

Capital Realty

S E R V I C E S

Inc.

June 29, 2010

City of Coral Gables Public Works Dept.
c/o Mr. James J. Kay, P.E.
Project Engineer
Engineering Division
2800 S.W. 72nd Avenue
Miami, Florida 33135

**RE: PROPOSED SEWER CONNECTION FOR THE PROPERTY LOCATED AT:
4601 PONCE DE LEON BLVD.
CORAL GABLES, FLORIDA
SEWER CONNECTION PROCEDURES FOR PROPERTIES OUTSIDE
SEWER DISTRICTS - STEP II**

Dear Mr. Kay:

In conjunction with Chapters 62 and 78 of the City of Coral Gables Code, Ordinance no. 2007-29 and Resolution No. 2008-07, please allow this letter to serve as an expressed agreement between Ponce Plaza Associates LLP and the City of Coral Gables, to the following terms enumerated in the referenced resolutions:

1. The Ponce Plaza, L.L.C., Office Building located at 4601 Ponce De Leon Blvd, Coral Gables is currently served by a septic tank/drain field system. The City owns and maintains a 6-inch sewage force main in Ponce De Leon Boulevard fronting the Ponce Plaza, L.L.C. Office Building. Ponce Plaza, L.L.C. will convert the existing septic tank into a "Private" sewage pump station and connect to the existing City 6-inch sewage force main in Ponce De Leon via a new 4-inch "Private" sewage force main.

2. Ponce Plaza, L.L.C. will own, maintain and operate the new "Private" on-site sewage pump station in compliance with applicable regulatory agencies requirements including obtaining approval and an annual operating permit from Miami-Dade County Environmental Resources Management (DERM).

3. To pay a connection fee calculated on the basis of \$2,100.00 per 1,000 gallons per day of estimated peak demand paid concurrently upon signing this agreement. The connection charge shall be made on the basis of an agreed upon estimated gallonage, which shall be subject to review at any time after six months; usage and the final connection cost shall be adjusted to reflect actual usage if greater, but in no case less than the amount originally charged. An alternate method of payment for such sewer service connection charges may be

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granted whereby, in lieu of paying connection charges at time of execution of the customer agreement, the applicant or customer may be permitted to file with the city a cash bond in an amount to be agreed upon between the city manager and the customer, guaranteeing installment payments of said sewer service connection charges. The fee has been calculated to be \$ 17,329.20.

4. To comply with all conditions set forth under chapters 62 and 78 of the City Code, Resolution No. 2008-07, and any other pertinent ordinances or resolutions, copies of which the applicant/customer has reviewed and fully acknowledged by agreeing hereto, except that rates applied to connecting outside the city shall be 75 percent greater than the rates applicable to the same connection within the city. If the connection is outside existing sanitary sewer districts but inside the city, the 75 percent additional rate shall not apply.

5. To comply with, the billing and collecting of sewer service charges as determined by the city. Other agencies, for example the Miami-Dade Water and Sewer Department, may be designated by the city to bill and/or collect sewer service charges. Sewer service charges shall be due within ten days of receipt of billing by the customer. If the sewer service charges remain unpaid 30 days after due date, the city may have water services to the property disconnected. All sewer service charges to any building or structure or unit remaining unpaid 30 days after the due date shall become a lien against and upon the lands to which service has been furnished to the same extent as the lien for special assessments in the city, with the same penalties and the same right of collection and sale as would apply for Coral Gables taxes.

6. To pay the entire cost of whatever facilities are required from the source of the sewage to the point of connection with the Coral Gables system.

7. To furnish the city attorney with a copy of the deed for each unit of property making outside connection.

8. To install and maintain facilities for such pre-treatment of wastes as may from time to time be found necessary to render the wastes suitable for handling and treatment by the city without creation of nuisances. Under operational difficulty, the reasonable determination by the city and the city consulting engineers shall be binding.

The following shall be required in all cases:

- a. Grease separation facilities without exception.
- b. Comminutors except where flow is directly to a city comminutor.

Mr. James J. Kay, P.E.

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- c. Screen at the discretion of the city in case of laundries and similar sources of rags, string and lint.
- d. Pre-chlorination in case of long force mains.

9. To provide the city with plans and specifications in quadruplicate for applicant/customer sanitary sewer facilities as prepared by a registered civil engineer, licensed to practice in the State of Florida and fully experienced and qualified in the design of sanitary sewer systems. Said plans and specifications shall be reviewed by the city and returned to the applicant/customer marked for revision until the plans are returned marked approved and signed as such by the director of public works. A composite plan/profile survey of existing utilities shall be prepared of each Coral Gables right-of-way through which a pipeline run is proposed, showing the exact relationship between and among all existing and proposed facilities. The city may refuse to process the plans unless the composite picture is complete, so that the most feasible route with the least inconvenience to residents may be confirmed by the director of public works.

10. To provide a cut-off valve at the point of connection with the Coral Gables system. This cut-off valve shall be shown and described in the above plans and specifications.

11. To provide the city with a letter from said licensed/registered engineer stating that said engineering services have been retained to provide full-time resident inspection during construction and installation of said facilities. Upon completion of the installation, said engineer shall certify in writing that the work has been fully and properly installed, and that infiltration is within allowable limits.

12. To have proposed installation shown on said approved plans and specifications constructed and installed only by a fully licensed and qualified contractor who shall also obtain all prerequisite construction permits from each agency having jurisdiction prior to initiating work in the field. The public works director may withhold or withdraw issuance of city right-of-way permit if compliance with portions of Step II implementation by the applicant becomes overdue.

13. To keep city informed of work progress and connections inside and outside the city so that city inspectors may confirm the integrity of the facilities at each key point.

14. To be solely responsible for continuing maintenance and operation of said facilities. The city reserves the right to inspect the facilities and to require the applicant to have timely repairs made, where infiltration or other defects are adversely affecting the cost and operation of the city's sanitary sewer system. Failure of the applicant/customer to remedy defects shall be cause for termination of agreement and disconnection of the service. The occupants or tenants of the connected property shall be informed by the customer that the city is not responsible for such maintenance and operation.

15. To not permit any other connection to the customer's connecting lines to the city system except those listed in the agreement. Any additional connections, if permitted, shall be subject to approval by the city as stated herein and the original connection charge shall be increased to reflect the additional sewage added. Additional connectors shall furnish the city with prior written approval by the original owner of the line and all prior connectors to said line.

16. To limit the peak sewage flow from the outside sewer connection insofar as the property, zoning, size, type and/or density of the facility herein approved for connection, and any proposed change thereto which would generate significant increase in peak sewage discharged into the Coral Gables sanitary sewer system shall require prior approval by Coral Gables for such increased sewage discharge in accordance with the terms of this resolution.

17. To provide that the monthly charge computed at the volumetric base rate be multiplied by a value of unity for a monthly average BOD of 250 ppm or under, said value to be increased by a surcharge factor of one-quarter percent per part per million on monthly average BOD in excess of 250 ppm, as follows and as interpolation thereof:

TABLE INSET:

MONTHLY BOD	MULTIPLIER
250 ppm or less	1.000
260	1.025
270	1.050
280	1.075
290	1.100
300	1.125
400	1.375
500	1.625
1,000	2.875

18. To provide for and bear the cost of sampling with suitable sampling facilities when reasonable cause for sampling exists. The city shall give the customer or tenant reasonable notice when sampling is necessary, and qualified city representatives shall thereafter perform the necessary sampling as efficiently as possible.

19. To reconnect to the city sewer system at the customer's expense in a manner acceptable to the city, when sewerage is completed to a new area in the city which can more efficiently and effectively serve the customer's outside connection.

20. To provide liability insurance in the amounts required by Resolution No. 2008-07, naming the City of Coral Gables as additional insured and covering any damages to public or private property due to a failure in the customer's facilities. A certification of insurance shall be required at the execution of the agreement in a form acceptable to the City of Coral Gables.

21. To provide a maintenance bond or other surety in the amount of five percent of the construction cost to assure timely repair of the customer's facilities should a failure occur, said surety to run in perpetuity or until the connection is no longer required.

22. To bear the expense of recording the agreement encompassing the above terms in the Public Records of Miami-Dade County, Florida, and said agreement shall be a covenant running with the land which will state that the owner will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all of the terms and conditions of said agreement.

23. To comply with condition No. 16 of the "Agreement for Outside Sanitary Sewer Connection", dated April 19, 2005, between the City of Coral Gables "City" and Ponce Riviera, L.L.C., by paying a "Construction Connection Charge" to the City in the amount of \$ 21,666.29.

The "Construction Connection Charge" is based on the Construction Connection Charge Calculation Formula provided under Condition 16.A. and is based on:

Ponce Plaza, LLC - Average Daily Flow of Connecting Property = 20, 624 SF of Rentable Space X 10 GPD/100 SF MD-WASD Flow Rating = 2,063 GPD

Actual Ponce Riviera LLC (Bermuda Village) force main construction cost =
\$ 682,651.00

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Therefore, Ponce Plaza, LLC Construction Connection Charge = 2,063 GPD/65,000 GPD
X \$682,651.00 = \$ 21,666.29

A copy of the City and Ponce Riviera, LLC "Agreement for Outside Sanitary Sewer Connection" is attached and made a part of this Ponce Plaza, L.L.C. Letter Agreement.

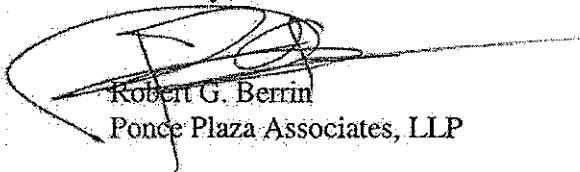
Additionally, a copy of Mr. Harold D. White letter dated 05/21/2008 to Mr. Thomas Springer, P.E., Engineering Department Supervisor, Public Works Department, City of Coral Gables, providing to the City the costs of the Bermuda Village/City sewage force main is attached and made a part of this Ponce Plaza, L.L.C. Letter Agreement.

24. In order to offset the city's expense of maintaining records of repayment to be paid, Ponce Plaza, L.L.C. will pay the city a repayment administration fee (R.A.F.). The R.A.F. amount shall be five (5) percent of the refund to original applicant, but the R.A.F. shall not be less than \$2,500.00. In this case Ponce Plaza, L.L.C. will pay the City a repayment administration fee (R.A.F.) in the amount of \$ 2,500.

After you have had an opportunity to review the above, please do not hesitate to contact us if you need any additional information so that we may expedite this agreement.

