

AGENDA

DEVELOPMENT REVIEW COMMITTEE

July 21, 2009

PURSUANT TO Florida Statute 286.011(1), the Development Review Committee of Monroe County will conduct a meeting on July 21, 2009 beginning at 1:00 PM at the Marathon Government Center, 2nd Floor, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources

Janis Vaseris, Biologist

Patricia A. Ivey, DOT Representative

Steve Zavalney, Fire Marshall

Judith Clarke, Director of Engineering Services

STAFF MEMBERS PRESENTING THE FOLLOWING AGENDA ITEMS:

Steven Biel

CHANGES TO THE AGENDA

MEETING

NEW ITEM:

1. Transferable Development Rights, Section 130-160

-

Heron Bay Venture, LLC, Key Largo, Approximate Mile Marker 99: A request for a minor conditional use permit for the transfer of development rights from a sender site in Key Largo to an undetermined, future receiver site in Monroe County. The sender site is legally described as Part of Lots 9-11 BCC 17-1968; Part Disclaimed Road BCC 87-1973; FKA Lots 1-29, 20' Alley and E1/2 Bay view Blvd BK2 Eldorado Heights, Section 32, Township 1, Range 39, Plat Book 1-203, Key Largo, Monroe County, Florida, real estate number 0088160-000100.

[29061 FILE.pdf](#)

[29061 Survey.pdf](#)

[29061 SR DRC 7.21.09.pdf](#)

ADJOURNMENT

File #: 29061

Owner's Name: Heron Bay Venture, LLC

Applicant: Heron Bay Venture, LLC

Agent: Solaria Design & Consulting Co.

Type of Application: Minor/Transfer of Development
Rights

Key: Key Largo

RE #: 0088160-000100

Additional Information added to File 29061

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
 fax (305) 292-3501

Property Record View

Alternate Key: 8919549 Parcel ID: 00088160-000100

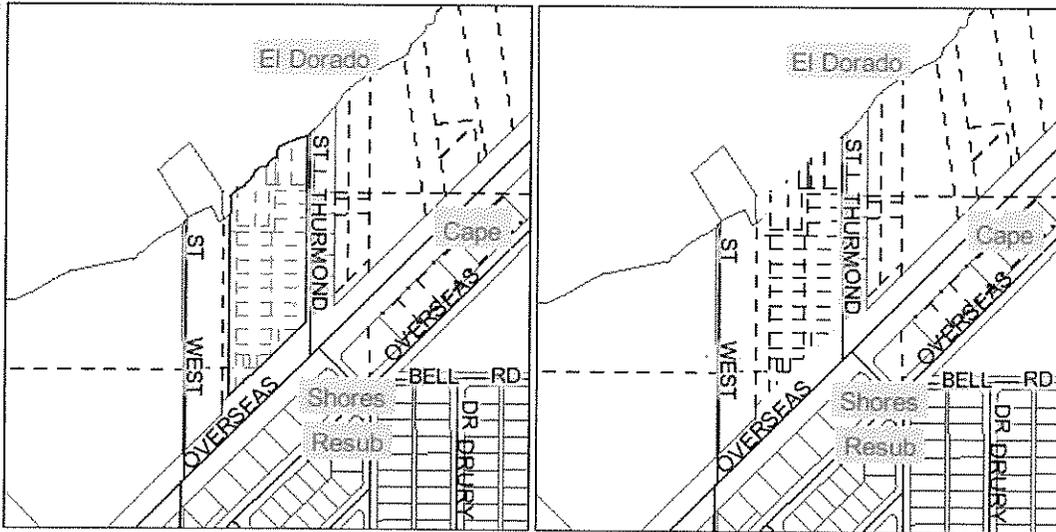
Ownership Details

Mailing Address:
 HERON BAY VENTURE LLC
 102901 OVERSEAS HWY
 KEY LARGO, FL 33037

Property Details

PC Code: 01 - SINGLE FAMILY
 Millage Group: 500K
 Affordable Housing: No
 Section-
 Township- 32-61-39
 Range:
 Property Location: 2 THURMOND ST KEY LARGO
 Legal 32 61 39 ISLAND OF KEY LARGO PT LOTS 9-11 BCC 17-1968 PT DISCLAIMED RD BCC 87-1973 FKA LOTS 1-29, 20' ALLEY AND E1/2 BAY VIEW
 Description: BLVD BK 2 EL DORADO HEIGHTS PB1-203 OR510-448 OR818-268 OR1480-29/30 OR1480-31/33 OR1480-37/38 OR1480-34/36 OR1480-1582D/C OR1480-1583AFF OR2226-2283/92 OR2330-2026/29 OR2333-1513/15C

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
010W - RES WATERFRONT	0	0	4.29 AC

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 0
 Total Living Area: 2420
 Year Built: 1966

Building 1 Details

R1 G 500

Building Type
 Effective Age 24
 Year Built 1966
 Functional Obs 0

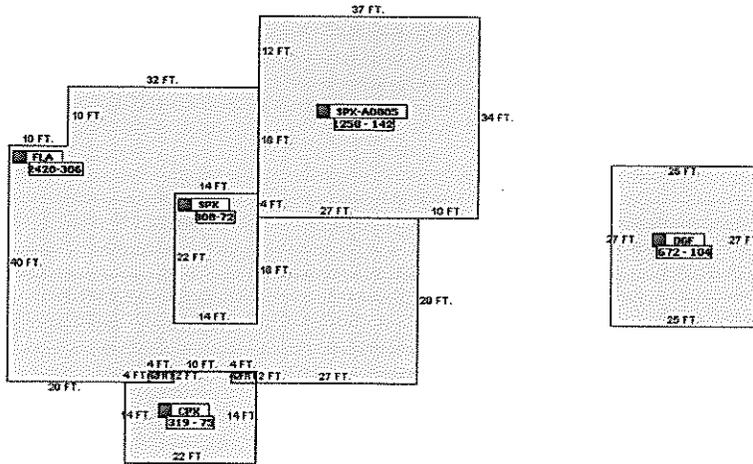
Condition
 Perimeter 306
 Special Arch 0
 Economic Obs 0

Quality Grade
 Depreciation % 31
 Grnd Floor Area 2,420

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen
 Roof Type FLAT OR SHED Roof Cover ASPHALT SHINGL Foundation CONC PILINGS
 Heat 1 NONE Heat 2 NONE Bedrooms 4
 Heat Src 1 NONE Heat Src 2 NONE

Extra Features:

2 Fix Bath	0	Vacuum	0
3 Fix Bath	1	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	2
Extra Fix	0	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	SPX	5.C.B.S.	1	1966	N	Y	0.00	0.00	308
2	FLA	5.C.B.S.	1	1966	N	Y	0.00	0.00	2,420
3	SPX		1	1966					1,258
4	CPX		1	1966					319
5	DGF		1	1966					672

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	CC2:COM CANOPY	675 SF	25	27	1975	1976	5	40
1	PT2:BRICK PATIO	925 SF	0	0	1997	1998	2	50
2	PO4:RES POOL	336 SF	21	16	1975	1976	4	50
3	SW2:SEAWALL	240 SF	0	0	1975	1976	4	60
4	DK3:CONCRETE DOCK	160 SF	0	0	1975	1976	4	60
5	GR2:GARAGE	625 SF	25	25	1999	2000	3	60
6	PT2:BRICK PATIO	1,625 SF	0	0	1999	2000	3	50
7	PT2:BRICK PATIO	5,556 SF	0	0	2001	2002	4	50
8	RW2:RETAINING WALL	372 SF	124	3	1984	1985	4	50
9	TJ2:TJKI	300 SF	20	15	1989	1990	2	40
10	FN2:FENCES	2,148 SF	358	6	2001	2002	4	30
11	DK4:WOOD DOCKS	440 SF	110	4	2004	2005	3	40
12	DK4:WOOD DOCKS	128 SF	16	8	2004	2005	3	40

13	RW2:RETAINING WALL	200 SF	40	5	1975	2008	1	50
14	RW2:RETAINING WALL	300 SF	100	3	1975	2008	3	50

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	0030937	03/13/2000	02/14/2002	1	Residential	CBS GARAGE
	1300698	03/16/2001	02/14/2002	1		MASONRY WALL
	1300855	05/03/2001	02/14/2002	1		BRICK PAVERS
	0305393	08/07/2001	02/14/2002	1		COMMERCIAL ADDITION
	03305600	01/20/2004	12/10/2004	1		NEW DOCK & PILES
	04302346	05/18/2004	12/10/2004	1		RE-ROOF

Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2008	250,744	147,890	5,362,500	5,761,134	5,761,134	0	5,761,134
2007	387,749	141,134	3,165,000	3,693,883	3,693,883	0	3,693,883
2006	416,416	134,870	1,592,500	2,143,786	2,143,786	0	2,143,786
2005	390,390	138,353	796,250	1,324,993	1,324,993	0	1,324,993
2004	479,041	132,813	477,750	1,089,604	1,089,604	0	1,089,604
2003	252,127	136,329	477,750	866,206	866,206	0	866,206
2002	162,571	139,611	398,125	700,307	700,307	0	700,307
2001	135,875	56,670	336,875	529,420	529,420	0	529,420
2000	124,318	9,422	242,550	376,290	376,290	0	376,290
1999	124,318	9,876	242,550	376,744	376,744	0	376,744
1998	124,335	10,234	250,470	385,039	385,039	0	385,039

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
11/5/2007	2330 / 2026	7,360,100	WD	Q
7/24/2006	2226 / 2283	4,400,000	WD	Q
10/1/1997	1480 / 0031	660,000	WD	Q

This page has been visited 160,680 times.

Monroe County Property Appraiser
 Ervin A. Higgs, CFA
 P.O. Box 1176
 Key West, FL 33041-1176

5/19/2009

5/19/2009
(Date)

I hereby authorize SOLARIA Design & Consulting Co. (JOEL REED) be listed as authorized agent
(Name of Agent)

for HERON BAY VENTURE, LLC for the purpose of conducting all business necessary to
(Name of Owner(s) / Applicant)

MINOR CONDITIONAL USE

process and obtain approval in regard to HERON BAY for TRANSFER OF DEVELOPMENT RIGHTS
(Project Name) (Application Type)

for Real Estate No(s): 00088160-000100 from
the Monroe County Planning and Environmental Resources Department.

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility (thus holding Monroe County harmless) for any and all of the actions of the agent named, related to the acquisition of permits for the aforementioned applicant.

Note: Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.

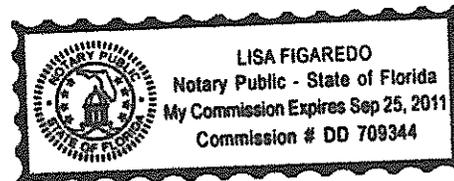
Jim Saunders
Owner(s) / Applicant Signature
Jim Saunders, Manager
Printed Name of Owner(s) / Applicant

NOTARY:
STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 20 day of May, 2009.

Jim Saunders is personally known produced identification
(Type of Identification), did / did not take an oath.

[Signature]
Notary



End of Additional File 29061

County of Monroe
Growth Management Division

Office of the Director

2798 Overseas Highway
Suite #400
Marathon, FL 33050
Voice: (305) 289-2517
FAX: (305) 289-2854



Board of County Commissioners

Mayor George Neugent, Dist. 2
Mayor Pro Tem Sylvia J. Murphy, Dist. 5
Kim Wigington, Dist. 1
Heather Carruthers, Dist. 3
Mario Di Gennaro, Dist. 4

We strive to be caring, professional and fair

Date: 5/29/09

Dear Applicant:

This is to acknowledge submittal of your application for Minor Conditional Use, Transfer of
Type of application
Development Rights Application

Heron Bay Venture, LLC / to the Monroe County Planning Department.
Project / Name

Solaria Design + Consulting Co.

Thank you.

Shil Creech

Planning Staff



May 27, 2009

MAY 29 2009

Marathon Government Center
Attn: Mr. Townsley Schwab
2798 Overseas Highway Suite 400
Marathon, FL 33050

RE: Application for Minor Conditional Use, Transfer of Development Rights Application

To Mr. Schwab:

Please find the enclosed application for a request for Request for an Application for Minor Conditional Use, Transfer of Development Rights Application for Heron Bay Venture, LLC, located at 2 Thurmond Street, Key Largo, FL 33037. Also enclosed is a check for \$1,523 for the following items:

Minor Conditional Use, Transfer of Development Rights Application.....	\$1,239
Advertising Costs:.....	\$ 245
Surrounding Property Owner Notice (13 X \$3).....	\$ 39
Total.....	\$1,523

If I can provide any further information or be of any further assistance in this matter, please contact me at your earliest opportunity.

