

MAY 16 1991 Dade County Violette I. Spain
CLERK OF COURT
DEPUTY CLERK, CIRCUIT COURT

EXHIBIT A
DECLARATION OF
RESTRICTIVE COENANTS

1991 MAY 16 PM 4: 06

91R164473

OFF. REC. 15029PC 768

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, the Southeastern University of the Health Sciences, Inc., hereinafter referred to as "the University", being the owner of the following described property, lying, being and situated in the City of North Miami Beach, Dade County, Florida, to wit:

See Exhibit "A" attached hereto and incorporated herein

in order to assure the City Council of North Miami Beach, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictive Covenants covering and running with the above-described real property:

1. The University will provide to the City of North Miami Beach an annual five (5) year report, assessing the current and future parking demands of the University Facilities. Each plan shall detail the location and number of parking spaces necessary to accommodate the projected growth of the University, subject to the approval of the City. Said approved plan shall be provided to the City by October 1 of each year.
2. The University shall install and maintain landscaping along 167th Street, from 18th Avenue to Snake Creek Canal, consistent with the landscape plan dated April 1, 1991 certified by landscape architect, James E. Voss & Associates, and accepted

4630

may 16 - 1991 Deade County J. J. J. J. J.
OFF. REC. 15029PC 769

by the City. Said landscaping must be completed and installed by February 1, 1992 or such time that the parking garage structure is completed sufficiently for the issuance of a Certificate of Occupancy. The failure to complete said landscaping by the afore stated date shall constitute grounds for revocation and/or denial of any Certificate of Occupancy for any structures owned by the University.

3. The University will provide the City with an Affidavit by October 1st of each year, certifying the number of all students that are enrolled at the University. Such certificate will include all persons and students visiting and participating in any and all programs at the University. In addition, such certificate will reflect the number of support staff, teachers, doctors and any other persons who are on the payroll, volunteers or any other regular visitors to the University Facilities. Failure to provide such a certificate will constitute grounds for the revocation by the City of any occupancy certificates issued for any structures owned by the University.
4. The University will install "no parking" signs on the front lawns of any and all single family homes owned by the University, in an area of each such home to be approved by the City, or alternatively, the University will construct a fence and/or landscaping which will prohibit parking on the front lawns of all such single family homes. The University expressly authorizes the City to tow any

MAY 16 1991 Dade County Violette J. Spruill
OFF. REC. 150290 770

automobiles parking on front lawns of said homes unless parked in designated and permitted parking spaces.

5. The University shall construct a parking garage, the location, design and construction of which shall be approved by the City. Construction shall commence by August 1, 1991 and must be completed by February 1, 1992. The issuance of a final Certificate of Occupancy for said structure shall be conditional upon the timely completion of the parking garage.
6. The University agrees that it shall continue to provide adequate on-site parking to accommodate the vehicular needs of the University, its staff, personnel, students and visitors. Upon a determination by the City that additional on-site parking is required, said determination to be based upon a parking study conducted by the City or its designees and taking into account the actual on-street parking problems generated by the needs of the University, the University shall provide additional parking acceptable to the City both as to location and construction. Failure to provide additional necessary parking, as determined by the City, shall constitute grounds for the revocation of the Certificate of Occupancy on any structures owned by the University.
7. The University hereby grants the City a perpetual easement of up to 15 feet in width from the northern edge of the canal right of way along the entire rear (southern and western border) of the property

MAY 16 1991 Dade County Violette J. [Signature]

OFF. REC. 15029PC 771

described in Exhibit "A" for the purposes of the City's construction and maintenance of a bicycle and/or pedestrian path, to the extent said easement is necessary for said bicycle and/or pedestrian path, said necessity to be determined by the City. The maximum extent of said easement is depicted in Exhibit "B" attached hereto and incorporated herein which demonstrates the probable location of the bicycle and/or pedestrian path to be built. The University shall not construct any structures in the area of the easement. In the event that the City elects to utilize the easement, the City shall, at its sole expense, relocate any landscaping and ground parking spaces in the area of said easement.