Thank you for your prompt attention to this matter.

Sincerely,



Robert G. Berrin
Ponce Plaza Associates, LLP

RGB/me
Enc.

cc: Ms. Lina Herrera Hickman, Public Works Engineer
Ms. Elizabeth M. Hernandez, Esquire, City Attorney

Exhibit "A"

Outside Sewer Agreement "Bermuda Village"

Between:

City of Coral Gables
and
Ponce Riviera, LLC



FORD ENGINEERS, INC.
CIVIL AND ENVIRONMENTAL ENGINEERS
1950 NW 94TH AVENUE • 2ND FLOOR
MIAMI, FLORIDA 33172

AGREEMENT FOR OUTSIDE SANITARY SEWER CONNECTION

THIS AGREEMENT made and entered into this ^{HDC} 29 day of April, 2005 by and between the City of Coral Gables, a municipal corporation of the State of Florida, herein referred to as "CITY", and PONCE RIVIERA, L.L.C., a Florida limited liability company, hereto referred to as "OWNER".

WHEREAS, OWNER is the owner of the following described real property located in Miami-Dade County, Florida:

Lots 1-40, inclusive, and vacated alley in Block 37, Coral Gables Riviera Section, Part 2, according to the plat thereof as recorded in Plat Book 28, Page 18 of the Public Records of Miami-Dade County, Florida.

WHEREAS, OWNER is constructing a Planned Area Development to be known as BERMUDA VILLAGE, consisting of 30 residential units, and will use a "private" sewage pump station. This private pump station will connect to a "public" sanitary sewage force main constructed by the Owner and deeded to the City.

WHEREAS, the City Commission of the City of Coral Gables on the 13th day of July 2004, passed and adopted Resolution 2004-169 which authorized the Owner to connect outside the city sanitary sewer district No 9 to the Coral Gables Sanitary Sewer line subject to certain terms and conditions as set forth below.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the parties hereto agree to the following:

1. To install a "private" sewage pump station on-site and a "public" force main to be constructed in Ponce De Leon Blvd. from Suarez Street, west across LeJeune Road and continue west along Ponce for an additional +/- 1350 feet. This new force main will connect into an existing force main at the downstream side of the City Pump Station No. 5.
2. To maintain the private sewage pump station and to assign responsibility for maintenance to the condominium association when Riviera Development, LLC turns over control to the condominium association and provide proper documentation to the City Attorney to verify the assignment of responsibility. The condominium association shall represent individual unit owners in dealing with maintenance of the private sewage pump station.

3. After construction is 100% completed and accepted, the Owner will execute proper documentation and turn over the force main to the City.
4. To pay a connection fee of \$ 59,640.00 concurrently upon signing this agreement based on the estimated gallonage. The connection charge shall be subject to review at any time after six months; usage and the final connection costs shall be adjusted to reflect actual usage if greater, but in no case less than that amount originally charged.
5. To comply with all conditions set forth under chapter 22 and 26 of the City Code, Resolutions 24481 and 25876 and 27941, and any other pertinent ordinances or resolutions, copies of which the applicant/customer has reviewed and fully acknowledges by agreeing hereto, except that the rate applied to the connecting outside the City shall be 75% greater than rates applicable to the same connection within the City. If the connection is outside existing sanitary sewer districts but inside the City, the 75% additional rate shall not apply.
6. To the billing and collection of sewer service charges as determined by the City of Coral Gables. Other agencies, for example, Miami-Dade Water and Sewer Authority may be designated by the City to bill and/or collect sewer service charges. Sewer service charges shall be due within ten (10) days of receipt of billing by the customer. If the sewer service charge remains unpaid thirty (30) days after due date, the City may have water services to the property disconnected. All sewer service charges to any building or structure or unit remaining unpaid thirty (30) days after due date shall become a lien against and upon the lands to which services has been furnished to the same extent as the lien for special assessments in the City of Coral Gables, with the same penalties and the same rights of collection and sale as would apply for Coral Gables taxes.
7. To pay the entire cost of whatever facilities are required from the source of sewage to the point of connection with the Coral Gables system, including but not limited to the force main and all appurtenances.
8. If applicable use remains the same, to install and maintain facilities for such pre-treatment of wastes as may from time to time be necessary to render the wastes suitable for handling and treatment by the City without creation of nuisances. Under operational difficulty, the reasonable determination by the City and the City consulting engineers shall be binding. The following shall be required in all cases:
 - a. Grease separation facilities without exception.
 - b. Comminutors, except where flow is directly to a City comminutor.
 - c. Screens at the discretion of the City in cases of laundries and similar sources of rages, strings, and lint.
 - d. Prechlorination in case of long force mains.

9. To provide the City with plans and specifications in quadruplicate for applicant/customer sanitary sewer facilities as prepared by a registered civil engineer, licensed to practice in the State of Florida and fully experienced and qualified in the design of sanitary sewer systems. Said plans and specifications shall be reviewed by the City and returned to the applicant/customer marked for revision until the plans are returned, marked approved and signed as such by the Director of Public Works. A composite plan/profile survey of the existing utilities shall be prepared of each Coral Gables right of way through which a pipeline run is proposed, showing the exact relationship between and among all existing and proposed facilities. The City may refuse to process the plans unless the composite picture is complete, so that the Director of Public Works may confirm the most feasible route with the least inconvenience to residents. Said plan and specifications are attached hereto.
10. To provide a cut off valve at the point of connection with the Coral Gables system. This cut off valve shall be shown and described in the above plans and specifications. Said cut off valve is shown on the plans and specifications attached hereto.
11. To provide an electronic meter and telemetry approved by the City that is compatible with the City's automated telemetry system so the flow will be automatically monitored. To provide for annual calibration of the system. City shall read meter monthly and billing shall be to the Condominium Association.
12. To provide the City with a letter from said licensed/registered engineer stating that the engineering services have been retained to provide full-time resident inspection during construction and installation of said facilities. Upon completion of the installation, said engineer shall certify in writing that the work has been fully and properly installed, and that the infiltration is within allowable limits. Said letter is attached hereto.
13. To have proposed installation shown on said approved plans and specifications constructed and installed by a fully licensed and qualified contractor, who shall also obtain all pre-requisite construction permits from each agency having jurisdiction prior to the initiating work in the field. The Public Works Director may withhold or withdraw issuance of City right of way permits if compliance with portions of Step II implementation by the applicant become overdue.
14. To keep the City informed of work progress and connections inside and outside the City so that City inspectors may confirm the integrity of the facilities at each key point.
15. To be solely responsible for the continuing maintenance and operations of private connection to the force main. The City reserves the right to inspect the private connection and to require the applicant to have timely repairs made, where infiltrations or other defects are adversely affecting the cost and operation of the City's sanitary sewer system. Failure of the applicant/customer to remedy defects shall be cause for termination of the agreement and disconnection of the service. The Owner shall inform

the occupants of the connected property that the City is not responsible for such maintenance and operation.

16. To not permit any other connection to the Owner's installed public force main connecting to the City system except as indicated in this agreement. Any additional connection, if permitted, shall be subject to approval by the City as stated herein, and the original connection charge shall be increased by a Construction Connection Charge to reflect the additional sewage flow in the public force main.

Since the Owner will not utilize all of the capacity of the public force main he is constructing, the City agrees to require any applicant for connection to the City system via the public force main being constructed herein by Owner to pay a Construction Connection Charge that will reimburse Owner the applicant's pro rata share of the actual construction cost of the public force main.

The actual cost of the force main construction is the Owner's actual cost of construction plus ten (10) percent for engineering and overhead expenses. The City and Owner determine the actual cost at the end of the construction when the Owner conveys the force main to the City.

The Construction Connection Charge is based on a percentage of the force main capacity utilized by the connecting property whether the property abuts or does not abut the public force main.

A. Construction Connection Charge Calculation

6 " Force Main Minimum Capacity @ $v=2$ fps = 260,000 gpd, divided by peak factor of 4 = 65,000 gpd of minimum average daily flow capacity, less Owner's usage of 7,100 gpd.

Average daily flow of connecting property divided by 65,000 gpd multiplied by the actual cost of force main construction.

B. Reimbursement to Owner of Construction Connection

The City shall make every effort to collect all applicable construction connection charges from those applicants seeking approval to connect to the public force main as specified herein. The Owner and City agree that the City will reimburse Owner only for sums actually collected. Owner shall not receive reimbursement in excess of the Actual Construction Charge, less Owner's use. The City agrees to collect a Construction Connection Charge for a twelve (12) year period to commence on the date that Owner conveys title to force main to City. It shall be Owner's responsibility to provide City with a current mailing address during this period.

17. To limit peak sewage flow from the outside sewer connection insofar as the property, zoning, size, type and/or density of the facility herein approved for connection, and any proposed change thereto which would generate significant increase in peak sewage discharged into the Coral Gables sanitary sewer system shall require prior approval by Coral Gables for such increased sewage discharge in accordance with the terms of Resolution No. 24481, as amended by Resolution No. 27941.

18. To provide that the monthly charge computed at the volumetric base rate be multiplied by a value of unity for a monthly average BOD of 250 ppm or under, said value to be increased by a surcharge factor of $\frac{1}{4}\%$ per part per million of monthly average BOD in excess of 250 ppm, as follows and as interpolations thereof.

<u>Monthly BOD</u>	<u>Modifier</u>
250 ppm or less	1.000
260	1.025
270	1.050
280	1.075
290	1.100
300	1.125
400	1.375
500	1.625
1000	2.875

19. To provide for and bear the cost of sampling with suitable sampling facilities when reasonable cause for sampling exists. The City shall give the customer reasonable notice when sampling is necessary and qualified City representatives shall thereafter perform the necessary sampling as efficiently as possible.

20. To reconnect to the City sewer system at the customer's expense in a manner acceptable to the City, when sewerage is completed to a new area in the City that can more efficiently and effectively serve the customers outside connection.

21. To provide liability insurance in the amounts required by Resolution 25786 naming the City of Coral Gables as additional insured, and covering any damages to public or private property due to a failure in the customer's facilities. A certificate of insurance shall be required at the execution of this agreement in a form acceptable to the City of Coral Gables.

22. To provide a maintenance bond or surety in the amount of five (5) percent of the construction costs to assure timely repair of the customer's facilities should a failure occur, said surety to run in perpetuity or until the connection is no longer required.

23. To bear the expense of recording the agreement encompassing the above terms in the public records of Miami-Dade County, Florida, and said agreement shall be a

covenant running with the land which will state that the owner 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 of said agreement.