Sincerely,

Joel C. Reed, AICP
President of Planning Services

Key Largo
91700 Overseas Hwy, STE 3
Tavernier, FL 33070
Phone: 305-852-4852

Marathon
213 David Lane
Marathon, FL 33050
Phone: 305-393-1454

Key West
925 Truman Ave.
Key West, FL 33040
Phone: 305-296-8885



Date: May 27, 2009

**Project Name:
HERON BAY VENTURE, LLC**

**Project Description:
SFR DEVELOPMENT**

**Application Type:
REQUEST FOR A MINOR CONDITIONAL USE
PERMIT FOR TRANSFER OF DEVELOPMENT RIGHTS**

Prepared by:

SOLARIA Design & Consulting Company

Key Largo
91700 Overseas Hwy, STE 3
Tavernier, FL 33070
Phone: 305-852-4852

Marathon
213 David Lane
Marathon, FL 33050
Phone: 305-393-1454

Key West
925 Truman Ave.
Key West, FL 33040
Phone: 305-296-8885

INDEX

TAB ITEM DESCRIPTION

- 1 Application for Minor Conditional Use Permit for Transfer of Development Rights
- 2 Check for Correct Fee
- 3 Proof of Ownership of Sender Site: 2009 Limited Liability Company Annual Report and Warranty Deed
- 4 Proof of Ownership of additional TDRs on Sender Site (Deeds)
- 5 Current Property Record Card
- 6 Location Map of Sender Site
- 7 Copy of Affidavit of Ownership filed with Director of Planning
- 8 Copy of Affidavit of intent to transfer filed with the Director of Planning
- 9 Signed and Sealed Boundary Survey of Sender Site, 6 sets (attached to back of application packet)
- 10 Map and Typed Name and Address mailing Labels of all Property owners within 300 foot radius of the sender site
- 11 Notarized Agent Authorization letter
- 12 Prior Letter of Understanding

Additional Items

- 13 Prior Development Order No. 06-07 transferring TDRs to the site

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Request for a Minor Conditional Use Permit for the Transfer of Development Rights:

The owner of a parcel of land who transfers density allocated to his or her property shall prepare an affidavit of ownership and an affidavit of intent to transfer. The affidavits shall be filed with the Director of Planning at least 30 days prior to the submission of an application for development approval.

An application must be deemed complete and in compliance with the Monroe County Code by staff prior to the item being scheduled for review

Conditional Use, Transfer of Development Rights Application Fee: \$1,239.00

In addition to the application fee, the following fees also apply:

Advertising Costs: \$245.00

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed

Date of Submittal: 05 / 19 / 2009
Month Day Year

Applicant / Agent:

Heron Bay Venture, LLC/SOLARIA Design & Consulting Co.

Name

102901 Overseas Hwy, Key Largo, FL 33037

Mailing Address (Street, City, State, Zip Code)

305-453-4521

Daytime Phone

JSaunders@bayviewdev.com

Email Address

Sender Site Property Owner:

Heron Bay Venture LLC

Name

102901 Overseas Hwy, Key Largo, FL 33037

Mailing Address (Street, City, State, Zip Code)

305-453-4521

Daytime Phone

APPLICATION

Sender Site Legal Description:

(If in metes and bounds, attach legal description on separate sheet)

Part of Lots 9-11 BCC 17-1968; Part Disclaimed Road BCC 87-1973; FKA
Lots 1-29, 20' Alley and E1/2 Bay view Blvd BK2 Eldorado Heights, Section
32, Township 1, Range 39, Plat Book 1-203

Physical Address Seder Site:

2 Thurmond Street
Key Largo, FL 33037

Block	Lot	Subdivision	Key
00088160-000100		8919549	
Real Estate (RE) Number		Alternate Key Number	

Receiver Site Property Owner:

N/A

Name

Mailing Address (Street, City, State, Zip Code)

Daytime Phone

Receiver Site Legal Description:

(If in metes and bounds, attach legal description on separate sheet)

N/A

Block	Lot	Subdivision	Key
Real Estate (RE) Number		Alternate Key Number	

Sender Site Land Use District Designation: Suburban Residential (SR)

Receiver Site Land Use District Designation: N/A

Sender Site Existing Land Use: Suburban Residential (SR)

Receiver Site Existing Land Use: N/A

Amount of Development Rights allocated to Sender Site (in units): 10.08 (2.095 + 7.985)

Amount of Development Rights to be transferred to Receiver Site (in units): 7.985 (to be identified)

Have any development rights been previously transferred to or from either the sender or receiver sites?

Yes X No If yes, please provide all development orders authorizing transfer.

Please see attached Development Order DO 06-07

Has a previous application been submitted for this site within the past two years? Yes No X

APPLICATION

All of the following must be submitted in order to have a complete application submittal:
(Please check as you attach each required item to the application)

- Complete application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership of sender and receiver sites (i.e. Warranty Deeds);
- Current Property Record Cards from the Monroe County Property Appraiser for sender and receiver sites;
- Location maps of sender and receiver sites;
- Copy of affidavit of ownership filed with Director of Planning;
- Copy of affidavit of intent to transfer filed with the Director of Planning;
- Signed and Sealed Boundary Survey of sender and receiver sites, prepared by a Florida registered surveyor – 6 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Vegetative Study (or HEI if required) of sender and receiver sites;
- Typed name and address mailing labels of all property owners within a 300 foot radius of the sender site. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included

If applicable, the following must be submitted in order to have a complete application submittal:

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the sender site and receiver site properties)
- Any Letters of Understanding pertaining to the proposed transfer

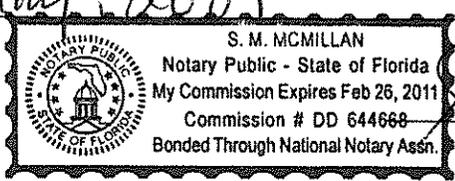
If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

If for any reason the minor conditional use permit application requires review and consideration by the Monroe County Planning Commission, additional fees, mailing labels and copies of plans shall be required prior to item being scheduled for commission review.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: Paul C. Reed Date: 5/19/2009

Sworn before me this 19 day of May, 2009



[Signature]
Notary Public
My Commission Expires

Please send the complete application package to the Monroe County Planning & Environmental Resources Department, Marathon Government Center, 2798 Overseas Highway, Suite 400, Marathon, FL 33050.

2009 LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L07000078697

FILED
Apr 15, 2009
Secretary of State

Entity Name: HERON BAY VENTURE, LLC

Current Principal Place of Business:

102901 OVERSEAS HIGHWAY
KEY LARGO, FL 33037

New Principal Place of Business:

Current Mailing Address:

102901 OVERSEAS HIGHWAY
KEY LARGO, FL 33037

New Mailing Address:

FEI Number: 26-0628032 FEI Number Applied For () FEI Number Not Applicable () Certificate of Status Desired ()

Name and Address of Current Registered Agent:

KADE, PAUL M
9200 S. DADELAND BOULEVARD
SUITE 400
MIAMI, FL 33156 US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

MANAGING MEMBERS/MANAGERS:

ADDITIONS/CHANGES:

Title: MGR () Delete
Name: KADE, PAUL M
Address: 9200 SO. DADELAND BLVD., SUITE 400
City-St-Zip: MIAMI, FL 33156 US

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: MGR () Delete
Name: POLLACK, ERIC S
Address: 10525 S.W. 114TH TERR.
City-St-Zip: MIAMI, FL 33156 US

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: MGRM () Delete
Name: SAUNDERS, JAMES C
Address: 102901 OVERSEAS HIGHWAY
City-St-Zip: KEY LARGO, FL 33037

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: MGR () Delete
Name: POLLACK, STEVEN W
Address: 4435 S.W. 160TH AVE., #214
City-St-Zip: MIRAMAR, FL 33027 US

Title: () Change () Addition
Name:
Address:
City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes.

SIGNATURE: JAMES C. SAUNDERS

MGRM

04/15/2009

Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date

Doc# 1670330 11/13/2007 10:02AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

THIS INSTRUMENT PREPARED BY:

LAW OFFICES OF PAUL M. KADE
Dadeland Towers - Suite 400
9200 South Dadeland Boulevard
Miami, Florida 33156-2712
Telephone: (305) 670-6929

ALEXANDER KEY
Case No.: 0919549

11/13/2007 10:02AM
DEED DOC STAMP CL: TRINA \$51,520.70

Doc# 1670330
Bk# 2330 Pg# 2026

WARRANTY DEED

THIS WARRANTY DEED, made the 5th day of November, 2007 by **PIECE OF PARADISE, LLC**, a Florida limited liability company, whose address is: 9200 South Dadeland Blvd., Suite 400, Miami, Florida 33156-2712, hereinafter called the Grantor, to **HERON BAY VENTRUE, LLC**, a Florida limited liability company, whose address is: 102901 Overseas Highway, Key Largo, Florida 33037, hereinafter called the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situate in Monroe County, State of Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO

SUBJECT TO:

1. Conditions, restrictions, limitations and easements of record, if any, which do not render the title unmarketable or adversely affect the present use of the property, but this provision shall not operate to re-impose the same.
2. Zoning and other governmental regulations.
3. Restrictions and matters appearing on the Plat, or otherwise common to the subdivision.
4. Taxes and assessments for 2007 and subsequent years.
5. Subject to mortgages set forth in Exhibit "B" attached hereto, the cumulative balances of which amount to \$7,360,001.00.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

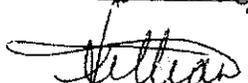
TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:


Witness Signature
Print Name: DESHAEG WILLIAMS


Witness Signature
Print Name: Gillian Rieracker

PIECE OF PARADISE, LLC
a Florida limited liability company

By: 
JAMES C. SAUNDERS, Manager

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **JAMES C. SAUNDERS** as **Manager of PIECE OF PARADISE, LLC**, a **Florida limited liability company**, known to me to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of November, 2007.

NOTARY SEAL:





NOTARY SIGNATURE

Personally Known
OR
 Produced Identification

Type of Identification Produced: FL DR LIC

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel A:

Lots 17 through 29, inclusive, Block 2, El Dorado Heights, according to the Plat thereof, recorded in Plat Book 1, at Page 203 of the Public Records of Monroe County, Florida, vacated by the Board of County Commissioners Resolution No. 17-1968, dated February 27, 1968. Together with the East one-half of Bay View Boulevard adjacent to and parallel with Lots 20 through 29, Block 2, as shown on said plat of El Dorado Heights, said Bay View Boulevard vacated by the Board of County Commissioners Resolution No. 87-1973, dated July 17, 1973.

Said parcel being more particularly described by metes and bounds as follows:

A parcel of land in Section 32, Township 61 South, Range 39 East on Key Largo, Monroe County, Florida and being further described as portions of Lots 9, 11 and 15 of Model Land Company, according to the Plat thereof, as recorded in Plat Book 1, at Page 68 of the Public Records of Monroe County, Florida as shown on the Plat of El Dorado Heights, as recorded in Plat Book 1, at Page 203 of the Public Records of Monroe County, Florida.

Beginning at the intersection of the centerline of Bay View Boulevard with the Northwesterly right of way line of Florida Avenue, as shown on the plat of El Dorado Heights, recorded in Plat Book 1, at Page 203 of the Public Records of Monroe County, Florida; thence run North, along said centerline for a distance of 588.35 feet to a point 25.00 feet West of the Northwest corner of Lot 29, Block 2 of said plat of El Dorado Heights; thence East, along a Westerly projection of the North line of said Lot 29, and the North line of said Lot 29 for a distance of 150.05 feet to the Northeast corner of said Lot 29, Block 2; thence South, along the Easterly line of Lots 21 through 29, Block 2 of said plat of El Dorado Heights for a distance of 440.32 feet to a point on the aforementioned Northwesterly right of way line of Florida Avenue; thence run Southwesterly along said Northwesterly right of way line of Florida Avenue, deflecting 45°20'11" to the right from the previous course, for a distance of 210.59 feet to the Point of Beginning of the parcel herein described.

Together with:

A Parcel of land comprised of Lot 1 and part of Lot 2, Block 2, El Dorado Heights, according to the Plat thereof, recorded in Plat Book 1, Page 203 of the Public Records of Monroe County, Florida and vacated by Monroe County Commissioner's Resolution No. 17-1968 dated 2-27-68, and part of a 20 foot wide alley, according to said plat and vacated by Monroe County Commissioner's Resolution No. 28-1967, dated 5-23-67 and part of the Easterly one half of Bay View Boulevard, according to said plat and vacated by Monroe County Commissioner's Resolution No. 87-1973, dated 7-17-73, said parcel being more particularly described as follows:

Begin at the intersection of a westerly prolongation of the northerly line of Lot 29, Block 2, El Dorado Heights, according to the Plat thereof, recorded in Plat Book 1, at Page 203 of the Public Records of Monroe County, Florida, and vacated by Monroe County Commissioner's Resolution No. 17-1968, dated 2-27-68 with the centerline of Bay View Boulevard according to said plat, and vacated by Monroe County Commissioner's Resolution No. 87-1973, dated 7-17-73; from said Point of Beginning, thence easterly, along said prolongation of and along the northerly line of said Lot 29 for a distance of 150 feet to the northeasterly corner of said Lot 29; thence NW'ly on an angle of 79°45'50" to the right of the preceding course, a distance of 234.4 feet, more or less, to the shoreline of Florida Bay; thence meander said shoreline in a southwesterly direction for a distance of 228 feet, more or less, to an intersection with the said centerline of the said vacated Bay View Boulevard; thence Southerly along said centerline for a distance of 62 feet, more or less, to the Point of Beginning.

