

Miami River Commission
Meeting Minutes
April 5, 2021

The Miami River Commission (MRC) public meeting convened at noon, April 5, 2021, Main Library Auditorium, 101 W. Flagler.

Miami River Commission (MRC) Policy Committee Members and/or Designees attending:

Horacio Stuart Aguirre, MRC Chairman

Patty Harris, designee for Governor

County Commissioner Eileen Higgins

Maggie Fernandez, designee for Commissioner Higgins

David Maer, designee for Miami-Dade ST Attorney Fernandez-Rundle

Megan Kelly, designee for City of Miami Mayor Suarez

Jim Murley, designee for Miami-Dade County Mayor Cava

Philip Everingham, designee for Miami Marine Council

Neal Schafers, designee for Downtown Development Authority

Bruce Brown, Miami River Marine Group

Sandy O'Neil, designee for Greater Miami Chamber of Commerce

Tom Kimen, Neighborhood Representative appointed by City of Miami

Sallye Jude, Neighborhood Representative appointed by Miami-Dade County

MRC Staff:

Brett Bibeau, Managing Director

Others attending interested in the River:

Sign in sheets available upon request.

I) Chair's Report

MRC Chairman Horacio Stuart Aguirre provided the following report:

In lieu of Miami Riverday in 2021, the Miami River Commission is reaching out to Riverday sponsors and any potential new supporters with the "Your Miami River" fundraising campaign, where 90% of all donations will be spent directly removing litter and invasive plant species, landscaping, and painting over graffiti along the Miami River.

In addition, advertisements are currently for sale in the 18th Annual Miami River Map and Guide. We appreciate everyone which has already placed their ads, and we announce this “last call” for any additional potential advertisement purchases before we send the map to the printers.

The Miami River Commission has been actively assisting the efforts of the City, County, State, and private sector to clean up the Miami River District. In addition to the maintenance professionals the MRC pays to remove litter, invasive plant species, graffiti and provide landscaping services along the Miami River, the MRC thanks the volunteers from Hands on Miami whom on March 13 picked up garbage along the shoreline in City owned Curtis Park, and on March 27 picked up garbage along the Miami River’s shoreline at the County owned affordable housing at 1407 NW 7 ST. In addition, the MRC thanks the volunteers from Hands on Miami whom on April 10 will pick up garbage along the shoreline in City owned Curtis Park, and on April 24 will pick up garbage along the Miami River’s shoreline at the County owned affordable housing at 1407 NW 7 ST.

The Miami River Commission thanks the City of Miami for recently removing two derelict vessels from the Miami River.

The MRC unanimously adopted their amended February 1, 2021 public meeting minutes.

II) Consideration of Land Use and Zoning Amendment at 1100-1110 NW North River Drive from T4 to T5

Steve Wernick, Wernick and Co., distributed and presented a Letter of Intent, Plans, and draft Covenant (available at <http://www.miamirivercommission.org/Agenda04.05.21.html>) for their proposed Land Use and Zoning Amendment at 1100-1110 NW North River Drive from T4 to T5, featuring the code required public Riverwalk.

Jim Murley, Chair of the MRC’s Urban Infill subcommittee, distributed pages 26-30 of the MRC’s adopted strategic plan, the Miami River Corridor Urban Infill Plan. Mr. Murley noted the sites 2 existing single-family homes are considered “contributing structures” in the subject designated “Spring Garden Historic District”. Therefore, in addition to the proposed land use and zoning amendments to increase the site’s density, the proposal would require a “Certificate of Appropriateness” for the proposed demolition of the 2 single family homes, followed by a “Certificate of Approval” for the proposed new construction, from the City of Miami ‘s Historic and Environmental Preservation Board. MRC Urban Infill Subcommittee Chairman Murley suggested the MRC recommend denial of the proposed Land Use and Zoning Amendments at 1100-1110 NW North River Drive.

A letter from Ernie Martin in opposition to the subject up-zoning was distributed. Mr. Carlos Salas, President of the Spring Garden Civic Association, distributed their petition with 93 signatures and letter of opposition to the proposed up-zoning. Numerous Spring Garden residents spoke in opposition to the proposed up-zoning.

The MRC unanimously (12-0) recommended denial of the proposed Land Use and Zoning Amendments at 1100-1110 NW North River Drive.

III. Miami River Commission Subcommittee Reports

A. Greenways Subcommittee - MRC Director Bibeau distributed copies of the “Miami River Greenway Update – Aerials presented from East to West – 3/2/21”. The document depicts the 6.75 miles of constructed public Miami River Greenway, and the remaining 3.25 miles which need to be constructed by the City, County, FDOT, and Miami Parking Authority. Currently 4 sections of the public Riverwalk are under construction at Aston Martin Residences (private sector), both sides of the 1 ST Bridge (FDOT), and Fern Isle Park (City of Miami). The MRC is pursuing multiple public and private funding sources for the remaining funding needed to construct and help maintain the remaining sections of the public Riverwalk.

IV. New Business

The meeting adjourned.



Miami River Seafood and Lobster in East Little Havana

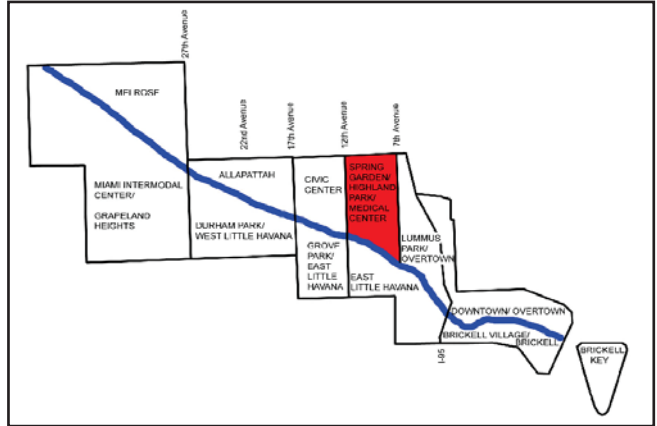
physical and cultural enhancement to the neighborhood but will provide improved educational opportunity as well.

A redevelopment site of particular interest in this district is the former Miami News site, a large riverfront parcel to the east of NW 12th Avenue. The successful redevelopment of this site is viewed by many as a critical to the success of the surrounding area. While its size and waterfront location are appealing, the site has limited access; the possibility of improving access to the site from NW 12th Avenue southbound should be investigated so as to improve the site's linkage to the medical and civic centers flanking 12th Avenue just across the river.



Redevelopment site- The former Miami News Site (20)

SPRING GARDEN/HIGHLAND PARK/MEDICAL CENTER (7th Avenue to 12th Avenue, north bank)



Like much of the Miami River corridor, these neighborhoods were once home to pioneer homesteaders, starch millers, and tourist-attraction operators. One early Miami settler, William Wagner, established a homestead in the 1850s in what is today called Highland Park; the house he built for his family remained in place until the 1970s and now stands, restored, in Lummus Park. Wagner's daughter sold his land in 1909; in 1911 the homestead was platted as a subdivision called Highland Park. The first lots had been sold and the neighborhood's first houses built when in 1913 the area was annexed into the City of Miami, the western boundary of which had previously been 7th Avenue.

Miami's third mayor, John Sewell, built a mansion northwest of Highland Park in 1916; Halissee Hall, as he named it, remains today in the midst of the Jackson/University of Miami Medical Center that grew up all around it.



Two-story masonry house in Spring Garden

This district's riverfront remained undeveloped until 1918; however, an entrepreneur known as Alligator Joe ran a successful attraction for tourists visiting by riverboat at the point formed by the intersection of the river and Wagner Creek. Spring Garden subdivision remains today as one of Miami's four historic districts and the active Spring Garden Civic Association.

Allowable uses along the Spring Garden riverfront are medium-density multifamily residential; allowable uses along Wagner Creek (known as the Seybold Canal south of NW 11th Street) are liberal commercial, restricted commercial, office, and both single-family and medium-density multifamily residential.

Liberal commercial zoning is inappropriate for the riverfront, and should be re-oriented toward water-dependent commercial or industrial use, possibly allowing associated mixed-use development for increased compatibility with the both the Spring Garden and Lummus Park neighborhoods and with the river itself. Similarly, residential development as allowed under the medium-density residential zoning classification is not appropriate to the riverfront; the establishment of stricter height, FAR, and parking limits for these parcels is recommended so as to maintain the scale and character of the Spring Garden waterfront.

As on the riverfront, liberal commercial uses should not be allowed on the Seybold Canal; water-dependent commercial or industrial uses, with associated mixed-use development, should be required where zoning presently allows for liberal commercial. Existing single-family zoning along the canal should be protected, while multifamily zoning should be treated as discussed in the previous paragraph so as to maintain



Spring Garden Neighborhood Conservation District study area, outlined in red (21)

the scale and character of the historic district.

Running from southeast to northwest through the Spring Garden/Highland Park/Medical Center neighborhood is Wagner Creek, a partly culverted, partly exposed tributary of the Miami River. South of NW 11th Street, in Spring Garden, this water body is navigable and is known as the Seybold Canal. Not long ago declared to be the state's most polluted waterway, efforts to improve Wagner Creek have been moving forward slowly; efforts to dredge contaminated sediment from the creek are moving forward and the Miami River Greenway Master Plan recommends improving the banks of the creek with



Looking north up the Seybold Canal. On the right is canal front property, that is well suited for water-dependant commercial or industrial uses.



One story masonry house with mediterranean details



Two-story masonry house in Spring Garden

walkways and passive green spaces to the extent possible.

North of NW 11th Street is Highland Park, a residential neighborhood distinguished by its significant concentration of frame vernacular single family homes dating from 1910s and 1920s. Few of its houses are elaborately ornamented, but its wood frame houses feature functional elements appropriate to the climate of the region, with porches, deep overhanging eaves, and layouts inviting cross-ventilation. The design of the neighborhood is of particular significance; Highland Park stretched long and narrow from NW 11th to 20th Streets, with blocks focusing on a series of centrally-located open spaces reminiscent of the neighborhood squares of Savannah, Georgia.

The neighborhood fell into decline as the decades wore on, and its original plan was interrupted with the construction in the late 1960s of an embanked highway severing the neighborhood at NW 14th Street. North of 14th the area was zoned Governmental/ Institutional to compliment the adjacent hospital-related uses, while the southern remnant was targeted for related high-density residential and office development. Construction of the Culmer Metrorail station at NW 11 Street reinforced this intent, but Highland Park failed to develop as anticipated. The area became one of speculative investment and deferred maintenance, with few homeowners and a transient renter population. Another result of the decline was the alteration of the characteristic features of many of its homes – porches enclosed, and floor plans subdivided by the creation of rental units. Preserved, however, were the neighborhood’s mature oak, banyan, and mahogany trees, as well as one of its original community greens – a mahogany-shaded circle at the



Spring Garden's tropical riverfront character

intersection of NW 13th Street and 8th Avenue.

The recent construction of new single family housing in the neighborhood has sparked interest in the preservation of Highland Park, and the Miami City Commission has issued a directive to rezone the neighborhood to lower density. A survey the neighborhood’s historic resources is under way; already a portion of the area has been found eligible for listing in the National Register of Historic Places. A neighborhood conservation district should be established to encourage restoration of the neighborhood’s historic housing and to ensure that alterations and new development in the neighborhood reflect the massing, siting, and articulation of existing structures.

