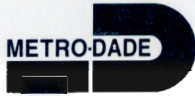


METROPOLITAN DADE COUNTY, FLORIDA



OFFICE OF COMMUNITY DEVELOPMENT  
HISTORIC PRESERVATION DIVISION  
WARNER PLACE  
111 S.W. 5th AVENUE, SUITE 101  
MIAMI, FLORIDA 33130-1381  
(305) 545-4228  
FAX: (305) 545-4262

*ORB 16941 at 3609*

September 22, 1995

Maureen Brody Harwitz, Esq.  
2390 Bayview Lane  
North Miami, FL 33181

Dear Ms. Harwitz:

We are pleased to inform you that on September 20, 1995, the Metropolitan Dade County Historic Preservation Board voted to approve the reconfiguration of the original designation of the Historic Arch Creek Road from 40 feet wide to 23 feet wide with the conditions that the City of North Miami Beach will maintain the road, that all documents are to be held in escrow by the City of North Miami Beach, that the Agreement be signed within 30 days and recorded within one year, and that any work done in the area requires a Certificate of Appropriateness from each owner.

As an historic site, Historic Arch Creek Road is recognized as a significant part of our county's heritage. According to the Preservation Ordinance (81-13), any work that will affect the site will first require a Certificate of Appropriateness from this office. To facilitate this process, we suggest that you contact us at the outset of any project to insure expeditious processing according to the Preservation Ordinance.

The legal description of the Historic Arch Road is:

A portion of the right-of-way of Dixie Highway as shown on the Plat of ARCH CREEK HIGHLANDS as recorded in Plat Book 15 at Page 3 of the Public Records of Dade County, Florida, lying Westerly of and adjacent to Block 5 of said plat, being a 23.00 foot wide strip of land more particularly described as follows:

Commence at the intersection of the South line of Lot 1 of said Block 5 with the Westerly right-of-way line of U.S. Highway No. 1 (State Road No. 5) as shown on Florida Department of Transportation Right-of-Way Map 87030-2571, Page 9 of 13; thence N 18 degrees 21 minutes 22 seconds E along said West right-of-way line

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for a distance of 5.62 feet; thence N 71 degrees 38 minutes 38 seconds W along a line perpendicular to said West right-of-way line a distance of 43.20 feet more or less to a point on the West line of said Lot 1, said point being the POINT OF BEGINNING of the herein described 23.00 foot wide strip of land, said point is the point of curvature of a circular curve, concave to the Southeast; thence Westerly and Southerly along the arc of said circular curve, having as its elements a radius of 22.34 feet and a central angle of 75 degrees 57 minutes 38 seconds for an arc distance of 29.62 feet to a point of reverse curvature, said point lying on a line 23.00 feet Easterly of and parallel with the Westerly right-of-way line of Dixie Highway; thence Southerly and Westerly along said line 23.00 feet Easterly of and parallel with the Westerly line of said Dixie Highway, to its intersection with the Northwesterly extension of the Southerly line of Lot 25 of said Block 5; thence N 46 degrees 40 minutes 45 seconds W along the Northwesterly extension of said Southerly line of Lot 25, for a distance of 23.00 feet, said line being radial with said Westerly right-of-way line of Dixie Highway, to its intersection with said Westerly right-of-way line of Dixie Highway; thence Northerly along said Westerly right-of-way line of said Dixie Highway to a point of reverse curvature, said point being radial to the previously described point of reverse curvature, the bearing to the radius from this point being S 57 degrees 36 minutes 16 seconds E; thence Northerly and Easterly along the arc of a circular curve, concave to the Southeast, having as its elements a radius of 45.34 feet and a central angle of 75 degrees 57 minutes 38 seconds for an arc distance of 60.11 feet to a point of tangency; thence S 71 degrees 38 minutes 38 seconds E for a distance of 5.62 feet to a point on the Easterly right-of-way line of said Dixie Highway, being a point on a circular curve, concave to the Southeast and whose radius point bears S 55 degrees 24 minutes 18 seconds E; thence Southwesterly along said Easterly right-of-way line of Dixie Highway along a curve leading to the left having as its elements a radius of 100.00 feet and a central angle of 02 degrees 58 minutes 39 seconds for an arc distance of 5.20 feet to a point of reverse curvature;

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thence Southwesterly along a circular curve leading to the right along said Easterly right-of-way line of Dixie Highway, having as its elements a radius of 2954.93 feet and a central angle of 00 degrees 21 minutes 30 seconds for an arc distance of 18.48 feet to the POINT OF BEGINNING.