Parcel B:

Part of a 20 foot wide, vacated alley, part of Lot 2 and all of Lots 3 through 16, inclusive, Block 2, El Dorado Heights, according to the Plat thereof, recorded in Plat Book 1 at Page 203 of the Public Records of Monroe County, Florida, and vacated by resolution of the Board of County Commissioners No. 17-1968, dated 2-27-68 being more particularly described as follows:

Commence at the intersection of the centerline of Bay View Boulevard with the northwesterly right of way line of Florida Avenue as shown on the plat of El Dorado Heights, recorded in Plat Book 1, at Page 203 of the Public Records of Monroe County, Florida; thence run northeasterly along said right of way line for 212.16 feet, more less, to the most easterly corner of Lot 17, Block 2 of said plat and the Point of Beginning of the following described parcel; from said Point of Beginning, thence deflect 45 feet to the left and run northerly along the Westerly line of Lot 8 through 14 and of Lot 16, all in Block 2 of said plat, for a distance of 440 feet more or less, to the northwest corner of Lot 8, Block 2 of said plat; thence deflect 10°14'10" to the left and proceed northwesterly for a distance of 234.4 feet, more or less, to the shoreline of Florida Bay; thence meander northeasterly along said shoreline for 565 feet, more or less, to a point on a northerly prolongation of the Westerly right of way line of Thurmond Street, according to said plat; thence run south along said right of way line for a distance of 673 feet, more or less, to an intersection with said northwesterly right of way line of Florida Avenue, according to said plat, for a distance of 169.70 feet, more or less to the Point of Beginning.

J

EXHIBIT "B"

1. Mortgage from Piece of Paradise, LLC, a Florida limited liability company to Jeffrey S. Osborn and Elisabeth S. Stebbins, his wife recorded in O.R. Book 2226, Page 2293, and modified in 2280, Page 29 Public Records of Monroe County, Florida.
2. Mortgage from Piece of Paradise, LLC, Slice of Paradise, LLC, Bayview Marketing of Florida Keys, LLC, each a Florida limited liability company, James C. Saunders and Paul M. Kade to Benjamin R. Weiner, Trustee of Weiner Family Trust UTD July 11, 2003 and Bernard Sandler, Trustee of the Bernard Sandler and Linda Marie Sandler Revocable Intervivos Family Trust UTD September 13, 1991 recorded in O.R. Book 2275, Page 1980, and partially assigned in O.R. Book 2275, Page 1999, and 2279, Page 2408, Public Records of Monroe County, Florida
3. Mortgage from Piece of Paradise, LLC, a Florida limited liability company to Countryplan, Inc., a Delaware corporation recorded in O.R. Book 2230, Page 916, modified in O.R. Book 2278, Page 2284, and subordinated in O.R. Book 2279, Page 2280, Public Records of Monroe County, Florida
4. Mortgage from Piece of Paradise, LLC, a Florida limited liability company to KHG, LLC, a Florida limited liability company recorded in O.R. Book 2278, Page 2259, Public Records of Monroe County, Florida.
5. Mortgage from Piece of Paradise, LLC, a Florida limited liability company to Richard Pawliger recorded in O.R. Book 2278, Page 2268, Public Records of Monroe County, Florida.

①

WARRANTY DEED
FOR TRANSFERABLE DEVELOPMENT RIGHTS

THIS WARRANTY DEED, made the 2nd day of November, 2006 by **FOREST YOUNG**, a single man, whose address is 7563 Gulfstream Blvd., Marathon, Florida 33050, hereinafter called the Grantor, to **PIECE OF PARADISE, LLC, a Florida limited liability company**, whose address is: 9200 South Dadeland Blvd., Suite 400, Miami, Florida 33156-2712, hereinafter called the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, its successors and assigns forever 1.1 TRANSFERABLE DEVELOPMENT RIGHTS allocated under the Monroe County Land Development Regulations in the following described land situate in Monroe County, State of Florida (This 1.1 Transferable Development Right came from the SALT MARSH BUTTONWOOD ASSOCIATION):

**GOVERNMENT LOT 2 OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 28
EAST ON SUMMERLAND KEY, MONROE COUNTY, FLORIDA.**

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land rights in fee simple; that the Grantor has good right and lawful authority to sell and convey said land rights, and hereby warrants the title to said land rights and will defend the same against the lawful claims of all persons whomsoever.

The use of the above described property is hereby restricted to nonresidential uses permitted under Monroe County's Land Development Regulations.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

[Signature]
Witness Signature
John J. Wolfe
Print Name

[Signature]
FOREST YOUNG

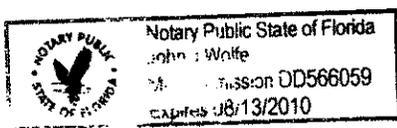
[Signature]
Witness Signature
FRANK C WOLFE
Print Name

STATE OF FLORIDA }
COUNTY OF MONROE } ss:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **FOREST YOUNG**, known to me to be the persons described in and who executed the foregoing instrument and who acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of November, 2006.

NOTARY SEAL:



[Signature]
NOTARY SIGNATURE

THIS INSTRUMENT PREPARED BY:

LAW OFFICES OF PAUL M. KADE
Dadeland Towers - Suite 400
9200 South Dadeland Boulevard
Miami, Florida 33156-2712
Telephone: (305) 670-6929

Alternate Key No.: 1137049

Doc# 1621038 01/05/2007 1:46PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

01/05/2007 1:46PM
DEED DOC STAMP CL: JENNIFERH \$385.00

Doc# 1621038
Bk# 2253 Pg# 2166

WARRANTY DEED
FOR TRANSFERABLE DEVELOPMENT RIGHTS

THIS WARRANTY DEED, made the 26 day of December, 2006 by HERBERT J. GOODMAN and ROBERTA A. GOODMAN, husband and wife, individually and as Trustees of THE GOODMAN LIVING TRUST DATED DECEMBER 22, 2004, HERBERT J. GOODMAN AND ROBERTA A. GOODMAN, TRUSTORS AND/OR TRUSTEES, whose address is 566 Lake Ashley Circle, Melbourne, Florida 32904, hereinafter called the Grantor, to PIECE OF PARADISE, LLC, a Florida limited liability company, whose address is: 9200 South Dadeland Blvd., Suite 400, Miami, Florida 33156-2712, hereinafter called the Grantee.

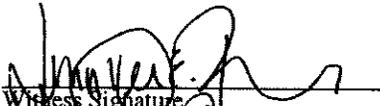
WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, its successors and assigns forever 0.38 TRANSFERABLE DEVELOPMENT RIGHTS allocated under the Monroe County Land Development Regulations in the following described land situate in Monroe County, State of Florida [This 0.38 Transferable Development Right came from developed land, pineland and freshwater pine habitats]:

Parcel TS of PINE KEY ACRES ON BIG PINE KEY, FLORIDA, as recorded in Official Records Book 509, at Page 1048, of the Public Records of Monroe County, Florida.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land rights in fee simple; that the Grantor has good right and lawful authority to sell and convey said land rights, and hereby warrants the title to said land rights and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:


Witness Signature

Jennifer Richards
Print Name


Witness Signature

Linda Rackman
Print Name



HERBERT J. GOODMAN, individually and
as Trustee of the Goodman Living Trust Dated
December 22, 2004, Herbert J. Goodman and
Roberta A. Goodman, Trustors and/or Trustees

Doc# 1628067 02/15/2007 4:28PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

THIS INSTRUMENT PREPARED BY:

LAW OFFICES OF PAUL M. KADE
Dadeland Towers - Suite 400
9200 South Dadeland Boulevard
Miami, Florida 33156-2712
Telephone: (305) 670-6929

02/15/2007 4:28PM
DEED DOC STAMP CL: RS \$0.70

Alternate Key No.: 1137049

Doc# 1628067
Bk# 2273 Pg# 977

**CORRECTIVE WARRANTY DEED
FOR TRANSFERABLE DEVELOPMENT RIGHTS**

THIS WARRANTY DEED, made the 13th day of February, 2007 by HERBERT J. GOODMAN and ROBERTA A. GOODMAN, husband and wife, individually and as Trustees of THE GOODMAN LIVING TRUST DATED DECEMBER 22, 2004, HERBERT J. GOODMAN AND ROBERTA A. GOODMAN, TRUSTORS AND/OR TRUSTEES, whose address is 566 Lake Ashley Circle, Melbourne, Florida 32904, hereinafter called the Grantor, to PIECE OF PARADISE, LLC, a Florida limited liability company, whose address is: 9200 South Dadeland Blvd., Suite 400, Miami, Florida 33156-2712, hereinafter called the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, its successors and assigns forever 0.38 TRANSFERABLE DEVELOPMENT RIGHTS allocated under the Monroe County Land Development Regulations in the following described land situate in Monroe County, State of Florida [This 0.38 Transferable Development Right came from developed land, pineland and freshwater pine habitats]:

Parcel TS of PINE KEY ACRES ON BIG PINE KEY, FLORIDA, as recorded in Official Records Book 509, at Page 1048, of the Public Records of Monroe County, Florida.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land rights in fee simple; that the Grantor has good right and lawful authority to sell and convey said land rights, and hereby warrants the title to said land rights and will defend the same against the lawful claims of all persons whomsoever.

AND the Grantor hereby covenants that the above described property is hereby restricted to nonresidential uses permitted under Monroe County Land Development Regulations and shall be prohibited from further use for residential purposes other than as excess open space or yard appurtenant to a residential use that is located on a parcel of land that meets the density requirements of the Monroe County comprehensive plan for land use and development and Chapter 9.5 of the Monroe County Code.

This corrective warranty deed amends the Warranty Deed For Transferable Development Rights recorded on January 5, 2007 in Official Records Book 2263, Page 2156, of the Public Records of Monroe County, Florida for which documentary stamps already have been paid.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Lynn Rivera
Witness Signature

Lynn Rivera
Print Name

Arnette Taswell
Witness Signature

Arnette Taswell
Print Name

Herbert J. Goodman
HERBERT J. GOODMAN, individually and as Trustee of the Goodman Living Trust Dated December 22, 2004, Herbert J. Goodman and Roberta A. Goodman, Trustors and/or Trustees

THIS INSTRUMENT PREPARED BY:

12/13/2006 3:10PM
DEED DOC STAMP CL: PM \$245.00

LAW OFFICES OF PAUL M. KADE
Dadeland Towers - Suite 400
9200 South Dadeland Boulevard
Miami, Florida 33156-2712
Telephone: (305) 670-6929

Doc# 1617628
Bk# 2258 Pg# 1920

**WARRANTY DEED
FOR TRANSFERABLE DEVELOPMENT RIGHTS**

THIS WARRANTY DEED, made the 11th day of December, 2006 by **THEKLA GORMAN and BRUCE GORMAN, her husband**, of whose address is: 29550 Osprey Lane, Big Pine Key, Florida 33043-4705, hereinafter called the Grantor, to **PIECE OF PARADISE, LLC, a Florida limited liability company**, whose address is: 9200 South Dadeland Blvd., Suite 400, Miami, Florida 33156-2712, hereinafter called the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, its successors and assigns forever 0.2525 TRANSFERABLE DEVELOPMENT RIGHTS allocated under the Monroe County Land Development Regulations in the following described land situate in Monroe County, State of Florida [This 0.2525 Transferable Development Right came from Freshwater Pine habitat]:

TRACT NT in BIG PINE KEY ACRES, an unplatted subdivision located in Section 22, Township 66 South, Range 29 East in Monroe County, Florida as recorded in Official Records Book 509, Page 1048, of the Public Records of Monroe County, Florida.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land rights in fee simple; that the Grantor has good right and lawful authority to sell and convey said land rights, and hereby warrants the title to said land rights and will defend the same against the lawful claims of all persons whomsoever.

This instrument was prepared without benefit of title search or abstract examination and is based solely on facts provided by either of the parties or their agents.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Jane F. Shepherd
Witness Signature

JANE F. Shepherd
Print Name

[Signature]
Witness Signature

PAUL M. KADE
Print Name

[Signature]
THEKLA GORMAN

James F. Shepherd
Witness Signature

[Signature]
BRUCE GORMAN

James F. Shepherd
Print Name

[Signature]
Witness Signature

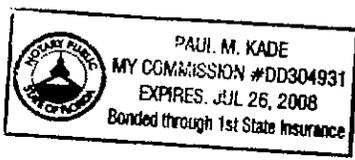
PAUL M. KADE
Print Name

STATE OF FLORIDA)
COUNTY OF MONROE) ss:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **THEKLA GORMAN and BRUCE GORMAN, her husband**, known to me to be the persons described in and who executed the foregoing instrument and who acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 11 day of December, 2006.

NOTARY SEAL:



[Signature]
NOTARY SIGNATURE

[] Personally Known
OR
[x] Produced Identification

Type of Identification Produced: FL Driver's License 6655-800-57-742-0
6655-071-45-134-0

Doc# 1628068 02/15/2007 4:20PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

THIS INSTRUMENT PREPARED BY:

LAW OFFICES OF PAUL M. KADE
Dadeland Towers - Suite 400
9200 South Dadeland Boulevard
Miami, Florida 33156-2712
Telephone: (305) 670-6929

02/15/2007 4:20PM
DEED DOC STAMP CL: RS \$8.70

Alternate Key # 1135496

Doc# 1628068
Bk# 2273 Pg# 979

**CORRECTIVE WARRANTY DEED
FOR TRANSFERABLE DEVELOPMENT RIGHTS**

THIS WARRANTY DEED, made the 13th day of February, 2007 by THEKLA GORMAN and BRUCE GORMAN, her husband, of whose address is: 29550 Osprey Lane, Big Pine Key, Florida 33043-4705, hereinafter called the Grantor, to **PIECE OF PARADISE, LLC, a Florida limited liability company**, whose address is: 9200 South Dadeland Blvd., Suite 400, Miami, Florida 33156-2712, hereinafter called the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, its successors and assigns forever 0.2525 TRANSFERABLE DEVELOPMENT RIGHTS allocated under the Monroe County Land Development Regulations in the following described land situate in Monroe County, State of Florida [This 0.2525 Transferable Development Right came from Freshwater Pine habitat]:

TRACT NT in BIG PINE KEY ACRES, an unplatted subdivision located in Section 22, Township 66 South, Range 29 East in Monroe County, Florida as recorded in Official Records Book 509, Page 1048, of the Public Records of Monroe County, Florida.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land rights in fee simple; that the Grantor has good right and lawful authority to sell and convey said land rights, and hereby warrants the title to said land rights and will defend the same against the lawful claims of all persons whomsoever.