Between the Spring Garden Historic District and Highland



Mature tree canopy in roundabout at NW 13th Street and NW 8th Avenue



Wood frame house with roof bracket details in Highland Park

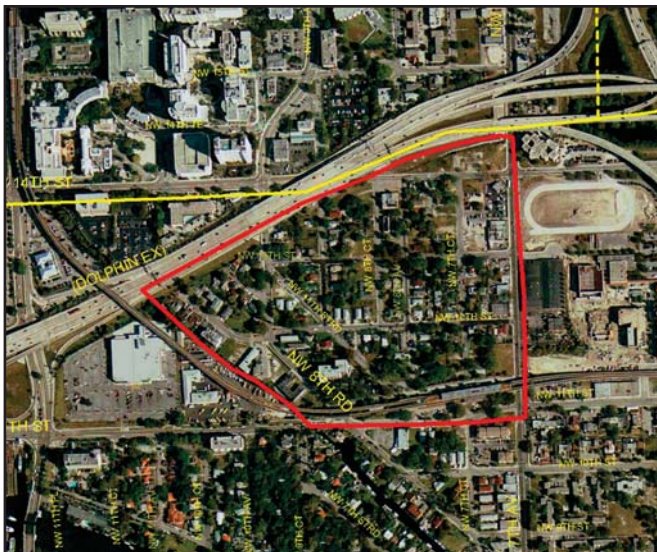


A potentially historic house in Highland Park that has been severely altered from its original layout

Park is a group of blocks forming a triangle; this area should be investigated for its potential to simultaneously 1) accommodate higher-density development taking advantage of the nearby Culmer Metrorail station and 2) compliment the adjacent historic neighborhoods of Spring Garden and Highland Park. Key factors in ensuring compatibility include location of parking, height and unit density of development, and treatment of project edges and entrances. In keeping with the open, eyes-on-the-street urbanism of Spring Garden and Highland Park, gates and high walls would be inappropriate, as would auto-oriented entry ways. All new development should respect the one- to two-story frame and masonry residential stock of these neighborhoods, with their rich and eclectic architectural character – including substantial concentrations of frame

vernacular, bungalow, and Mediterranean revival structures – and mature tree canopies, including oak hammocks and a generous assortment of gumbo limbo, mahoganies, royal poincianas, coconut palms and royal palms.

Central to this transitional area between the two neighborhoods is the Culmer Metrorail station. In keeping with Miami-Dade Transit’s policy of encouraging transit-oriented development at all Metrorail stations, it is anticipated that an RFP for public-private development will be released by the transit agency in the near future. Guidelines for development compatible in scale and character with the adjacent historic district should be developed prior to release of an RFP, and Miami-Dade transit should involve representatives of the City of Miami Planning Zoning Department, the Miami River Commission as well as residents of the Spring Garden and Highland Park neighborhoods in the project selection process.

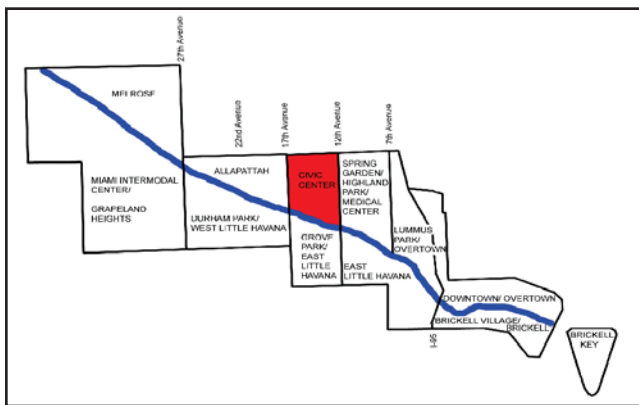


Highland Park Neighborhood Conservation District study area, outlined in red (22)

The Jackson Memorial and University of Miami Hospitals situated to the north of Highland Park, together with the Lindsay Hopkins Technical School, the Miami-Dade Community College Medical Campus, County Medical Examiner’s Office, and numerous other health-related institutions in the district, form an major employment center not only for the middle river but for the region. Secreting two historic structures that offer clues to the medical center’s past – Halissee Hall and the Alamo, the original Miami Hospital building – the complex is a labyrinthine warren of structures, streets, and pedestrian ways much in need of a master plan. Also in need of room to expand, the complex’s major institutions should partner to ensure that their growth does not negatively

impact the surrounding neighborhoods. The University of Miami has taken steps toward initiating such a partnership; its neighboring institutions should give the effort their full participation and carry it forward. Together, these entities could make strategic investments that would both improve their own environment – including access to and amenities for the Miami River, Wagner Creek, and the area’s parks – and the quality of life of their neighborhoods, including Highland Park, Spring Garden, Lummus Park, the Civic Center, and Allapattah.

CIVIC CENTER/ MEDICAL CENTER (12th Avenue to 17th Avenue, north bank)



This neighborhood was once home to the Miami Golf Links. The Miami Country Club, located at the river’s edge, lives on only in the subtlest of ways: a tiny residential subdivision called Golf View Park. Today, the Civic Center riverfront is zoned not for recreation but for an awkward trio of uses: mainly office, waterfront industrial, and a small section of medium-density multifamily residential.

Another significant chapter in the Civic Center neighborhood’s heritage is Merrill Stevens, the neighborhood’s sole industrial waterfront business – and Miami’s oldest such business. Merrill Stevens is a strong presence on the Civic Center waterfront and an important contributor to the region’s marine economy.

The remainder of the Civic Center’s waterfront, however, is less vital. An underutilized civic club on a substantial riverfront parcel lies adjacent to acres of surface parking lots, and a gated multifamily structure stands in the way of public access to the river. Consideration should be given to rezoning all non-waterfront industrial parcels along this segment of the Miami River for mixed use development encouraging water-dependent and related uses as well as restaurants, markets, and residential. Public access to the river should be maximized and amenities

provided so as to benefit the large employment and residential base of this district.

North of the riverfront, there are several distinct



Merrill Stevens- Miami’s oldest waterfront industrial business

“neighborhoods”: a cluster of government-owned court-related uses (including the State’s Attorney’s office and a County jail), a cluster of bail bondsmen’s offices (many located in converted single family homes, including several historic houses), a pair of hospitals (Cedars, a private hospital, and a Veteran’s Hospital and residential facility), and predominantly medium-density multifamily residential district distinguished by difficult circulation and lack of coherence and neighborhood identity. As in Spring Garden, Highland Park, and the Medical Center, Wagner Creek should be cleaned and made accessible to the public – both to neighborhood residents and to the neighborhood’s many workers – to the greatest extent possible.

A potentially significant redevelopment opportunity in the Civic Center neighborhood focuses on the Mahi Shrine site (24). Located on the riverfront with close proximity to the Civic Center’s court complex and public and private hospitals, this site also has excellent north-south transportation access via NW 12th and 17th Avenues. With the cooperation of Miami-Dade County, two County-owned surface parking lots located to the east of the Shrine site could be jointly developed in a public-private venture (25); such a partnership would result in creation of the Miami River’s largest waterfront development site. Commercial (including restaurants, cafes, bookstores, and shops), residential, office, and hotel uses could be linked to the water’s edge via a “Riverwalk”-type plaza and accessed both from the greenway as well as from the river itself.

The following page illustrates one of many development scenarios that could occur on the Mahi Shrine Site and the surface parking lots to the east.

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ines.marrero@hklaw.com

May 27, 2021

Via Electronic Mail

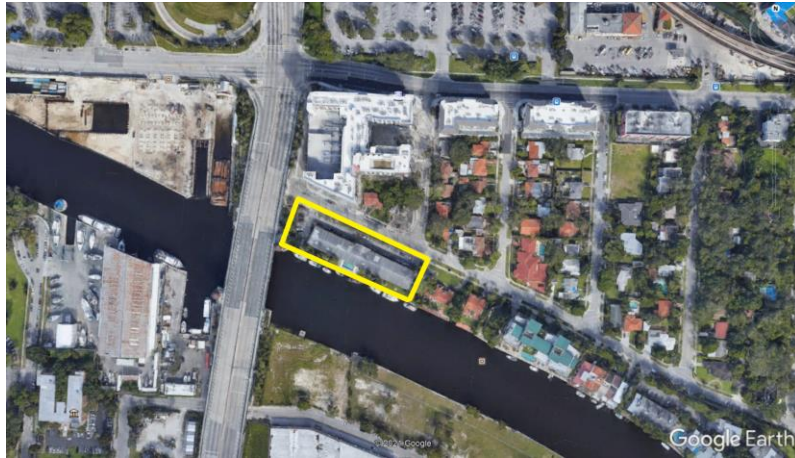
Mr. Brett Bibeau
Managing Director
Miami River Commission
1407 NW 7 Street, Suite D
Miami, FL 331245

Re: **Rio Mio, LLC Application for Land Use and Zoning Change of 1160 NW N
River Drive
Presentation for Miami River Commission Recommendation**

Dear Mr. Bibeau,

The undersigned represents Rio Mio, LLC (the “Owner” and/or “Applicant”), the owner of the property located at 1160 NW North River Drive (the “Property”). The Applicant has filed an application with the City of Miami requesting a change to the Future Land Use Map designation of the Property from Medium Density Restricted Commercial to Restricted Commercial and companion application to rezone the Property from T5-O to T6-8-O (the "Application"). The Applicant is requesting the opportunity to present the Application to the Miami River Commission at its next available meeting for its review and recommendation to the Miami City Commission.

The Property consists of six contiguous platted lots located on the north side of the Miami River, immediately west of NW 12 Avenue and south of the State Road 836 ramp. The Property is identified by tax folio number 01-3135-026-0050. In total, the Property consists of 40,741 square feet (±0.93 acres). The aerial below shows the Property location.



In April 2001, the Miami River Commission (“MRC”) adopted the Miami River Greenway Action Plan (the “Action Plan”), which sets forth certain goals and objectives for the future of the Miami River. Based on the Action Plan, the proposed project is located within the “Middle River.” Within the Middle River, the land use is primarily characterized by single family and multi-family housing that abuts the river and extends throughout adjacent neighborhoods.

The Application falls directly in line with the Action Plan's goals and objectives. The current use of the property is a residential multi-family apartment complex and will maintain the existing residential use of the property as to not disrupt existing uses. The Applicant is proposing a luxury residential development that will bring significant traction to the river and together with the proposed riverwalk, the development will further serve as an attractive destination for local residents and tourists, while providing improved access to the river. The Applicant is also maintaining existing boat slips to continue to encourage the use of the river. Moreover, significant resources will be invested into the property to ensure the property maintains its level of luxury while using best management practices to improve the river’s water quality and ecosystem when possible. Lastly, the Applicant will comply with the Miami River Greenway concept plan in order to create and improve surrounding river greenway trails.