IN WITNESS THEREOF, the parties have executed this agreement as of the day and year first above written.

[Signature]
Witness Signature

PONCE RIVIERA, LLC

Venancio Torre
Witness Printed Name

By: [Signature]

[Signature]
Witness Signature

LAURA RUSSO
Witness Printed Name

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

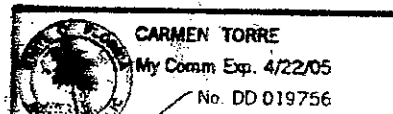
I hereby certify that on this day, personally appeared before me Harold D. White as Managing Director of PONCE RIVIERA, LLC, a Florida limited liability company, who is personally known to me or has produced _____ as identification and he acknowledges that he executed this agreement freely and voluntarily for the purposes herein expressed.

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2005.

My Commission Expires:

[Signature]
Notary Public State of Florida

4-22-05



City of Coral Gables

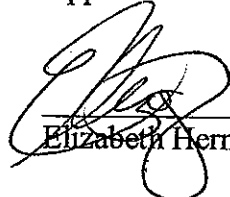

David L. Brown, City Manager

By authority of Resolution No.
R2004-169 duly passed and adopted
by the Coral Gables City Com-
mission on July 13, 2004.

ATTEST



Approved as to Form and Content:

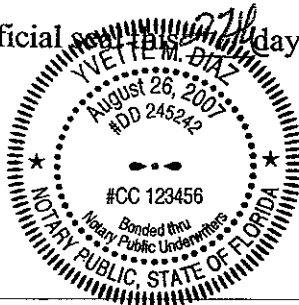

Elizabeth Hernandez, City Attorney

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority, personally appeared David L. Brown and Walter J. Foeman, City Manager and City Clerk, respectively, of the City of Coral Gables, who after being duly sworn, under oath, depose and say that they have read the foregoing agreement and have executed the same for the purposes herein expressed with due authority from the Commission of the City of Coral Gables.

WITNESS my hand and official seal this 27th day of April, 2005.




Notary Public State of Florida

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. R-2004-169

A RESOLUTION AUTHORIZING A SEWER CONNECTION OUTSIDE THE CITY SANITARY SEWER DISTRICTS TO THE BERMUDA VILLAGE LOCATED ON PONCE DE LEON BOULEVARD BETWEEN RIVIERA DRIVE AND SUAREZ STREET, CORAL GABLES, FLORIDA, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT AS PROVIDED IN RESOLUTIONS NO. 24481 AND 27941, AND PROVIDED THAT THE EXECUTED AGREEMENT BE MADE PART OF THIS RESOLUTION.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That authorization is hereby given for an outside sewer connection outside the city sanitary sewer districts to the Bermuda Village located on Ponce de Leon Boulevard between Riviera Drive and Suarez Street, Coral Gables, Florida, which shall be subject to the requirements of the Public Works Department, as set forth in Resolution No. 24481 and 27941.

SECTION 2. The Owner executes an agreement approved by the City Attorney, agreeing to comply with the terms outlined in Resolution Nos. 24481 and 27941.

SECTION 3. The Owner pays a connection fee concurrently upon signing the agreement based on the estimated daily peak flow. The fee has been calculated to be \$53,760.00.

SECTION 4. The property owner shall provide a Maintenance Bond or other Surety in the amount of five percent (5%) of the construction costs to assure timely repair of the customer's facilities should a failure occur, said surety to run in perpetuity or until connection is no longer required.

SECTION 5. The property owner shall provide Liability Insurance in the amounts required by Resolution No. 25786 naming the City as an additional insured, and covering any damages to public or private property due to failure in the customer's facilities. A Certificate of Insurance shall be required at the execution of the agreement in a form acceptable to the City of Coral Gables.

SECTION 6. The owner shall provide the City with final plans and certifications for approval by the Public Works Department.

SECTION 7. The property owner shall secure all required permits to perform this project.

SECTION 8. That the proposed Pump Station be connected to the City's telemetry system.

SECTION 9. That the proposed Pump Station has an automated flow meter connected to the City's telemetry system.

SECTION 10. That the executed agreement shall be made part of this Resolution and kept in the file in the Office of the City Clerk.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF JULY, A.D., 2004.

(Moved: Cabrera / Seconded: Anderson)

(Yeas: Anderson, Cabrera, Withers, Slesnick)

(Absent: Kerdyk)

(Vote: 4/0)

(Agenda Item D-3)

DONALD D. SLESNICK II
MAYOR

ATTEST:

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

WALTER J. FOEMAN
CITY CLERK

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

Exhibit "B"

"Bermuda Village"

Sewage Force Main

Actual Cost of Construction



FORD ENGINEERS, INC.
CIVIL AND ENVIRONMENTAL ENGINEERS
1950 NW 94TH AVENUE • 2ND FLOOR
MIAMI, FLORIDA 33172

*Pay to Jim Kay
460-5080*

May 21, 2008

*Jim - Please call
me after you
have looked at this*

Mr. Thomas Springer
Engineering Department Supervisor
Public Works Department
City of Coral Gables
2800 S. W. 72nd Avenue
Miami, Florida 33155

Re: Sewer line - Bermuda Village

Dear Mr. Springer,

Enclosed find copies of invoices/contracts evidencing the costs incurred by us in connection with the installation of the sewer line from our property at Suarez Avenue and Ponce de Leon Boulevard to the force main at Ponce de Leon Boulevard at Merrick Park. The costs total \$682,651.00, consisting of \$608,846.00 to Rose Engineering Contractors and \$73,806.00 to Civil Works, Inc.

Please let me know if you require any additional information. Please also acknowledge receipt of this letter by signing below.

Very truly yours,

Harold D. White
President

HDW/ts
Enclosures

This will acknowledge receipt of the enclosed documents this _____ day of May, 2008.

Thomas Springer, Eng. Dept Supervisor

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.
tabulations below, amounts are stated to the nearest dollar.
Use COLUMN 1 on contracts where variable retainage for line items may apply.

PAGE 2 OF 2
APPLICATION NUMBER 10 Jhu Oct 06
APPLICATION DATE: 10/12/06
PERIOD TO: 10/30/06

A	B	C	D	E	F	G	H	I	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED FROM PREV APPL (D+E)	THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN DORE)	COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	BALANCE TO FINISH (C-G)	RETAINAGE
1	General Conditions--permit layout for underground locates, MOT, etc.	79,671.00	79,671.00	0.00		79,671.00	100%	0.00	0.00
2	Materials	100,000.00	100,000.00	0.00		100,000.00	100%	0.00	0.00
3	Installation--excavation, backfill, trench patch	349,175.00	349,175.00	0.00		349,175.00	100%	0.00	0.00
4	Asphalt restoration, striping traffic loops, concrete	65,000.00	65,000.00	0.00		65,000.00	100%	0.00	0.00
5	Testing, as-buils, closeout Base contract → 608,846.00	15,000.00	15,000.00	0.00		15,000.00	100%	0.00	0.00
6	Change Order #1: lift stall flow meter & telemetry system from the left station and telemetry was our expense not included in the \$682,651	118,980.00	114,220.80	4,759.20		118,980.00	100%	0.00	0.00
TOTALS		727,826.00	723,066.80	4,759.20	0.00	727,826.00	100%	0.00	0.00
= D+E →		727,826.00	← (total to date)		= H+I →		0.00	← (remaining)	

05003-09 thru Apr 2006

=D+E--> 727,826.00 <---(total to date)

=H+I-->

0.00

<---(remaining)

Burmuda Village Force Main
Engineering Fee Summary:

Design of force main plans	\$5,435
Design Meetings	\$518
Outside Sewer Connection Approvals	\$5,444
Force Main Agreement coordination	\$7,848
Force Main Additional Plans to Grand Avenue	\$2,500
Revised plans due to alignment of force main	\$7,388
Force Main Agreement coordination	\$12,710
Permit processing	\$2,773
Construction field coordination meetings	\$3,764
Const Meetings	\$350
Addl Const Phase Meetings	1050
As-built Preparation	\$1,500
Full Time Inspections	\$12,000
Additional const Observaton	\$3,926
Additional Testing for phasing of Force Main	\$1,380
Field Work for milling and Resurfacing	\$1,200
Construction Close out Coordination	\$4,020

Civil Engineering Fees \$73,806
for City of Coral Gables coordination, force main
approvals, City Agreement assistance, design,
permitting and construction phase services.

Exhibit "C"

Ponce Plaza Associates LLP

"Limited Liability Partnership
Annual Report"

- 2010 -



FORD ENGINEERS, INC.
CIVIL AND ENVIRONMENTAL ENGINEERS
1950 NW 94TH AVENUE • 2ND FLOOR
MIAMI, FLORIDA 33172

LIMITED LIABILITY PARTNERSHIP ANNUAL REPORT

SECRETARY OF STATE



FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

2010 FEB -9 AM 11:07

SECRETARY OF STATE
TALLAHASSEE, FL 32391

REGISTRATION

1. Name and Mailing Address

LLP000000086

PONCE PLAZA ASSOCIATES LLP

4601 PONCE DE LEON BLVD., SUITE 300
CORAL GABLES, FL 33146

If above mailing address is incorrect in any way, line through incorrect information and enter correction in Block 2.

LLP #

LLP1000000214-3
02/05/10--01040--010 **25.00

CR2E082-B (1/07)

2. New Mailing Address, if Applicable:

Suite, Apt#, etc.

City State Zip Code

3. Principal Place of Business Address

4601 PONCE DE LEON BLVD., SUITE 300
CORAL GABLES, FL 33146

4. New Principal Office Address, if Applicable:

Suite, Apt#, etc.

City State Zip Code

5. Federal Employer Identification Number

65 0468807

Applied For
Not Applicable

6. Certificate of Status Desired:

☐ \$8.75 Additional Fee Required

7. Name and Address of Registered Agent

FISHER ISAAC

K.

4601 PONCE DE LEON BLVD., SUITE 300
CORAL GABLES, FL 33146

8. New Name and/or Address of Registered Agent:

Name

Street Address (P.O. Box Number is Not Acceptable)

FL

City Zip Code

9. New Registered Agent's Signature, If Changed

The above named entity submits this statement for the purpose of changing its registered office or registered agent, both, in the State of Florida.

SIGNATURE: _____

SIGNATURE, TYPED OR PRINTED NAME OF REGISTERED AGENT AND TITLE IF APPLICABLE.

