

## Greenberg Taurig

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February 28, 2008

**VIA HAND DELIVERY**

David Brown, City Manager  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134

**Re: Encroachment Application for Identification Signs for the Village of Merrick Park**

Dear Mr. Brown:

We represent General Growth Properties ("GGP") in its encroachment application for identification signs to be placed in abutting areas to the Village of Merrick Park ("Application"). The City staff previously advised us that the Application would be scheduled for consideration at the February 26, 2008, City Commission meeting. We learned on or around Monday, February 25, 2008, upon review of the official agenda, that the Application had been removed from the agenda for February 26, 2008. Neither GGP nor its legal counsel requested such removal.

When we inquired as to the basis for the Application's removal, various City representatives advised us that there is a separate application for signage filed by a tenant of the Village of Merrick Park that is somehow affecting our Application's ability to proceed. We do not understand how a separate application, by a separate applicant, has delayed GGP in proceeding with its signage proposal. Furthermore, GGP has advised us that it has not recently approved any such signage applications for the Village of Merrick Park, which is a prerequisite under the lease for any tenant thereof.

As you may recall, identification signage has been and remains, a priority for GGP since its acquisition of the Village of Merrick Park. GGP has been working on this particular signage package since early in 2007, designing the signage and preparing the Application; seeking the various approvals before various City boards; and meeting with City staff to address their issues, if any, and present a beautiful product. The signage package proposal itself is the direct result of a marketing study by GGP, which clearly establishes the need for identification signs for the Village of Merrick Park. GGP dedicated its resources to satisfying this need by proposing a signage package that is artistic and of a distinctive design consistent with the style of the City of Coral Gables, at a cost of over \$1 million.

MIA 179,966,083v3 2/28/2008

Greenberg Taurig, P.A. | Attorneys at Law | 1221 Brickell Avenue | Miami, FL 33131 | Tel 305.579.0500 | Fax 305.579.0717 | [www.gtlaw.com](http://www.gtlaw.com)

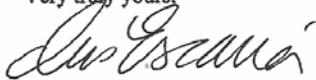
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Needless to say, GGP is extremely disappointed that this priority signage request, on which it has been working for more than a year and for which GGP has made a substantial monetary investment, has been delayed for reasons unclear to it, without communication to it or its legal counsel.

In light of the foregoing, GGP hereby requests that the Application be placed on the March 11, 2008, City Commission agenda. If, for any reason, you are unable to honor this request, please notify me.

Very truly yours,



Iris Escarra

cc: Maria Jimenez, Asst. City Manager  
Albert Delgado, Public Works Director  
Carl Esser, Village of Merrick Park  
Kerri Barsh, Esq.



February 5, 2007<sup>18</sup>

Alberto Delgado  
Public Works Director  
City of Coral Gables  
285 Aragon Avenue  
Coral Gables, FL 33134

RE: Request for Permission for Encroachment Into and Over The Right-of-Way

Dear Mr. Delgado,

We represent the Merrick Park LLC, Lessee of the property known as The Village of Merrick Park ("Merrick Park"), of which the City of Coral Gables is the owner. Please accept this letter documenting our intent to request permission from the City of Coral Gables (the "City") to encroach into and over the right-of-way at various locations surrounding Merrick Park. Please find included as Exhibit A the legal description of Merrick Park, located at approximately 358 San Lorenzo Avenue, Coral Gables, FL.

The proposed encroachments will consist of a total of seven (7) signs, of which two (2) will replace existing signage and one (1) is reinstating a previous approval for a parking garage entryway. The signage proposed will increase the visibility of Merrick Park to pedestrian and vehicular traffic along Le Jeune Road, Ponce de Leon Boulevard and Altara Avenue. The proposed signage design, including illuminated lighting, integrates itself with the prestige and style that Merrick Park exudes. They will be placed in various locales congruent with the recognizability that our client seeks. The signage will consist of both Primary and Secondary Entry Markers as well as a free-standing Parking Entry Sign, the locations and dimensions of which are described in detail below. The proposed signage will not obstruct visibility of the safe sight triangle at any location.