As part of the Application, the Applicant is proffering a covenant to the City of Miami acknowledging and accepting the presence of the existing Working Waterfront 24-hour operations, committing to complying with the Miami 21 Waterfront standards, view corridors and setbacks. All future residents will be made aware of and required to comply with the covenant before occupying the premises. Furthermore, as part of the proposed covenant, the Applicant is limiting the proposed building height to eight (8) stories. The Applicant is committed to working with the City of Miami to provide an attractive residential project that will benefit and improve the existing surrounding community and the Miami River experience in the Middle River. The rezoning of the Property and its redevelopment will provide an opportunity to provide a publicly accessed riverwalk, currently non-existent. The rezoning and redevelopment of the Property will also provide an opportunity and to create continuous pedestrian path from NW 11th Street to the Riverfront via NW 11th Place.

Based on the foregoing, we request the opportunity to present the Application to the MRC at its next available meeting for its review. We respectfully look forward to a favorable recommendation of the Application.

Sincerely,

HOLLAND & KNIGHT LLP

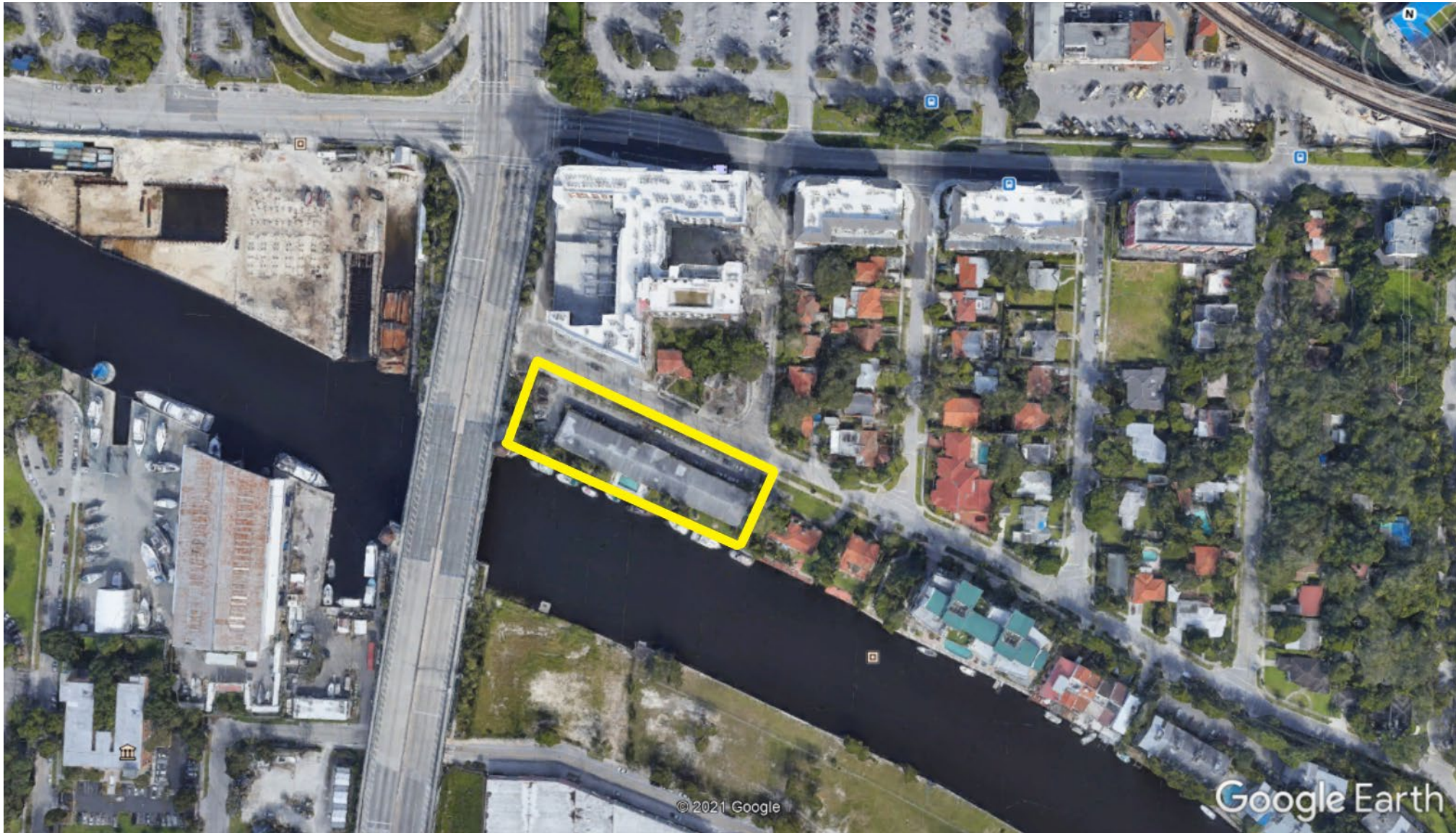
A handwritten signature in black ink, appearing to read "Inés Marrero-Priegues". The signature is fluid and cursive, with the first name "Inés" being more prominent.

