



CFN 2019R0168085
 OR BK 31367 Pgs 1134-1152 (19Pgs)
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 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

Prepared by and return to:
 Linda Procula P A
 6080 SW 40 Street Suite 4
 Miami, FL 33155
 305-476-0050

COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING INSTITUTIONAL CONTROLS AND ENGINEERING CONTROLS AT REAL PROPERTY LOCATED AT 237 NW 137th Avenue, Miami, Fl. 33182, MIAMI-DADE COUNTY, FLORIDA.

The Owner, FPC 137, LLC, a Florida limited liability company, holds the fee simple title to the real property legally described as set forth in Exhibit A, attached hereto and incorporated herein by reference, and located at 237 NW 137th Avenue, Miami, Fl. 33182, Miami-Dade County, Florida, and furthermore identified for ad valorem tax purposes by all of Folio Number 30-4903-003-0032 (hereinafter referred to as the "Property"), hereby creates a covenant pursuant to Section 24-44 (2)(k)(ii) of Chapter 24, Code of Miami-Dade County, Florida, on behalf of the Owner, heirs, successors, grantees and assigns, running with the land to and in favor of Miami-Dade County, a political subdivision of the State of Florida (hereinafter referred to as the "County"), its successors, grantees and assigns, pursuant to Section 24-44 (2)(k)(ii) of Chapter 24 of the Code of Miami-Dade County, Florida, with respect to the Property as follows:

The Owner covenants and agrees to the following:

A. The Owner of the Property has elected to implement institutional and engineering controls on the Property to obtain approval for a No Further Action with Conditions proposal pursuant to Section 24-44 (2)(k)(ii) of Chapter 24 of the Code of Miami-Dade County, Florida. The institutional and engineering controls that are applicable to the Property have been initialed as set forth below. These institutional and engineering controls afford a level of protection to human health, public safety and the environment that is equivalent to that provided by Section 24-44 (2)(f)(i) and Section 24-44 (2)(f)(ii) of Chapter 24, Code of Miami-Dade County, Florida. The applicable institutional and engineering controls are set forth as follows:

(Handwritten initials)

- The Property shall not be used for residential purposes.
- The Property shall not be used for a children's nursery, children's day care center, children's school, children's camp, or any other similar facility.



Contaminated soil, as delineated in the Limited Site Assessment Report dated January 2014 and approved by the Director of the Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resource Management (DERM), and maintained on file with the Department, shall not be removed from the Property without prior written approval of DERM, or its successors or assigns. The Limited Site Assessment report shall remain on file with DERM or its successors or assigns, and is summarized by informational purposes in Exhibit B, which is incorporated by reference.



Other applicable institutional controls as set forth below:

The property shall be used as a commercial recreational facility to include sports activities like paintball, which can be used by children.



Engineering controls, as detailed in the Engineering Control Plan dated December 21, 2014 and approved by the Director of DERM. The Engineering Control Plan shall remain on file with DERM, or its successors or assigns, and is summarized for informational purposes in Exhibit C, which is incorporated by reference. A site map with Global Positioning System coordinates of the emplaced Engineering Control is illustrated in Exhibit B.

B. Prior to the entry into a landlord-tenant relationship with respect to the Property, the Owner agrees to notify in writing all proposed tenants of the Property of the existence and contents of this Covenant.

C. For the purpose of inspecting for compliance with the institutional and engineering controls contained herein, DERM, its successors or its assigns, shall have access to the Property at reasonable times and with reasonable notice to the Owner of the Property. In the event that the Owner does not or will not be able to comply with any of the institutional and engineering controls contained herein, the Owner shall notify in writing DERM, its successors or its assigns, within three (3) calendar days.

D. This Covenant may be enforced by the Director of DERM, its successors or its assigns, by permanent, temporary, prohibitory, and mandatory injunctions as well as otherwise provided for by law or ordinance.

E. The provisions of this instrument shall constitute a covenant running with the land, shall be recorded, at the Owner's expense, in the public records of Miami-Dade County and shall remain in full force and effect and be binding upon the undersigned, their heirs, legal representatives, estates, successors, grantees and assigns until a release of this Covenant is executed and recorded in the Public Records of Miami-Dade County, Florida.

F. This Covenant 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 after the date this Covenant is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless the Covenant is modified or released by Miami-Dade County.

G. Upon demonstration to the satisfaction of the Director of DERM, its successors or its assigns, that the institutional controls and engineering controls set forth in this Covenant are no longer necessary for the purposes herein intended because the criteria set forth in Section 24-44 (2)(k)(i) of Chapter 24 of the Code of Miami-Dade County, Florida have been met, the Director of the Department of Regulatory and Economic Resources, its successors or its assigns, shall, upon written request of the Owner, release this Covenant.