The free-standing Parking Entry sign will be 19'9" in height (with 13'9" from the bottom) and 24' in width to allow for easy entrance and exit of passenger vehicles into the parking structure. It will be located just to the northwest corner of the Ponce de Leon traffic circle as demonstrated in the plans herein.

Primary monument signs, referenced in the attached plans as iP1, iP2 and iP3, will be approximately 6'8" in height and 6'10" in width and will be placed in the following locations as demonstrated in the plans herein:

1. the southeast corner of the intersection at Le Jeune Road and San Lorenzo Avenue

2. the northeast corner of the intersection at Le Jeune Road and Ponce de Leon Boulevard
3. within the median located on the north end of the Ponce de Leon Boulevard traffic circle.

Secondary monument signs, depicted in the plans as iS1, iS2 and iS3 will be 5'2" in height and 4'0" in width, and will include the initials of "VMP" allowing residents and consumers to recognize the Village of Merrick Park and will be placed in the following locations as demonstrated in the plans herein:

1. the southwest corner of Altara Avenue and Laguna Street
2. both the southwest and southeast corners of Altara Avenue and Saizedo Street (valet)
3. at the west entrance of Merrick Park on Le Jeune Road just north of Greco Avenue.

Parking entry sign, depicted on the plans as iK1 will be 19'9" in height and 29' in width and will provide for an entryway to the Village of Merrick Park Parking. All right-of-ways will be maintained and kept in pristine conditions pursuant to the requirements of said request as per your department.

In July 2002, the City of Coral Gables City Commission ("City Commission") approved the Village of Merrick Park for signage at this site. The present application seeks to replace two (2) signs that were previously approved in that application. The two previous signs will be removed at the time of the installation of the proposed signage.

Furthermore in July 2003, by Resolution 2003-133 the City Commission approved the entry way signage into the Village of Merrick Park Parking. Unfortunately, this entryway signage was not installed due to a change in ownership, however our application seeks to reinstate that approval by permitting an entryway signage consistent with the rest of the identity signage proposed for the Village of Merrick Park.

Finally, the Village of Merrick Park has conducted a marketing study which provides that there is a need for identity signage along the entry ways into the Village of Merrick Park in order for patrons who are unfamiliar with the location to easily and carefully turn into the Village of Merrick Park.

Should you have any questions, or need additional information, please do not hesitate to contact me at (305) 579-0500. Thank you very much for your time and consideration of this application.

Sincerely,



Iris Escarra, Esq.

Enclosures

August 10, 2007

Alberto Delgado  
Public Works Director  
City of Coral Gables  
285 Aragon Avenue  
Coral Gables, FL 33134

RE: Request for Permission for Encroachment Under The Right-of-Way

Dear Mr. Delgado,

We represent the Bayview Financial in its request for an under ground encroachment across San Lorenzo Avenue between Ponce De Leon Blvd. and Ruiz Avenue in Coral Gables. Bayview Financial is a long term tenant at the Village of Merrick at 4425 Ponce De Leon Blvd., and the owner of the property located across the street at 135 San Lorenzo Avenue, Coral Gables, FL.

Please accept this letter documenting our intent to request permission from the City of Coral Gables (the City) to encroach under the right-of-way at one location adjacent to the Village of Merrick Park. Please find included Exhibit A the legal description of the adjoining lots located in Coral Gables, FL.

The proposed encroachment will consist of concrete encased conduit running underground across San Lorenzo Avenue as demonstrated in the attached plans prepared by Behar Font. All right-of-ways will be maintained and kept in pristine conditions pursuant to the requirements of said request as per your department. Please also find enclosed a check in the amount of \$300.00 for the applicable fee for this request.

In accordance with your application requirements, the following is the requested information:

- a. Legal Description attached hereto as Exhibit "A."
- b. Owners abutting the right of way are the City of Coral Gables with a lease to Merrick Park LLC at 4425 Ponce de Leon Blvd., Coral Gables and Merrick View Holdings c/o Bayview Financial LLC., 135 San Lorenzo Avenue, Coral Gables.
- c. Name of Building: Village of Merrick Park and 135 San Lorenzo Avenue.
- d. Description of Encroachment: conduit underground for the extension of cables.