Inés Marrero-Priegues

Rio Mio Project

Miami River Commission Presentation

Property Aerial

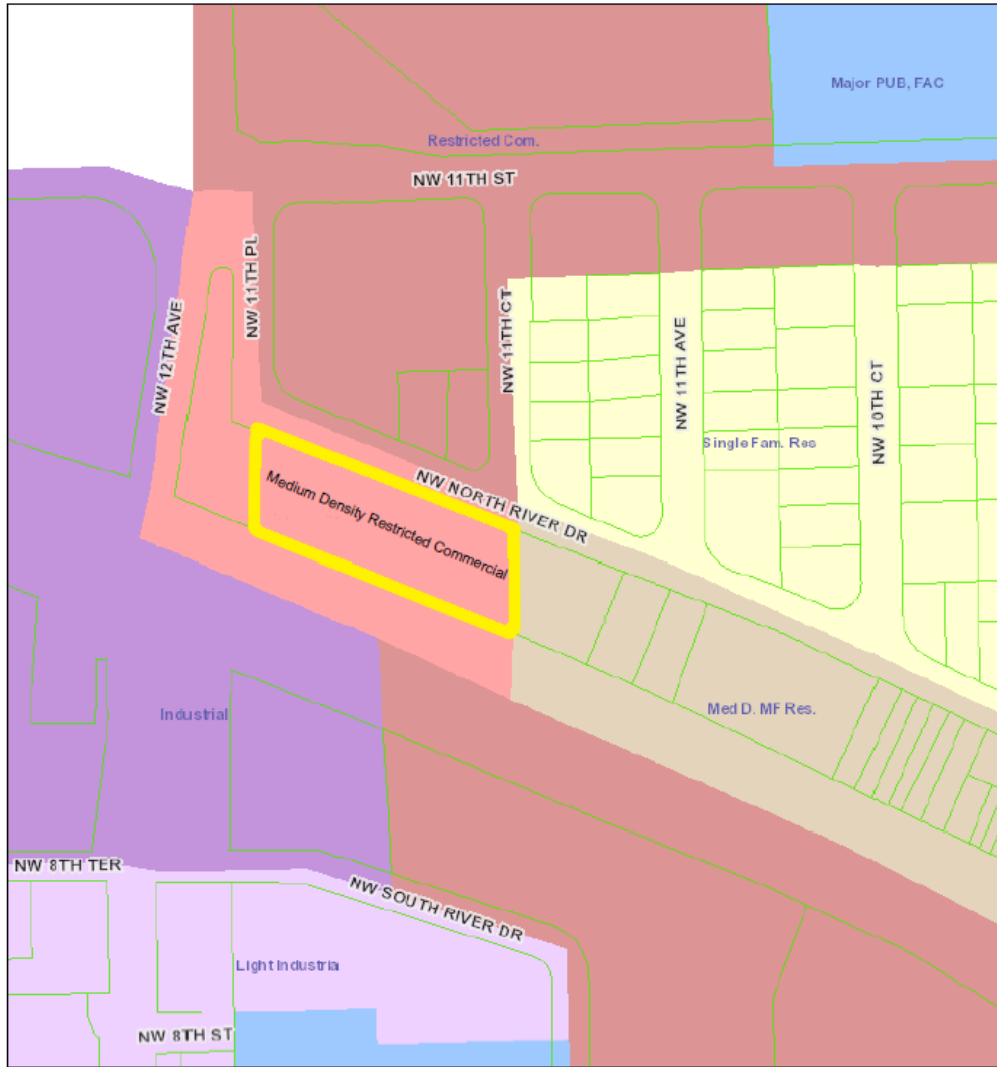


Property Location

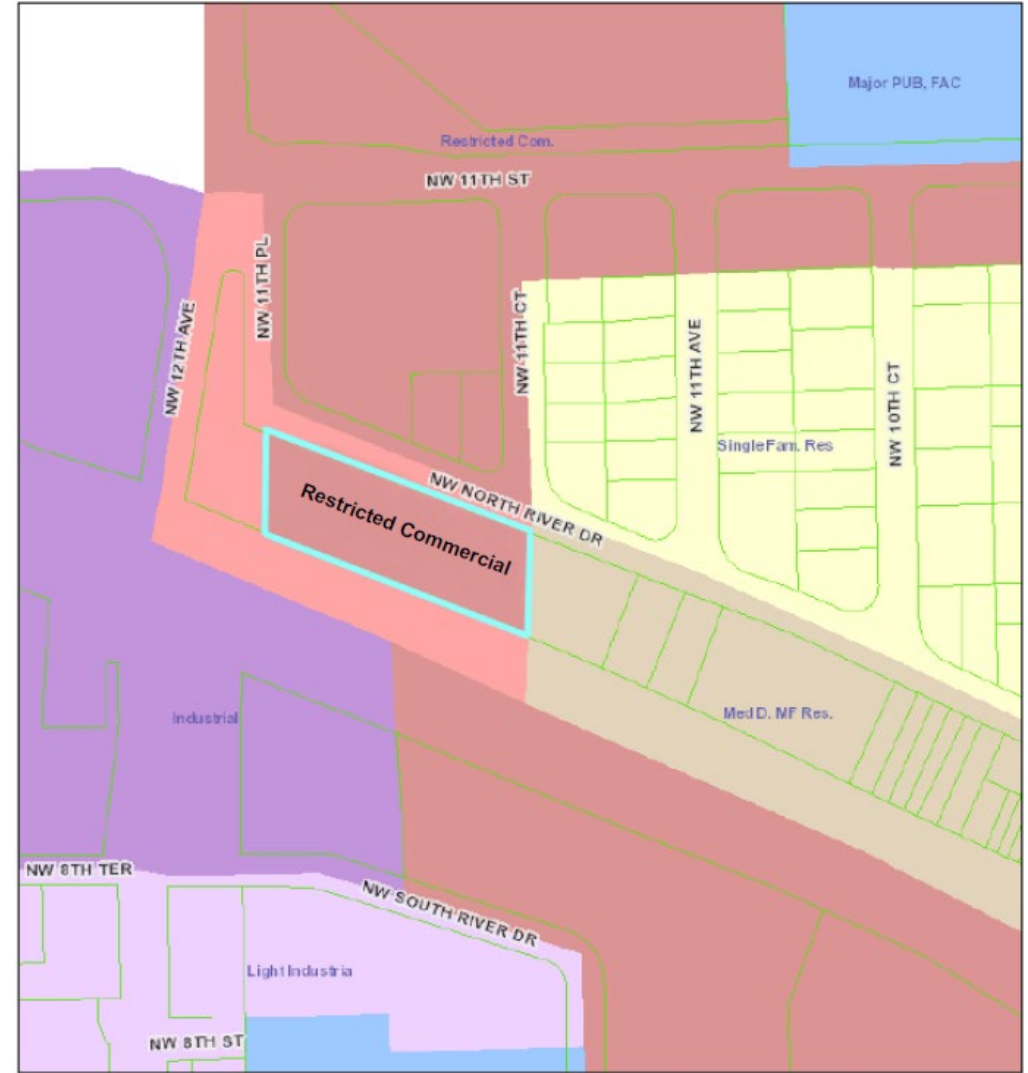


Existing vs. Proposed FLUM Redesignation

Existing – Medium Density Restricted Commercial

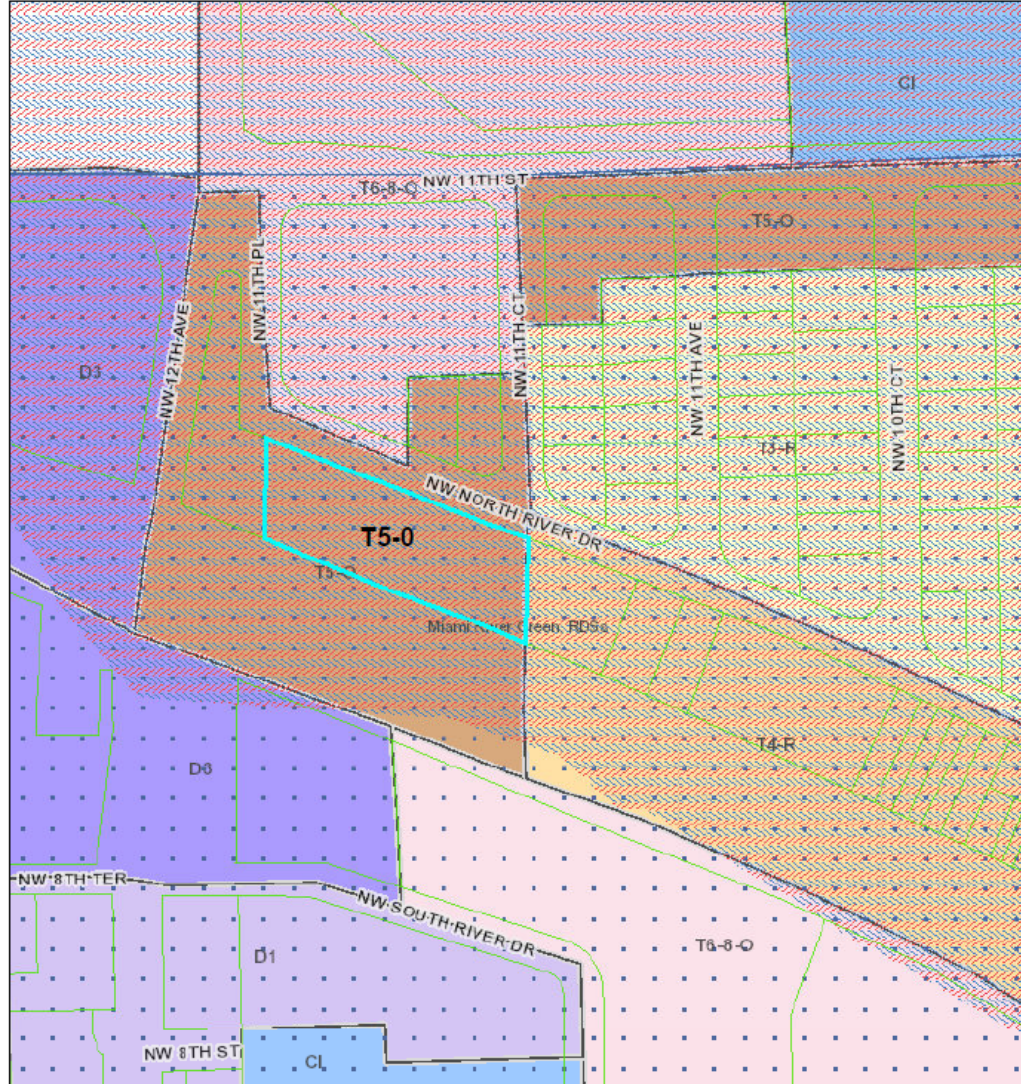


Proposed – Restricted Commercial

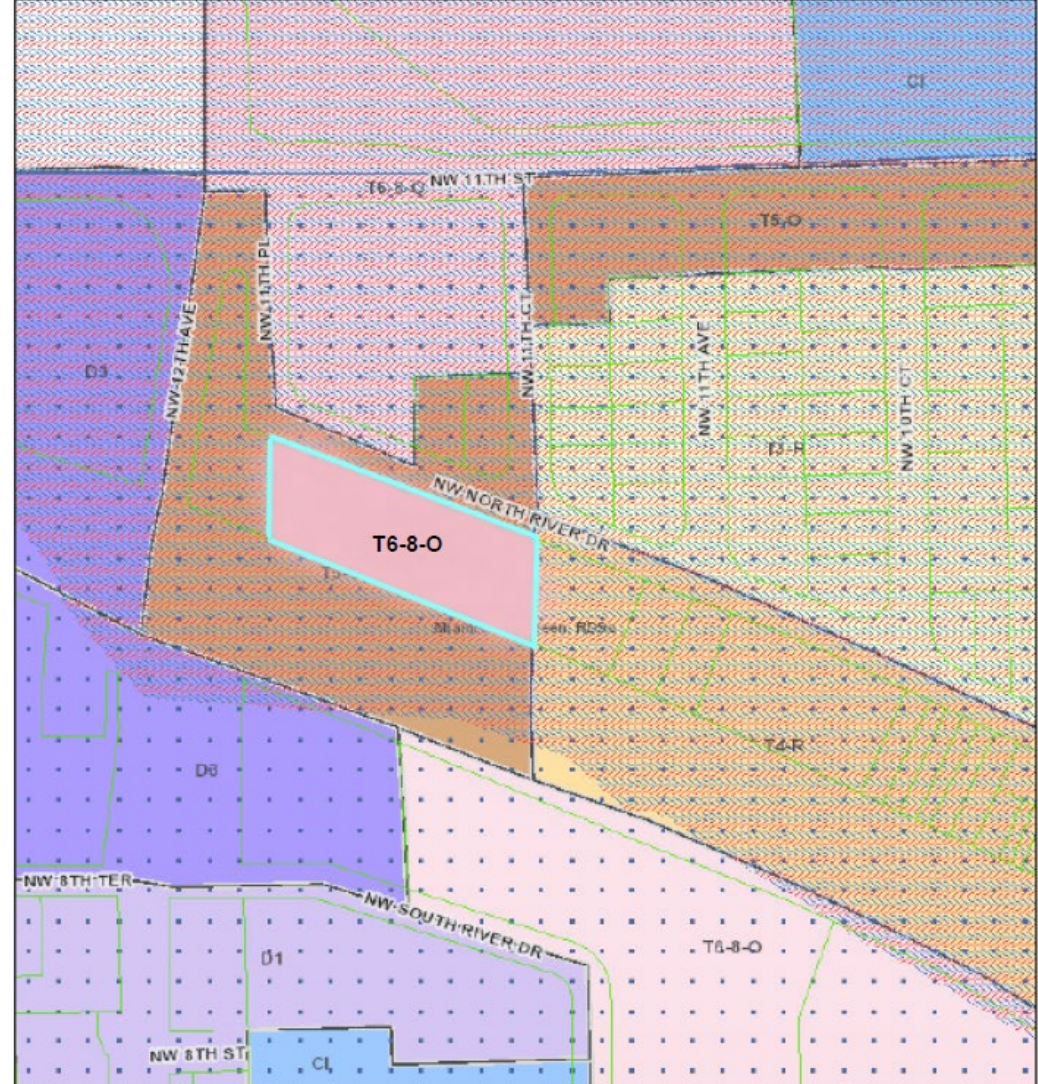


Existing vs. Proposed Rezoning Designations

Existing – T5-O



Proposed – T6-8O



Site Photograph



Surrounding Area



New Modera Riverhouse at 11th multi-family luxury apartment building located at 1170 NW 11 Street and zoned T6-8-O (directly north of Property)



View of properties east of the Property and on the northern bank of the Miami River