- 8. These restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the then owner(s) of the real property has been executed agreeing to change the covenants in whole, or in part, provided that the covenants have first been modified or released by the City.
- 9. This Declaration of Restrictive Covenants may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner of the the simple title to the lands to be affected by such

MAY 16 - 1991 Dodge County J. L. Spivey
CLERK OF SUPERIOR COURT
DEPUTY CLERK, GRAND COURT

OFF. REC. 15029PG 772

modifications, amendment or release, provided that the same is also approved by the City Council after public hearing.

10. Should this Declaration of Restrictive Covenants be so modified, amended or released, the City Official having authority shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.
11. 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, to mandate compliance or to recover damages. The prevailing party 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 services of such party's attorneys, including appellate fees.
12. Invalidation of any one of these covenants, by judgment of Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

SIGNED, SEALED, EXECUTED AND ACKNOWLEDGED this 9th
day of May, 1991.

WITNESSES:

Samuel B. Leonard
[Signature]

SOUTHEASTERN UNIVERSITY OF
THE HEALTH SCIENCES, INC.

By: M. Terry
President
By: [Signature]
ASST-Secretary

MAY 16 1991 Dade County Viollette J. Jones
OFF. REC. 15029PC 773

STATE OF FLORIDA
COUNTY OF DADE:

BEFORE ME, personally appeared MORTON TERRY
and ROYAL FLAG JONAS, to me well known, and known to me
to be the individuals described in and who executed the
foregoing instrument as President and Secretary of the above
named SOUTHEASTERN UNIVERSITY OF THE HEALTH SCIENCES, INC., a
Corporation, and severally acknowledged to and before me that
they executed such instrument as such President and
Secretary, respectively, of said corporation, and that the
seal affixed to the foregoing instrument is the corporate
seal of said corporation and that it was affixed to said
instrument by due and regular corporate authority, and that
said instrument is the free act and deed of said corporation.

Miriam B. Bensing
Notary Public
State of Florida at Large

My Commission Expires:



OFFICIAL SEAL

MIRIAM B. BENSINGER
MY COMMISSION EXPIRES
OCTOBER 31, 1994

EXHIBIT A

MAY 16 - 1991 Dade County J. Fortin & Sons
DATE OF RECORDING COUNTY CLERK, DEPT. CLERK

OFF. REC. 15029PG 775

SKETCH OF DESCRIPTION

LEGAL DESCRIPTION:

ALL OF BLOCK 64, ALL OF BLOCK 65, THE EAST 180.00 FEET OF BLOCK 63, AND THE TRIANGULAR LOT MARKED "PARK" LYING SOUTHEASTERLY OF BLOCK 65, TOGETHER WITH THE 20.00 FOOT WIDE ALLEY LYING SOUTHEASTERLY OF SAID BLOCK 65, AND TOGETHER WITH PORTIONS OF N.E. 17TH AVENUE AND MIAMI DRIVE, ALL AS SHOWN ON FULFORD BY THE SEA, AMENDED PLAT OF SECTION "G", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 39 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; THENCE ON A BEARING OF SOUTH ALONG THE EASTERLY LINE OF SAID NE 1/4, SAID EASTERLY LINE ALSO BEING THE CENTERLINE OF N. E. 18TH AVE FOR 40.00 FEET; THE FOLLOWING TWO (2) COURSES BEING ALONG A LINE PARALLEL WITH AND 40.00 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 17, SAID PARALLEL LINE ALSO BEING THE SOUTHERLY ROAD RIGHT-OF-WAY LINE OF N.E. 16TH STREET; (1) THENCE SOUTH 89°-39'-38" WEST FOR 65.15 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; (2) THENCE CONTINUE SOUTH 89°-39'-38" WEST FOR 815.88 FEET; THENCE SOUTH 00°-01'-52" EAST ALONG A LINE PARALLEL WITH AND 180.00 FEET WEST OF THE EASTERLY LINE OF SAID BLOCK 63 FOR 131.40 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE 100.00 FOOT WIDE EASEMENT GRANTED TO SOUTHERN FLORIDA FLOOD CONTROL DISTRICT AS DESCRIBED IN DEED BOOK 3335, PAGE 387 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID POINT OF INTERSECTION LYING ON CIRCULAR CURVE WHOSE RADIUS POINT BEARS NORTH 39°-24'-46" EAST FOR 498.89 FEET; THE FOLLOWING COURSE BEING ALONG THE NORTHERLY LINE OF SAID 100.00 FOOT WIDE EASEMENT; THENCE SOUTHEASTERLY ALONG A 498.89 FOOT RADIUS CURVE LEADING TO THE LEFT THROUGH A CENTRAL ANGLE OF 32°-53'-18" FOR AN ARC OF 286.37 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY PROJECTION OF THE EASTERLY ROAD RIGHT-OF-WAY LINE OF SAID N.E. 17TH AVE, SAID EASTERLY ROAD RIGHT-OF-WAY LINE ALSO BEING THE WESTERLY LINE OF SAID BLOCK 64; THENCE NORTH 00°-01'-52" WEST ALONG SAID EASTERLY ROAD RIGHT-OF-WAY LINE AND THE SOUTHERLY PROJECTION THEREOF FOR 25.17 FEET TO THE POINT OF INTERSECTION OF THE NORTHERLY ROAD RIGHT-OF-WAY LINE OF NORTH EVERGLADE DRIVE AS SHOWN ON SAID PLAT BOOK 14 AT PAGE 39, SAID POINT OF INTERSECTION LYING ON A CIRCULAR CURVE WHOSE RADIUS POINT BEARS NORTH 6°-52'-19" EAST FOR 473.89 FEET; THENCE SOUTHEASTERLY ALONG SAID 473.89 FOOT RADIUS CURVE LEADING TO THE LEFT THROUGH A CENTRAL ANGLE OF 04°-05'-34" FOR AN ARC OF 33.85 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°-13'-15" EAST ALONG THE NORTHERLY ROAD RIGHT-OF-WAY LINE OF SAID NORTH EVERGLADE DRIVE FOR 521.58 FEET TO A POINT OF CURVATURE; THENCE EASTERLY AND NORTHERLY ALONG A 25.00 FOOT RADIUS CURVE LEADING TO THE LEFT THROUGH A CENTRAL ANGLE OF 92°-46'-45" FOR AN ARC OF 40.48 FEET TO A POINT OF TANGENCY; THENCE ON A BEARING OF NORTH ALONG THE WESTERLY ROAD RIGHT-OF-WAY LINE OF N.E. 18TH AVE FOR 199.45 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY AND WESTERLY ALONG A 25.00 FOOT RADIUS CURVE LEADING TO THE LEFT THROUGH A CENTRAL ANGLE OF 90°-20'-22" FOR AN ARC OF 39.42 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 42 EAST, THE CITY OF NORTH MIAMI BEACH, DADE COUNTY, FLORIDA.

SURVEYOR'S NOTES:

- BEARINGS HEREON ARE REFERRED TO AN ASSUMED VALUE OF N 87°-13'-38" W FOR NORTH RIGHT-OF-WAY LINE OF NORTH EVERGLADE DRIVE.
- LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORDS.
- THIS IS NOT A "SKETCH OF SURVEY" BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
- LANDS SHOWN HEREON CONTAINING 188,789 SQUARE FEET, OR 4.3340 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATION:

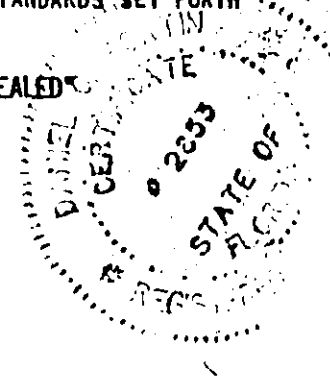
WE HEREBY CERTIFY THAT THE ATTACHED "SKETCH OF DESCRIPTION" OF THE ABOVE DESCRIBED PARCEL OF LAND IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS PREPARED ON APRIL 30, 1991, UNDER OUR DIRECTION AND COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE STATE OF FLORIDA BOARD OF LAND SURVEYORS.