H. The Owner shall notify the Director of the DERM, its successors or its assigns, within thirty (30) days of any conveyance, sale, granting or transfer of the Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Property.

I. The term Owner shall include the Owner and its heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned, being the Owner of the Property, agrees to the provisions of this Covenant, hereby create same as a Covenant Running with the Land in favor of Miami-Dade County, Florida, and set their hands and seal unto this Covenant this 20th day of June, 2018.

OWNER:



Adolfo R. Betancourt, Managing Member
FPC 137, LLC, a Florida limited liability company



Jennifer Betancourt, Managing Member

WITNESS:



Print: Tiffany Rizo




Print: M.L. Posada

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 20th day of June, 2018 by Adolfo R. Betancourt and Jennifer Betancourt, as Managing Members of FPC 137, LLC, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced _____ as identification and who take an oath.

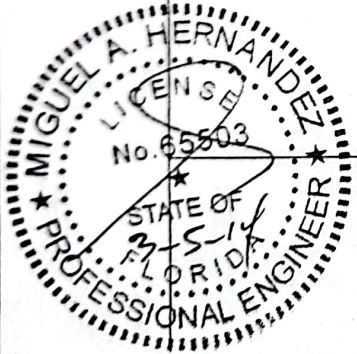
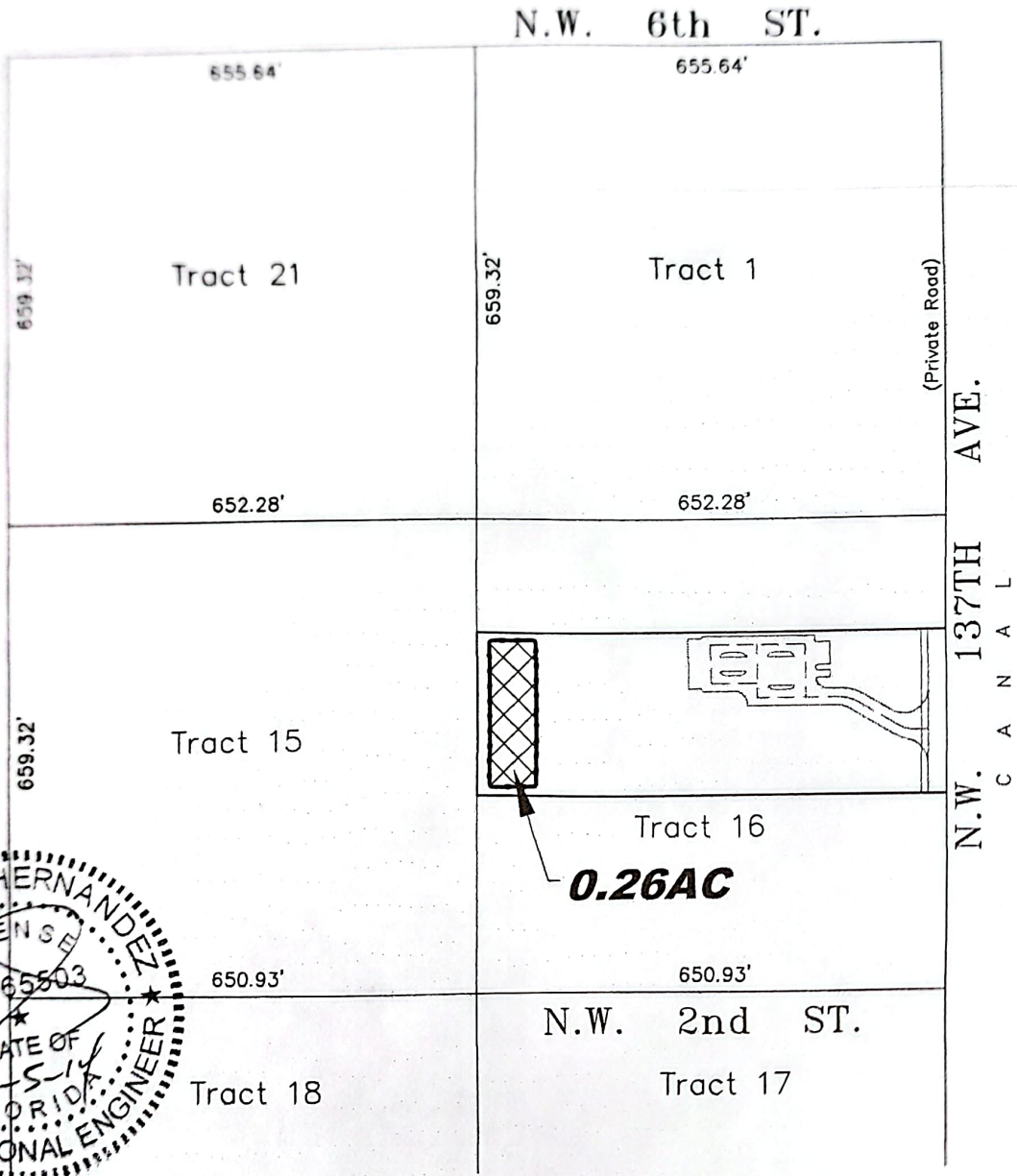
NOTARY PUBLIC:

Sign 
Print _____

State of Florida at Large (Seal)
My Commission Expires: _____



SECTION 3-T54S-R39E



STORMWATER MANAGEMENT AREA (0.26 AC)



FE
FORD ENGINEERS, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

PROJECT:	FAMILY PAINTBALL CENTER		
SHEET NAME:	SURFACE WATER MANAGEMENT AREA		
PREPARED FOR:	TUYA LLC		
	Sec. 3-54-39, MIAMI-DADE COUNTY, FL		
PROJECT No:	12-024	DATE:	2-25-14
		SCALE:	1" = 200'

B

1 OF 1



Carlos A. Gimenez, Mayor
February 25, 2014

Department of Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 6th Floor

Miami, Florida 33136-3912

T 305-372-6567 F 305-372-6407

miamidade.gov

Manuel Echezarreta, P.E.
Ford Engineers, Inc.
1950 NW 94th Avenue, 2nd Floor
Doral, Florida 33172

**RE: REVISED LETTER FOR FAMILY PAINTBALL CENTER
NW 137 AVE SOUTH OF NW 6 ST
MIAMI, FLORIDA FOLIO 30-4903-003-0032
NORTH TRAIL BASIN, CF No. 594**

Dear Mr. Echezarreta:

This office has completed its review of the proposed fill encroachment for the referenced project as required in Section 24-48.2(B) (1) (g) and finds it approvable. Pursuant to the information submitted, we have concluded that the proposed surface water management area calculated for fill encroachment complies with the North Trail Basin water management criteria.

1. A covenant running with the land binding present and future owners must be executed and submitted to RER-DERM Water Control Section, to reserve a minimum dry retention area of 0.26 acres, designated as surface water management areas. Said covenant must be submitted prior to issuance of a Class IV Permit or final plat approval. Contact this office to obtain an electronic template of the required covenant.
2. The site, with exception of the proposed water management areas, shall be filled to Miami-Dade County Flood Criteria, with a minimum low point set at elevation +7.75 feet NGVD.
3. No encroachment by fill or any use other than drainage is allowed in the surface water management areas.
4. Provide a berm with minimum elevation of +9.33 feet NGVD (100-year/3-day storm stage) along the property lines or equivalent grading to match the required berm elevation at all roadway entrances.
5. Prior to the operation of the paintball facility, Class IV Permit FW 86-047A must be transferred to reflect ownership and modified the revised stormwater management system.
6. This approval is for the proposed development only. Any future development, or a modification of the present one, will require a new application to obtain a re-approval of the cut and fill criteria for the entire property.

If you have any questions, please contact Mayra de Torres at (305) 372-6681

Sincerely,

Mayra de Torres

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**DRIVEWAY/CONNECTION PERMIT
 FOR ALL CATEGORIES**

PART 1: PERMIT INFORMATION	
Application Number: 2015 A 690 10	
Permit Category: B	Access Classification: 3
Project: Family Paintball Center	
Permittee: Adolfo Betancourt, Manager of Family Paintball Center, LLC	
Section/Mile Post: 87134	State Road: 825
Section/Mile Post: _____	State Road: _____

PART 2: PERMITTEE INFORMATION	
Permittee Name: Adolfo Betancourt	
Permittee Mailing Address: 1040 NW 136TH Avenue	
City, State, Zip: Miami, Florida 33182	
Telephone: 786-302-6783	
Engineer/Consultant/or Project Manager: Ford Engineers, Inc.	
Engineer responsible for construction inspection: Miguel Hernandez	65503
<small>NAME</small>	<small>P.E. #</small>
Mailing Address: 1950 N.W. 94th Avenue, 2nd Floor	
City, State, Zip: Doral, Florida 33172	
Telephone: 305-477-6472, Ext 233	Mobile Phone: 305-298-4713

PART 3: PERMIT APPROVAL	
The above application has been reviewed and is hereby approved subject to all Provisions as attached.	
Permit Number: 2015 A 690 10 <small>Department of Transportation</small>	
Signature: <i>Ali Alqaid</i>	Title: P.P.E.
Department Representative's Name: Ali Alqaid	
Temporary Permit: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If temporary, this permit is only valid for 6 months)	
Special provisions attached: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
Date of Issuance: 7/23/15	
If this is a normal (non-temporary) permit it authorizes construction for one year from the date of issuance. This can only be extended by the Department as specific in 14-96.007(6).	

See following pages for General and Special Provisions