Date

T. CLINE
FEB 10 2010
EXAMINER

10. General Partner's Signature (REQUIRED)

The execution of this report as a partner constitutes an affirmation under the penalties of perjury that the facts stated herein are true.

SIGNATURE: _____

Robert G. Berrin

SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING PARTNER.

Date

Daytime Phone #

1/29/10 (305) 663-6633

Capital Realty

S E R V I C E S

Inc.

June 1, 2010

COPY

City of Coral Gables Public Works Dept.
c/o Mr. James J. Kay, P.E.
Project Engineer
Engineering Division
2800 S.W. 72nd Avenue
Miami, Florida 33135

**RE: PROPOSED SEWER CONNECTION FOR THE PROPERTY LOCATED AT:
4601 PONCE DE LEON BLVD.
CORAL GABLES, FLORIDA**

Dear Mr. Kay:

We are hereby requesting your permission to connect the above referenced building which is currently served by a septic tank/drain-field system to the City 6-inch sewage force main in Ponce de Leon Boulevard fronting our property. We are proposing to convert our existing septic tank into a "Private" sewage pump station and interconnect to the City 6-inch force main with a new 4-inch sewage force main discharging from our property's new "Private" sewage pump station.

The following is our information for the City's consideration of the proposed sewer connection, as required by City's regulations; Sec. 78-106, "Sewer Connection Procedures for Properties Outside Sewer Districts"; 106.1 Procedure – STEP I:

1. **Name of Applicant:** Ponce Plaza Associates LLP
2. **Address of Applicant:** 4601 Ponce de Leon Blvd., Suite 300, Coral Gables, Florida 33146.
3. **Applicant's Telephone Number:** (305) 663-6633
4. **Address of Property to be Connected:** 4601 Ponce de Leon Blvd., Coral Gables, Florida 33146.
5. **Legal Description of Property to be Connected:** Coral Gables Riviera Sec 2 Rev PB 28-18 Lots 16 thru 22 Block 36 Lot Size 17,166 Square feet. Folio Number: 03-4120-023-0130

Mr. James J. Kay, P.E.

June 1, 2010

Page Two

We have contracted Ford Engineers, Inc. to work on this project with us. They are hereby submitting the following information for your consideration:

6. *Letter from Government agency:* See Attached – Exhibit “A”
7. *Proposed maximum, minimum and average design sewage flows:* See Attached – Exhibit “B”
8. *Proposed Preliminary Sketch showing property boundaries and proposed sewer connection point:* See Attached – Exhibit “C”

After you have had an opportunity to review the above, please do not hesitate to contact us if you need any additional information so that we may expedite this application.

Thank you for your prompt attention to this matter.

Very truly yours,



Isaac K. Fisher
Ponce Plaza Associates, LLP

IKF/me

Enc.

cc: Ms. Lina Herrera Hickman, Public Works Engineer
Ms. Elizabeth M. Hernandez, Esquire, City Attorney

Exhibit "A"

Letter from Government Agencies

Note: City of Coral Gables Public Works Dept. has verbally indicated no objection to having the Ponce Plaza Office Bldg. connect to City 6-inch "Public" sewage forcemain fronting the building as long as the Ponce Plaza Office Bldg. complies with the City's "Sewer Connection Procedures for Properties Outside Sewer Districts".

Reference Documents:

- ① City of Coral Gables - Latest Certificate of Use issued for this property, Suite #260 - Dr. Carlos A. Suarez, MD.
DEC. 2009
 - ② MD-WASD Verification Form - Nov. 2009
 - a) Water Main Available
 - b) No MD-WASD Sewers Available
 - ③ City of Coral Gables PWD - Nov. 2009
 - a) No Gravity Sewers Available
 - ④ DERM - Major Department Review Sewage Flow Study #2009-19 - Oct. 2009
-



2/7

**The City of Coral Gables
Certificate of Use**

DATE ISSUED: 12/30/09

CERTIFICATE NO: CU-0000015845

INVOICE NO: 00054648

When approved, this "Certificate of Use" shall serve as a formal verification that the proposed use specified on this certificate is a permitted use at the property specified on this certificate and has been found to meet all of the parking requirements of The City of Coral Gables "Zoning Code", and has also been determined to meet "Concurrency". This "Approval" is based upon the permitted plans on file with The City of Coral Gables and the information provided by the applicant. If the information provided in connection with the application for this "Certificate of Use" is incorrect, or if any work has commenced at the property without the proper approvals and permits, this "Certificate of Use" shall be NULL and VOID.

This "Certificate of Use" is being issued for the following described property:

Street Address: 4601 PONCE DE LEON BLVD
Suite #: STE 260
City: CORAL GABLES
State: FL
ZIP Code: 33146

Legal Desc: LOTS 16-22, BLOCK 36, SECTION RIVIERA #2

Folio Number: 4120-023-0130
Square Footage: 1172
Proposed Use: MEDICAL OFFICE WITH (1) DOCTOR - CARLOS A SUAREZ, MD

Use District: COMMERCIAL DISTRICT
Land Use Designation:
Complies with Use: Y
Complies with Concurrency: Y
Complies with Parking: Y

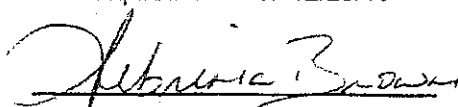
Action: APPROVED

Comments: AS PER DERM - MEDICAL OFFICE WITH (1) DOCTOR - NO LAB, NO X-RAYS

This "Certificate of Use" applies only to the above specified proposed use and the above specified property within 180 days from the issuance of this "Certificate of Use". This "Certificate of Use" is valid for a period of one year from the date of issuance and must be renewed on a yearly basis. A Business Tax Application and any permits for any construction, renovation or remodeling work must be obtained prior to the commencement of the use specified in this "Certificate of Use".

CARLOS A SUAREZ M D
4601 PONCE DE LEON BLVD
STE 260
CORAL GABLES, FL 33146

Expiration Date: 12/29/10



Sebrina Brown
Concurrency Administrator



VERIFICATION FORM
EXPIRES ONE YEAR FROM DATE ON FORM

Water & Sewer
P.O. Box 330316 • 3071 SW 38th Avenue
Miami, Florida 33233-0316
T 305-665-7471

miamidade.gov

Carlos Alvarez, Mayor

ATLAS PAGE: K-17 INV#: 120913 FORM#: 200923692 DATE: 11/3/2009

NAME OF OWNER:	CARLOS A SUAREZ MD		
PROPERTY ADDRESS:	4601 PONCE DE LEON BLVD		
PROPOSED USAGE / NO. OF UNITS:	1,172 SF MEDICAL OFFICE WITH ONE DOCTOR (PER NOTARIZED LETTER & LEASE)		
REPLACES: PREVIOUS USAGE / NO. OF UNITS:	1,172 SF OFFICE (EXISTING PS ACCT #8626868200)		
PROPERTY LEGAL:	CORAL GABLES RIVIERA SEC 2 REV PB 28-18 LOTS 16 THRU 22 BLK 36		
FOLIO NUMBER:	03-4120-023-0130	GALLONS PER DAY INCREASE:	133
PREVIOUS FLOW:	117	PREVIOUS SQUARE FOOTAGE:	1,172 <input type="checkbox"/> NEW CONSTRUCTION
PROPOSED FLOW:	250	PROPOSED SQUARE FOOTAGE:	1,172 <input type="checkbox"/> INTERIOR RENOVATION

COPY

THIS IS TO CERTIFY THAT THE MIAMI-DADE WATER AND SEWER DEPARTMENT DOES HAVE A(N) 6 INCH WATER MAIN ABUTTING THE SUBJECT LEGALLY DESCRIBED PROPERTY. WE ARE WILLING TO SERVE THE SUBJECT PROPERTY, (OR, IF "WILL HAVE", UPON PROPER CONVEYANCE AND PLACEMENT INTO SERVICE OF WATER FACILITIES BY THE DEVELOPER UNDER AGREEMENT WITH THE DEPARTMENT, (AGREEMENT ID # N/A) SUBJECT TO PROHIBITIONS OR RESTRICTIONS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER MATTERS OF WATER SUPPLY OR WITHDRAWAL.

BY:

SIGNATURE OF REPRESENTATIVE

Lizette Gonzalez - New Business Representative

AUTHORIZED BY

NEW BUSINESS COMMENTS: WCC'S \$184.87 VF FEE \$75.00 TOTAL \$259.87 - INCREASE LESS THAN 50% TOTAL BLDG SF 17,166

PLANS REVIEW COMMENTS:

CRITERIA: C5D

THIS IS TO CERTIFY THAT THE MIAMI-DADE WATER AND SEWER DEPARTMENT DOES NOT HAVE A(N) --- INCH GRAVITY SEWER MAIN ABUTTING THE SUBJECT LEGALLY DESCRIBED PROPERTY. WE ARE WILLING TO SERVE THE SUBJECT PROPERTY, (OR, IF "WILL HAVE", UPON PROPER CONVEYANCE AND PLACEMENT INTO SERVICE OF SEWER SEWER FACILITIES BY THE DEVELOPER UNDER AGREEMENT WITH THE DEPARTMENT, (AGREEMENT ID # N/A). SUBJECT TO PROHIBITIONS OR RESTRICTIONS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER MATTERS OF SEWAGE DISPOSAL. FURTHERMORE, APPROVAL OF ALL SEWAGE FLOWS INTO THE DEPARTMENT'S SYSTEM MUST BE OBTAINED FROM D.E.R.M. THE ANTICIPATED DAILY WATER AND/OR SEWAGE FLOW FOR THIS PROJECT WILL BE: ONE HUNDRED THIRTY THREE [133] GALLONS PER DAY INCREASE.

BY:

SIGNATURE OF REPRESENTATIVE

Lizette Gonzalez - New Business Representative

AUTHORIZED BY

NEW BUSINESS COMMENTS: PER DERM MAJOR DEPARTMENT REVIEW STUDY #2009-19 LETTER

PLANS REVIEW COMMENTS:

CONTACT NAME: CARLOS SUAREZ
CONTACT PHONE: (305) 663-6633

Printed On: 2/1/2010
11:16:16 AM

NB: Jose A. Gonzalez
PR:

Delivering Excellence Every Day
Jose Gonzalez
2-5-10



The City of Coral Gables

November 18, 2009

Public Works Department

Capital Realty Investments
4601 Ponce de Leon Boulevard
Coral Gables, Florida 33146
c/o Danny McClintock

Ladies and Gentlemen:

RE: *Sanitary Sewer Availability – 4601 Ponce de Leon Boulevard, Coral Gables, FL*

Please be advised that the above-captioned property is not served by a gravity sanitary sewer collection system. The property is presently served by a septic tank/drain field installation. These site conditions can be verified through the City of Coral Gables Public Works and Building and Zoning Departments.