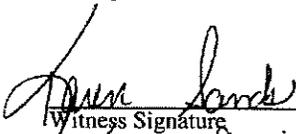
AND the Grantor hereby covenants that the above described property is hereby restricted to nonresidential uses permitted under Monroe County Land Development Regulations and shall be prohibited from further use for residential purposes other than as excess open space or yard appurtenant to a residential use that is located on a parcel of land that meets the density requirements of the Monroe County comprehensive plan for land use and development and Chapter 9.5 of the Monroe County Code.

This instrument was prepared without benefit of title search or abstract examination and is based solely on facts provided by either of the parties or their agents.

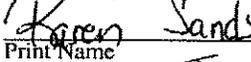
This corrective warranty deed amends the Warranty Deed For Transferable Development Rights recorded on December 13, 2006 in Official Records Book 2258, Page 1920, of the Public Records of Monroe County, Florida for which documentary stamps already have been paid.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

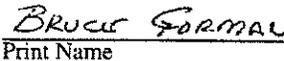


Witness Signature



Print Name

Witness Signature



Print Name



THEKLA GORMAN

Karen B Sands
Witness Signature

Karen B Sands
Print Name

Therisa Gorman
Witness Signature

THEKLA GORMAN
Print Name

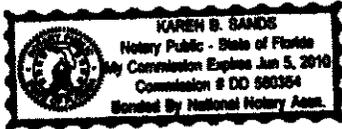
Bruce Gorman
BRUCE GORMAN

STATE OF FLORIDA
COUNTY OF MONROE } ss:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **THEKLA GORMAN and BRUCE GORMAN**, her husband, known to me to be the persons described in and who executed the foregoing instrument and who acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 13 day of February, 2007.

NOTARY SEAL:



Karen B Sands
NOTARY SIGNATURE

Personally Known
or
 Produced Identification
Type of Identification Produced: _____

MONROE COUNTY
OFFICIAL RECORDS

Doc# 1617627 12/13/2006 3:09PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

12/13/2006 3:09PM
DEED DOC STAMP CL: PU

\$105.00

THIS INSTRUMENT PREPARED BY:

LAW OFFICES OF PAUL M. KADE
Dadeland Towers - Suite 400
9200 South Dadeland Boulevard
Miami, Florida 33156-2712
Telephone: (305) 670-6929

Doc# 1617627
Bk# 2258 Pg# 1918

WARRANTY DEED
FOR TRANSFERABLE DEVELOPMENT RIGHTS

THIS WARRANTY DEED, made the 11th day of December, 2006 by **ROBERT EHRIG** ** and **MARCIE EHRIG**, husband and wife, whose address is 29770 Mahogany Lane, Big Pine Key, Florida 33043, hereinafter called the Grantor, to **PIECE OF PARADISE, LLC**, a Florida limited liability company, whose address is: 9200 South Dadeland Blvd., Suite 400, Miami, Florida 33156-2712, hereinafter called the Grantee.
a/k/a **ROBERT W. EHRIG

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, its successors and assigns forever 0.2525 TRANSFERABLE DEVELOPMENT RIGHTS allocated under the Monroe County Land Development Regulations in the following described land situate in Monroe County, State of Florida (This 0.2525 Transferable Development Right came from Pineland, Freshwater Hardwood and Buttonwood habitats):

TRACT VF in PINE KEY ACRES, an unplatted subdivision located at Section 15, Township 66 South, Range 29 East on Big Pine, Monroe County, Florida as recorded in Official Records Book 509, Page 1049, of the Public Records of Monroe County, Florida.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land rights in fee simple; that the Grantor has good right and lawful authority to sell and convey said land rights, and hereby warrants the title to said land rights and will defend the same against the lawful claims of all persons whomsoever.

This instrument was prepared without benefit of title search or abstract examination and is based solely on facts provided by either of the parties or their agents.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:



Witness Signature

PAUL M. KADE

Print Name



ROBERT EHRIG



Witness Signature

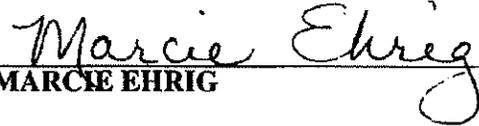
Leslie Frieg

Print Name

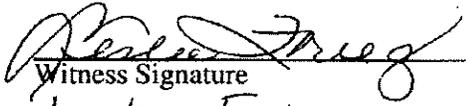


Witness Signature
PAUL M. WADE

Print Name



MARCIE EHRIG



Witness Signature
Leslie Frieg

Print Name

STATE OF FLORIDA)
) ss:
COUNTY OF MONROE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **ROBERT EHRIG** and **MARCIE EHRIG**, husband and wife, known to me to be the persons described in and who executed the foregoing instrument and who acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 11 day of December, 2006.

NOTARY SEAL:



NOTARY SIGNATURE

Personally Known
OR
 Produced Identification
Type of Identification Produced: _____



MONROE COUNTY
OFFICIAL RECORDS

Doc# 1629886 02/28/2007 4:19PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

THIS INSTRUMENT PREPARED BY:

LAW OFFICES OF PAUL M. KADE
Dadeland Towers - Suite 400
9200 South Dadeland Boulevard
Miami, Florida 33156-2712
Telephone: (305) 670-6929

02/28/2007 4:19PM
DEED DOC STAMP CL: RS

\$0.70

Doc# 1629886
BKN 2275 Pgh 2029

Alternate Key No. 1137430

**CORRECTIVE WARRANTY DEED
FOR TRANSFERABLE DEVELOPMENT RIGHTS**

THIS WARRANTY DEED, made the 16th day of February, 2007 by ROBERT EHRIG and MARCIE EHRIG, husband and wife, whose address is 29770 Mahogany Lane, Big Pine Key, Florida 33043, hereinafter called the Grantor, to **PIECE OF PARADISE, LLC**, a Florida limited liability company, whose address is: 9200 South Dadeland Blvd., Suite 400, Miami, Florida 33156-2712, hereinafter called the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, its successors and assigns forever 0.2525 TRANSFERABLE DEVELOPMENT RIGHTS allocated under the Monroe County Land Development Regulations in the following described land situate in Monroe County, State of Florida (This 0.2525 Transferable Development Right came from Pineland, Freshwater Hardwood and Buttonwood habitats):

TRACT VF in PINE KEY ACRES, an unplatted subdivision located at Section 15, Township 66 South, Range 29 East on Big Pine, Monroe County, Florida as recorded in Official Records Book 509, Page 1049, of the Public Records of Monroe County, Florida.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land rights in fee simple; that the Grantor has good right and lawful authority to sell and convey said land rights, and hereby warrants the title to said land rights and will defend the same against the lawful claims of all persons whomsoever.

AND the Grantor hereby covenants that the above described property is hereby restricted to nonresidential uses permitted under Monroe County Land Development Regulations and shall be prohibited from further use for residential purposes other than as excess open space or yard appurtenant to a residential use that is located on a parcel of land that meets the density requirements of the Monroe County comprehensive plan for land use and development and Chapter 9.5 of the Monroe County Code.

This instrument was prepared without benefit of title search or abstract examination and is based solely on facts provided by either of the parties or their agents.

This corrective warranty deed amends the Warranty Deed For Transferable Development Rights recorded on December 13, 2006 in Official Records Book 2258, Page 1918, of the Public Records of Monroe County, Florida for which documentary stamps already have been paid.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Andrea L. Rogers
Witness Signature

Andrea L. Rogers
Print Name

Lisa L. Cassel
Witness Signature

Lisa L. Cassel
Print Name

Robert Ehrig
ROBERT EHRIG

Andrea L. Rogers
Witness Signature

Andrea L. Rogers
Print Name

Lisa L. Cassel
Witness Signature

Lisa L. Cassel
Print Name

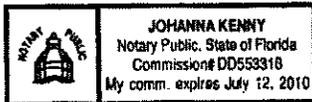
Marcie Ehrig
MARCIE EHRIG

STATE OF FLORIDA }
 } ss:
COUNTY OF MONROE }

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **ROBERT EHRIG** and **MARCIE EHRIG**, husband and wife, known to me to be the persons described in and who executed the foregoing instrument and who acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 16th day of February, 2007.

NOTARY SEAL:



Johanna Kenny
NOTARY SIGNATURE

[] Personally Known
OF
[X] Produced Identification

Type of Identification Produced: FIADL

MONROE COUNTY
OFFICIAL RECORDS

Doc# 1618235 12/18/2006 4:11PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

12/18/2006 4:11PM
DEED DOC STAMP CL: JENNIFERH\$1,890.00

Doc# 1618235
Bk# 2259 Pg# 1473

THIS INSTRUMENT PREPARED BY:

LAW OFFICES OF PAUL M. KADE
Dadeland Towers - Suite 400
9200 South Dadeland Boulevard
Miami, Florida 33156-2712
Telephone: (305) 670-6929

Alternate Key No.: 8665644 8665679 8665695
8665652 8665687 8665661

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made the 12th day of December, 2006, by LLOYD A. GOOD, JR., a married man, whose address is 17164 West Kingfish Lane, Lower Sugarloaf Key, Florida 33042, hereinafter called the Grantor, to **PIECE OF PARADISE, LLC**, a Florida limited liability company, whose address is: 9200 South Dadeland Blvd., Suite 400, Miami, Florida 33156-2712, hereinafter called the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situate in Monroe County, State of Florida, viz:

Lots 41, 42, 43, 44, 45 and 46, AMENDED PLAT OF SUGARLOAF SHORES SECTION C EXTENSION, according to the plat thereof as recorded in Plat Book 7, Page(s) 34, Public Records of Monroe County, Florida.

The above property never was or is it presently the homestead of the grantor or his wife nor is it adjacent to grantor's domicile or that of his wife. Grantor currently resides with his wife, MIRIAM B. GOOD at his homestead at 17164 West Kingfish Lane, Lower Sugarloaf Key, Florida 33042.

SUBJECT TO:

1. Conditions, restrictions, limitations and easements of record, if any, which do not render the title unmarketable or adversely affect the present use of the property, but this provision shall not operate to re-impose the same.
2. Zoning and other governmental regulations.
3. Restrictions and matters appearing on the Plat, or otherwise common to the subdivision.
4. Taxes and assessments for 2007 and subsequent years.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

sed.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the grantor; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Caron C Ward
Witness Signature

Lloyd A Good, Jr
LLOYD A. GOOD, JR.

Caron C. Ward
Print Name:

Caroline Prencipe
Witness Signature:

CAROLINE PRENCIPE
Print Name:

STATE OF FLORIDA)
) ss:
COUNTY OF MONROE)

MONROE COUNTY
OFFICIAL RECORDS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **LLOYD A. GOOD, JR.**, a married man, known to me to be the person described in and who executed the foregoing instrument and who acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 12th day of December, 2006.

NOTARY SEAL:

Dolores A. Zickert
NOTARY SIGNATURE

- Personally Known
- or
- Produced Identification

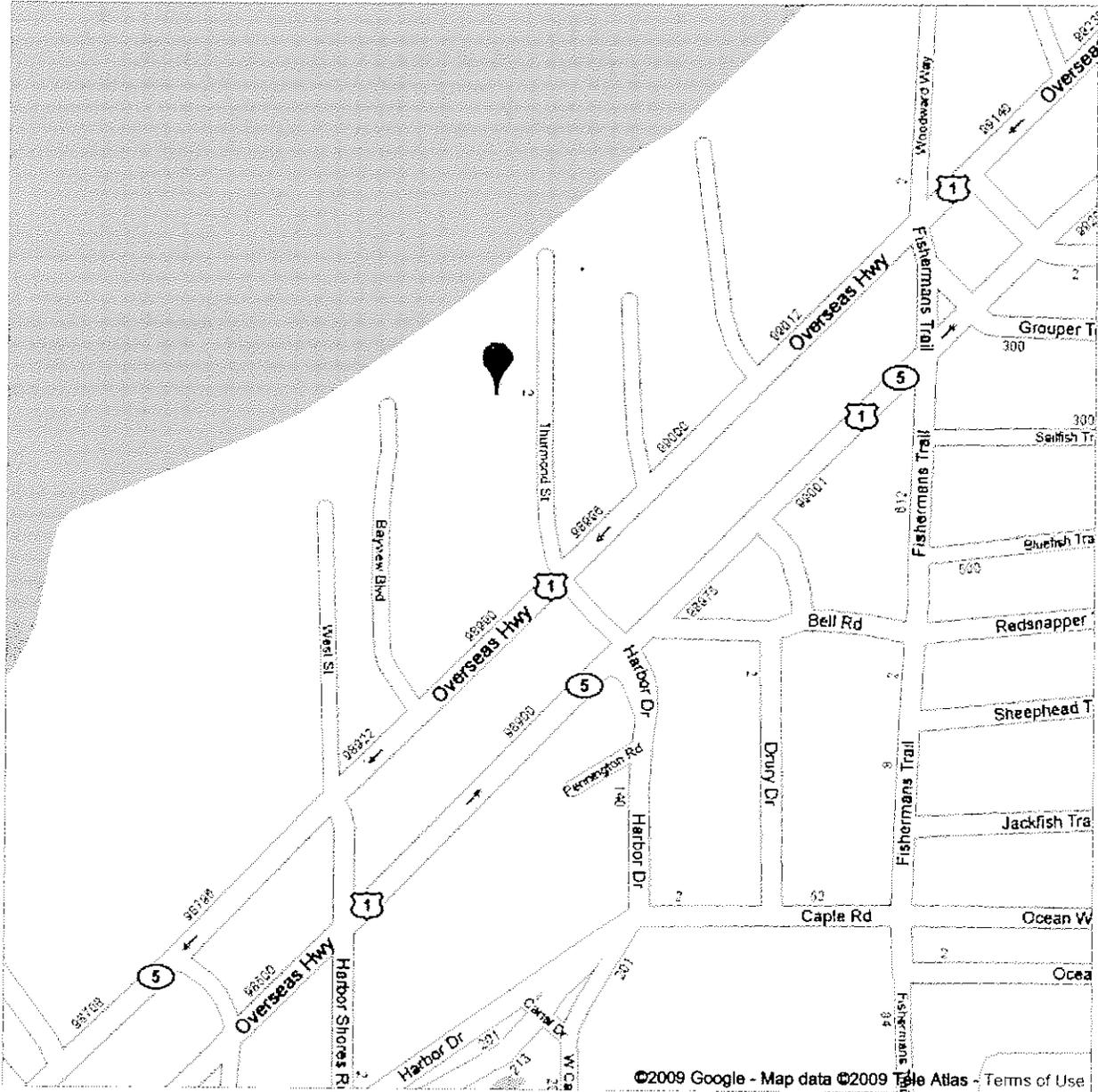
Type of Identification Produced: _____





Address **2 Thurmond St**
Key Largo, FL 33037

Notes Approximate MM 90 - BAYSIDE



AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA)
COUNTY OF MONROE)

Before me, the undersigned authority, personally appeared Jim Saunders, Manager of Heron Bay Venture, LLC, who by me being first duly sworn, depose and say under oath as follows:

The undersigned is the legal title holder to 10.08 Transferable Development Rights allocated under the Monroe County Land Development Regulations, in the following described land, to wit:

Part of Lots 9-11 BCC 17-1968 Part Disclaimed Road BCC 87-1973 FKA Lots 1-29, 20' Alley and E1/2 Bay view Blvd BK2 Eldorado Heights, Section 32, Township 1, Range 39, Plat Book 1-203

The herein described property is developed with a single family residence and is not the homestead of the Grantor

- 1. The total acreage of the property from which the aforesaid rights have been acquired is

4.10 acres of which approximately .33 acres is hammock and the remainder is classified as developed (2.095 TDRs). The remaining 7.985 transferable development rights were transferred to this site per Development Order No. 06-07

- 2. The above described Transferable Development Rights are free and clear and unencumbered except as specifically noted and if encumbered, the necessary joinders or releases are hereby being furnished and are attached hereto as exhibits.
- 3. The undersigned acquired 4.08 of the above described rights by Warranty Deeds and 6 by Special Warranty Deed, a true and correct copy of which is attached hereto as an exhibit.
- 4. The undersigned realized and understands that if the proposed developed is approved using the aforementioned rights, such approval is predicated on the warranties made in the Affidavit and if the same prove false or inaccurate, the permits issued by be canceled and voided and construction may be halted

Jim Saunders 5-19-09
Jim Saunders

SWORN TO AND SUBSCRIBED before me this 19 day of May 2009
by Jim Saunders, who is personally known by me or has produced _____ as identification.



Virginia Pennell
Printed Name: VIRGINIA PENNELL
Notary Public, State of FLORIDA

AFFIDAVIT OF INTENT TO TRANSFER TRANSFERABLE DEVELOPMENT RIGHTS (TDRs)

**TO: Director of Planning
Monroe County**

Date: MAY 20, 2009

The undersigned is the legal titleholder to 10.08 Transferable Development Rights at the following described property.

Part of Lots 9-11 BCC 17-1968 Part Disclaimed Road BCC 87-1973 FKA Lots 1-29, 20' Alley and E1/2 Bay view Blvd BK2 Eldorado Heights, Section 32, Township 1, Range 39, Plat Book 1-203

7.985 of the transferable development rights were transferred to this site per Development order no. 06-07 from the following properties:

Government Lot 2 of Section 26, Township 66 South, Range 28 East on Summerland Key, Monroe County, Florida. (1.1 TDRs)

Parcel TS of Pine Key Acres on Big Pine Key, Florida, as recorded in Official Records Book 509, at Page 1048, of the Public Records of Monroe County, Florida. (.38 TDRs); and

Tract NT in Big Pine Key Acres, an unplatted subdivision located in Section 22, Township 66 South, Range 29 East in Monroe County, Florida as recorded in Official Records Book 509, Page 1048, of the Public Records of the Monroe County, Florida. (.2525 TDRs); and

Tract VF in Pine Key Acres, an unplatted subdivision located at Section 15, Township 66 South, Range 29 East on Big Pine, Monroe County, Florida as recorded in official Records Book 509, Page 1049, of the Public Records of Monroe County, FL (.2525 TDRs); and

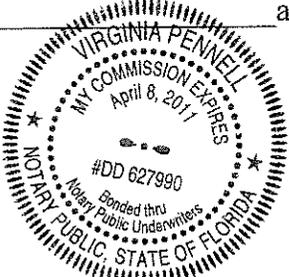
Lots 41, 42, 43, 44, 45 and 46 Amended Plat of Sugarloaf Shores Section C Extension, according to the plat thereof as recorded in Plat Book 7, Page(s) 34, Public Records of Monroe County, FL (6 TDRs & Per Settlement Agreement between Monroe county and Lloyd Good)

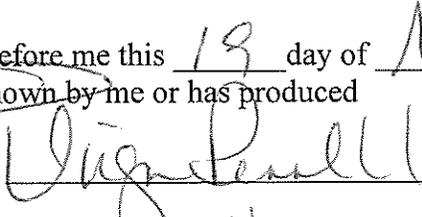
The herein described property is developed with a single family residence and is not the homestead of the Grantor

And it is the intent of the undersigned to transfer his **7.985** Transferable Development right to _____ &/or **assignors**.


Jim Saunders _____ Date 5-19-09

SWORN TO AND SUBSCRIBED before me this 19 day of May 2009 by Jim Saunders, who is personally known by me or has produced _____ as identification.




Printed Name: VIRGINIA PENNELL
Notary Public, State of FLORIDA



SEE ATTACHED

**6 SIGNED AND SEALED BOUNDARY
SURVEYS OF THE SENDER SITE**

300' Buffer

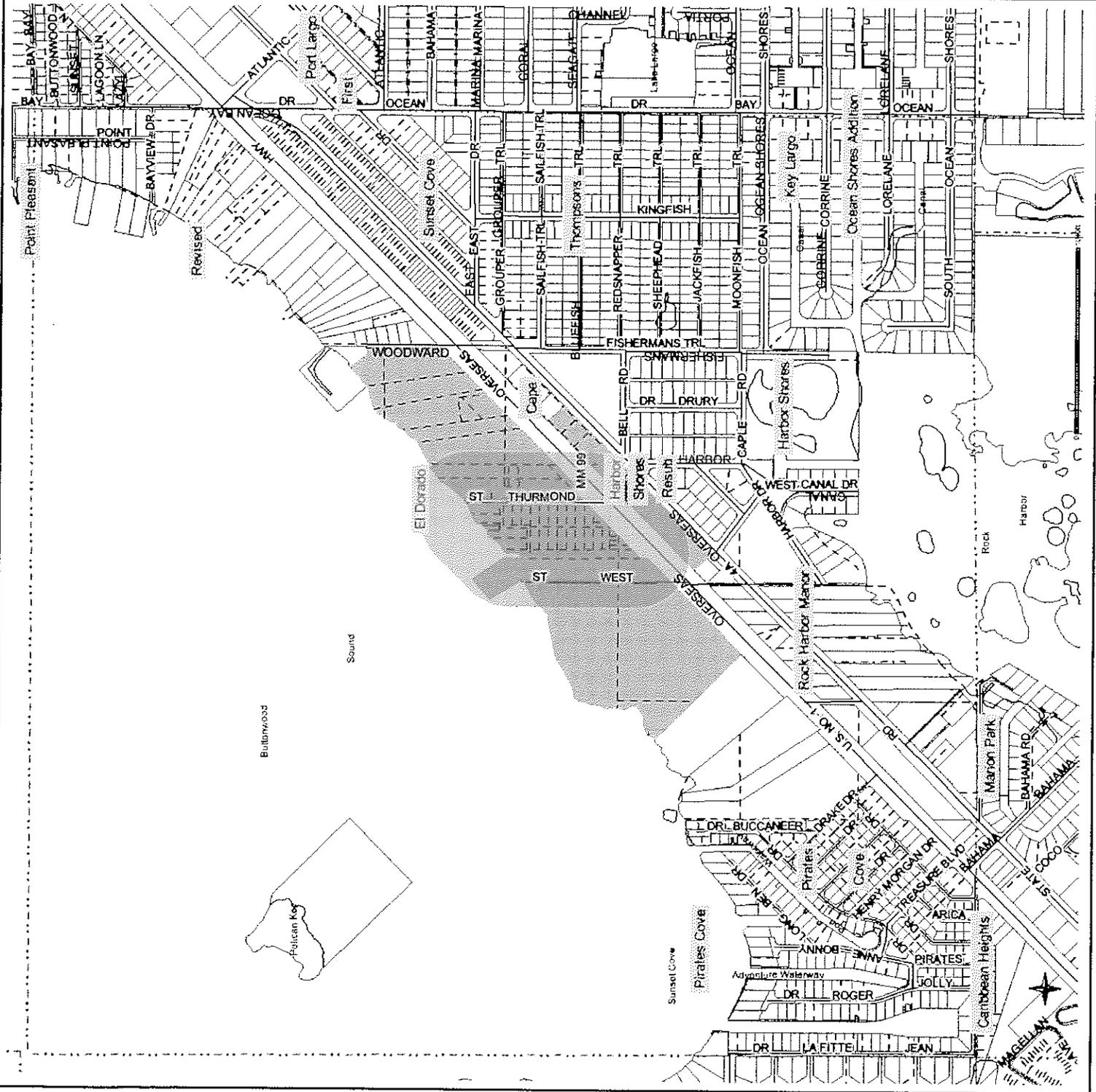
- Legend**
-  the Buffer
 -  the Buffer Target
 -  Lot Lines
 -  Easements
 -  Road Centerlines
 -  Water Names
 -  Parcels
 -  Shoreline
 -  Section Lines

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes* only and should not be relied on for any other purpose.

Date Created: May 18, 2009 1:16 PM



County of Monroe

Planning Department

2798 Overseas Highway Suite 410
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor Charles "Sonny" McCoy, Dist. 3
Mayor Pro Tem, Dixie Spehar, Dist. 1
Comm. George Neugent, Dist. 2
Comm. , Dist. 4
Comm. Glenn Patton, Dist. 5

We strive to be caring, professional and fair

September 14, 2006

Reed and Company Development Services
Attn: Mr. Joel Reed
91700 Overseas Highway Suite 3
Tavernier, Florida 33070

**SUBJECT: LETTER OF UNDERSTANDING (LOU) for the REDEVELOPMENT of
Parcels at 2 Thurmond Street having REAL ESTATE NUMBERS (RE)
00088160.000000 and 00088160.000100, approximate Mile Marker 99.**

Dear Mr. Reed,

Pursuant to Section 9.5-43 of the Monroe County Code (MCC) this document shall constitute a Letter of Understanding (LOU). On July 6, 2006, a meeting regarding the subject properties were held at the Monroe County Planning Department office in Plantation Key.

Attendees of this meeting included Mr. Joel Reed, agent and Mr. James Saunders, applicant (hereafter referred to as "the applicant") for the applicant; and Mr. Alexander Adams, principal planner, Ms. Julianne Thomas, planner, and Ms. Susan Blass, biologist (hereafter referred to as "staff").

MATERIALS PRESENTED

Materials presented for review prior to the meeting included:

- a) Application for a pre application conference; and
- b) Agency letter granting authorization to Reed and Company to act as agent on behalf of Piece of Paradise LLC; and
- c) Proof of ownership for Marr 100 Family, LTD included:
 - Property record card
 - Florida Department of State, Division of Corporation document
 - 2005 Annual Report
 - Contract for Purchase

Conclusions reached following the meetings as well as review of materials above include:

1. The parcels proposed for redevelopment are described as follows:
 - a. RE 00088160.000000 is a 1.76 acre parcel which is currently undeveloped. The land use designation for the parcel is Suburban Residential (SR) with a future land use map (FLUM) designation of Residential Low (RL). The parcel has

four flood zones: X, AE-10, VE-12, and VE-14. The parcel is designated as Tier IIIA under the proposed tier system. Approximately one-third acre along the southern boundary is designated as hammock, and is part of a 13.32 acre hammock. The legal description is Key Largo, El Dorado Heights, Block 2, Parcel B, Lots 1-16, E ½ Bay View Boulevard.

