

This instrument was prepared by:

Name: Juan J. Mayol, Jr., Esq.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3300
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, MARADORAL HOLDINGS, LLC, a Florida limited liability company (the "Owner"), holds the fee simple title to that certain parcel of land, which is legally described in Exhibit "A" to this Declaration (hereinafter the "Property");

NOW, THEREFORE, in order to assure the City of Doral (the "City") that the representations made by the Owner during consideration of the application for approval of the site plan for the Property by the City of Doral City Council on September 17, 2014 and approved pursuant to Resolution No. 14-150 (the "Application") will be abided by, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Hotel Occupancy.** Hotel room occupancy on the Property shall be limited to a maximum of six (6) months.

2. **Miscellaneous.**

A. **City Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the City, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the

premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

B. Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at the Owner's expense, in the Public Records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner, its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.

C. Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date that this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by the City of Doral and the Owner as described below.

D. Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of such portion of the Property that is covered under such modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Director of the City of Doral Department of Planning and Zoning, or the executive officer of the successor of such Department. Should this Declaration of Restrictions be so modified, amended or released, the Director of the City of Doral Department of Planning and Zoning, or the executive officer of the successor of such

Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

E. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

F. Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

G. Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect.

H. Governing Laws. This Agreement shall be governed and construed in accordance with the laws of the State of Florida. The Owners agree that Miami-Dade County, Florida is the appropriate venue in connection with any litigation with respect to this Covenant.

I. Recording. This Declaration shall be filed of record in the Public Records of Miami-Dade County, Florida, at the cost of the Owner, following the adoption by the City Council of the City of Doral of a resolution approving the Application.

J. Effective Date. The Effective Date shall be the date of recording of this Covenant in the Public Records of Miami-Dade County, Florida.

[Signature Pages Follow]

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 6th day of October, 2014.

WITNESSES:

MARADORAL HOLDINGS, LLC,
a Florida limited liability company

[Signature]
Signature

MEDARDO GUTIERREZ
Print Name

By: [Signature]

CARLOS OSORIO -
Print Name/Title

Signature

Print Name

Address: 2655 LeJeune Road
Suite 316
Coral Gables, FL 33133

STATE OF FLORIDA)
) SS.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 6th day of October, 2014, by Carlos Osorio on behalf of Maradoral Holdings, LLC, who is personally known to me or has produced _____ as identification, and acknowledged that they did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

[Signature]
Notary Public, State of Florida
Manajose Vergara
Print Name



EXHIBIT "A"LEGAL DESCRIPTION OF SUBJECT PROPERTY:

The East ½ of the West ½ of the East ½ of Tract 39, Section 17, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the Plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.

Tax Folio # 35-3017-001-0393.

and

A portion of the East ½ of Tract 40, less the North 25.00 feet of the South 40.00 feet thereof, Florida Fruit Lands Company's Subdivision, in Section 17, Township 53 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Tract 40; thence N01°42'49"W along the East line of said Tract 40, for a distance of 329.97 feet to a point; thence S89°40'48"W along the North line of said Tract 40, for a distance of 236.08 feet to the Point of Beginning of the following described parcel of land; thence continue S89°40'48"W along the North line of said Tract 40 for a distance of 248.08 feet to a point; thence S00°19'13"E for a distance of 289.87 feet to a point; thence N89°40'51"E along a line 40 feet North of and parallel with the South line of said Tract 40, for a distance of 248.00 feet to a point; thence N00°19'13"W for a distance of 289.87 feet to the Point of Beginning Containing 1.65 Acres.

RESOLUTION NO. 14-150

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING A SITE PLAN MODIFICATION FOR COSMOPOLITAN HOTELS (FORMALLY KNOWN AS PLACETAS SITE PLAN), FOR THE PROPERTY GENERALLY LOCATED WEST OF NW 102 AVENUE BETWEEN NW 58 STREET AND NW 60 STREET, CITY OF DORAL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Maradoral Holding, LLC ("Applicant") is requesting approval for a site plan modification for Cosmopolitan (formally known as Placetass) generally located west of NW 102 Avenue between NW 58 Street and NW 60 Street; and

WHEREAS, the "Placetass" Site Plan was approved by Resolution No. Z06-15; and

WHEREAS, the requested modification to the existing Site Plan Resolution No. Z06-15 will incorporate the 1.25 ± acre parcel south of NW 60 Street; and

WHEREAS, on September 17, 2014, at a properly advertised hearing the City Council received testimony and evidence related to the Application from the Applicant and other persons and found that after careful review and deliberation, including a review of staff's recommendation, determined that the Site Plan Modification request is not consistent with the City's Land Development Code; and

WHEREAS, the City Council finds that the proposed site plan modification is consistent with the City's Comprehensive Development Master Plan and Land Development Code, as adopted and supported by staff and the City Council.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DORAL THAT:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Decision. The City Council finds that the Cosmopolitan Site Plan is consistent with the City's Land Development Code, and therefore approves the site plan modifications subject to the following conditions:

1. The owner shall show a 30'-0" public access easement, along theoretical NW 60 Street, on the Site Plan and Plat. If Miami-Dade County Fire Department requires an access drive at theoretical NW 60 Street, the owner shall be responsible for the construction of said drive in the appropriate 30'-0" wide public access easement.
2. The owner shall provide an internal drive connection to those properties east, west, and north (if required) via a cross access agreement with said property owners.
3. The Applicant shall provide a restrictive covenant indicating that the proposed extended stay hotel units will not be occupied for more than 6 months by no more than one person as provided under Section 52-2 of the Land Development Code *Definitions Hotels*.
4. The Applicant shall receive approval from the Miami-Dade Fire Rescue, the Department of Environmental Resource Management, and the Miami-Dade County Traffic Division prior to submitting for building permits.
5. The Applicant must address all outstanding comments generated by the City's traffic consultants and Public works Director.
6. The Applicant shall provide adequate security (on site) during the entire time of construction between the hours of 7:00 pm and 7:00 am; Monday through Friday, and 24 hours during weekends and holidays.
7. All applicable impact fees shall be paid by the Applicant prior to issuance of a building permit.
8. The proposed project shall be built in substantial conformance with the plans entitled Cosmopolitan Plaza & Suite, prepared by Cristina Fandino Architect, Inc. consisting of 15 sheets date received February 25, 2014, as amended. (Exhibit A)

9. The Property shall be landscaped in accordance with the landscape plan, prepared by Royal Point Land Surveyors, Inc., date received February 25, 2014, as amended, and included with the site plan submittal.
10. Issuance of this development permit by the City of Doral does not in any way create any right on the part of an Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Doral for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
11. All applicable local, state and federal permits must be obtained before commencement of the development.
12. Flood elevations shall be reviewed and approved for consistency with FEMA requirements and the City Floodplain Management Ordinance prior to building permit approval.
13. The hours of operation during the construction shall adhere to as per Noise Ordinance No. 2011-01.
14. The Applicant shall submit a construction staging plan for review and approval prior to commencement of construction. The staging area shall be kept clean at all times, adequately screened and located away from view of existing homes located adjacent to the construction site.
15. Access points for construction vehicles shall be identified as part of the construction plan submitted to the City. Construction vehicles with access to site shall adhere to existing "no thru truck" areas.
16. The Applicant shall provide a Construction Air Quality Management Plan to the Department prior to the start of construction.
17. A Stormwater Pollution Prevention Plan (SPPP) must be submitted by the Applicant at time of building permit. The Plan should provide guidelines for implementing an erosion and sedimentation control program before the site is cleared or graded, including areas where top soil will be removed and contours of slopes will be cleared. The Plan shall also include location and type of erosion control measures, storm water and sediment management systems, and a vegetative plan for temporary and permanent stabilization. The Plan shall remain on-site for the duration of the construction activity.
18. The Applicant shall preserve existing trees (including native trees) during the development of the project, wherever possible. If the trees must be removed, the Applicant shall be required to mitigate the impact in accordance with DRER requirements. If the relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with DRER requirements.

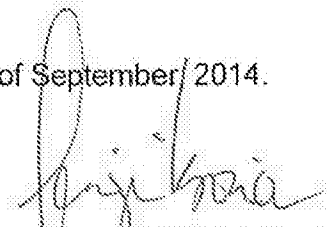
19. The Applicant shall meet the requirements of the Miami-Dade County Water-Use Efficiency Standards Manual, effective January 2009, as may be amended from time to time.
20. All stormwater shall be retained on site in accordance with applicable law.
21. All stormwater drainage systems shall be maintained in working conditions at all times in order to avoid localize flooding during and after a storm. Parking shall be prohibited on top of any drainage inlet or drainage manhole.
22. If more than one (1) acre of land is disturbed during construction the Contractor/Developer is responsible to obtain NPDES Stormwater permit coverage through the Florida Department of Environmental Protection (FDEP) Construction Generic Permit (CGP). If the project is less than one (1) acre, but part of a larger common plan of development or sale that will ultimately disturb one or more acres, permit coverage is also required. Instruction to request and obtain a CGP can be found at: <http://www.dep.state.fl.us/water/stormwater/npdes/docs/cgp.pdf>. Contractor/Developer should submit the Notice of Intent (NOI) with the appropriate processing fees to the NPDES Stormwater Notices Center. Contractor/Developer must apply for permit coverage at least two (2) days before construction begins.
23. Noncompliance with the approved site plan and the terms of this approval shall be considered a violation of the City Code. Penalties for such violation(s) shall be prescribed by the City Code.
24. Approval Traffic Analysis Plan, if required.
25. Approval from Miami-Dade Public Works Traffic Division, if required.
26. Compliance with Chapter 77 "Roads Vehicular Use Areas" of the City Land Development Code.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

The foregoing resolution was offered by Councilmember Rodriguez who moved its adoption. The motion was seconded by Councilmember Rodriguez Aguilera and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED/DISAPPROVED and ADOPTED this 17 day of September/2014.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE SOLE USE AND RELIANCE OF THE CITY OF DORAL:



WEISS SEROTA HELEMAN PASTORIZA COLE & BONISKE, PL
CITY ATTORNEY