If you have any questions, please feel free to contact the undersigned at 305-460-5069 or e-mail address James.J.Kay@cityofcoralgables.com.

Sincerely,

A handwritten signature in dark ink, appearing to read "James J. Kay".

James J. Kay, P.E.

Engineering Division Supervisor

C: Rick Kerrick, Senior Foreman, Utilities Division



5/9

Environmental Resources Management
Plan Review Services Division
11805 SW 26th Street • Suite 124
Miami, Florida 33175-2474
T 786-315-2800 F 786-315-2919

Carlos Alvarez, Mayor

miamidade.gov

October 26, 2009

Dr. Carlos A. Suarez, MD
7000 SW 62 Avenue, Suite 400
Miami, FL 33143

RE: **Major Department Review Sewage Flow Study**
Proposed Medical Office for One Doctor
DERM#: 2009-OL-06994
4601 Ponce de Leon Blvd.
Coral Gables, FL

Legal	CORAL GABLES RIVIERA SEC 2 REV PB 28-18 LOTS 16
Description:	THRU 22 BLK 36 LOT SIZE 17166 SQUARE FEET OR
	16240-5586 0194 1 OR 16240-5586 0194 00

FOLIO: 0341200230130

Major Departmental Review No.: **2009-19**

The Miami-Dade County Department of Environmental Resources Management's (DERM) Plan Review Section has reviewed the request submitted on October 26, 2009. According to the submittal, a request for the derivation of flow rates for the proposed medical office for one doctor at the above referenced site has been made. Currently, this proposed development consists of a 1,172 square feet (ft²) office space site within the above referenced site.

This site is to be served by public water and septic tank, and is located outside of a Wellfield Protection Area. In addition, Section 24-43(4) (a) of the Miami Dade County Code limits properties served by a septic tank to a maximum sewage loading of 1,500 gallons per day (gpd) per unsubmerged acre. As such, this site containing 0.87 acres gross is allowed a maximum sewage of 1,303 gpd. Pursuant to Sections 24-43(4) (a) and 24-43.1(5), the proposed development does not comply with sewage loading specified above by generating 2,195 gpd.

Based on the monthly flow data provided for the past 12 months, the analysis yielded a peak flow rate of 2.93 gpd/100 ft². Therefore, using the peak flow rate of 2.93 gpd/100 ft² in conjunction with the addition of one medical doctor, the calculated proposed flow (based on factual data) is 603 gpd for the entire building.

Consequently, the DERM's Plan Review and Development Approvals Division has no objections to the establishment of a **1,172 ft² medical office with one doctor** at the above referenced location.

Alternatively, if more doctors or flow is required for this development that would cause the site to not comply with the sewage loading requirements, then you may apply to request for the approval of a variance to Section 24-43.1(5) of the Miami-Dade County Code by the

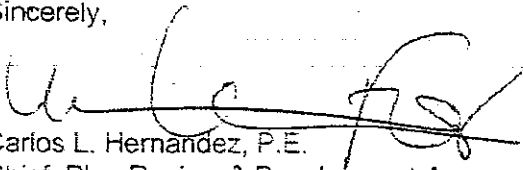
6/7

Dynamic Fitness Studio
October 09, 2009
Page 2 of 2

Environmental Quality Control Board (EQCB). Please contact the DERM Code Coordination and Public Hearings Section at 305-372-6764 for more information on instructions on how to apply for an EQCB Hearing.

If you require additional information or have any questions regarding the information provided, please contact Ms. Maria Molina of this office at (786) 315-2800.

Sincerely,



Carlos L. Hernandez, P.E.
Chief, Plan Review & Development Approvals Division
Environmental Resources Management

My Home

miamidade.gov

ACTIVE TOOL: SELECT



MIAMI-DADE

Show Me:

Property Information

Search By:

Select Item

Text only

Property Appraiser Tax Estimator

Property Appraiser Tax Comparison

Summary Details:

Folio No.:	03-4120-023-0130
Property:	4601 PONCE DE LEON BLVD
Mailing Address:	PONCE PLAZA ASSOCIATES 4601 PONCE DE LEON BLVD #300 CORAL GABLES FL 33146-2112

Property Information:

Primary Zone:	6400 COMMERCIAL, MEDIUM INTENSITY
CLUC:	0013 OFFICE BUILDING
Beds/Baths:	0/0
Floors:	3
Living Units:	0
Adj Sq Footage:	21,709
Lot Size:	17,166 SQ FT
Year Built:	1969
Legal Description:	CORAL GABLES RIVIERA SEC 2 REV PB 28-18 LOTS 16 THRU 22 BLK 36 LOT SIZE 17166 SQUARE FEET OR 16240-5586 0194 1 OR 16240-5586 0194 00

Assessment Information:

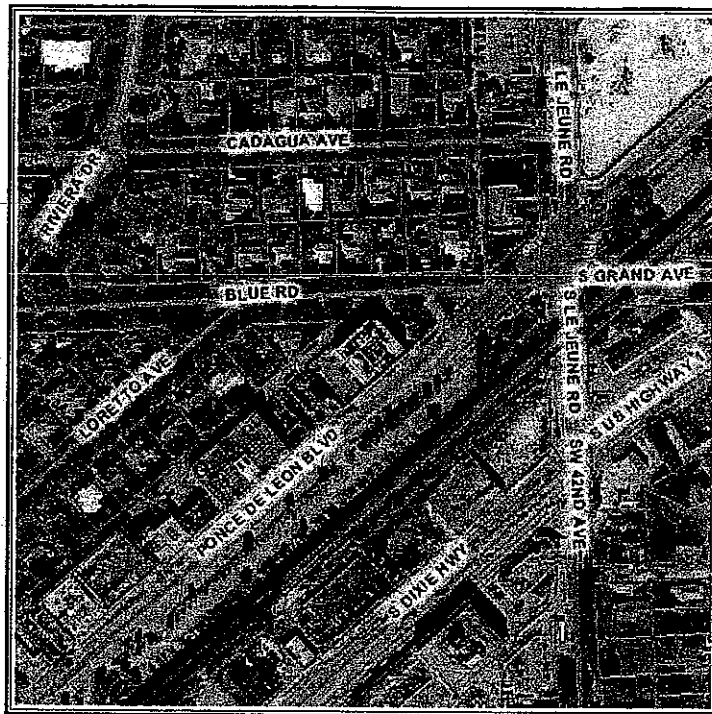
Year:	2009	2008
Land Value:	\$2,231,580	\$2,403,240
Building Value:	\$1,373,131	\$1,173,047
Market Value:	\$3,604,711	\$3,576,287
Assessed Value:	\$3,604,711	\$3,576,287

Taxable Value Information:

Year:	2009	2008
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$0/ \$3,604,711	\$0/ \$3,576,287
County:	\$0/ \$3,604,711	\$0/ \$3,576,287
City:	\$0/ \$3,604,711	\$0/ \$3,576,287
School Board:	\$0/ \$3,604,711	\$0/ \$3,576,287

Sale Information:

Sale Date:	1/1994
Sale Amount:	\$1,333,800
Sale O/R:	16240-5586
Sales Qualification Description:	Sales which are qualified



Aerial Photography - 2009

0 — 121 ft

[My Home](#) | [Property Information](#) | [Property Taxes](#)
[My Neighborhood](#) | [Property Appraiser](#)
[Home](#) | [Using Our Site](#) | [Phone Directory](#) | [Privacy](#) | [Disclaimer](#)

If you experience technical difficulties with the Property Information application, or wish to send us your comments, questions or suggestions please email us at [Webmaster](#).

Web Site
 © 2002 Miami-Dade County.
 All rights reserved.

Exhibit "B"

Proposed Sewage Flows

1. Average Daily Flow
2,063 gpd
 2. Minimum Daily Flow
454 gpd
 3. Maximum Daily Flow
2,552 gpd
-



FORD ENGINEERS, INC.
CIVIL AND ENVIRONMENTAL ENGINEERS
1950 NW 94TH AVENUE • 2ND FLOOR
MIAMI, FLORIDA 33172

Exhibit: "B.1"

2/17

Office Building

with 20,624 SF

of Rentable Space

FORD ENGINEERS, INC.
Civil Engineers
1950 NW 94th Avenue, Second Floor
DORAL, FLORIDA 33172
(305) 477-6472
FAX (305) 470-2805

JOB Ponce Plaza Associates, LLP
SHEET NO. 3 OF 17
CALCULATED BY _____ DATE June 2010
CHECKED BY _____ DATE _____
SCALE _____

Tenants Profile as of May 01, 2010

4601 PONCE DE LEÓN BOULEVARD
CORAL GABLES, FLORIDA
RENT ROLL 01-May-10

STE	TENANT	RENTABLE SQ. FT.	%OF TOTAL
100	Neuroscience Consult.	5,200	25%
200	Gill Engineering	1,377	7%
230	Gill Engineering	1,264	6%
250	Gill Engineering	1,518	7%
260	Dr. Suarez	1,172	6%
280	E3 Interactive	682	3%
290	Spatzer	1,675	8%
300	Capital Realty	1,626	8%
310	Casares Harkless Rigo	1,377	7%
330	Available	1,264	6%
350	Available	1,519	7%
380	Available	1,152	6%
390	Capital Realty	798	4%
	TOTAL	20,624	100%

Expenses
NOI
Debt Service:
Cash Flow
Less CRS Rent
Cash Flow w/o CRS

PPrtol,5/7/2010,10:50 AM

Exhibit: "B.2"

4/17

Estimated

Average Daily Flow

2063 gpd

Estimated Average Daily Flow (ADF)

Based on:

1. Type of Building Usage = Office Building
2. Bldg. Rentable Space = 20,624 SF
3. Miami-Dade Water & Sewer Department Rating = 10 gpd / 100 SF

∞ Estimated ADF

$$\begin{aligned} \text{ADF} &= 20,624 \text{ SF} \times 10 \text{ GPD} / 100 \text{ SF} \\ &= 2,062.4 \text{ gallons per day (GPD)} \end{aligned}$$

