other time, and further no car, shall be permitted to remain thereon over night. From 9:00 P.M. to 8:00 A.M. of each nextday, a durable chain shall be placed across the entrance to the parking area to prevent such use as aforesaid during that time.
- h. Any illumination of the parking area during the evening hours must come from underground conduits, and not from overhead wires. The illumination equipment must be erected in such a manner that no direct beam from any light shall extend over the walls and beyond the parking area. Under no circumstances, shall the parking area be illuminated by lights coming from fixtures affixed or bracketed to said professional offices and medical clinic. All illumination of the parking area shall be discontinued after 9:00 o'clock P.M. of each night.

- i. No trucks, trailer trucks, trailers, vans or commercial vehicles of any kind shall use said lots for parking purposes or for any other purpose.
- j. No garbage cans, refuse or material of any kind shall be left or deposited upon said lots. Said lots shall be used solely for the parking of cars in the manner as expressed herein, except that, in the alternative, said lots may be used for the construction of single family residences thereon.
- k. Said lots, however, shall not be used for the parking of cars until the following have been complied with:

The paving of the parking area, the marking out on the paved surface of the individual parking stalls, the erection of the masonry walls, the planting of the grass or foliage, the construction of the new sidewalks and the erection of the illumination equipment in accordance with the above and foregoing restrictions.

These restrictions shall not become operative until the City of Coral Gables has made an exception to the present Zoning Code or Ordinance of said City by permitting the use of said property for off-street parking. When such exception or change in the Zoning Regulations of said City have been made, then this Declaration shall have full force and effect and the above and foregoing restrictions shall thereupon become covenants running with the land, the violation or breach of which shall constitute a nuisance. In the event of such violation or breach, the owners of said lots and also the owners of any lots in the Granada Section of Coral Gables, jointly and severally, shall have the right to proceed at law or in equity to compel a compliance with the terms hereof, or to prevent the violation or breach of any of them.

When such exception or change in said Zoning Regulations has been made then this Declaration shall be recorded in the Public Records of Dade County, Florida.

IN WITNESS WHEREOF, Casa Grande Venture by Vestus, Inc, Managing Venturer by M. James Spitzer, has hereunto set his hand and seal this 24th day of January, 1973.



RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA RECORD VERIFIED
RICHARD P. BRINKER
 CLERK CIRCUIT COURT

CASA GRANDE VENTURE
 By Vestus Inc, Managing Venturer
 By M. James Spitzer
 M. James Spitzer, President

Attest: M. James Spitzer
 Assistant Secretary

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, M. James Spitzer, President of Vestus, Inc., to me well known, and well known to be, the person described in and who executed the foregoing Declaration of Restriction, and acknowledged before me that he executed the same on behalf of Vestus, Inc., freely and voluntarily, for the purpose therein expressed.

WITNESS my hand and official seal at New York City, in the County of New York of New York, in the State of New York 24th day of January, 1973.



APPROVED AS TO FORM

Charles H. [Signature] 1-30-73
 City Attorney Date

FRANK J. STANFANTZ
 Notary Public, State of New York
 No. 44723
 Qualified in Dade County
 Commission Expires March 31, 1975

ORDINANCE NO. 2001

AN ORDINANCE AMENDING ORDINANCE NO. 1525, AS AMENDED, AND KNOWN AS THE "ZONING CODE", BY DEALING WITH THE CONDITIONS AND RESTRICTIONS FOR USE OF THE OFFSTREET PARKING LOT LOCATED ON LOTS 15 AND 16, BLOCK 29, "GRANADA SECTION", CORAL GABLES, FLORIDA; REPEALING ALL ORDINANCES INCONSISTENT HERewith AND DECLARING THIS TO BE AN EMERGENCY MEASURE.

WHEREAS, an application has been made for a change in the conditions and restrictions as to the use of the offstreet parking lot located on Lots 15 and 16, Block 29, "Granada Section"; and

WHEREAS, after Notice of Public Hearing duly published and notification of all property owners of record within three hundred feet (300'), a public hearing was held before the Planning Board of the City of Coral Gables, Florida, on December 18, 1972, at which hearing all interested persons were afforded an opportunity to be heard; and

WHEREAS, the Planning Board at its regular meeting of December 18, 1972 recommended that the application be approved;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That Ordinance No. 1525, as amended, and known as the "Zoning Code", and, in particular, that certain Use and Area Map, Plate No. 1, attached to and by reference made a part thereof, be and the same hereby is amended to require henceforth that the use of the offstreet parking located on Lots 15 and 16, Block 29, "Granada Section", shall be subject to the terms and conditions as set forth in the Declaration of Restrictions dated January 2k, 1973, signed by M. James Spitzer, President of Vestus, Inc. its corporate seal affixed thereto and attested by M. James Spitzer, Jr. as recorded in the public records of Dade County, Florida.

SECTION 2. That all ordinances or parts of ordinances in conflict or inconsistent herewith be and the same hereby are repealed insofar as there is conflict or inconsistency.

SECTION 3. That this ordinance hereby is declared to be an emergency measure upon the grounds of urgent public need for the preservation of peace, health, safety and property of the City of Coral Gables, Florida.


PASSED AND ADOPTED THIS THIRTIETH DAY OF JANUARY, A.D. 1973.

APPROVED:


W. Keith Phillips, Jr., MAYOR


C. L. Dressel, VICE MAYOR

ATTEST:


Loretta V. Sheehy, CITY CLERK