Surrounding Area



New Waterline Miami River Project located across the river at 1001 NW 7th Street

Proposed Project



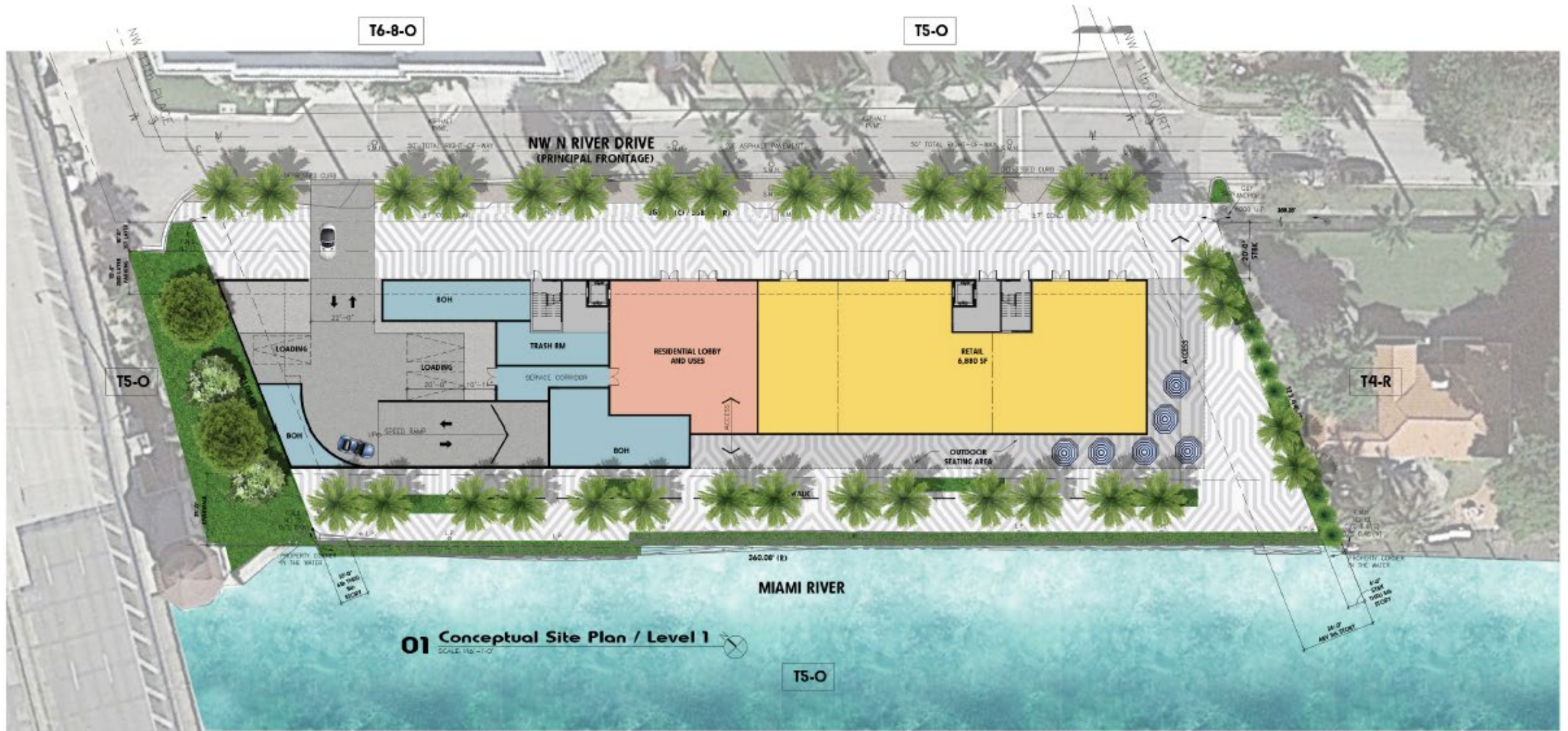
Proposed Project



Proposed Project



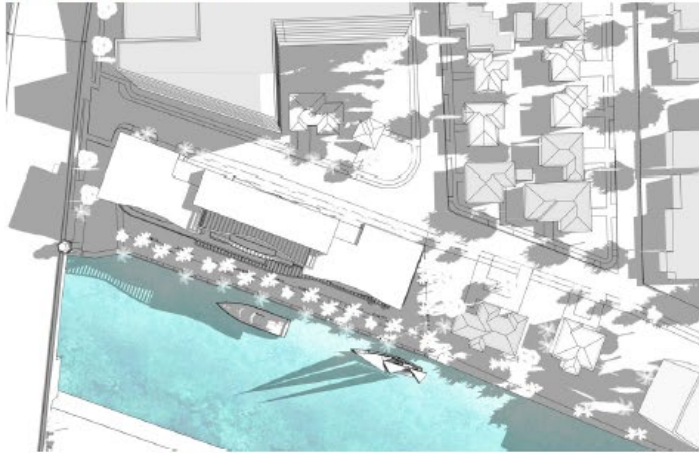
Conceptual Site Plan



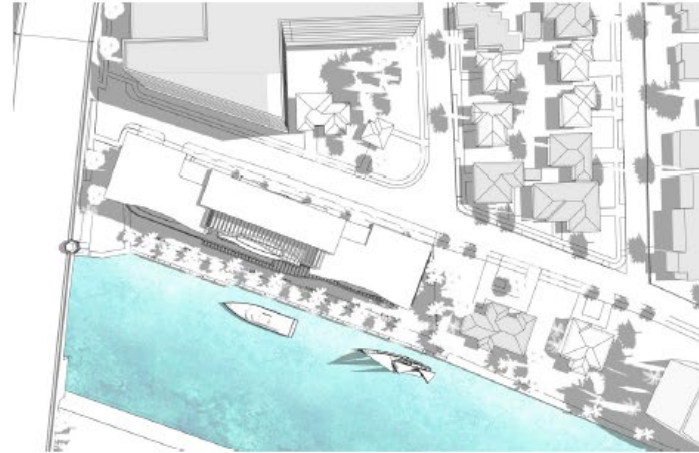
Shadow Study

Date: June 15 2021 UTC-4h

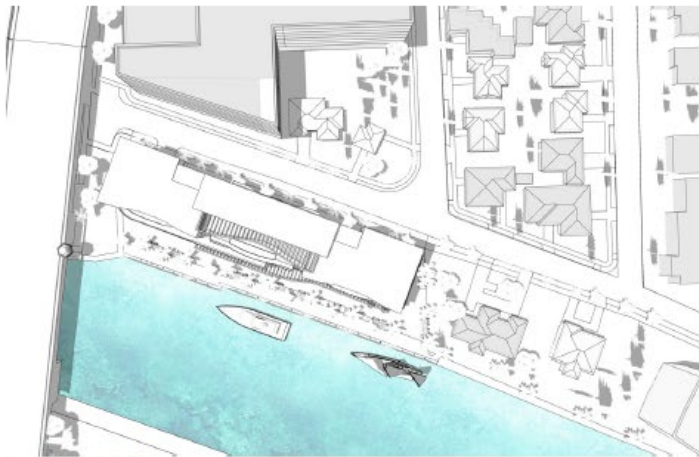
Sunrise June 2021: 6:29 am
Sunset June 2021: 8:13 pm



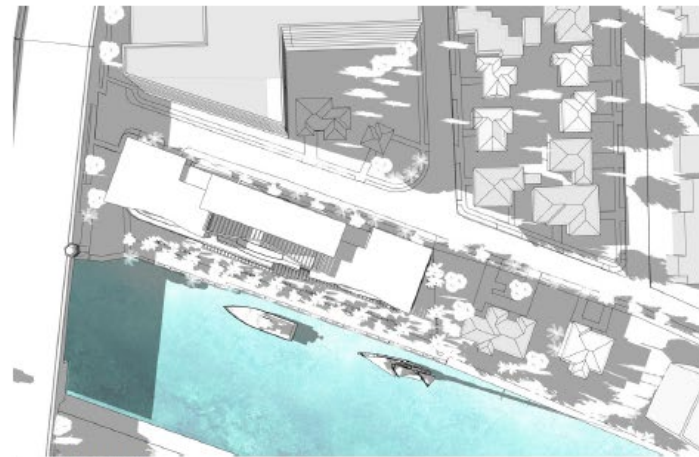
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June 15, 2021: 10:35 am



June 15, 2021: 2:35 pm

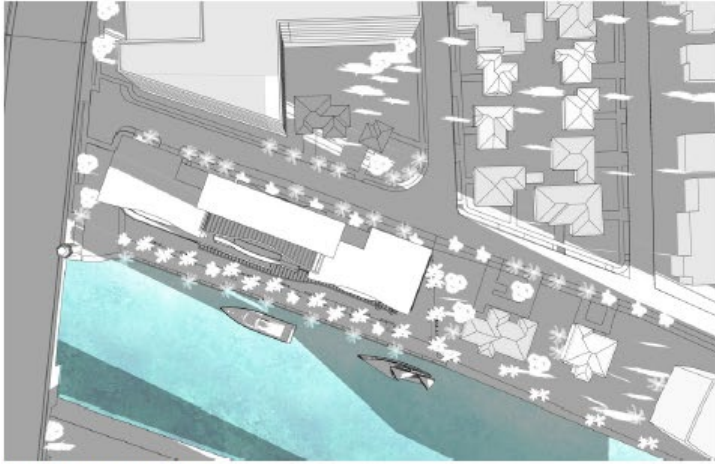


June 15, 2021: 6:35 pm

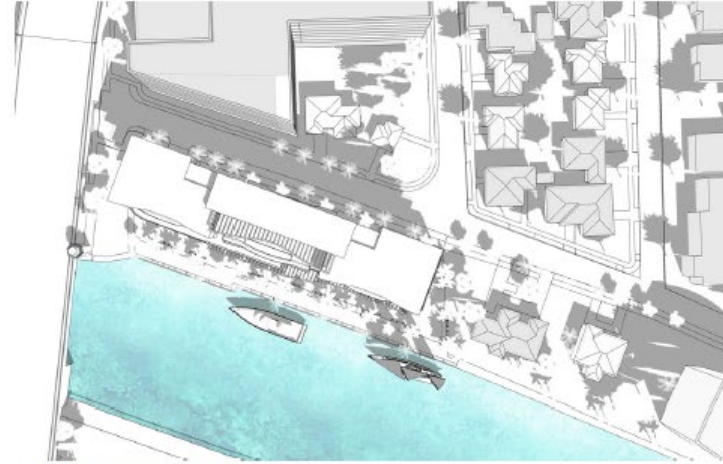
Shadow Study

Date: December 15 2021 UTC-5h

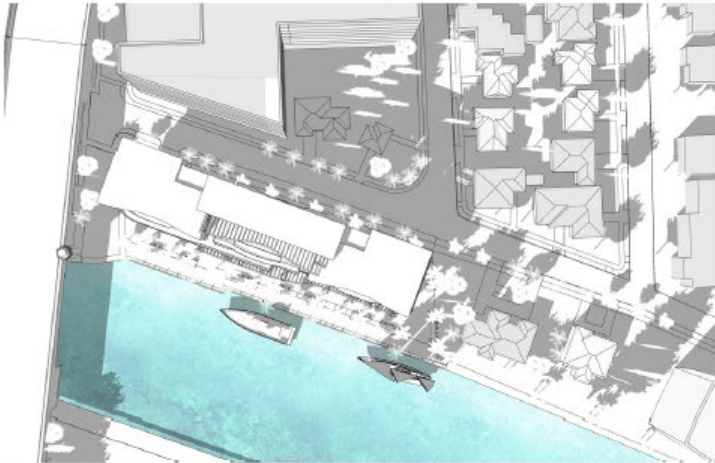
Sunrise December 2021: 6:59 am
Sunset December 2021: 5:32 pm



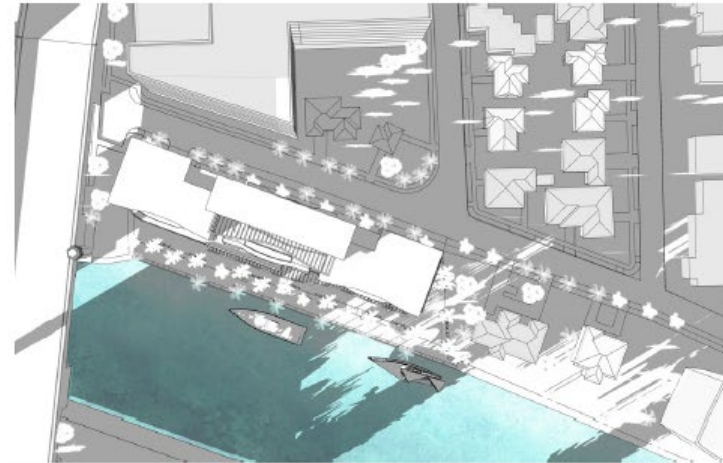
December 15, 2021: 7:05 am



December 15, 2021: 11:05 am



December 15, 2021: 3:05 pm



December 15, 2021: 5:00 pm

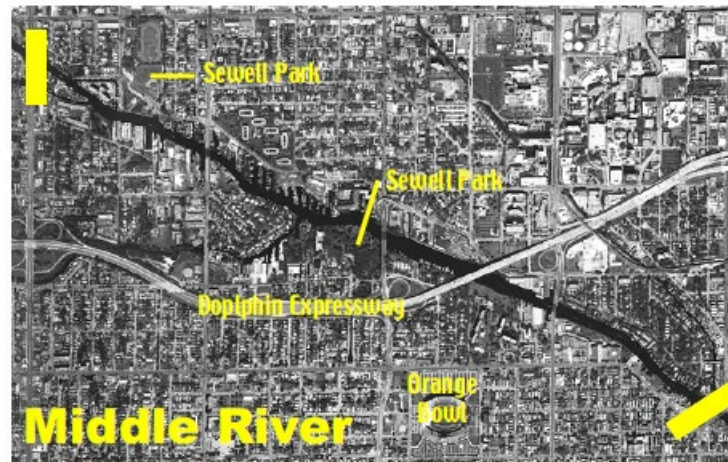
Project Highlights



Project provides ample parking for residents and visitors

Compliance with Miami River Greenway Action Plan

- In April 2001, the Miami River Commission (“MRC”) adopted the Miami River Greenway Action Plan (the “Action Plan”), which set forth certain goals and objectives for the future of the Miami River.
- Based on the Action Plan, the proposed project is located within the “**Middle River.**” Within the Middle River, the land use is primarily characterized by single family and multi-family housing that abuts the river and extends throughout adjacent neighborhoods.