- b. RE 00088160.000100 is a 2.43 acre parcel which is currently hosts one single family residence, a chickee hut, and a dock extending into Florida Bay. The determination of lawfulness for this residence is forthcoming in a ROGO exemption letter. The land use designation for the parcel is Suburban Residential (SR) with a future land use map (FLUM) designation of Residential Low (RL). The parcel has four flood zones: X, AE 10, VE 12, and VE 14. The parcel is designated as Tier III under the proposed tier system. The parcel is designated as developed. The legal description is Key Largo, El Dorado Heights, Block 2, Parcel A, Lots 17-29, E ½ Bay View Boulevard.
2. The surrounding property has a variety of land use designations and uses. To the North is the Florida Bay. To the East is the Florida Aqueduct Authority and the site of recently approved 138 resort condominium hotel. To the South is US-1 and the median which is designated Suburban Commercial (SC) with several small businesses. To the West is a 13+ acre native hammock and one property which contains several buildings which is designation SR.
3. The property is located in a split flood zone with the following designations: VE 14, VE 12, AE 10, and X according to Federal Emergency Management Agency Maps. All new structures will be required to comply with the most restrictive flood zone requirements that the individual structures are located within.
4. Pursuant to MCC Section 9.5-256, Aggregation of Development, the applicant must aggregate the platted lots which compose the development and create one Real Estate Number in order to convert the property into a single complex with shared amenities. The maximum land use intensity, setbacks, and other development criteria shall apply to the aggregation of the lots.

MCC Section 9.5-256 states, "Any development which has or is a part of a common plan or theme of development or use, including but not limited to an overall plan of development, common or shared amenities, utilities or facilities, shall be aggregated for the purpose of determining permitted or authorized development and compliance with each and every standard of this chapter and for the purpose of determining the appropriate form of development review (Ord. No. 33-1986, § 9-226)."

5. Applicant has proposed building ten (10) single family homes with condominium ownership on the parcels.
6. Pursuant to MCC § 9.5-236 (a)(1), detached residential dwellings are allowed as of right in the SR land use district.

7. Pursuant to MCC Section 9.5-262 the site can accommodate a maximum of ten (10) permanent residential units at maximum net density and a minimum of two (2) permanent residential units at allocated density.

SR Residential Density								
	Site Size	Allocated Density Factor	Allocated Density	Open Space Ratio	Buildable Area in acres	Max Net Density Factor	Max Net Density	Units to be built
Both Parcels	4.19	0.5	2.10 or 2 units	0.5	2.095	5	10.475	10

8. In order to build a single family market rate residence, a ROGO allocation pursuant to MCC Section 120 or a ROGO exemption must be received for each residence. If the residence on site is determined to be lawfully established, the additional proposed one (1) (for allocated) to nine (9) (for maximum net) ROGO allocations or ROGO exemptions must be received. At this time, there is an approximate four (4) to six (6) year wait for a ROGO allocation. At this time, there is no mechanism in place to allow market rate residential units to be received at any site.

9. a text amendment is proposed to go forward to the Board of County Commissioners in October 2006 that may allow market rate permanent residential units to be received at a site in conjunction with an affordable housing project. 380 agreements have been pursued and approved by the Board, however the Department of Community Affairs (DCA) has expressed a reluctance in joining in a 380 Agreement for the transfer of market rate to be received as market rate while the text amendment is going forward for adoption by the Board and final approval by the DCA.

10. Pursuant to MCC Section 9.5-265, in addition to obtaining ROGO allocations and/or ROGO exemptions the applicant would also have to transfer in development rights (TDR's) in order to build at maximum net density.

11. Transferable development rights must be obtained pursuant to MCC § 9.5-265. The conditions for transferable development rights are as follows:

(a) *General:* All residential development rights allocated or established in Sections 9.5-262, 9.5-263 and 9.5-264 shall be transferable in whole or in part from one parcel of land to any other, including the transfer of residential rights to hotel rooms, provided that:

- (1) The development of the receiver site is approved as part of a conditional use permit;

Applicant will need to file a conditional use permit to identify the transfer site, receiver site, and to transfer the development rights from the transfer site to the receiver site.

- (2) The development of the receiver site does not exceed the maximum net densities set out in sections 9.5-262 and 9.5-267;

- (3) If the receiver site is located in an IS or IS-M district, no more than one (1) dwelling unit shall be developed on a platted lot;
- (4) If the receiver site is located in an IS-D district, no more than two (2) dwelling units shall be developed on a platted lot;
- (5) The development of the receiver site complies with each and every requirement of this chapter;
- (6) Prior to issuance of a building permit authorizing the development of a dwelling unit, all or a part of which is derived from a transferred development right, a deed of transfer shall be recorded in the chain of title of the transferor parcel containing a covenant prohibiting the further use of the transferor parcel for residential purposes other than as excess open space or yard appurtenant to a residential use that is located on a parcel of land that meets the density requirements of the comprehensive plan and this chapter; and
- (7) The allocated density of the receiver site is greater than or equal to the allocated density of the parcel from which the TDR is severed and the sensitivity of the receiver site as shown in section 9.5-345(a), "Clustering," is less than or equal to the sensitivity of the parcel from which the TDR is severed.

12. If ten (10) units are built but only two and one-tenth (2.1) units are allocated, the difference (7.91) between the allocated and maximum net density must be obtained from lands with an allocated density equal or lower to site proposed to be developed. The table below illustrates the Land Use designations available to transfer rights in as well as the number of acres needed in order to build the ten (10) units.

	Site Size (Acres) required	Allocated Density Factor	Allocated Density needed
SR	15.8	0.5	7.9
SS	15.8	0.5	7.9
NA	31.6	0.25	7.9
PR	31.6	0.25	7.9

- 13. The applicant expressed an interest in applying for a land use change from SR to Mixed Use (MU). In addition, the applicant would need to apply for a Future Land Use Map Amendment to Mixed Use/Commercial (MC).
- 14. Pursuant to MCC Section 9.5-262 the site can accommodate a maximum of 40 permanent residential units at maximum net density and a minimum of four (4) permanent residential units at allocated density.

MU Residential Density								
	Site Size	Allocated Density Factor	Allocated Density	Open Space Ratio	Buildable Area in acres	Max Net Density Factor	Max Net Density	Units to be built
Both Parcels	4.19	1.0	4.19 or 4	0.2	3.352	12	40.475	10

15. RE 00088160.000100 contains filled lands at the shoreline according to the submitted survey. Pursuant to MCC Section 9.5-349(b)(2)(b) principal structures along open water shorelines not adjacent to manmade canals, channels, or basins which have been altered by the legal placement of fill and where no mangrove fringe exists shall be setback at least thirty (30) feet as measured from mean high water (MHW). This is provided that native vegetation exists or is planted and maintained in a ten (10) feet width across the entire shoreline and is placed under a conservation easement. Otherwise the set back shall be fifty (50) feet as measured from mean high water (MHW) line. Pursuant to MCC Section 9.5-349(b)(1) principal structures along lawfully altered shorelines including manmade canals, channels, or basins shall be setback at least twenty (20) feet as measured from mean high water (MHW).
16. Pursuant to Section 9.5-349 (f) no enclosed structures other than a dock box of five (5) feet or less in height shall be allowed in the shoreline setback. A non-enclosed structure such as a tiki or gazebo may not exceed 200 square feet and the highest portion shall be no more than 12 feet above grade and must be detached from any principal structure on the parcel. No decks or habitable spaces shall be constructed on the roof of any non-enclosed gazebo. Screen enclosures over pools shall not exceed twelve (12) feet in height.
17. Pursuant to Section 9.5-349 (k) bulkheads, seawalls and rip rap shall be permitted as a principal use where it is demonstrated that their purpose is necessary for erosion control. No attachments such as davits, cleats or platforms that constitute a docking facility shall be allowed as accessory to a principal use. A cap of up to two (2) feet in width is allowed on a seawall without being considered a dock. No new seawall or hardened structures shall be permitted on open water. Existing deteriorated seawall/bulkheads may be repaired and or replaced within the existing footprint and are exempt from non-substantial improvements. All projects shall require approval by the Florida Department of Environmental Protection Agency and US Army Corps of Engineers.
18. Pursuant to Section 9.5-349 (m) docking facilities shall be permitted, provided that all required permits from the Florida Department of Environmental Protection and Army Corps of Engineers shall be obtained prior to issuance of a county permit.
19. All lawfully existing structures within the shoreline setback along man made canals, channels or basins may be rebuilt in the same footprint provided there will be no adverse impacts on storm water runoff, or navigation.
20. Staff recommends replacing all existing docking facilities within the same footprint Any additional changes will require a joint application with the Florida Department of Environmental Protection (DEP) and US army Corps of Engineers (ACOE). Replacement permits will require sealed engineer drawings and may still require DEP and ACOE agency letters.
21. Pursuant to Section 9.5-352, updated by Ordinance 035-2005, two (2) parking spaces will be required for each single family residence.

22. Pursuant to Section 9.5-281, the maximum height for any structure would be measured as 35 feet from the crown of the southbound lanes of US 1 adjacent to the parcel.
23. All parcels are classified as disturbed in the existing conditions map although RE 00088160.000000 does contain a portion of hammock. Pursuant to Section 9.5-346, mitigation standards and county environmental land management and restoration fund, the removal of any regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than four (4) inches shall require payment to the County Environmental Land Management and Restoration Fund in an amount sufficient to replace each removed plant or tree on a two to one (2:1) basis. The number, species, and sizes of trees and plants to be mitigated shall be identified in a vegetation survey approved by the county biologist. In addition, all invasive exotic species identified in Section 9.5-364(g) must be removed from the property prior to issuance of a certificate of occupancy.
24. Pursuant to Sections 9.5-375 - 379 of the MCC, Scenic Corridors and Buffer Yards, the district boundary buffer requirement between the Suburban Residential (SR) and Suburban Commercial (SC) zone is a Class "D" bufferyard on the eastern boundary of the site. The Class "D" bufferyard standards for every one hundred (100) linear feet ranges from twenty (20) to thirty-five (35) feet in width. The requirements for the twenty (20) feet width for every one hundred (100) linear feet is 6.6 canopy, 3.3 understory, and twenty-eight (28) shrubs. Applicant inquired about reducing this front yard setback along from Thurmond Street to from twenty-five (25) to ten (10) feet. Applicant may request a waiver from the Planning Director for up to ten feet, however, the Planning Director may only reduce the bufferyard by 10%, so if the minimum bufferyard width of 20 ft. is used, the applicant could request a waiver of 7 ft. from the Planning Director to reduce the front yard setback from 25 ft. to 18 ft. and reduce the required bufferyard from 20 ft. to 18 ft.
25. A major street buffer Class "E" will be required by Overseas Hwy. Class "E" bufferyard standards for every one hundred (100) linear feet ranges from thirty (30) feet to sixty (60) feet in width. The requirements at thirty (30) feet width for every one hundred (100) linear feet is twelve (12) canopy trees, six (6) understory, and thirty-six (36) shrubs. Existing native vegetation will count towards the bufferyard requirements.
26. Stormwater must be retained onsite with swales or approved drainage and not discharge directly into surface waters. Drainage calculations must be shown on the plans. This project will be reviewed by the County Engineering Department for compliance.
27. Wastewater treatment and disposal systems must meet the state and county standards (Section 9.5-294). It is suggested that the applicant contact the office for the Health Department at (305) 853-1900.

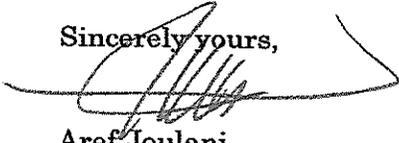
28. Pursuant to MCC Section 9.5-427, all entrances and drives and street intersections shall provide clear sight triangles in both directions.
29. Design Considerations: Staff encourages a public sidewalk should be provided along Thornton Street from US 1 to the end of the right of way at Florida Bay for public use to promote pedestrian oriented neighborhoods, neighborhood character and access to public areas as outlined in the Comprehensive Plan and Key Largo Master Plan goals.
30. A traffic impact analysis may need to be supplied presented to the Planning Department to be analyzed by the County's traffic consultant. Staff encourages the applicant to consider closing the entrance off US 1- Overseas Highway to prevent the increased traffic levels entering and exiting off a private drive in close proximity to an existing public road intersection. Thornton Street should be utilized as the primary entrance and exit.
31. Additionally Fire Department crews must be able to maneuver on the narrow roads and creating two points of access may accomplish this goal. Early coordination with the Fire Marshall is necessary in regards to fire safety and site access. The Fire Marshal can be contacted at telephone number 305-289-6010.

If this property is subject to a conditional use approval, the Planning Commission is empowered under MCC Section 9.5-63 to modify or deny any application based on their review of the appropriateness of the proposed development within the context of surrounding properties and compliance with the LDRs and 2010 Comprehensive Plan. In MCC Section 9.5-65 the Planning Commission and the Planning Director are required to consider all aspects of the development, impacts on the community and consistency with the goals, objectives and standards of the plan and LDRs before granting conditional use approval, approval with conditions or denial of a project. Therefore, the intensities, densities and possibilities for setback waivers detailed in this LOU are subject to the Planning Commission and/or the Planning Director conditional use review and approval.