and

A portion of Lot 1 of Block 5 of the plat of ARCH CREEK HIGHLANDS as recorded in Plat Book 15 at Page 3 of the Public Records of Dade County, Florida, being more particularly described as follows:

A 23.00 foot wide strip of land within said Lot 1, bounded as follows:

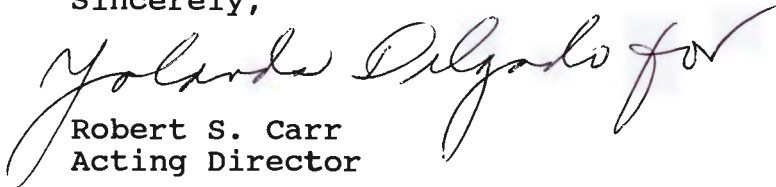
bounded on the South by the following described line; commence at the Southeast corner of said Lot 1 as shown on Florida Department of Transportation Right-of-Way Map section number 87030-2571 page 9 of 13; thence N 18 degrees 21 minutes 22 seconds E along the West right-of-way of State Road 5 as shown on said right-of-way map for a distance of 5.62 feet to the Point of Beginning of the Southerly boundary line of said 23.00 foot wide strip of land; thence N 71 degrees 38 minutes 38 seconds W, perpendicular to said West right-of-way line of said State Road 5 as shown on said right-of-way map for a distance of 43.20 feet more or less to the Westerly line of said Lot 1; bounded on the West by the Westerly line of said Lot 1, said West boundary also being the East right-of-way line of Dixie Highway as shown on said Plat; bounded on the North by a line 23.00 feet North of and parallel with said South boundary; bounded on the East by said West right-of-way line of said State Road 5 as shown on said right-of-way map.

Enclosed you will find a copy of the amended Designation Report, a copy of the official resolution showing the reconfiguration of the original designation of the Historic Arch Creek Road. Also enclosed is a copy of a blank Certificate of Appropriateness, copy of the sketch plan and a copy of the Easement Agreement.

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The Office of Community Development, Historic Preservation Division, is staff for the Preservation Board. Should you have any questions regarding the designation, the Preservation Ordinance or need advice on any renovation or restoration projects, please contact our office.

Sincerely,

  
Robert S. Carr  
Acting Director

RSC:ycd

Enclosure: Amended Designation Report  
Copy of official resolution  
Easement Agreement with exhibits  
Sketch Plan

## EASEMENT AGREEMENT

This Easement Agreement dated this 9<sup>03</sup> day of October, 1995 by and among VIRGINIA SARAN FIUR, hereinafter referred to as "FIUR", EDNA BEN-ZVI, hereinafter referred to as "BEN-ZVI", LAWRENCE A. WEISER, hereinafter referred to as "WEISER" (collectively hereinafter referred to as "GRANTORS"), and the CITY OF NORTH MIAMI BEACH, hereinafter referred to as "GRANTEE".

### W I T N E S S E T H :

WHEREAS, FIUR, BEN-ZVI and WEISER each own parcels of land having frontage on Old Dixie Highway and Biscayne Boulevard which are each individually described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the GRANTEE in conformity with a Court Order entered by the Circuit Court of the Eleventh Judicial Circuit was required to convey to the GRANTORS a parcel of land being a right-of-way providing necessary public, vehicle and pedestrian access from Biscayne Boulevard to the north entrance of Arch Creek Park, a State of Florida archeological site; and

WHEREAS, such property is West of and adjacent to GRANTORS' parcels and which property is known as HISTORIC ARCH CREEK ROAD, also known as OLD DIXIE HIGHWAY, described in Exhibit "B" attached hereto and made a part hereof; and

WHEREAS, heretofore Metropolitan Dade County, Historic Preservation Board (hereinafter referred to as "PRESERVATION BOARD") has designated HISTORIC ARCH CREEK ROAD, also known as OLD DIXIE HIGHWAY, property described in Exhibit "B" as a local historic site pursuant to the Metropolitan Dade County Historic Preservation Ordinance (81-13), a copy of which Order is marked Exhibit "C" attached hereto and made a part hereof; and

WHEREAS, the Orders of the Circuit Court referred to above has resulted in the loss of the former Biscayne Boulevard access to Old Dixie Highway; and

WHEREAS, it is contemplated that the PRESERVATION BOARD, contemporaneously with the recording of this Easement, shall cause Exhibit "C" to be modified so as to designate the property described in Exhibit "D" attached hereto and made a part hereof as "The Historic Site" in lieu and in place of that property described in Exhibit "B"; and

WHEREAS, GRANTORS and GRANTEE desire to provide in perpetuity a method of ingress and egress to the North entrance of Arch Creek Park located at the

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