Compliance with Miami River Greenway Action Plan

- Proposed project falls directly in line with the Action Plan's goals and objectives.
 - The proposed project is a residential project that will maintain the existing residential use of the property and will not disrupt existing uses.
 - The Applicant is proposing a luxury development that will bring significant traction to the river and together with the proposed riverwalk, the development will further serve as an attractive destination for local residents and tourists, while providing improved access to the river.
 - The Applicant is also providing boat slips to continue to encourage the use of the river.
 - Significant resources will be invested into the property to ensure the property maintains its level of luxury while using best management practices to improve the river's water quality and ecosystem when possible.
 - Furthermore, the Applicant will comply with the Miami River Greenway concept plan in order to create and improve surrounding river greenway trails.

Compliance with Miami Riverfront Standards

- As part of the proposed application, the Applicant is proffering a covenant to the City of Miami that will demonstrate future compliance with the City's riverfront standards.
- Future residents will be made aware of and required to comply with the covenant before occupying the premises.
- Applicant is limiting the proposed building height to eight (8) stories.
- Applicant is committed to working with the City of Miami to provide an attractive residential project that will benefit and improve the existing surrounding community and the river.

Questions?

Declaration of Restrictive Covenants
Folio No(s): 01-3135-026-0050

Document prepared by:
Office of City Attorney
444 S.W. 2nd Avenue, Suite 945
Miami, FL 33130-1910

Return Recorded Copy to:
City of Miami
Office of Zoning, Attn: Zoning Administrator
444 S.W. 2nd Avenue, 2nd Floor
Miami, FL 33130-1910

Folio No(s): 01-3135-026-0050

(Space Above for Recorder's Use Only)

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (the "Declaration"), made this ____ day of _____, 2021, by **RIO MIO, LLC**, a Florida limited liability company (the "Owner"), in favor of the **CITY OF MIAMI, FLORIDA**, a municipality of the State of Florida (the "City").

WITNESSETH:

WHEREAS, Owner holds fee-simple title to certain property in the City of Miami, Florida, located at 1160 NW North River Drive, legally described in **Exhibit "A"** attached hereto and made a part hereof (the "Property"); and

WHEREAS, the Owner sought and obtained a Future Land Use Map redesignation pursuant to Ordinance No. _____ for the Property; and

WHEREAS, the Owner sought and obtained a rezoning approval pursuant to Ordinance No. _____ for the Property; and

WHEREAS, the Owner is desirous of making a voluntary binding commitment to assure that the Property shall be developed in accordance with the provisions of the Declaration herein; and

NOW THEREFORE, the Owner, for valuable consideration, the receipt and adequacy of which are hereby acknowledged, voluntarily covenants and agrees that the Property shall be subject to the following restrictions that are intended and shall be deemed to be a covenant running with the land and binding upon the Owner of the Property, and its heirs, grantees, successors, and assigns as follows:

1. Recitals. The recitals and findings set forth in the preamble of this Declaration are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

2. Restrictions: The Owner hereby makes the following voluntary declarations running with the land concerning the use of the Property:

a. The owner shall allow waterfront access to the public from 6:00 AM to 10:00 PM along the river walk to be developed as part of a multi-family residential project on the Property.

b. The proffered river walk will be designed in accordance with Article 3, Section 3.11 and Appendix B of the Miami 21 Code.

c. The Owner recognizes that legally permitted existing Working Waterfront 24-hour operations may currently exist proximate to the Property. Therefore, Owner agrees:

- (i) Not to object or otherwise attempt to impede any legally permitted Working Waterfront 24-hour operations;
 - (ii) To provide all future tenants and prospective owners of the Property notice of the existing Working Waterfront 24-hour operations and will include a provision to agree not to object to legally permitted Working Waterfront 24-hour operations in each lease and or Condominium Sale Documents;
 - (iii) That it is solely the Owner's responsibility to design its structures to accommodate legally permitted Working Waterfront 24-hour operations; and
 - (iv) That it will not pursue any claims for liability, loss or damage, whether through litigation or otherwise, against permittees engaging in Working Waterfront 24-hour operations, related to noise, smoke, fumes, federally regulated bridge operations, and/or other quality of life issues that might result from legally permitted Working Waterfront 24-hour operations
- d. Notwithstanding the Property's T6-8O zoning, any new development on the property will not exceed maximum height of eight (8) stories.

3. Effective Date. This Declaration shall constitute a covenant running with the title to the Property and be binding upon Owner, its successors and assigns upon recordation in the Public Records of Miami-Dade County, Florida. These restrictions shall be for the benefit of, and a limitation upon, all present and future owners of the Property and for the public welfare.

4. Term of Covenant. This voluntary Declaration on the part of the Owner shall

remain in full force and effect and shall be binding upon the Owner, its successors in interest and assigns for an initial period of thirty (30) years from the date this Declaration is recorded in the public records, and shall be automatically extended for periods of ten (10) years, unless modified, amended or released prior to the expiration thereof.

5. Inspection and Enforcement. It is understood and agreed that any official inspector of the City of Miami may have the right at any time during normal working hours of the City of Miami's inspector to enter upon the Property for the purpose of investigating the use of the Property, and for determining whether the conditions of this Declaration and the requirements of the City's building and zoning regulations are being complied with. After notice and an opportunity to cure, an action to enforce the terms and conditions of this Declaration may be brought by the City and may be by action at law or in equity against any party or person violating or attempting to violate any covenants of this Declaration or provisions of the building and zoning regulations, either to restrain violations or to recover damages. This enforcement provision shall be in addition to any other remedies available under the law.

6. Amendment, Modification, Release. This Declaration may be modified, amended, or released as to any portion or all of the Property only after the occurrence of a determination of the Zoning Administrator that the Declaration is no longer necessary to preserve and protect the Property for the purposes herein intended. Any amendment, modification, or release shall be executed by the Zoning Administrator, or his or her successor or designee, and be in a form acceptable to the City Attorney.

7. Severability. Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions of this Declaration, which shall remain in full force

and effect.

8. Counterparts/Electronic Signature. This Declaration may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute but one and the same Declaration. The parties shall be entitled to sign and transmit an electronic signature of this Declaration (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Any party providing an electronic signature agrees to promptly execute and deliver to the other parties an original signed Declaration upon request.

9. Recordation. This Declaration will be e-recorded by the City of Miami, at the Owner's expense, in the public records of Miami-Dade County, Florida upon full execution.

10. No Vested Rights. Nothing in this Declaration shall be construed to create any vested rights whatsoever to the Owner, its successors and assigns.

SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the undersigned has set his hand and seal this _____ day of _____, 2021.

RIO MIO, LLC, a Florida limited liability company

By: _____
Jorge Ariel Lopez

Witnessed by:

(TWO WITNESSES FOR EACH PERSON SIGNING).

Witnesses:

Print Name: _____

Print Name: _____

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 2021, by Jorge Ariel Lopez as manager of Rio Mio, LLC, a Florida limited liability company, who is personally known to me or who has produced _____ as identification.

Notary Public, State of Florida
Print Name: _____
My Commission Expires:

Declaration of Restrictive Covenants
Folio No(s): 01-3135-026-0050

CITY OF MIAMI:

APPROVED AS TO CONTENTS:

Daniel Goldberg, Esq.
Zoning Administrator

APPROVED AS TO LEGAL
FORM AND CORRECTNESS:

Victoria Mendez,
City Attorney

Declaration of Restrictive Covenants
Folio No(s): 01-3135-026-0050

Exhibit "A"

LEGAL DESCRIPTION:

LOT 7B,8B, 9B, 7M, 8M, AND 9M , COUNTRY CLUB ADDITION,
ACCORDING TO THE PLAT THEREOF,AS RECORDED IN PLAT BOOK 8,
PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Miami River
Commission**

Miami River Greenway Update

Aerials presented from East to West 04.13.21



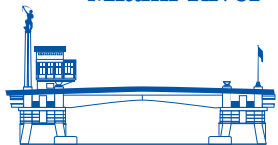
LEGEND

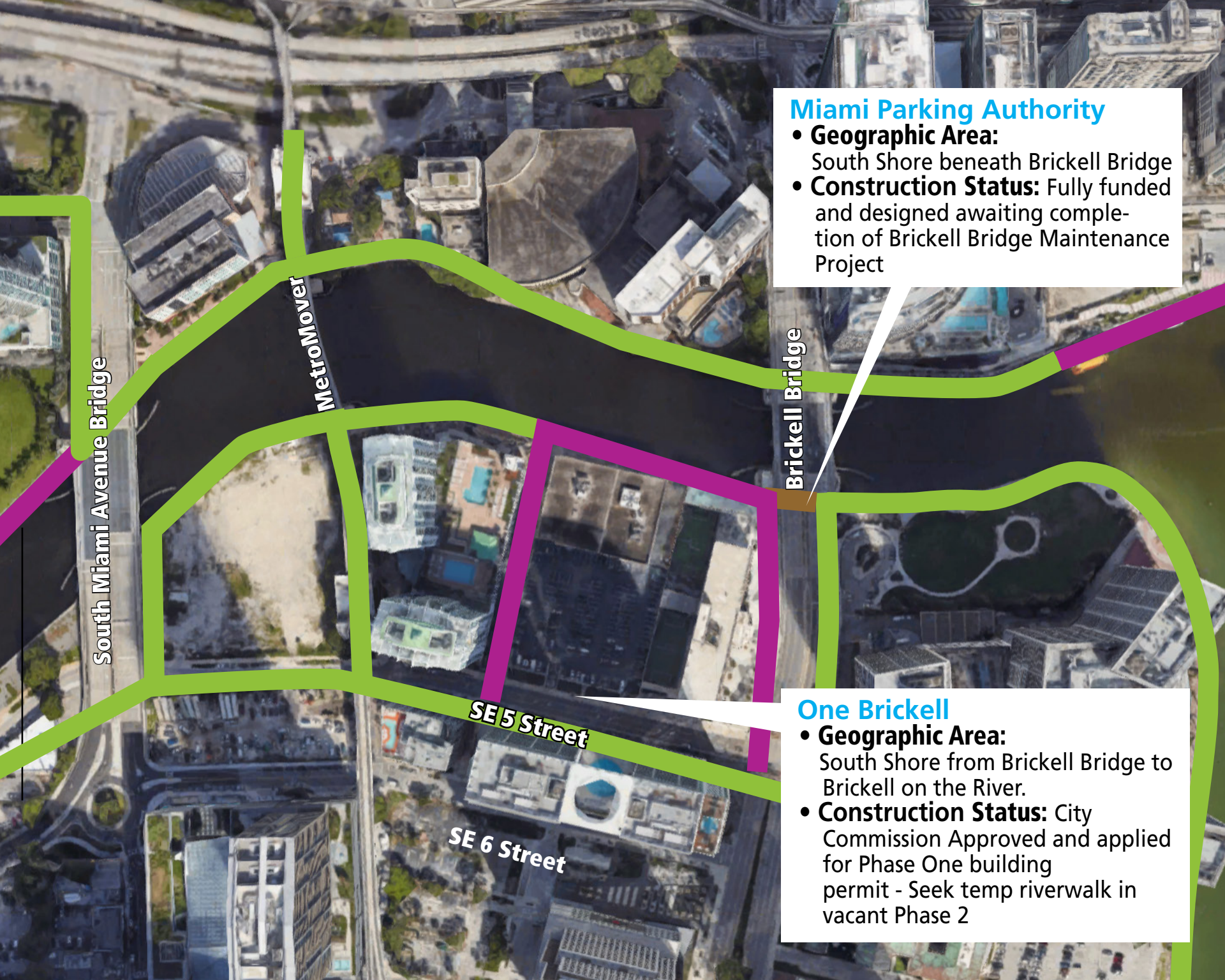
-  City of Miami Site
-  Miami-Dade County Site
-  Miami Parking Authority Site
-  FDOT
-  Existing Greenway
-  Private Sector Public Riverwalk

