

INSTRUCTIONS FOR FILING RESTRICTIVE COVENANTS

In order to issue certain building and/or miscellaneous permits for the construction, erection, alteration or addition to buildings or structures in the City of Coral Gables, the City Commission or Building and Zoning Department may require the property owner to provide the City with the appropriate restrictive covenant.

GENERAL INSTRUCTIONS: Restrictive Covenants must contain the following information:

1. The City of Coral Gables must be provided with one (1) original copy of each Restrictive Covenant. All blanks must be filled in and may be printed neatly or typewritten. Covenants which are not legible will not be accepted by the city. Photocopies of any required seals or signatures will not be accepted.
2. All originals must have a 3-inch by 3-inch space at the top right hand corner on the first page and a 1-inch by 3-inch space at the top right hand corner on each subsequent page for the Clerk's official use. F.S. 695.26 (1) (e). A blank cover page must be attached to all documents not providing this space. A charge of \$8.50 for the additional page will be assessed. Same applies to each additional page.
3. Covenants must be witnessed and notarized (two (2) witnesses).
4. The legal description must be accurate and include the plat book and page number.
5. The first page of the Covenant must contain the preparer's name, address and phone number, and must be prepared by an individual person.

Example: Prepared by: John Doe
123 Main Street
Coral Gables, Florida 33134
Tel. No. _____

A company, firm or corporation cannot prepare the restrictive covenant.

6. A money order or cashier's check for the purpose of recording the Covenant is required to be made payable to the "Clerk of the Circuit Court" and must accompany the Restrictive Covenant. If any additional page is added to the Restrictive Covenant such as a blank page or a lengthy legal description, please calculate the recording fee accordingly. The fee for a one-page Restrictive Covenant is \$10.00, and each additional page is \$8.50.
7. Each Restrictive Covenant must be signed by all the property owners as shown on the property deed and the tax rolls. In the event the property is owned by a corporation, then one (1) of the officers of the corporation must sign the Restrictive Covenant, and the Restrictive Covenant must be embossed with the corporate seal.

Exceptions: *The following additional information will be required for the specified Restrictive Covenants, below:*

UNITY OF TITLE RESTRICTIVE COVENANT – GENERAL REQUIREMENTS:

Three (3) originals of the Unity of Title Covenant are required, which shall be considered a one-page covenant for the purposes of the recording fee, unless there is a need to add a blank sheet as a cover or the legal description carries over to a second page (see above General Instructions). One (1) copy of an Opinion of Title shall be required if the property has been owned for more than a year and a half from the date the covenant is submitted. The Opinion of Title must be prepared by an attorney. A sample copy of an Opinion of Title is located on our web page. The Opinion of Title is not recorded and is therefore not to be counted when calculating the recording fee.

If the property has been owned for less than a year and a half, a copy of the recorded deed with the Miami-Dade County Clerk's File Number and O.R. Book/Page shown clearly in the upper left hand corner of the deed, with both a copy of the most recent property tax statement and a recent monthly utility bill will be acceptable.

RESTRICTIVE COVENANT FOR A SPECIAL DRIVEWAY APPROACH, AN AWNING AND/OR SIGN ENCROACHMENT – GENERAL REQUIREMENTS:

One (1) copy of Proof of Insurance in the amount specified on the covenant is required. The insurance must be obtained by the property owner. Insurance from the tenant will not be accepted. The City of Coral Gables must be listed on the insurance policy as co-insured (not co-owner). The City of Coral Gables cannot be listed as the Certificate Holder. See **specific covenant instructions with each encroachment packet.**

DECLARATION OF RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned _____ is/are the fee simple owner(s) of the following described property situated and being in the City of Coral Gables, Florida:

Lot(s) _____ Block _____ of _____ Subdivision, according to the plat thereof, as recorded in Plat Book _____ Page _____ of the Public Records of Dade County, Florida, and

WHEREAS, the undersigned owner(s) of a single family residence at _____ desire to utilize said Lot(s) as a single building site, and the undersigned owner(s) do(es) hereby declare and agree as follows:

1. That the single family residence will not be used in violation of any ordinances of the City of Coral Gables now in effect or hereinafter enacted.
2. That the said Lot(s) above described upon which the single family residence is situated shall not be conveyed, mortgaged, or leased separate or apart from each other and that they will be held together as one tract.

NOW, THEREFORE, for good and valuable consideration, the undersigned do(es) hereby declare that he/she will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all terms and conditions set forth herein.

FURTHER, the undersigned declare(s) that this covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment and title to the above property and shall constitute a covenant running with the land and shall be binding upon the undersigned, his/her successors and assigns and may only be released by the City of Coral Gables, or its successor, in accordance with the ordinance of said City then in effect.