Pursuant to MCC Section 9.5-43 of the Monroe County Land Development Regulations (LDRs), you are entitled to rely upon the representations set forth in this letter of understanding as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations, if the Plan or LDRs are amended the property and/or project will be required to be consistent with all goals, objectives and standards at the time of development approval. The Planning Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the November 17, 2005 meeting or the May 1, 2006 meeting, and consequently reserves the right for additional department comment. The information provided in this letter may be relied upon, with the previous disclaimers, for a period of three years. The Planning Director upon the request of the landowner may review and reaffirm the representations set forth in this letter for an additional period of time.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Plantation Key office at (305) 852-7100.

Sincerely yours,



Aref Joulani
Senior Administrator of Development Review

Cc: Ty Symroski, Growth Management Division Director
Ervin Higgs, Monroe County Property Appraiser
Julianne Thomas, Planner
Alex Adams, Principal Planner



DEVELOPMENT ORDER NO. 06-07

A DEVELOPMENT ORDER **APPROVING** THE TRANSFER OF 7.9563 DEVELOPMENT RIGHTS TO A RECEIVER SITE COMMONLY KNOWN AS PIECE OF PARADISE, LLC PHYSICALLY LOCATED AT 2 THURMOND STREET, KEY LARGO, LEGALLY DESCRIBED AS PT LOTS 9-11 IN SECTION 32, TOWNSHIP 31 SOUTH, RANGE 39 EAST PART DISCLAIMED ROAD LOTS 1 – 29 BK 2 EL DORADO HEIGHTS & 20' ALLEY HAVING REAL ESTATE NUMBERS 00088160.000000 & 00088160.000100 AT APPROXIMATE MILE MARKER 99.5.

WHEREAS, during a regularly scheduled public meeting held on April 10, 2007, the Monroe County Development Review Committee (DRC) conducted a review and consideration of the request filed by Piece of Paradise, LLC for transfer of development rights pursuant to Monroe County Code (MCC) §9.5-265; and

WHEREAS, the current development on the receiver site parcels in Key Largo is one (1) lawfully established single family home; and

WHEREAS, the subject property is located at 2 Thurmond Street, Key Largo; and

WHEREAS, the above described property is located in the Sub Urban Residential (SR) land use district and has the corresponding Residential Low (RL) future land use map designation; and

WHEREAS, the above described property is approximately 4.19 acres and can support two (2) single family homes as of right; and

WHEREAS, the DRC was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing:

- 1) The Application for an Amendment to a Major Conditional Use received by the Monroe County Planning and Environmental Resources Department; and
- 2) The staff report prepared by Julianne Thomas, Planner dated April 9, 2007; and
- 3) Comments by Growth Management Staff; and
- 4) Comments by the Public.

WHEREAS, pursuant to §9.5-265(a) of the Monroe County Code (MCC), all residential rights allocated or established in MCC §§9.5-262,263 and 264 shall be transferable in whole or in part from one parcel of land to any other provided that the following conditions are met:

- (1) The development of the receiver site is approved as part of a conditional use permit;
- (2) The development of the receiver site does not exceed the maximum net densities set out in sections 9.5-262 and 9.5-267;
- (3) If the receiver site is located in an IS or IS-M district, no more than one (1) dwelling unit shall be developed on a platted lot;
- (4) If the receiver site is located in an IS-D district, no more than two (2) dwelling units shall be developed on a platted lot;
- (5) The development of the receiver site complies with each and every requirement of this chapter;
- (6) Prior to issuance of a building permit authorizing the development of a dwelling unit, all or a part of which is derived from a transferred development right, a deed of transfer shall be recorded in the chain of title of the transferor parcel containing a covenant prohibiting the further use of the transferor parcel for residential purposes other than as excess open space or yard appurtenant to a residential use that is located on a parcel of land that meets the density requirements of the comprehensive plan and this chapter; and
- (7) The allocated density of the receiver site is greater than or equal to the allocated density of the parcel from which the TDR is severed and the sensitivity of the receiver site as shown in section 9.5-345(a), "Clustering," is less than or equal to the sensitivity of the parcel from which the TDR is severed.

WHEREAS, Staff determined that the application met the standards required in MCC § 9.5-265(a) (2), (3) and (4); and

WHEREAS, Staff determined that if this application is approved as a minor conditional use, MCC §9.5-265(a)(1) shall be met; and

WHEREAS, Staff could not determine compliance with MCC §9.5-265(a)(5) as no site plan for the development of the site has been provided; and

WHEREAS, Staff could not determine compliance with MCC §9.5-265(a)(6) as only one (1) single family home exists on the site; and

WHEREAS, Staff determined that the transfer of development rights from the parcels on Big Pine Key and Summerland Key are in compliance with MCC §9.5-265(a)(7); and

WHEREAS, Staff could not determine compliance of the transfer of development rights from Sugarloaf Key with MCC §9.5-265(a)(7) for the following reasons:

- 1) The development rights to be transferred are in part or in whole from lots with the Improved Subdivision (IS) land use designation; and
- 2) IS lots have an allocated density of one (1) dwelling unit per lot; and
- 3) The MCC does not provide a method of converting IS density to an allocated density per acre.

WHEREAS, a Settlement Agreement dated February 13, 2006, ("Agreement") between Monroe County, Lloyd A. Good and Piece of Paradise, LLC was entered into between those parties, and is attached as Exhibit A; and

WHEREAS, this Agreement states that the Owner of the property advised the Monroe County Attorney's Office of his intention to file a Declaratory Action in the Circuit Court of Monroe County not only to declare that a transfer from IS to a land use district with allocated density should be allowed but also for damages, costs, and attorneys fees; and

WHEREAS, on March 1, 2007, a certificate was signed by Andrew Trivette, Acting Growth Management Division Director, recognizing development rights had been severed from properties on Sugarloaf Key to increase the density on any residential parcel to the maximum density allowed pursuant to the Monroe County Code and is attached as Exhibit B; and

WHEREAS, a transfer from IS to SR may not be permitted under the MCC Section 265(a)(7), but the site does meet the criteria set forth in the certificate agreement as the parcel is residential and the maximum net density is not greater than permitted under MCC §9.5-262; and

WHEREAS, pursuant to this Agreement, the TDR's can be transferred to the receiver site; and

WHEREAS, after consideration of the testimony and evidence present, the DRC recommends the following Findings of Fact and Conclusions of Law:

1. The application meets the standards required in MCC § 9.5-265(a) (2), (3) and (4); and
2. If approved as a minor conditional use, MCC §9.5-265(a)(1) shall be met; and
3. The application is in compliance with MCC§9.5-265(7) pursuant to the Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE SENIOR DIRECTOR OF PLANNING & ENVIRONMENTAL RESOURCES OF MONROE COUNTY, FLORIDA;

Section 1. The request by Piece of Paradise, LLC for transfer of 7.9563 development rights as listed in Table 1 below is **APPROVED**:

Table 1 - Development Rights to be Transferred

Real Estate Numbers	TDR's
00114570.000000 & 00114600.000000	1.1
00111075.044000	0.38
00111073.087000	0.2238
00111075.083000	0.2525
166972.000100	1
166972.000200	1
166972.000300	1
166972.000400	1
166972.000500	1
166972.000600	1
TOTAL	7.9563

Section 2. The Approval is SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Any development on the receiver site shall comply with each and every requirement of Monroe County Code Chapter 9.5; and
- B. The transfer of development rights shall occur pursuant to MCC §9.5-265(b); and
- C. Prior to issuance of a building permit authorizing the development of a dwelling unit, all or a part of which is derived from a transferred development right, a deed of transfer shall be recorded in the chain of title of the transferor parcel containing a covenant prohibiting the further use of the transferor parcel for residential purposes other than as excess open space or yard appurtenant to a residential use that is located on a parcel of land that meets the density requirements of the comprehensive plan and this chapter; and
- D. The project shall comply with inclusionary housing requirements pursuant to MCC § 266 (b) meaning that in order to build nine (9) additional single family dwellings on a single or contiguous parcel(s) that four (4) affordable housing units must be built prior to or concurrent with the market rate units. These units cannot have been identified as affordable housing units for any other project and shall follow the concurrency schedule below:
 - 1. Prior to the C.O for the fourth market rate unit, one (1) affordable housing unit shall have a C.O.; and
 - 2. Prior to the C.O for the sixth market rate unit, two (2) affordable housing units shall have C.O.s; and
 - 3. Prior to the C.O for the eighth market rate unit, three (3) affordable housing units shall have C.O.s; and

4. Prior to the C.O for the tenth market rate unit, four (4) affordable housing units shall have C.O.s.

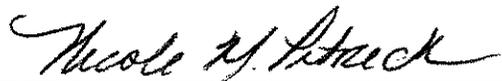
Date 5/11/2007



Aref Joulani,
Senior Director of Planning & Environmental Resources

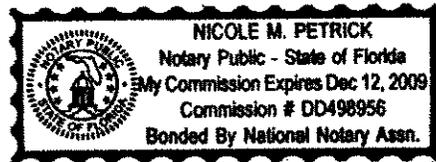
I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Aref Joulani, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me the she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 11th day of May, 2007.



NOTARY PUBLIC, STATE OF FLORIDA

REFERENCE: In the event that this development order constitutes an amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following _____



NOTICE

Section 9.5-72(a)(1) of the Monroe County Code states that a conditional use permit shall not be transferred to a successive owner without notification to the Development Review Coordinator within five (5) days of the transfer.

Under the authority of Section 9.5-72(a) of the Monroe County Code, this development order shall become null and void with no further notice required by the County, unless a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the Monroe County Building Official within six (6) months of the expiration of the Florida Department of Community Affairs appeal period or the date when the Florida Department of Community Affairs waives its appeal and all required certificates of occupancy are procured with two (2) years of the date of this development order is approved by the Director of Planning & Environmental Resources.

If this development order is appealed under Monroe County code or by the Florida Department of Community Affairs, the above time limits shall be tolled until the appeals are resolved.

This instrument shall not take effect for thirty (30) working days following the date of memorialization thereof, and during that time permit shall be subject to appeal as provided in Section 9.5-521(d) of the Monroe County Code. An appeal shall stay the effectiveness of this instrument until resolved.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty-five (45) days following the rendition of the Florida Department of Community Affairs. During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 21, 2007

Division: County Attorney

Bulk Item: Yes No

Department: County Attorney

Staff Contact Person: Bob Shillinger, ext. 3474

AGENDA ITEM WORDING: Approval of Settlement Agreement to resolve potential lawsuit by Lloyd Good regarding transferability of development rights.

ITEM BACKGROUND: Mr. Good owns several lots on Sugarloaf Key. The lots in question are on Sugarloaf Blvd. and include potential marsh rabbit habitat. Good has indicated that he is considering filing a declaratory judgment action to clarify his rights to transfer development rights off the lots, as there are conflicting interpretations of the Code. Under his proposed settlement agreement, the County would confirm that he could sell the TDRs in question to a third party who will go through the conditional use process to get approval to use the TDRs on a receiver site. The settlement agreement also clarifies ownership of TDRs and ROGO points and provides that Piece of Paradise, LLC will transfer its lots in the subdivision to the County. Good would also deed his property to the County. Monroe County will then own all the lots and tracts within the subdivision and twenty-four (24) TDRs. This agreement will eliminate any potential liability for a taking by inverse condemnation. The proposed Settlement Agreement is attached as backup.

PREVIOUS RELEVANT BOCC ACTION: Discussion on this subject and conceptual approval.

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS: Approve Settlement Agreement.

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

SETTLEMENT AGREEMENT

THIS AGREEMENT is made this ____ day of February, 2007 by and among Lloyd A. Good, Jr. (hereinafter Owner), Piece of Paradise LLC (hereinafter Developer), and Monroe County, a political subdivision of the state of Florida (hereinafter County).

WITNESSETH:

WHEREAS, Owner owns the fee simple title to six tracts and thirty-one lots situated in Sugarloaf Shores Section "C" Extension, a platted subdivision as recorded in Plat Book 7, page 34 of the public records of Monroe County, Florida, a copy of which amended plat and those tracts and lots subject to this agreement which are not marked with an [X] is attached hereto, made a part hereof and marked Exhibit 1; and

WHEREAS, the above referenced subdivision is zoned IS, Improved Subdivision and consists of approximately forty (40) acres; and

WHEREAS, Owner has agreed by written agreement dated September 19, 2006, with Developer to transfer by deed the following twenty-four lots shown on Exhibit 1 and marked with an X to Developer on February 28, 2007, lots 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 54 and 55 all of which, are called "ROGO lots", each having received dedicatable ROGO lot letters from the County biologist; and

WHEREAS, the Owner on December 12, 2006 by the terms of above said agreement deeded lots 41, 42, 43, 44, 45, and 46 shown on Exhibit 1 to Developer for valuable consideration together with the letters from the County biologist that each of said six lots was ROGO dedicatable; and

WHEREAS, it is Developer's specific intent to transfer by fee simple deed all of the above twenty-four lots to County in exchange for ROGO points as set forth in said letter of dedicatability; and

WHEREAS, on December 15, 2006 Owner and Developer entered into the written agreement attached hereto made a part hereof and marked Exhibit 2 which agreement was "contingent on the qualification of the individual transfer development rights TDR's at the rate of one IS zoned TDR which shall transfer as one SR or greater TDR"; and

WHEREAS, Monroe County Code Section 9.5-265 provides that all residential development rights allocated or established in Section 9.5-262, 9.5-263 and 9.5-264 shall be transferable in whole or in part from one parcel of land to any other in accordance with Monroe County Code Section 9.5-265; and

WHEREAS, Monroe County Code Section 9.5-263 provides that notwithstanding the density limitation of Section 9.5-262 the owner of a lot in an improved subdivision district such as Section "C" Extension shall be entitled to develop a single family detached dwelling on the lot; and

WHEREAS, Owner on December 21, 2006, presented to County an Affidavit of Ownership and Intent to transfer development rights pursuant to Monroe Code Section 9.5-265(b)(1) a copy of which is attached hereto and incorporated herein Exhibit 3; and

WHEREAS, there have been conflicting interpretations of the meaning of Code Sections 9.5-265 and 9.5-263. One such interpretation of those code sections provided that, contrary to their explicit language, the ordinances did not permit the transfer of development rights from an IS district to an SR district; and

WHEREAS, because of this interpretation, which the Owner believes to be in error, Owner has advised the Monroe County Attorney's Office of Owner's intention to file a Declaratory Judgment

Action in the Circuit Court of Monroe County not only to declare that such a transfer is proper and should be allowed but for damages, costs, and attorney's fees; and

WHEREAS, County, Owner and Developer, are interested in resolving this matter to the mutual benefit of all parties without Court litigation and/or cost.