**Public Riverwalk
under construction
Aston Martin Residences**



Miami River Commission





Miami Parking Authority

- **Geographic Area:** South Shore beneath Brickell Bridge
- **Construction Status:** Fully funded and designed awaiting completion of Brickell Bridge Maintenance Project

South Miami Avenue Bridge

Metro Mover

Brickell Bridge

SE 5 Street

SE 6 Street

One Brickell

- **Geographic Area:** South Shore from Brickell Bridge to Brickell on the River.
- **Construction Status:** City Commission Approved and applied for Phase One building permit - Seek temp riverwalk in vacant Phase 2

One River Point

- **Geographic Area:** North Shore from Miami Avenue Bridge to Ivy and Mint
- **Construction Status:** Public riverwalk in approved One River Point submitted building permit application

Second Avenue Bridge

Metro Rail Bridge

South Miami Avenue Bridge

SE 6 Street

SE 7 Street

Latitude on the River

- **Geographic Area:** Riverwalk connector between the existing riverwalks at Latitude on the River and beneath 2nd Avenue Bridge
- **Construction Status:** Funded and designed awaiting building permit

Edge on Brickell

- **Geographic Area:** 55 South Miami Avenue Road
- **Construction Status:** Plans approved by the City of Miami



Flagler ST. Bridge

City of Miami

- **Geographic Area:** 1 SW South River Dr and Flagler St deadend into SW North River Dr.
- **Construction Status:** Needs funding and design

1ST. Bridge

Vacant Restaurant

- **Geographic Area:** North Shore between First & Flagler Bridges
- **Construction Status:** 80 percent complete-construction stopped

FDOT'S First Street Bridge

- **Geographic Area:** Beneath and adjacent to new First Street Bridge
- **Construction Status:** Under construction

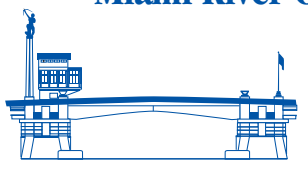
Approved Wharf

- **Geographic Area:** North Shore Riverwalk, from I-95 to First Street Bridge
- **Construction Status:** Plans approved

Miami River SAP

- **Geographic Area:** South Shore Riverwalk from 2nd Avenue Bridge to Jose Marti Park
- **Construction Status:** City approved SAP-submitted Phase 1 building permit application

Miami River Commission





NW 5 Street

NW 5 St. Bridge

NW North River Dr.

NW South River Dr.

NW 3 Street

Gramps on the River

- **Geographic Area:** 341 NW South River Dr
- **Construction Status:** City of Miami approved, construction commencing 2021

NW 2 Street

Riverfront Restaurant

- **Geographic Area:** 311 NW South River Dr.
- **Construction Status:** City of Miami approved, construction commencing 2021

NW 1 Street

Riverfront Restaurant

- **Geographic Area:** 131-125 NW South River Dr.
- **Construction Status:** City of Miami approved plans

Lummus Park

Flagler St. Bridge

Naheem Khan

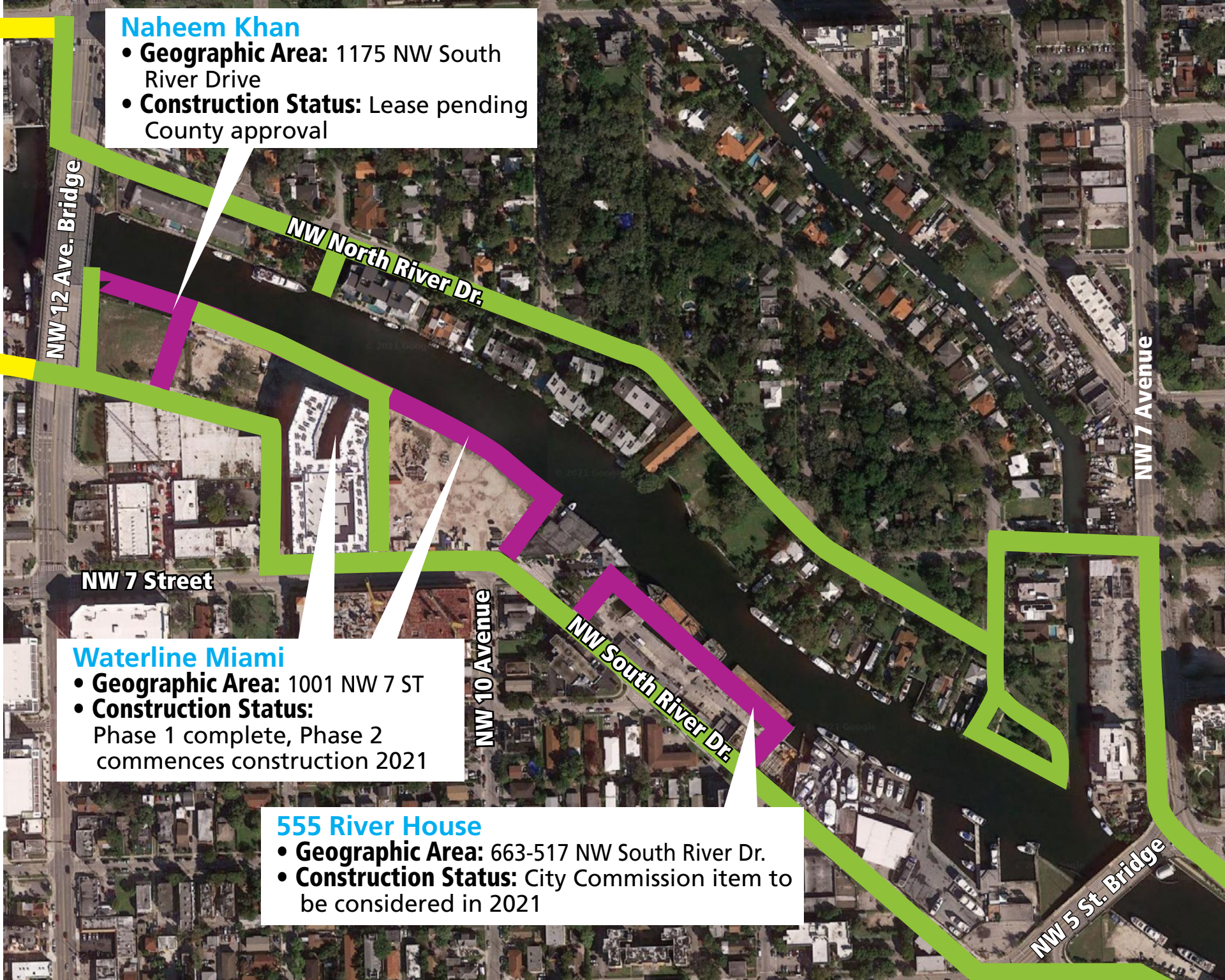
- **Geographic Area:** 1175 NW South River Drive
- **Construction Status:** Lease pending County approval

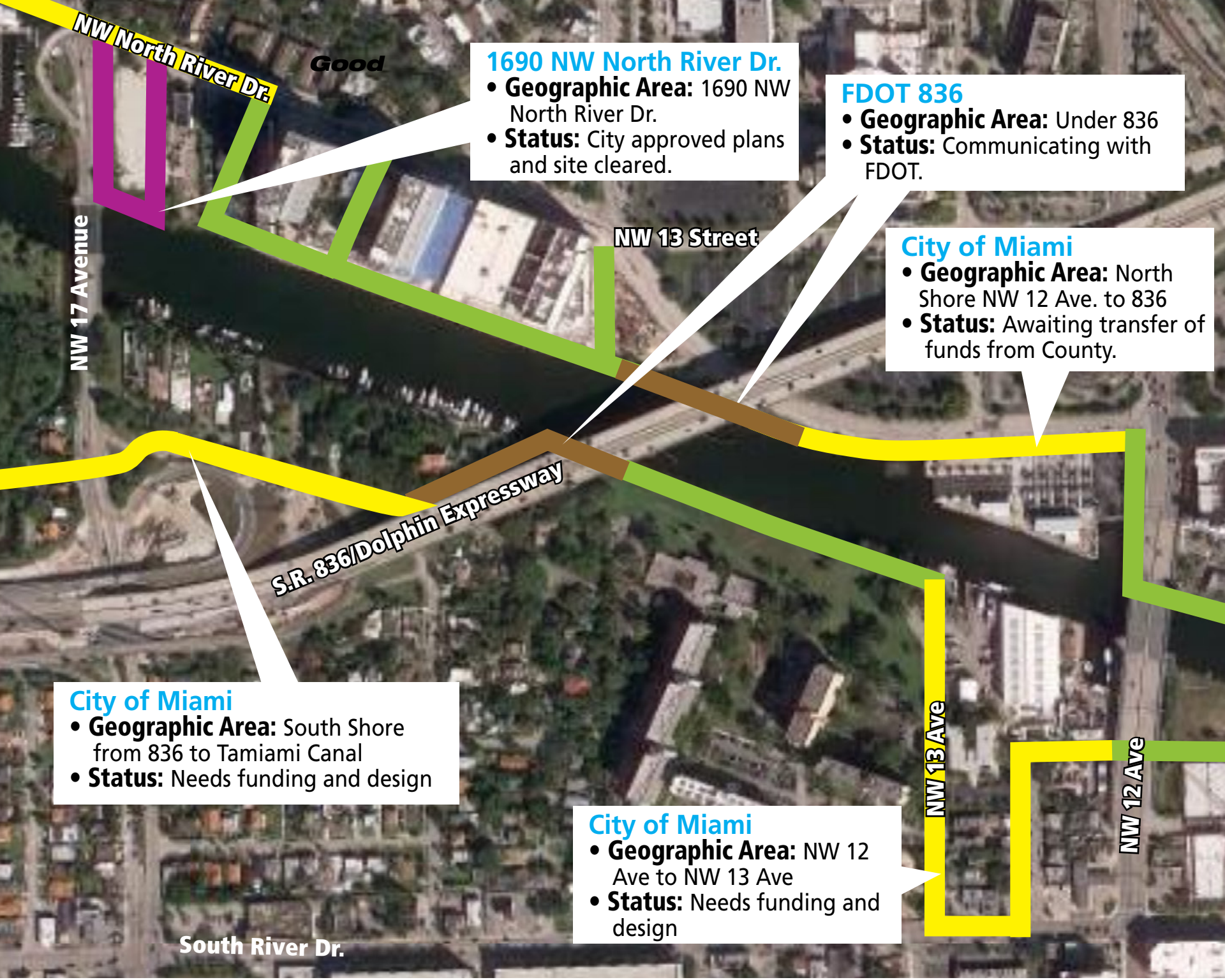
Waterline Miami

- **Geographic Area:** 1001 NW 7 ST
- **Construction Status:** Phase 1 complete, Phase 2 commences construction 2021

555 River House

- **Geographic Area:** 663-517 NW South River Dr.
- **Construction Status:** City Commission item to be considered in 2021





NW North River Dr.

