

This instrument was prepared by:

Joseph G. Goldstein, Esq.  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3300  
Miami, Florida 33131

---

**NOTICE OF APPROVAL OF A SITE PLAN MODIFICATION FOR THE 5 PARK  
PROJECT PURSUANT TO SECTION 13 OF THE DEVELOPMENT AGREEMENT  
RECORDED IN ORB 30628, PG 3272 AND SECTION 24-172 OF CITY CODE**

In accordance with the Development Agreement dated July 20, 2017, by and among the City of North Miami Beach, a Florida municipal corporation (the "City"), and LAAAJ, LLC (the "Developer"), as recorded in Official Records Book 30628 at Page 3272 of the Public Records of Miami-Dade County, Florida (the "Development Agreement"), for the 5 Park project located at 16955, 17005, 17017, 17035 and 17071 West Dixie Highway, North Miami Beach, Florida, as legally described in the attached EXHIBIT A (the "Project"), notice is hereby given of the following approval of a site plan modification granted by the City pursuant to Section 13 of the Development Agreement and Section 24-172 of the City's Zoning and Land Development Code:

Site plan entitled "5 Park," as prepared by MSA Architects, Inc., Ross Engineering, Inc., Witkin Hults and Partners, and Lighting Dynamics Incorporated, and date stamped received August 19, 2020 for the development of a 578,651 net square foot (not including BOH, storage, amenity areas, balconies, or porches), eight-story mixed-use development, consisting of 17,000 gross square feet of retail space, up to 356 residential dwelling units, up to 573 parking spaces, and related amenities, approved pursuant to Resolution No. R2020-106, passed and adopted by the City Commission on October 22, 2020 ("Site Plan").

The City and Developer acknowledge that the development program shown on the Site Plan is a reduction from the development program provided in the Development Agreement. The Developer and City expressly acknowledge that upon issuance of the first building permit for vertical construction of the Project ("First Building Permit"), the unallocated development program consisting of a minimum of 59 units and a maximum of 103 dwelling units, 50,486 net square feet of office space, and 15,000 gross square feet of gross commercial retail space ("Unallocated Development Program") shall be reallocated to the "basket of rights" for the Mixed-Use Neighborhood Center ("MU/NC") zoning district, pursuant to the City's Comprehensive Plan. Until the issuance of the First Building Permit, the Unallocated Development Program shall continue to apply to the Property.

A copy of this approval, along with all other approvals associated with the 5 Park project, may be examined in the office of the City Clerk, 17011 NW 19th Avenue, North Miami Beach, Florida 33162.

The recordation of this Notice shall not constitute a lien, cloud or encumbrance on any real property, or actual nor constructive notice of any of the same.

*[Signature pages follow]*

CITY OF NORTH MIAMI BEACH,  
A Florida municipal corporation

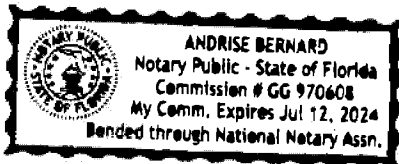
By: [Signature]  
Name: HORACE McHUGH  
Title: INTERIM City MANAGER

10<sup>th</sup> day of March, 2021

STATE OF FLORIDA            )  
  ) ss:  
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 10 day of March, 2021, by HORACE McHUGH, as INTERIM CITY MANAGER of the City of North Miami Beach, a Florida municipal corporation (the "City"), on behalf of the City, who is personally known to me or who has produced \_\_\_\_\_ as identification.

[NOTARIAL SEAL]



Andrise Bernard  
Print Name: Andrise BERNARD  
Notary Public, State of Florida  
Commission #: GG 970608  
My Commission Expires: July 12, 2024

Approved as to form and legal sufficiency for the sole use and reliance of the City of North Miami Beach

[Signature] 3/8/21  
Hans Ottinot, Interim City Attorney  
Ottinot Law, P.A.,

**DEVELOPER:**

**LAAAJ, LLC**

A Florida limited liability company

By: [Signature]

Name: Alan S. Macken

Title: Manager

2<sup>nd</sup> day of March, 2021

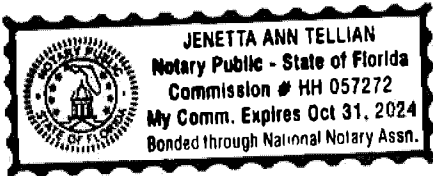
STATE OF FLORIDA )

) ss:

COUNTY OF Miami Dade )

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 2<sup>nd</sup> day of MARCH, 2021, by Alan S. Macken as Manager of LAAAJ, LLC, a Florida limited liability company (the "Company"), on behalf of the Company, who is personally known to me or who has produced \_\_\_\_\_ as identification.

[NOTARIAL SEAL]



Print Name: Jenetta Ann Tellian

Notary Public, State of Florida

Commission #: HH 057272

My Commission Expires: 10/31/2024

**EXHIBIT A**

**LEGAL DESCRIPTION:**

**LAND DESCRIPTION:**

**PARCEL ONE - FEE**

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, AND 12, BLOCK 5, AND TRACT B, OF "A SUBDIVISION OF A PORTION OF TRACT "A" GREYNOLDS PARK GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 57, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**PARCEL TWO - EASEMENT**

TOGETHER WITH THOSE CERTAIN EASEMENT RIGHTS CONVEYED BY EASEMENT DATED JUNE 18, 2008 FROM CITY OF NORTH MIAMI BEACH TO JAAL, LLC & RECORDED IN OR BOOK 26524 PAGE 3978 (AS TO LOTS 1-5)

**TOGETHER WITH :**

A 20 FOOT ALLEY LYING EAST OF AND ADJACENT TO BLOCK 5 OF "A SUBDIVISION OF A PORTION OF TRACT "A" GREYNOLDS PARK GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 57 OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID BLOCK 5;

THENCE NORTH 00°00'00" EAST ALONG THE EAST LINE OF SAID BLOCK 5, A DISTANCE OF 620.24 FEET;

THENCE NORTH 17°31'43" WEST ALONG THE EAST LINE OF SAID BLOCK 5, A DISTANCE OF 41.70 FEET;

THENCE NORTH 25°42'39" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF WEST DIXIE HIGHWAY, A DISTANCE OF 29.20 FEET;

THENCE SOUTH 17°31'43" EAST, A DISTANCE OF 66.04 FEET;

THENCE SOUTH 00°00'00" WEST ALONG THE WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY, A DISTANCE OF 623.32 FEET;

THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI/DADE COUNTY, FLORIDA; CONTAINING 126,417 SQUARE FEET (2.9021 ACRES) MORE OR LESS.