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May 27, 2009

Maria A. Jimenez  
Assistant City Manager  
City of Coral Gables City Hall  
405 Biltmore Way  
Coral Gables, Florida 33134

***Re: That certain lease by and between ZBA, LLC and the City of Coral  
Gables for the real property known as 2325 Galiano Street***

Dear Ms. Jimenez:

As you know, the undersigned represents ZBA, LLC, the City's tenant at 2325 Galiano Street. On or about February 24, 2009, the City Commission passed resolution 2009-46 (a copy of which is attached hereto) which authorized the City to enter into a new lease with Rumi Mediterranean Corp. ("Rumi"), which in turn gave my client the ability to enter into negotiations with them as a purchaser of the business. In addition, the City agreed to forgive my client's rent payments for December, January, and February, 2009, so long as the City was authorized to apply the security deposit towards any existing real property tax liability with the understanding that any shortfall would be covered by the current tenant from the closing proceeds. As you may know, my client has made every commercially reasonable effort to locate a new tenant for the space and comply with the wishes of the City in doing so, even going so far as to help potential new tenants secure financing. However, in large part as a result of the failing economy, Rumi lost its financial backing and failed to close on the purchase.

My client now makes a Request for Approval for the identical lease, including the Personal Guarantee, to be given to a new potential purchaser, Bijan's Coral Gables, LLC d/b/a Monty's Coral Gables ("Bijan's"). The principals of Bijan's currently operate Bijan's on the Miami River and Monty's on Miami Beach. They have been in business for more than 30 years, always running first class operations. Most importantly, Bijan's is ready and able to close the transaction on the same terms as Rumi was, as soon as the

identical Lease previously approved for Rumi is approved for Bijan's by the City. The new tenant has agreed to be responsible for the 2009 property taxes, and to ensure that all other assessments are up to date and paid in full. Lastly, my client requests that the City enlarge the forgiveness of rent previously agreed to for the additional three months that it has taken it to find a viable purchaser. As the City is aware, the state of the economy has made it very difficult to operate a business and even worse to sell one. As always, it is even more difficult in the restaurant business. My client is requesting an additional forgiveness of the rent for March, April, and May, 2009, during which time, it actively sought to close with Rumi, and then actively sought a new purchaser.

Attached is a copy of the previously approved lease, revised with Bijan's name for your review. As you can see, Bijan's is eager to proceed and close on its deal with ZBA, LLC and to begin its leasehold at 2325 Galiano Street, Coral Gables, Florida. Should you require anything further, please do not hesitate to contact me.

Very Truly Yours,



Samuel A. Rubert

Encls. as stated  
SAR/pb

cc: Jessica Wotherspoon  
Elizabeth Hernandez  
client