FORTIN, LEAVY, SKILES, INC.

"NOT VALID UNLESS SEALED"

By:

DANIEL C. FORTIN, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR NO. 2853
STATE OF FLORIDA



FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS

100 Northwest 100th Street / North Miami Beach, Florida 33162
290 West Common Gardens Boulevard / Boca Raton, Florida 33432
Beds 200-4400 / Broward 400-7100 / Palm Beach 550-7070

Date	Scale	Job No.	Dwg. No.	
04-30-91	1" = 100'	910383	191-047	2/2

MAY 16 - 1991 Dade County Violette & Spina
DATE RECORDED LOCATION
CANAL EASEMENT
PROPERTY CLERK, CIRCUIT COURT

OFF. REC. 15029PG 776

N.E. 167th STREET

SOUTH RIGHT-OF-WAY LINE
OF N.E. 167th STREET

180.00'

(63)

N 00°01'52" W
19.63'

$\Delta = 34°09'41"$
R = 483.89'
L = 288.51'

EAST LINE OF BLOCK 63

WESTERLY ROAD RIGHT-OF-WAY
LINE OF N.E. 17th AVENUE

(N.E. 17th AVE.)

EASTERLY ROAD RIGHT-OF-WAY
LINE OF N.E. 17th AVENUE
PER PLAT BOOK 14, PAGE 39

N 06°31'28" E
RADIAL

2

(64)

S 00°01'52" E
10.07'
P.O.B.

MIAMI DRIVE

NORTH LINE OF 100' WIDE
CANAL EASEMENT PER
D.B. 3335, PG. 387

$\Delta = 32°53'18"$
R = 498.89'
L = 286.37'

S 00°01'52" E
15.10'

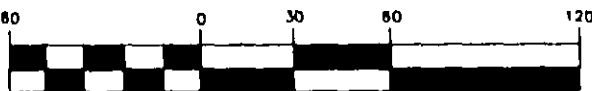
100' CANAL EASEMENT
PER D.B. 3335, PG. 387

NORTH EVERGLADE DRIVE

NORTH RIGHT-OF-WAY LINE
OF NORTH EVERGLADE DRIVE
PER PLAT BOOK 14, PAGE 39

C-9 CANAL (ROYAL GLADE CANAL)

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft

PLAT BOOK 14, PG. 39

SKETCH OF DESCRIPTION
15' EASEMENT NORTH EVERGLADE DRIVE
DADE COUNTY FLORIDA

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS

180 Northeast 168th Street / North Miami Beach, Florida 33162
299 West Camino Gardens Boulevard / Boca Raton, Florida 33432
Dade 653-4493 / Broward 483-7180 / Boca Raton 396-7378



CAD. DWG. 910309
BY: JEFFREY BARRIENTOS

Date	Scale	Job. No.	Dwg. No.	
04-15-91	1" = 60'	910309	191-037	1/2

EXHIBIT B

OFF. REC. 15029PC 777

LEGAL DESCRIPTION:

A 15 FOOT VEHICULAR AND/OR PEDESTRIAN INGRESS EGRESS, UTILITY AND LANDSCAPE EASEMENT OVER AND ACROSS A PORTION OF NORTH EVERGLADES DRIVE AS SHOWN ON FULFORD BY THE SEA, AMENDED PLAT OF SECTION "G", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, AT PAGE 39 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE EASTERLY ROAD RIGHT-OF-WAY LINE OF N.E. 17TH AVENUE (2ND AVENUE S.W.) AND THE NORTHERLY ROAD RIGHT-OF-WAY LINE OF NORTH EVERGLADE DRIVE AS SHOWN ON SAID PLAT BOOK 14, PAGE 39, THE FOLLOWING TWO (2) COURSES BEING ALONG SAID EASTERLY ROAD RIGHT-OF-WAY LINE AND THE SOUTHERLY PROJECTION THEREOF: (1) THENCE SOUTH 00°-01'-52" EAST FOR 10.07 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED EASEMENT; (2) THENCE CONTINUE SOUTH 00°-01'-52" EAST FOR 15.10 FEET TO THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF A 100.00 FOOT WIDE EASEMENT GRANTED TO CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT AS DESCRIBED IN DEED BOOK 3335 AT PAGE 387 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID POINT OF INTERSECTION LYING ON A CIRCULAR CURVE WHOSE RADIUS POINT BEARS NORTH 06°-31'-28" EAST FOR 498.89 FEET; THE FOLLOWING COURSE BEING ALONG THE NORTHERLY LINE OF THE AFORESAID EASEMENT AS DESCRIBED IN DEED BOOK 3335 AT PAGE 387; THENCE NORTHWESTERLY ALONG SAID 498.89 FOOT RADIUS CURVE LEADING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 32°-53'-18" FOR AN ARC OF 286.37 FEET TO A POINT OF INTERSECTION WITH A LINE THAT IS 180.00 FEET WEST OF AND PARALLEL WITH THE EASTERLY LINE OF BLOCK 63 OF SAID PLAT OF FULFORD BY THE SEA, AMENDED PLAT OF SECTION "G", SAID EASTERLY LINE ALSO BEING THE WESTERLY ROAD RIGHT-OF-WAY LINE OF NE 17TH AVENUE (S.W. 2ND AVE); THENCE NORTH 00°-01'-52" WEST ALONG SAID LINE FOR 19.63 FEET TO A POINT ON A CIRCULAR CURVE WHOSE RADIUS POINT BEARS NORTH 40°-53'-23" EAST FOR 483.89 FEET; THE FOLLOWING COURSE BEING ALONG A LINE THAT IS PARALLEL WITH AND 15.00 FEET NORTHEASTERLY OF THE NORTHERLY LINE OF THE AFORESAID EASEMENT DESCRIBED IN DEED BOOK 3335 AT PAGE 387; THENCE SOUTHEASTERLY ALONG SAID 483.89 FOOT RADIUS CURVE LEADING TO THE LEFT THROUGH A CENTRAL ANGLE OF 34°-09'-41" FOR AN ARC OF 288.51 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 42 EAST, CITY OF NORTH MIAMI BEACH, DADE COUNTY, FLORIDA.

SURVEYOR'S NOTES:

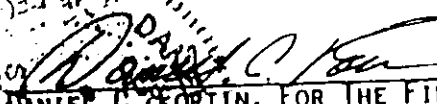
- BEARINGS HEREON ARE REFERRED TO AN ASSUMED VALUE OF N 87°-13'-15" WEST FOR NORTH RIGHT-OF-WAY LINE OF NORTH EVERGLADES DRIVE.
- LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORDS.
- THIS IS NOT A "SKETCH OF SURVEY" BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
- LANDS SHOWN HEREON CONTAINING 4,312 SQUARE FEET, OR 0.099 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATION:

WE HEREBY CERTIFY THAT THE ATTACHED "SKETCH OF DESCRIPTION" OF THE ABOVE DESCRIBED PARCEL OF LAND IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS PREPARED ON APRIL 15, 1991, UNDER OUR DIRECTION AND COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE STATE OF FLORIDA BOARD OF LAND SURVEYORS.

FORTIN, LEAVY, SKILES, INC.

"NOT VALID UNLESS SEALED"

BY: 
DANIEL C. FORTIN, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR No. 2853
STATE OF FLORIDA

OFFICIAL RECORDS BOOK
DADE COUNTY, FLORIDA
FILED
Clerk of Circuit & County
Courts

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
180 Northeast 168th Street / North Miami Beach, Florida 33162
299 West Camino Gardens Boulevard / Boca Raton, Florida 33432
Dade 653-4493 / Broward 483-7150 / Boca Raton 395-7376

Date	Scale	Job No.	Dwg. No.	
04-15-91	—	910309	191-037	2/2

REVISED SEC. 17- 8-1-91- DCF
CAD. DWG. 910309
BY: JEFFREY BARRIENTOS