Good

1690 NW North River Dr.
• **Geographic Area:** 1690 NW North River Dr.
• **Status:** City approved plans and site cleared.

FDOT 836
• **Geographic Area:** Under 836
• **Status:** Communicating with FDOT.

City of Miami
• **Geographic Area:** North Shore NW 12 Ave. to 836
• **Status:** Awaiting transfer of funds from County.

NW 17 Avenue

NW 13 Street

S.R. 836/Dolphin Expressway

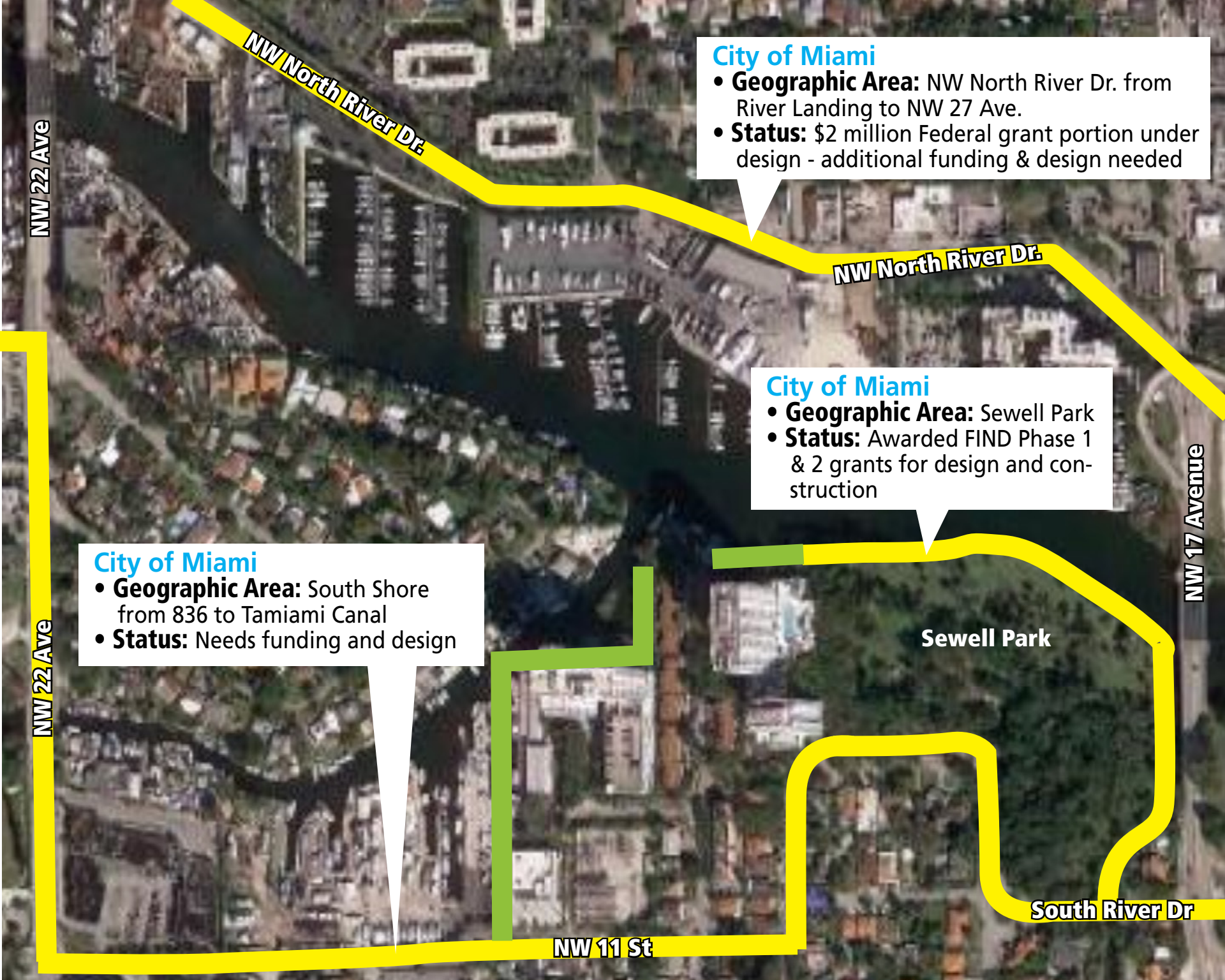
City of Miami
• **Geographic Area:** South Shore from 836 to Tamiami Canal
• **Status:** Needs funding and design

City of Miami
• **Geographic Area:** NW 12 Ave to NW 13 Ave
• **Status:** Needs funding and design

NW 13 Ave

NW 12 Ave

South River Dr.



NW North River Dr

City of Miami

- **Geographic Area:** NW North River Dr. from River Landing to NW 27 Ave.
- **Status:** \$2 million Federal grant portion under design - additional funding & design needed

NW North River Dr

City of Miami

- **Geographic Area:** Sewell Park
- **Status:** Awarded FIND Phase 1 & 2 grants for design and construction

Sewell Park

City of Miami

- **Geographic Area:** South Shore from 836 to Tamiami Canal
- **Status:** Needs funding and design

South River Dr

NW 11 St

NW 22 Ave

NW 22 Ave

NW 17 Avenue



City of Miami

- **Geographic Area:** NW North River Dr. from River Landing to NW 27 Ave.
- **Status:** \$2 million Federal grant portion under design - additional funding & design needed

2507 NW 16 St Road

- **Geographic Area:** 2507 NW 16 St Road
- **Status:** City approved zoning change


Brisas Del Rio

- **Geographic Area:** 1583 NW 24 Ave
- **Status:** City approved plans

City of Miami

- **Geographic Area:** South Shore from 836 to Tamiami Canal
- **Status:** Needs funding and design

NW 14 Street



NW 20 St

NW South River Dr

City of Miami

- **Geographic Area:** South Shore from 836 to Tamiami Canal
- **Status:** Needs funding and design

Salinity Dam

LEGEND

- Option 1
- Option 2
- Option 3
- MDC Current Project
- Existing Greenway
- City of Miami Site

NW South River Dr

Element Hotel MIA
EVEN Hotel MIA

Radisson Hotel

Staybridge Suite MIA

NW 25 St

Miami Intermodal Center

NW 37 Avenue

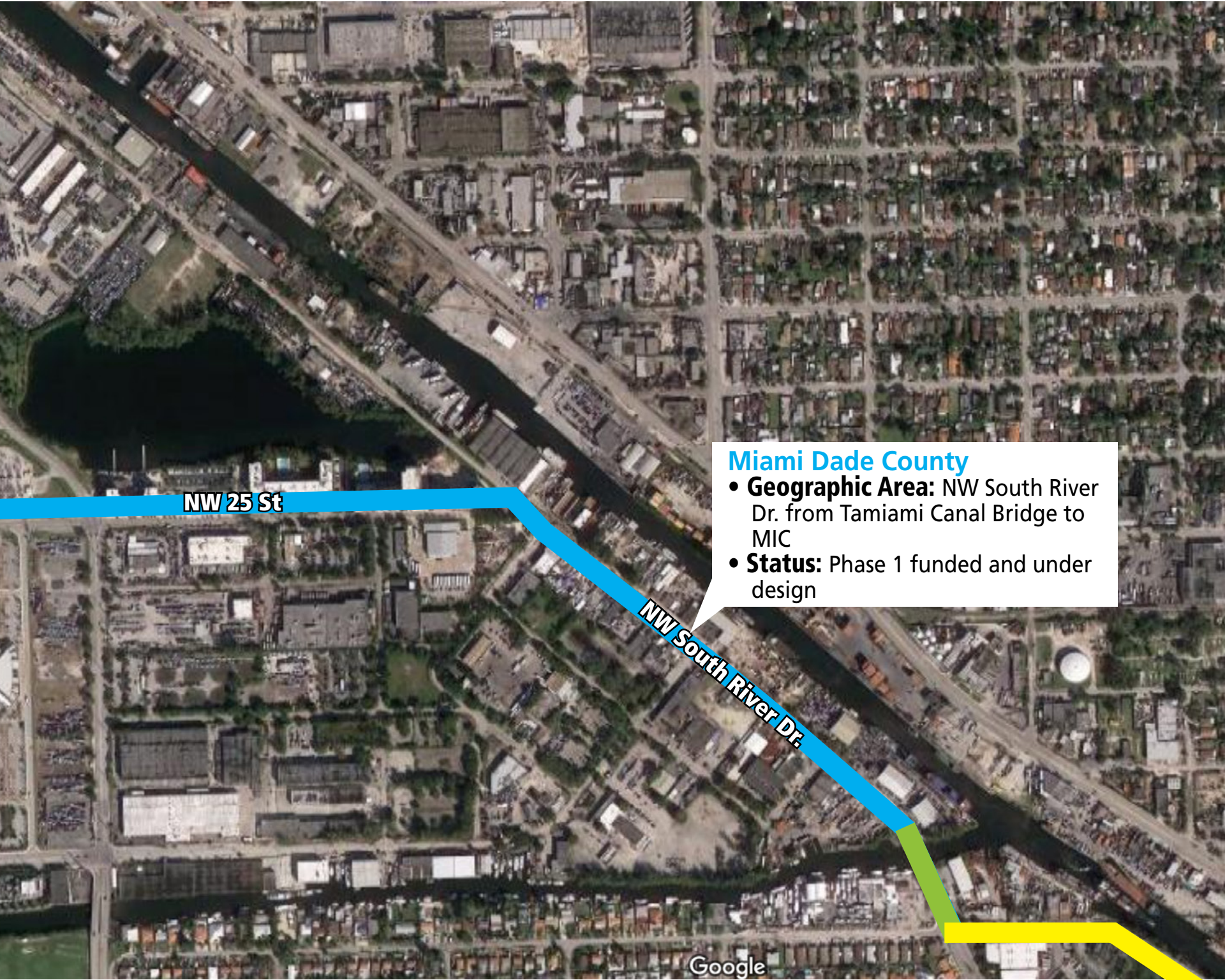
NW 33 Ave

NW 24 ST RD

NW 21 ST

Sheraton Miami Hotel & Executive Suites





NW 25 St

NW South River Dr.

Miami Dade County

- **Geographic Area:** NW South River Dr. from Tamiami Canal Bridge to MIC
- **Status:** Phase 1 funded and under design