NOW THEREFORE, the parties hereto intending to be legally bound hereby agree on behalf of themselves, their heirs, successors, and assigns as follows:

1. Each of the thirty-one lots and six tracts agreed to be sold by Owner to Developer under Exhibit 2 attached hereto shall have one development right which shall be transferable by Owner to Developer or its assigns so that each IS lot will entitle Developer or its assigns to increase the density on any other residential parcel to the maximum residential density allowed per area as set forth in the Monroe County Code.
2. Developer agrees pursuant to the conditions set forth in Code Section 9.5-265(a) that any proposed development of any receiver site shall be approved as part of a conditional use permit, that the development of any proposed receiver site will not exceed the maximum density set out in Section 9.5-262 and 9.5-267 and that the sensitivity of any receiver site shall be less than or equal to the sensitivity of Section "C" Extension shown in Exhibit 1.
3. Owner and Developer agree that as an additional benefit to County, title to the fee of each of the six tracts and thirty-one lots less their TDR's shall be transferred to County by Owner or Developer in order to vest in County the entire fee to all of Section "C" Extension shown on Exhibit 1 once County receives the fee to the twenty-four ROGO lots from Owner or Developer.

4. As soon as this Agreement is approved by the County Commission, and documentation satisfactory to County concerning title and any other concerns of County is received, Developer and/or Owner will transfer title to the twenty-four ROGO lots to County in fee simple. At the present time, the donation of these lots is worth two points per lot; if the Tier System currently under challenge is implemented, the donation of these lots shall entitle the Owner, Developer or assignees to four points per lot. The points shall be determined at the time of the use, that being at the time of the development approval which utilizes the points.
5. Owner and/or Developer will transfer title to the six tracts and thirty-one lots covered by Exhibit 2 to County in exchange for the transfer of the thirty-seven residential development rights on thirty-seven tracts and lots to Developer or its assigns; the residential development rights shall be memorialized in a certificate authorized by the Monroe County Commission and issued by the County that will identify each TDR with its underlying property so that each TDR can thereafter be transferred by warranty deed. The County shall retain the residential development rights on the twenty-four (24) ROGO lots.
6. Each of the ROGO allocation points referenced in Section 5 above shall be given a specific designation and memorialized in a certificate authorized by the Monroe County Commission and issued by the County that will allow for the assignment to third parties of any or all of the ROGO allocation points by the Developer and/or Owner and/or their respective successors and/or assigns. ROGO points are not eligible for donation to properties within the Big Pine Key and No Name Key Habitat Conservation Plan area. The transfer of any of the aforementioned ROGO

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SUGARLOAF LODGE

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allocation points shall be by a notarized Assignment of Interest, which shall become effective either upon delivery to the County Attorney for Monroe County or recordation in the Public Records of Monroe County, Florida. Prior to the transfer of the property set forth in Section 5, the County Attorney will deliver to the Developer and Owner a formal legal opinion setting forth the reasonable procedures to apply the ROGO allocation points to receiver sites.

IN WITNESS WHEREOF the parties hereto have set their hands and seals on the aforesaid date.

OWNER

Lloyd A. Good, Jr.
Lloyd A. Good, Jr.

MONROE COUNTY BOARD
OF COUNTY COMMISSIONERS

Mayor Mario DiGennaro
Mayor Mario DiGennaro

(Seal)

PIECE OF PARADISE LLC
Steven W. Pollack
Title: Partner
Print Name: STEVEN W POLLACK

ATTEST: DANNY KOLHAGE
CLERK
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Susan M. Grimsley
SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY
Date: 2-13-06

SANTE CHRISTOPHER & PAMELA
P O BOX 3006
KEY LARGO FL 33037

SEASIDE RENTALS 2 LLC
PO BOX 3006
KEY LARGO FL 33037

SEASIDE RENTALS 3 LLC
PO BOX 3006
KEY LARGO FL 33037

SEASIDE RENTALS 4, LLC
PO BOX 3006
KEY LARGO FL 33037

ELWELL ROSS D & ELWELL
JANICE T/C
1757 OVERSEAS HIGHWAY
MARATHON FL 33050

NELSON DARLING JULINA
P O BOX 371154
KEY LARGO FL 33037

FLA KEYS AQUEDUCT COMM
P O BOX 1239
KEY WEST FL 33040

SANTAGUIDA TONY AND JEAN
99022 OVERSEAS HWY
KEY LARGO FL 33037

MONROE COUNTY
502 WHITEHEAD ST
KEY WEST FL 33040

UNITED STATES OF AMERICA
DIRECTOR NATIONAL PARK SERVICE
WASHINGTON DC

NORTHSTAR RESORT
ENTERPRISES CORP
4775 COLLINS AVE APT 4003
MIAMI BEACH FL 33140-5208

DJ 98990 INVESTMENTS LLC
C/O THE KERN COMPANY
8200 NW 33RD ST STE 105
DORAL FL 33122

HERON BAY VENTURE LLC
102901 OVERSEAS HWY
KEY LARGO FL 33037



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Development Review Committee and Townsley Schwab, Sr. Director of Planning & Environmental Resources

From: Steven Biel, Sr. Planner

Date: July 17, 2009

Subject: *Request for a Minor Conditional Use Permit to Transfer 7.985 Transferable Development Rights (TDRs) from 2 Thurmond Street, Key Largo, mile marker 99 to an undetermined, future receiver site*

Meeting: July 21, 2009

1 I REQUEST:

2
3 The applicant is requesting a minor conditional use permit in order to transfer 7.985
4 transferable development rights (TDRs) from the Heron Bay Venture, LLC property, located
5 at 2 Thurmond Street on Key Largo, to a receiver site(s) to be determined at a later date.

6
7 Applicant:

8
9 Receiver Site Owner(s): To be determined at later date

10
11 Sender Site Owner: Heron Bay Venture, LLC

12
13 Agent: Joel Reed, Solaria Design & Consulting Co.

14
15 II RELEVANT PRIOR COUNTY/CITY ACTIONS:

16
17 On February 13, 2006, a Settlement Agreement was entered into between the County, Lloyd
18 A. Good, and Piece of Paradise, LLC to settle a dispute regarding the transfer of TDRs from
19 an Improved Subdivision (IS) district to a Suburban Residential (SR) district. Mr. Good
20 owned several IS lots on Sugarloaf Key and indicated he was considering filing a declaratory
21 judgment action to clarify his rights to transfer TDRs off the IS lots, as there was conflicting
22 interpretation of the Code. Under the Settlement Agreement, the County confirmed that Mr.
23 Good could sell the TDRs in question to a third party who would go through the conditional
24 use permit process for approval to use the TDRs on a receiver site. The Settlement
25 Agreement also clarified ownership of TDRs and ROGO points and provided for Piece of
26 Paradise, LLC transferring its lots in the subdivision to the County.

27
28 During the latter part of 2006, the parcel identified as real estate no. (RE) 00088160.000000,
29 undeveloped with a Tier 3A designation, was aggregated with a parcel identified as RE
30 00088160.000100.

31

1 On May 11, 2007, Development Order No. 06-07 approved the transfer of 7.9563
2 development rights to a receiver site commonly known as Piece of Paradise, LLC, which is
3 the subject property of the request being considered.
4

5 An Affidavit of Intent to Transfer Development Rights was signed by James Saunders,
6 President of Bay View Development, on May 19, 2009. The affidavit states that the Affiant
7 intends to transfer 7.985 development rights to an undetermined receiver site
8

9 **III BACKGROUND INFORMATION:**

10
11 Receiver Site(s) Location:

12
13 Unknown, to be determined and approved at later date
14

15 Sender Site Location:

16 Address: 2 Thurmond Street, Key Largo, mile marker 99.5 (bay side)

17 Legal Description: Part Lots 9-11 in Section 32, Township 31 South, Range 39 East, Part
18 Disclaimed Road BCC 87-1973, FKA Block 2, Lots 1-29, 20' Alley and E1/2 Bay View
19 Boulevard, El Dorado Heights (PB1-203), Key Largo, Monroe County, Florida
20
21

22 Real Estate (RE) Number: 0088160.000100
23
24



44 Sender Site (outlined in blue) (2006)

45
46 Size of Site: Approximately 4.29 acres

47 Land Use District: Suburban Residential (SR)

48 Future Land Use Map (FLUM) Designation: Residential Low (RL)
49
50
51

1 Tier Designation: Part Tier 3 and part Tier 3A
 2 Existing Use: One single-family residential unit
 3 Existing Vegetation / Habitat: - Partially hammock
 4 Community Character of Immediate Vicinity: Mixed Use; to the north is Florida Bay, to
 5 the east is a Florida Keys Aqueduct Authority facility and the North Star site, to the west
 6 is a 13+ acre hammock, and to the south is US 1.

7
 8
 9
 10
 11 **IV REVIEW OF APPLICATION:**

12 Pursuant to MCC §130-160, all residential development rights allocated or established in
 13 sections 130-157, 130-158 and 130-159 shall be transferable in whole or in part from one
 14 parcel of land to any other, including the transfer of residential rights to hotel rooms,
 15 provided that the following conditions are met:

- 16
 17
 18 1. *The development of the receiver site is approved as part of a conditional use permit.*
 19 **Compliance to be determined when receiver site(s) is identified and approved by the**
 20 **Director of Planning.**

21 A receiver site or sites have not been identified at this time. At such time a receiver site
 22 is determined, a review by the Planning Department will be performed for compliance. A
 23 separate minor conditional use permit application and development order shall be
 24 required for each non-related, receiver site.

- 25
 26
 27 2. *The development of the receiver site does not exceed the maximum net densities set out in*
 28 *sections 130-157 and 130-162. To be determined when receiver site(s) has been*
 29 **identified.**

30
 31 Residential Density on Receiver Site

Allocated Density	Total Size of Site	Allocated Allowed	Open Space Ratio	Buildable Area	Max Net Density	Max Net Allowed	Proposed	Potential Used
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

- 32
 33
 34 3. *If the receiver site is located in a IS or IS-M district, no more than one (1) dwelling unit*
 35 *shall be developed on a platted lot. To be determined when receiver(s) site has been*
 36 **identified.**
 37
 38 4. *If the receiver site is located in an IS-D district, no more than two (2) dwelling units shall*
 39 *be developed on a platted lot. To be determined when receiver site(s) has been*
 40 **identified.**
 41
 42 5. *The development of the receiver site complies with each and every requirement of this*
 43 *chapter. To be determined when receiver site(s) has been identified.*
 44
 45 6. *Prior to issuance of a building permit authorizing the development of a dwelling unit, all*
 46 *or part of which is derived from a transferred development right, a deed of transfer shall*

1 *be recorded in the chain of title of the transferor parcel containing a covenant*
2 *prohibiting the further use of the transferor parcel for residential purposes other than as*
3 *excess open space or yard appurtenant to a residential use that is located on a parcel of*
4 *land that meets the density requirements of the comprehensive plan and this chapter. To*
5 **be determined when receiver site(s) has been identified.**
6

- 7 7. *The allocated density of the receiver site is greater than or equal to the allocated density*
8 *of the parcel from which the TDR is severed and the sensitivity of the receiver site, as*
9 *shown in section 118-7(1), is less than or equal to the sensitivity of the parcel from which*
10 *the TDR is severed. To be determined when receiver site(s) has been identified.*
11

12 V RECOMMENDATION:
13

14 Staff recommends APPROVAL to the Director of Planning & Environmental Resources with
15 the following conditions:
16

- 17 a. This development order only establishes the subject parcel as an eligible sender site for
18 7.985 transferable development rights. A new minor conditional use permit application
19 and development order shall be required for each non-related, receiver site identified in
20 the future. Receiver site(s) shall be reviewed for eligibility and compliance with the
21 Monroe County Comprehensive Plan and Land Development Code at that time.
22
- 23 b. If this application is approved by the Director of Planning & Environmental Resources,
24 the 7.985 transferable development rights shall be assigned unique identifier numbers to
25 be tracked by the Planning & Environmental Resources Department.
26
- 27 c. Prior to issuance of any building permit authorizing the development of a dwelling unit,
28 all or part of which is derived from a transferred development right, a deed of transfer
29 shall be recorded in the chain of title of the transferor parcel containing a covenant
30 prohibiting the further use of the transferor parcel for residential purposes other than as
31 excess open space or yard appurtenant to a residential use that is located on a parcel of
32 land that meets the density requirements of the Monroe County Comprehensive Plan and
33 Monroe County Land Development Code.