∞ ADF = 2,063 gpd

6/17

MIAMI-DADE WATER AND SEWER DEPARTMENT

Table 2

No.	Types of Building Usages	Rating	Verification Form Fee Listing
22	Hospitals (with laundry)	250 gpd/bed	NR
23	Hospitals (without laundry)	250 gpd/bed	NR
24	Hotels and Motels	100 gpd/room or unit	NR
25	House of Worship	3 gpd/seat	NR
26	Kennels	30 gpd/cage	NR
27	Marinas	40 gpd/boat slip	NR
28	Mobile Home Parks	300 gpd/unit	R-A
29	Motor Vehicle Service Stations	10 gpd/100 sq. ft.	NR
30	Nursing or Convalescent Homes	150 gpd/bed	NR
31	Office Buildings	10 gpd/100 sq. ft.	NR
32	Parks (with toilets only)	5 gpd/person	NR
33	Parks (with toilets and showers)	20 gpd/person	NR
34	Pet Grooming	10 gpd/100 sq. ft. + 75 gpd/tub	NR
35	Physician Offices	250 gpd/physician	NR
36	Public Swimming Facilities	10 gpd/person	NR
37	Restaurants (full service)	50 gpd/seat 350 gpd minimum	NR
38	Restaurants (fast food service)	35 gpd/seat 350 gpd minimum	NR
39	Restaurants (take-out service)	50 gpd/100 sq. ft. 350 gpd minimum	NR
40	Schools a) day care/nursery b) regular schools c) with cafeteria, add: d) with showers, add: e) teachers and staff	5 gpd/student 10 gpd/student 5 gpd/student 5 gpd/student 15 gpd/student	NR DADE COUNTY SCHOOL BOARD IS EXEMPT

Exhibit: "B.3"

7/17

Estimated

Minimum Daily Flow

454 gpd

Estimated Minimum Daily Flow

Based on:

1. Miami-Dade Water & Sewer Department
Water Bill Records 2008-09
340 SPD
2. Rentable Space of : 15,517 SF
2008-09
3. Adjusted to Maximum
Rentable Space of : 20,624 SF

• Estimated Minimum Daily Flow

1. 2008-09 — 340 SPD / 15,517 SF
or
0.0219 SPD/SF
Say; 0.022 SPD/SF

2. Adjustment to Maximum Rentable Space

$$20,624 \text{ SF} \times 0.022 \text{ SPD/SF} = 453.728 \text{ SPD}$$

• EST. Min. Daily Flow = 454 SPD

9/17

MD-WASD

Water Bills 2008-09

FORD ENGINEERS, INC.
Civil Engineers
1950 NW 94th Avenue, Second Floor
DORAL, FLORIDA 33172
(305) 477-6472
FAX (305) 470-2805

JOB Ponce Raza Associates, LLP
SHEET NO. 10 OF 17
CALCULATED BY _____ DATE June 2010
CHECKED BY _____ DATE _____
SCALE _____

Actual Water Consumption

(Based on MD-WASD Water Bills, see attached)

04/29/09 - 07/31/09 31,416 gal. 93 days

01/30/09 - 04/29/09 29,172 " 89 "

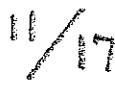
10/29/08 - 01/30/09 31,416 " 93 "

07/28/08 - 10/29/08 32,164 " 93 "

124,168 gal / 368 days

Average Gallons per day Consumption = 337.41 gpd

Say 340 gpd



Miami-Dade Water and Sewer Department
P O Box 026055
Miami, Fl. 33102-6055

Billing Inquiries (hours 8:00 – 7:00 PM) 305-665-7477
All Other Inquiries (hours 8:00 – 7:00 PM) 305-665-7488

Page 1 of 2

Messages

NEED MORE TIME TO PAY YOUR BILL?
Call 305 665-7477 and apply for a
two-week extension using our 24-HOUR
automated system.

Account Summary

Previous Balance	\$ 144.42
Payment Received	-144.42
Current Charges	150.48
Total Account Balance	\$ 150.48

Service Address: 4601 PONCE DE LEON BLVD, OFFICE
Water Charges



Water Charges	45.09
Water Charges Subtotal	<u>\$ 45.09</u>

Water Fees and Taxes

Meter Number: 98300138

Utility Service Fee	3.38
Excise Tax	4.51
Water Fees and Taxes Subtotal	\$ 7.89

Stormwater

For Information Call: 305-460-5058

City of Coral Gables Stormwater Charge	97.50
Stormwater Subtotal	<u>\$ 97.50</u>

For more information see back of bill
Return this portion with Payment

Make Checks Payable to Miami-Dade Water and Sewer Department or M-DWASD
P O Box 026055
Miami, FL 33102-6055

- Payment in US funds must be received by Miami-Dade Water and Sewer Department by the past due date indicated to avoid discontinuance of service
- In accordance with Department Rules and Regulations, a 10% late charge will be assessed if payment is not received by the past due date
- Please report any hazardous conditions immediately, call 305-274-9272

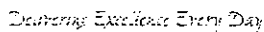
PONCE PLAZA ASSOCIATES
4601 PONCE DE LEON BLVD STE 300
CORAL GABLES FL 33146-2112



86268682002 00000000000015014

11104718



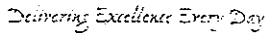


12/17

Billing Inquiries (hours 8:00 – 7:00 PM) 305-665-7477
All Other Inquiries (hours 8:00 – 7:00 PM) 305-665-7488

Previous Balance	\$ 142.04
Payment Received	-142.04
Current Charges	144.42
Total Account Balance	\$ 144.42

..... רחוקות זמן זכור



Name: PONCE PLAZA ASSOCIATES
Account Number: 8626868200
Billing Date: 02/05/2009
Past Due Date: 02/26/2009

Page 1 of 2

NEED MORE TIME TO PAY YOUR BILL?
Call 305 665-7477 and apply for a
two-week extension using our 24-HOUR
automated system.

Previous Balance	\$ 181.33
Payment Received	-181.33
Current Charges	142.04
Total Account Balance	\$ 142.04

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED



Delivering Excellence Every Day

Miami-Dade Water and Sewer Department
P O Box 026055
Miami, FL 33102-6055

11/17

Name: PONCE PLAZA ASSOCIATES
Account Number: 8626868200
Billing Date: 11/04/2008
Past Due Date: 11/25/2008

Billing Inquiries (hours 8:00 – 7:00 PM) 305-665-7477
All Other Inquiries (hours 8:00 – 7:00 PM) 305-665-7488

Page 1 of 2

Messages

PAY your bill and VIEW your account on-line at www.miamidade.gov. To PAY by phone, call 1-877-565-9300.

Please note that the graph showing your usage history will not be available for the next two quarters due to programming upgrades to the billing system.

The 2008 elections are almost here... Why Wait? Vote Early or Vote Absentee! Call 3-1-1 or visit www.miamidade.gov/electionready for more on how to be Election Ready!

Account Summary

Previous Balance	\$ 183.76
Payment Received	-183.76
Current Charges	181.33
Total Account Balance	\$ 181.33

Service From	Service To	Meter Number	Days of Service	Prior Reading	Current Reading	Consumption in CCF	Consumption in Gallons
07/28/08	10/29/08	98300138	93	3174	3217	43	32164

Service Address: 4601 PONCE DE LEON BLVD, OFFICE



Water Charges

Water Charges	81.94
Water Charges Subtotal	\$ 81.94

Water Fees and Taxes

Utility Service Fee	6.15
Excise Tax	8.19
Water Fees and Taxes Subtotal	\$ 14.34

For more information see back of bill
Return this portion with Payment

Make Checks Payable to Miami-Dade Water and Sewer Department or M-DWASD
P O Box 026055
Miami, FL 33102-6055

Account Number	Past Due Date	Amount Due (US \$)	Amount Enclosed
8626868200	11/25/2008	\$ 181.33	Thank you for your prompt payment

- Payment in US funds must be received by Miami-Dade Water and Sewer Department by the past due date indicated to avoid discontinuance of service
- In accordance with Department Rules and Regulations, a 10% late charge will be assessed if payment is not received by the past due date
- Please report any hazardous conditions immediately, call 305-274-9272.

PONCE PLAZA ASSOCIATES
4601 PONCE DE LEON BLVD STE 300
CORAL GABLES FL 33146-2112



86268682002 000000000018133

11105309



Exhibit: "B.4"

15/17

Estimated

Maximum Daily Flow

2,552 gpd

Estimated Maximum Daily Flow

Based on:

1. Building Usage & Rating of
 $10 \text{ gpd} / 100 \text{ SF}$ for Offices for 15,517 SF

Offices / Suites #: 100, 200, 230, 250, 280, 290,
300, 310 & 390

2. Building Usage & Rating of
 $250 \text{ gpd} / \text{physician}$ for Doctor Office = 4
5,107 SF

Physician / Doctor
Offices / Suites #: 260, 330, 350 & 380

Estimated Maximum Daily Flow

$$\begin{aligned} \text{Offices General} &= 15,517 \text{ SF} \times 10 \text{ gpd} / 100 \text{ SF} \\ &= 1,552 \text{ gpd} \end{aligned}$$

$$\begin{aligned} \text{Doctor Offices} &= 4 \times 250 \text{ gpd} \\ &= 1,000 \text{ gpd} \end{aligned}$$

$\begin{aligned} \text{Estimated} \\ \text{MAX. Daily Flow} \end{aligned}$	$= 2,552 \text{ gpd}$
--	-----------------------

17/17

Table 2

No.	Types of Building Usages	Rating	Verification Form Fee Listing
22	Hospitals (with laundry)	250 gpd/bed	NR
23	Hospitals (without laundry)	250 gpd/bed	NR
24	Hotels and Motels	100 gpd/room or unit	NR
25	House of Worship	3 gpd/seat	NR
26	Kennels	30 gpd/cage	NR
27	Marinas	40 gpd/boat slip	NR
28	Mobile Home Parks	300 gpd/unit	R-A
29	Motor Vehicle Service Stations	10 gpd/100 sq. ft.	NR
30	Nursing or Convalescent Homes	150 gpd/bed	NR
31	Office Buildings	10 gpd/100 sq. ft.	NR
32	Parks (with toilets only)	5 gpd/person	NR
33	Parks (with toilets and showers)	20 gpd/person	NR
34	Pet Grooming	10 gpd/100 sq. ft. + 75 gpd/tub	NR
35	Physician Offices	250 gpd/physician	NR
36	Public Swimming Facilities	10 gpd/person	NR
37	Restaurants (full service)	50 gpd/seat 350 gpd minimum	NR
38	Restaurants (fast food service)	35 gpd/seat 350 gpd minimum	NR
39	Restaurants (take-out service)	50 gpd/100 sq. ft. 350 gpd minimum	NR
40	Schools a) day care/nursery b) regular schools c) with cafeteria, add: d) with showers, add: e) teachers and staff	5 gpd/student 10 gpd/student 5 gpd/student 5 gpd/student 15 gpd/student	NR DADE COUNTY SCHOOL BOARD IS EXEMPT