MIA 179707254v1 8/8/2007

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- e. Architectural Board Approval: Underground encroachment.
- f. Historical Board Approval: Not applicable.
- g. Miami Dade County Approval: Not applicable.
- h. Florida Department of Transportation Approval: Not Applicable.

Should you have any questions, or need additional information, please do not hesitate to contact me at (305) 579-0500. Thank you very much for your time and consideration of this application.

Sincerely,

A handwritten signature in dark ink, appearing to read "Iris Escarra". The signature is fluid and cursive, with the first name "Iris" being more prominent than the last name "Escarra".

Iris Escarra, Esq.

Enclosures

cc: Mauro Burgio, Bayview Financial  
Michael Cobo, Bayview Financial



# EXHIBIT "A"

Legal Description  
Village of Merrick Park

Description: (Tentative Plat)

All of Lots 20 through 46, inclusive, including Lot 41A, together with a portion of Lots 1 and 19, Block 10, together with a portion of Block 18, together with all of Block 7, REVISED PLAT CORAL GABLES INDUSTRIAL SECTION according to the Plat thereof recorded in Plat Book 28, Page 22, together with that portion of the alley vacated pursuant to Ordinance No. 2270, recorded in Official Records Book 18555, Page 1888, together with all of that certain alley vacated pursuant to Ordinance No. 3138, recorded in Official Records Book 16884, Page 810, together with all of the REPLAT OF BLOCK 8 OF THE REVISED PLAT CORAL GABLES INDUSTRIAL SECTION recorded in Plat Book 51, Page 96, together with all of the former streets, alleys and rights of way vacated pursuant to Ordinance No. 3424, recorded in Official Records Book 19024, Page 4621, Ordinance No. 3425, recorded in Official Records Book 19702, Page 2787, Ordinance No. 3426, recorded in Official Records Book 19024, Page 4627, Ordinance No. 3427, recorded in Official Records Book 19024, Page 4631, Ordinance No. 3440, recorded in Official Records Book 19024, Page 4634, Ordinance No. 3441, recorded in Official Records Book 19024, Page 4637, Ordinance No. 3442, recorded in Official Records Book 19024, Page 4640, and Ordinance No. 3443, recorded in Official Records Book 19024, Page 4643, together with all of the REPLAT OF BLOCK 11 AND A PORTION OF BLOCK 10 REVISED PLAT OF CORAL GABLES INDUSTRIAL SECTION, according to the Plat thereof, recorded in Plat Book 43, at Page 18, all as being recorded in the Public Records of Miami-Dade County, Florida and being more particularly described as follows:

Commence at the Southwest corner of the Northeast quarter (N.E. 1/4) of Section 20, Township 54 South, Range 41 East; thence North 02°56'52" West, along a portion of the West line of said Northeast quarter (N.E. 1/4), a distance of 1051.63 feet to a point on a Northerly line of Block 15 of said REVISED PLAT CORAL GABLES INDUSTRIAL SECTION; thence North 63°55'05" East, along said Northerly line a distance of 51.65 feet to the Point of Beginning; thence North 02°56'52" West, along a line parallel with and 47.50 feet East of, as measured at right angles to the West line of said Northeast quarter (N.E. 1/4), a distance of 475.86 feet to the point of curvature of a circular curve to the left; thence Northerly along the arc of said curve having a radius of 1133.00 feet, a central angle of 05°40'04", for a distance of 112.08 feet to the point of reverse curvature of a circular curve to the right; thence Northerly along the arc of said curve having a radius of 1117.00 feet, a central angle of 00°33'58", for a distance of 11.04 feet to the point of compound curvature of a circular curve to the right; thence Northerly, Northeasterly and Easterly along the arc of said curve having a radius of 25.00 feet, a central angle of 95°31'46", for a distance of 41.83 feet to the point of tangency, said point being on the North line of said Block 10, said line being coincident with the South right of way line of Avenue San Lorenzo; thence North 87°48'48" East, along said North line of Block 10, a distance of 247.91 feet to a point, said point being the Southwest corner of that parcel described in said Ordinance No. 3442; thence North 03°03'35" West, along the West line of said parcel and along the West line of that parcel described in said Ordinance No. 3441, a distance of 355.09 feet to the Northwest corner of said parcel described in Ordinance No. 3441; thence North 87°49'04" East, along the North line of said parcel described in Ordinance No. 3441, the North line of said REPLAT OF BLOCK 8 OF THE REVISED PLAT CORAL GABLES INDUSTRIAL SECTION, the North line of that parcel described in said Ordinance No. 3440, the North line of said Block 7 and the North line of said parcel described in Ordinance No. 3443, a distance of 520.27 feet to the Northeast corner of said Lot 1, Block 7; thence South 03°03'30" East, along the East line of said Block 7 and the East line of that parcel described in said Ordinance No. 3442, a distance of 355.05 feet to the Northeast corner of said Lot 42, Block 10; thence North 87°48'48" East, along the North line of that parcel described in said Ordinance No. 3424 and a Northerly line of said REPLAT OF BLOCK 11 AND A PORTION OF BLOCK 10 REVISED PLAT CORAL GABLES INDUSTRIAL SECTION, a distance of 280.13 feet to the Northeast corner of said REPLAT OF BLOCK 11 AND A PORTION OF BLOCK 10 REVISED PLAT OF CORAL GABLES INDUSTRIAL SECTION; thence South 03°03'15" East, along the Easterly line of said REPLAT OF BLOCK 11 AND A PORTION OF BLOCK 10 REVISED PLAT OF CORAL GABLES INDUSTRIAL SECTION, a distance of 526.94 feet to a point on the arc of a circular curve to the right whose radius point bears North 08°50'16" East; thence Westerly and Northwesterly, along the arc of said curve having a radius of 468.34 feet, a central angle of 23°24'25", for a distance of 191.33 feet to the Southeast corner of that parcel described in said Ordinance No. 3425; thence South 80°50'23" West, along a line not radial to the last described curve and along the South line of said parcel described in Ordinance No. 3425, a distance of 43.73 feet to a point on the arc of a circular curve to the left whose radius point bears North 36°01'06" East; thence Southeasterly, along the arc of said curve having a radius of 498.34 feet, a central angle of 00°01'54", for a distance of 0.28 feet; thence South 80°50'55" West, along a line not radial to the last described curve a distance of 23.20 feet to a point, said point being 13.00 feet West of the West line of that certain parcel of land as described in a Special Warranty Deed recorded in Official Records Book 11995, Page 547 of the Public Records of Miami-Dade County, Florida; thence South 09°09'05" East, along a line parallel to and 13.00 feet West of, as measured at right angles to the said West line of parcel, a distance of 9.38 feet to a point on the South line of said Block 18, said line being coincident with the North line of said Block 15; thence South 80°50'55" West, a distance of 662.44 feet; thence South 63°55'05" West, a distance of 184.56 feet to the point of beginning, the last two (2) described courses being along the North line of said Block 15.

Containing 16.941 acres (737,960 square feet) more or less.

AND

Blocks 12 and 14 of REVISED PLAT CORAL GABLES INDUSTRIAL SECTION, according to the plat thereof, recorded in Plat Book 28, page 22, together with all of that alley lying between said Blocks 12 and 14, closed by Resolution No. 2396, recorded in Deed Book 2733, Page 25, together with all of the former right of way of Ruiz Avenue heretofore vacated by Ordinance No. 3426, recorded under Clerk's File Number 00R120597, all as being recorded in the Public Records of Miami-Dade County, Florida and being more particularly described as follows:

Beginning at the Southwest corner of Lot 1, of said Block 12; thence North  $03^{\circ}03'15''$  West, along the West line of said Block 12, a distance of 339.77 feet to the Northwest corner of said Lot 12, Block 12; thence North  $87^{\circ}38'37''$  East, a distance of 100.00 feet; thence North  $87^{\circ}19'43''$  East, a distance of 20.00 feet; thence North  $87^{\circ}38'37''$  East, a distance of 333.78 feet to the point of curvature of a circular curve to the right, the last three (3) described courses being along the North line of said Block 12; thence Easterly, Southeasterly, Southerly and Southwesterly, along the arc of said curve having a radius of 20.00 feet, a central angle of  $140^{\circ}13'15''$ , a distance of 48.95 feet to the point of tangency; thence South  $42^{\circ}51'52''$  West, a distance of 449.69 feet to the point on the arc of a circular curve to the right whose radius bears North  $19^{\circ}57'19''$  West, the last described course being along the Southerly line of said Block 12, said Block 14 and said alley lying between said Blocks 12 and 14; thence Southwesterly along the arc of said curve having a radius of 360.00 feet, a central angle of  $00^{\circ}47'30''$ , a distance of 4.97 feet to the Northeast corner of that said portion of Ruiz Avenue vacated by said Ordinance No. 3426; thence South  $50^{\circ}44'05''$  West, along a line not radial to the last described curve, a distance of 36.59 feet to the point of curvature of a circular curve to the right; thence Southwesterly, Westerly and Northwesterly, along the arc of said curve having a radius of 50.00 feet, a central angle of  $85^{\circ}08'37''$ , a distance of 74.30 feet to a point on the South line of said Lot 1, Block 12, said point also being on the arc of a circular curve to the right whose radius point bears North  $03^{\circ}33'09''$  West, the last two (2) described courses being along the Southerly line of that said portion of Ruiz Avenue; thence Westerly along a portion of the Southerly line of said Lot 1, Block 12 and along the arc of said curve having a radius of 360.00 feet, a central angle of  $02^{\circ}28'16''$ , a distance of 15.53 feet to the point of beginning.

Containing 2.367 (103,119 feet) more or less.

Said lands situate, lying and being in the City of Coral Gables, Miami-Dade County, Florida and containing 19.309 acres (841,079 square feet) more or less.



CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. R-2003-133

A RESOLUTION APPROVING ENCROACHMENT ONTO THE RIGHT-OF-WAY, ADJACENT TO THE VILLAGE OF MERRICK PARK PROJECT, CORAL GABLES, FLORIDA, SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT.

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

Section 1. That a request for encroachment into the right-of-way consisting of one column of the proposed entry gate and sign, in connection with The Village of Merrick Park project, on property located on Coral Gables Industrial Section in Plat Book 43 at Page 18 of the Public Records of Miami-Dade County, Florida, (full legal description attached)

a. The City of Coral Gables reserves the right to remove, add, maintain, or have the Applicant remove any of the improvements within the right-of-way, and at Applicant's expense.

b. That the Applicant maintain the proposed encroachment in good condition at all times, and at Applicant's expense.

c. That the Applicant meet with the City Attorney's office for the purpose of providing all the information necessary for the office to prepare a Restrictive Covenant to be executed by the Applicant which runs with the title of the property, and which states in addition to the above mentioned, that the Applicant of the property will provide Public Liability Insurance coverage for the encroachment in the minimum limits required by the City, and naming the City as an additional insured under the policy.

d. That copies of the Restrictive Covenant, when fully executed and filed, together with certification of required insurance, shall be presented to the Building Department and to the Public Works Department and permits thereafter be obtained for the work from both of these Departments.

e. That the Applicant shall replace, at the Applicant's expense, any portion of the encroachment affected, in the event the Public Works Department must issue a permit for a utility cut in the proposed area.

f. That plans for informational signage be approved by the Public Works Department prior to installation.

Section 2. Said resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF JULY, A.D., 2003.

(Motion: Withers/Second: Kerdyk)  
(Anderson, Cabrera, Kerdyk, Withers, Anderson, Slesnick)  
(5/0 vote)

DONALD D. SLESNICK II  
MAYOR

ATTEST:

WALTER J. FOEMAN  
INTERIM CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ  
CITY ATTORNEY