IN WITNESS WHEREOF, the undersigned has/have caused _____ hand(s) and seal(s) to be affixed hereto on this _____ day of _____ 20_____.

WITNESS (ES)

OWNER(S)

Sign above and print name here _____

Sign above and print name here _____

Sign above and print name here _____

Sign above and print name here _____

STATE OF FLORIDA)
 ss.
COUNTY OF MIAMI-DADE):

I HEREBY CERTIFY that on this day personally appeared before me _____ who is personally known to me or has produced _____ (type of identification) as identification and he/she acknowledge that he/she executed the foregoing, freely and voluntarily, for purposes therein expressed.

SWORN TO AND SUBSCRIBED before me on this _____ day of _____, 20_____.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA

PREPARED BY:

APPROVED AS TO FORM

Tel No. _____

Elizabeth M. Hernandez, City Attorney

UNITY OF TITLE

DECLARATION OF RESTRICTIVE COVENANT

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WHEREAS, the undersigned _____ is/are the fee simple owner(s) of the following described property situated and being in the City of Coral Gables, Florida:

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NOW, THEREFORE, for good and valuable consideration, the undersigned do(es) hereby declare that he/she will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all terms and conditions set forth herein.

FURTHER, the undersigned declare(s) that this covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment and title to the above property and shall constitute a covenant running with the land and shall be binding upon the undersigned, his/her successors and assigns and may only be released by the City of Coral Gables, or its successor, in accordance with the ordinance of said City then in effect.

IN WITNESS WHEREOF, the undersigned has/have caused _____ hand(s) and seal(s) to be affixed hereto on this _____ day of _____ 20_____.

WITNESS (ES)

OWNER(S)

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Sign above and print name here

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STATE OF FLORIDA)
 ss.
COUNTY OF MIAMI-DADE):

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SWORN TO AND SUBSCRIBED before me on this _____ day of _____, 20_____.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA

PREPARED BY:

APPROVED AS TO FORM

Elizabeth M. Hernandez, City Attorney

Tel No. _____

UNITY OF TITLE

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IN WITNESS WHEREOF, the undersigned has/have caused _____ hand(s) and seal(s) to be affixed hereto on this _____ day of _____ 20_____.

WITNESS (ES)

OWNER(S)

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STATE OF FLORIDA)
 ss.
COUNTY OF MIAMI-DADE):

I HEREBY CERTIFY that on this day personally appeared before me _____ who is personally known to me or has produced _____ (type of identification) as identification and he/she acknowledge that he/she executed the foregoing, freely and voluntarily, for purposes therein expressed.

SWORN TO AND SUBSCRIBED before me on this _____ day of _____, 20_____.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA

PREPARED BY:

APPROVED AS TO FORM

Elizabeth M. Hernandez, City Attorney

Tel No. _____

UNITY OF TITLE

OPINION OF TITLE

To: CITY OF CORAL GABLES, a municipal corporation of the State of Florida:

With the understanding that this opinion of title is furnished to the CITY OF CORAL GABLES, FLORIDA, as an inducement for acceptance of a covenant or unity of title, as applicable, it is hereby certified that I have examined the Title Search Report issued by _____ (title company), dated _____, at _____ (time), of the following-described real property situated in Miami-Dade County, Florida:

Basing on such Title Search Report, I am of the opinion that on the last mentioned date the fee simple title to the Property was vested in:

Subject to the following liens, encumbrances, and other exceptions:

GENERAL EXCEPTIONS

1. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanics' or materialmens' liens.
5. Zoning and other restrictions imposed by governmental authority.

SPECIAL EXCEPTIONS

6. First mortgage in the original principal amount of \$ _____ given to _____ dated May _____, 20____, and filed May _____ 20____, under Clerk's File No. _____, in OR Book _____, at Page _____, of the Pubic Records of Miami-Dade County, Florida.
7. Second mortgage in the original principal amount of \$ _____ filed May _____ 20____, under Clerk's File No. _____, recorded in OR Book _____, at Page _____, of the Public Records of Miami-Dade County, Florida.

8. Easements to Telephone Company dated _____, _____, and filed under Clerk's File No. _____ recorded in OR Book _____, at Page _____, of the Public Records of Miami-Dade County, Florida
9. Restrictive covenant filed under Clerk's File No. _____ recorded in OR Book _____, Page _____, of the Public Records of Miami-Dade County, Florida.

None of the exceptions listed above will restrict the use of the property for the purposes set forth in the covenant and unity of title, as applicable.

I, _____, the undersigned, further clarify that I am an attorney-at-law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted this _____
Day of _____, 20_____.

Signature

Printed Name

Address

Phone Number