Exhibit "C"

Preliminary Sketch

Showing:

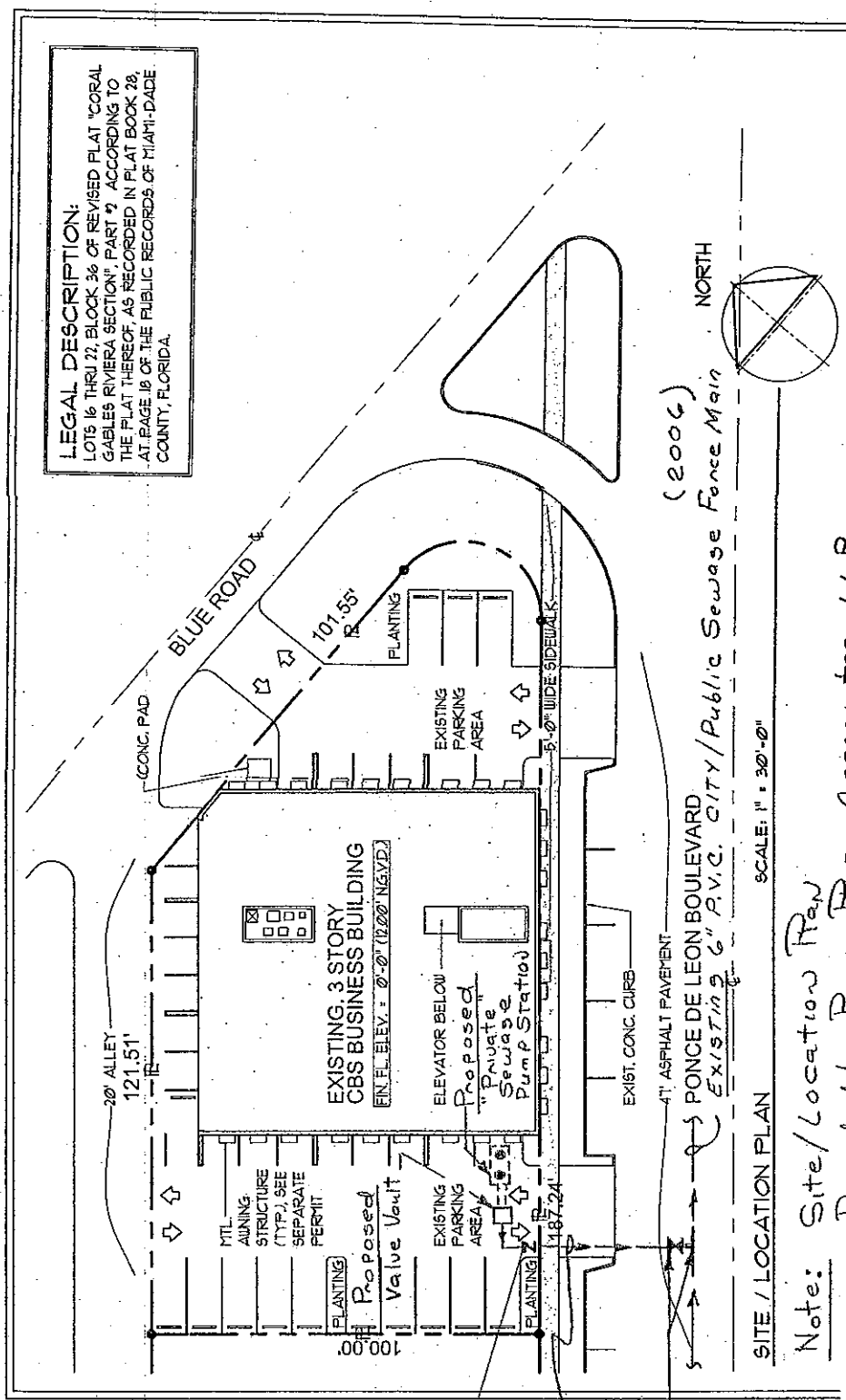
1. Property boundaries
 2. Proposed Sewer Connection Point
-



FORD ENGINEERS, INC.
CIVIL AND ENVIRONMENTAL ENGINEERS
1950 NW 94TH AVENUE • 2ND FLOOR
MIAMI, FLORIDA 33172

Exhibit "C" - Preliminary Sketch

Showing Property boundaries & Proposed Sewer Connection Point



- Private
- Proposed 4" Ø Check-Valve @ Property Line
- Proposed 4" Ø Sewage Force Main
- Proposed 6" x 4" Tapping Sleeve & Valve
- Proposed Sewer Connection Point

Note: Site/Location Plan
 Provided by Ponce Plaza Associates, LLP

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2007-29

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 78 OF THE CITY CODE BY AMENDING SECTION 78-98 ADDING DEFINITION OF SEWER DISTRICT AND BY ADDING SECTION 78-106 TO PROVIDE FOR CONNECTION TO THE SANITARY SEWER SYSTEM BY PROPERTIES LOCATED OUTSIDE EXISTING SEWER DISTRICTS, AND BY ADDING SECTION 78-107, TO PROVIDE FOR DEDICATION OF SANITARY SEWER SERVICE EXTENSIONS AND FOR A PERMISSIBLE REPAYMENT PERIOD OF TEN (10) YEARS CONCERNING SUBSEQUENT UTILITY CONSTRUCTION CONNECTION CHARGE REPAYMENT TO ORIGINAL APPLICANT FOR EXTENSIONS OF SEWER SERVICE, AND TO PROVIDE FOR COMMUNITY DEVELOPMENT DISTRICT SITUATIONS, AND ADMINISTRATIVE FEES, AND CLARIFYING PROVISIONS AS DESCRIBED HEREIN, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Sec. 78-98. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Owner, tenant, occupant and user mean the person to whom a bill for water service is rendered by Miami-Dade Water and Sewer Department for water furnished or used upon or in any particular building or structure or unit thereof, respectively.

Sanitary sewer district means an area of the City where sanitary sewer service is provided by an existing sewer sanitary gravity system (Ref. North and South Sanitary Sewer District map.)

Sanitary sewer system means all conduits and works operated by the City for the collection and conveying of sanitary sewage from the pipe connection at the property line of individual property to the point of final disposition thereof, and all equipment and facilities used in connection therewith, including all pipe lines, truck lines, pumping equipment and lift stations, now or hereafter owned or used by the City in the operation of the sanitary sewer system.

Sec. 78-106. Sewer Connection Procedures for properties outside sewer districts.

106.1 Procedure

STEP I: The applicant shall make a written preliminary request to the Public Works Director the proposed outside sewer connection with the understanding that each outside connection may or may not be allowed based on the merit and feasibility to the City in permitting said outside sewer connections. The City will favorably consider only those applications which will not jeopardize any potential future connections by residents within the City. The written preliminary request shall include the following information before processing is initiated:

1. Name of applicant.
2. Address of applicant.
3. Telephone number of applicant.
4. Address of property to be connected.
5. Legal description of property to be connected.
6. Letter from each government agency having jurisdiction where applicant's property is located, stating that connection to the City sewer system is acceptable.
7. Proposed maximum, minimum and average design sewage flows from said outside connection, calculated and submitted in writing by a registered engineer currently licensed to practice in the State of Florida.
8. A preliminary sketch showing the applicant's property boundaries, the initially anticipated route of connection through the City, and the point of connection within the City.

Upon completion of the foregoing Step I review by the Public Works Department, the Director of Public Works shall advise the applicant of the Step I review results in writing.

Step II: If the Step I review is positive, or if the Step I review is negative but the applicant wishes to appeal to the City Commission, the applicant shall purchase from the City Clerk's office copies of City Code Chapter 78, "Utilities", Resolution No. 22601, Chapter 62, "Streets, Sidewalks and Other Public Places", and any other pertinent ordinances or resolutions together with the agreement terms for outside sanitary sewer connections, as hereinafter set forth.

Sec. 78-106.2. Terms and Conditions.

Agreement Terms: An applicant/customer for a sanitary sewer connection for property (1) inside the City but outside existing sanitary sewer districts, or (2) outside the City, shall expressly agree to the following:

1. To pay a connection fee of \$2,100.00 per 1,000 gallons per day of peak demand paid concurrently upon signing this agreement. The connection charge shall be made on the basis of an agreed upon estimated gallonage, which shall be subject to review at any time after six months; usage and the final connection cost shall be adjusted to reflect actual usage if greater, but in no case less than the amount originally charged. An alternate method of payment for such sewer service connection charges may be granted whereby, in lieu of paying connection charges at time of execution of the

customer agreement, the applicant or customer may be permitted to file with the City a cash bond in an amount to be agreed upon between the City Manager and the customer, guaranteeing installment payments of said sewer service connection charges.

2. To comply with all conditions set forth under Chapters 62 and 78 of the City Code, Resolution No. 22601, and any other pertinent ordinances or resolutions, copies of which the applicant/customer has reviewed and fully acknowledged by agreeing hereto, except that rates applied to connecting outside the City shall be 75% greater than the rates applicable to the same connection within the City. If the connection is outside existing sanitary sewer districts but inside the City, the 75% additional rate shall not apply.
3. To the billing and collecting of sewer service charges as determined by the City of Coral Gables. Other agencies, for example the Miami-Dade Water and Sewer Department, may be designated by the City to bill and/or collect sewer service charges. Sewer service charges shall be due within ten (10) days of receipt of billing by the customer. If the sewer service charges remain unpaid 30 days after due date, the City may have water services to the property disconnected. All sewer service charges to any building or structure or unit remaining unpaid 30 days after the due date shall become a lien against and upon the lands to which service has been furnished to the same extent as the lien for special assessments in the City of Coral Gables, with the same penalties and the same right of collection and sale as would apply for Coral Gables taxes.
4. To pay the entire cost of whatever facilities are required from the source of the sewage to the point of connection with the Coral Gables system.
5. To furnish the City Attorney with a copy of the deed for each unit of property making outside connection.
6. To install and maintain facilities for such pre-treatment of wastes as may from time to time be found necessary to render the wastes suitable for handling and treatment by the City without creation of nuisances. Under operational difficulty, the reasonable determination by the City and the City consulting engineers shall be binding. The following shall be required in all cases:
 - a. Grease separation facilities without exception.
 - b. Comminutors except where flow is directly to a City comminutor.
 - c. Screen at the discretion of the City in case of laundries and similar sources of rags, string and lint.
 - d. Pre-chlorination in case of long force mains.

7. To provide the City with plans and specifications in quadruplicate for applicant/customer sanitary sewer facilities as prepared by a registered civil engineer, licensed to practice in the State of Florida and fully experienced and qualified in the design of sanitary sewer systems. Said plans and specifications shall be reviewed by the City and returned to the applicant/customer marked for revision until the plans are returned marked approved and signed as such by the Director of Public Works. A composite plan/profile survey of existing utilities shall be prepared of each Coral Gables right-of-way through which a pipeline run is proposed, showing the exact relationship between and among all existing and proposed facilities. The City may refuse to process the plans unless the composite picture is complete, so that the most feasible route with the least inconvenience to residents may be confirmed by the Director of Public Works.
8. To provide a cut-off valve at the point of connection with the Coral Gables system. This cut-off valve shall be shown and described in the above plans and specifications.
9. To provide the city with a letter from said licensed/registered engineer stating that said engineering services have been retained to provide full-time resident inspection during construction and installation of said facilities. Upon completion of the installation, said engineer shall certify in writing that the work has been fully and properly installed, and that infiltration is within allowable limits.
10. To have proposed installation shown on said approved plans and specifications constructed and installed only by a fully licensed and qualified contractor who shall also obtain all prerequisite construction permits from each agency having jurisdiction prior to initiating work in the field. The Public Works Director may withhold or withdraw issuance of City right-of-way permit if compliance with portions of Step II implementation by the applicant becomes overdue.
11. To keep City informed of work progress and connections inside and outside the City so that City inspectors may confirm the integrity of the facilities at each key point.
12. To be solely responsible for continuing maintenance and operation of said facilities. The City reserves the right to inspect the facilities and to require the applicant to have timely repairs made, where infiltration or other defects are adversely affecting the cost and operation of the City's sanitary sewer system. Failure of the applicant/customer to remedy defects shall be cause for termination of agreement and disconnection of the service. The occupants or tenants of the connected property shall be informed by the customer that the City is not responsible for such maintenance and operation.

13. To not permit any other connection to the customer's connecting lines to the City system except those listed in the agreement. Any additional connections, if permitted, shall be subject to approval by the City as stated herein and the original connection charge shall be increased to reflect the additional sewage added. Additional connectors shall furnish the City with prior written approval by the original owner of the line and all prior connectors to said line.
14. To limit the peak sewage flow from the outside sewer connection insofar as the property, zoning, size, type and/or density of the facility herein approved for connection, and any proposed change thereto which would generate significant increase in peak sewage discharged into the Coral Gables sanitary sewer system shall require prior approval by Coral Gables for such increased sewage discharge in accordance with the terms of this resolution.
15. To provide that the monthly charge computed at the volumetric base rate be multiplied by a value of unity for a monthly average BOD of 250 ppm or under, said value to be increased by a surcharge factor of ¼% per part per million on monthly average BOD in excess of 250 ppm, as follows and as interpolation thereof:
- | MONTHLY BOD | MULTIPLIER |
|-----------------|------------|
| 250 ppm or less | 1.000 |
| 260 | 1.025 |
| 270 | 1.050 |
| 280 | 1.075 |
| 290 | 1.100 |
| 300 | 1.125 |
| 400 | 1.375 |
| 500 | 1.625 |
| 1000 | 2.875 |
16. To provide for and bear the cost of sampling with suitable sampling facilities when reasonable cause for sampling exists. The City shall give the customer or tenant reasonable notice when sampling is necessary, and qualified City representatives shall thereafter perform the necessary sampling as efficiently as possible.
17. To reconnect to the City sewer system at the customer's expense in a manner acceptable to the City, when sewerage is completed to a new area in the City which can more efficiently and effectively serve the customer's outside connection.
18. To provide liability insurance in the amounts required by Resolution No. 22601, naming the City of Coral Gables as additional insured and covering any damages to public or private property due to a failure in the customer's facilities. A certification of insurance shall be required at the execution of the agreement in a form acceptable to the City of Coral Gables.

19. To provide a maintenance bond or other surety in the amount of five (5) percent of the construction cost to assure timely repair of the customer's facilities should a failure occur, said surety to run in perpetuity or until the connection is no longer required.
20. To bear the expense of recording the agreement encompassing the above terms in the Public Records of Miami-Dade County, Florida, and said agreement shall be a covenant running with the land which will state that the owner will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all of the terms and conditions of said agreement.

Sec. 78-106.3. Approval.

If after a review of the foregoing documents and terms which regulate all outside connections, the applicant still wishes to pursue the application, the applicant shall then request in writing to the City Manager that the matter be placed on the agenda of the next regular commission meeting for consideration by the City Commission. No reliance for approval by the City Commission shall be assumed by the applicant before approval by the City Commission publicly assembled in regular or special session.

If the City Commission approves the application for outside connection, the applicant shall then have his or her consultant prepare all plans and specifications for the connection facilities for review and approval by the Director of Public Works, as required by above Agreement Terms. Upon approval of said plans and specifications by the Director of Public Works, the applicant shall arrange to meet with the City Attorney for the purpose of executing the agreement for the outside connection and to pay concurrently the connection for established hereinabove.

Sec. 78-107. Sanitary Sewer Extensions.

107-1 Construction

If a sewer connection is required that is outside an existing sewer district the sewer extension shall be constructed by the entity requesting the extension (ORIGINAL APPLICANT) and at their expense. Design and Construction shall be in accordance with City Standards and all applicable codes. The City shall have the right to inspect the new sanitary sewer improvements at any time during construction. The City shall have final approval and acceptance of work. Upon completion of construction, and certification of acceptance by the Health Department, the City and any other appropriate entities, the ORIGINAL APPLICANT shall convey to the City clear and clean title to the improvements including any and all rights-of-way and easements. All expenses shall be the responsibility of the ORIGINAL APPLICANT including, but not limited to design, construction, and recording of ownership transfer.

107-2. Refunds.

The ORIGINAL APPLICANT of an extension of sanitary sewer service dedicated to the City shall be entitled to repayment from subsequent connectors served by the lines installed by the ORIGINAL APPLICANT. Repayments shall be paid for gravity sewers, wastewater lift/pumping stations, force mains and other facilities which service a subsequent connector's property. The ORIGINAL APPLICANT shall be entitled to refunds for a period of ten (10) years for gravity sewers, wastewater lift/pumping stations and for mains from the date commencing with the date of the date of transfer of ownership of the sewer facilities to the City and after a certificate from the Department of Environmental Resources Management (DERM), stating that the improvements have been approved for main clearance, and as further described below. All references in this section to the ORIGINAL APPLICANT shall be deemed to include the lawful successors or assigns of the ORIGINAL APPLICANT unless expressly provided otherwise herein.

1. Repayment shall be made from subsequent connector to the ORIGINAL APPLICANT. Refunds shall be computed based on a fixed dollar amount per gallon per day (on an annual average day basis) of capacity required by the subsequent connector's property. The computation of a repayment shall be based upon the actual size, capacity and cost of the facilities installed. The City shall review the computation of all repayments and shall act as intermediary only in the event of a dispute over the amount of the refund arises.
2. Repayments must be paid to the ORIGINAL APPLICANT by subsequent connector before physically connecting to the existing mains. The City of Coral Gables shall not issue permit for the connection until such time as good and sufficient proof that the reimbursement has been made is submitted.
3. Per annum simple interest will accrue on all construction connection charges from the date of the ORIGINAL APPLICANT's Bill of Sale for the sewer facilities at the rate authorized from time to time by Section 687.02, Florida Statutes

An ORIGINAL APPLICANT shall not be repaid sums in excess of his original investment, less his use, in the sewer facilities.

Such payment shall only be made during a ten (10) year period commencing with the date of transfer of ownership of the sewer facilities to the City and after a certificate from the Department of Environmental Resources Management (DERM) stating that the improvements have been approved for main clearance. It shall be the ORIGINAL APPLICANT's responsibility to provide the City with a current mailing address during the ten (10) year period.

4. Should a subsequent connector connect to the existing main without a refund payment, the City within thirty (30) days of receipt of written notice of same, require the subsequent connector to pay the full amount due or, at that time, the City of Coral Gables may elect to terminate service to the subsequent connector.

5. The City shall maintain records to show which ORIGINAL APPLICANT constructed and paid originally for the wastewater facility improvements. These records will be complete, to include engineering drawings, actual costs, date completed, materials used, etc.
6. It will be the ORIGINAL APPLICANT's responsibility to inform the City of any changes in name, address, phone number or ownership status.
7. The ORIGINAL APPLICANT and all subsequent connectors shall provide without cost to the City any right-of-way easements required to furnish the service requested by the ORIGINAL APPLICANT.
8. When sewer mains are to be extended within the public right-of-way or when a public utility easement is used for such purposes, the ORIGINAL APPLICANT must extend the main the entire length in accordance with sizes/capacities established by the City. Such length shall originate from the terminus of existing service to a point designated by the City for effective and efficient system operation.
9. The following is an example of the above stated refund policy. In this example, to service his property, ORIGINAL APPLICANT requires an eight inch (8") gravity sewer line in this location. The City identifies a sixteen inch (16") gravity sewer line as necessary to accommodate the total Average Annual Daily Flow (AADF) of properties generating wastewater tributary to the sewer line in this area. The AADF capacity of a 16" gravity sewer in this location is designated F16 gpd. ORIGINAL APPLICANT is required to construct the 16" gravity sewer line in this location. Unless the City agrees to participate in the initial cost-sharing of the 16" gravity sewer line, ORIGINAL APPLICANT MUST initially bear the entire cost of the 16" gravity sewer line, which is designated C16. The fixed dollar amount of refund per gallon per day described in paragraph (1) is represented in this example as C16/F16. When connector #1, the flow of whose parcel is designated FCA#1, wishes to connect to the 16" line, connector #1 must pay a refund to the City equal to $FCA\#1 \times (C16/F16)$. Subsequent connector/applicant must also pay refunds to the City computed in the same manner. The City shall, in turn, repay the appropriate amounts within the durations set forth in paragraph (1) and (3).
10. The City may require that an ORIGINAL APPLICANT oversize facilities to service the subject property in order that the City may service future developers or, to improve its service.