

jeffrey e. lehrman, esq.
professional corporation

May 27, 2008
City Of Coral Gables
Coral Gables, FL

HAND DELIVERED

REQUEST FOR PERMISSION TO ENCROACH

Dear Sirs;

We act for Giralda PB, LLC, a Florida Limited Liability Company, ('Giralda') the Applicant. Giralda is presently renovating its property at 2222 Ponce de Leon Blvd. (see attached legal description) and in connection therewith the issue of maintaining the use of an existing soakage pit (existing since +/- 1972) located within Giralda Avenue has arisen.

As a result, and notwithstanding our request, originally approved by the Department of Public Works, to be, in effect, "grandfathered" by virtue of the existing soakage pit; the Department now advises that a Public Hearing is required before the City Commission.

Therefore; we have attached hereto and incorporated herein all of the requisite drawings and plans necessary to support this request "to encroach into and under the public right of way"; namely Giralda Avenue in front of the 2222 Ponce building and have located thereupon the exact location of the existing soakage pit to which we request permission to maintain the use of.

Please be advised by way of explanation as to why there is no space to install any on-site drainage that the approved site plan currently contains a building with a depressed sitting area. This approved site plan replaces the depressed sitting area with a new addition and therefore leaves no room to install on-site drainage; hence the need to maintain the existing use of the off-site soakage pit for drainage.

In connection with this request, the Applicant understands and agrees that a Restrictive Covenant Running with the Land shall be required should the City Commission agree to and thereupon approve this request. The minimum conditions usual and customary to the granting of such requests as herein described are acceptable to the Applicant and shall be included in the required Covenant.

A filing fee of \$300.00 is included herewith.

269 giralda avenue / suite 200 / coral gables, fl 33134
telephone (305) 460-4447 / telefax (305) 460 6883

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We understand that as long as our supporting materials are in order that this matter will be scheduled to be heard before the City Commission on June 3rd.

Thank you;

Jeffrey E. Lehrman, Esq., for Applicant

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telephone (305) 460-4447 / telefax (305) 460 6883

LEGAL DESCRIPTION

LOTS 25 THROUGH 29 AND THE EAST 24.1 FEET OF LOT 30
IN BLOCK 28, OF CORAL GABLES SECTION "K" ACCORDING TO
THE PLOT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 33,
OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Merriok, Eunice Merriok, Coral Gables Corporation and Coral Gables, Inc., dated June 4, 1929, recorded on June 15, 1929 under Clerk's File No. E-20743 in Official Records Book 1315, Page 126 of the Public Records of Miami-Dade County, Florida;

5. Restrictions covering Lot 26 of underlying land, omitting any restrictions based on race, creed, color or natural origin, contained in that certain Warranty Deed from Coral Gables Corporation to George R. Capelle dated June 16, 1926 recorded on July 26, 1926 under Clerk's File No. B-69616 in Deed Book 986, Page 100, of the Public Records of Miami-Dade County, Florida; which contain a reverter clause that has been released by a Release of Reverter from George E. Merriok, Eunice Merriok, Coral Gables Corporation and Coral Gables, Inc., dated June 4, 1929, recorded on June 15, 1929 under Clerk's File No. E-20743 in Deed Book 1315, Page 126 of the Public Records of Miami-Dade County, Florida;

6. Restrictions covering Lot 29 of underlying land, omitting any restrictions based on race, creed, color or natural origin, contained in that certain Warranty Deed from George E. Merriok and Eunice Merriok to Walter M. Ballinger dated June 6, 1923 recorded on September 1, 1926 under Clerk's File No. B-77548 in Deed Book 999, Page 215, of the Public Records of Miami-Dade County, Florida; which contain a reverter clause that has been released by a Release of Reverter from George E. Merriok, Eunice Merriok, Coral Gables Corporation and Coral Gables, Inc., dated June 4, 1929, recorded on June 15, 1929 under Clerk's File No. E-20743 in Deed Book 1315, Page 126 of the Public Records of Miami-Dade County, Florida;

7. Restrictions covering Lot 30 of underlying land, omitting any restrictions based on race, creed, color or natural origin, contained in that certain Warranty Deed from Coral Gables Corporation to Coral Gables Lumber & Supply Company dated June 19, 1925 recorded on July 28, 1925 under Clerk's File No. A-96202 in Deed Book 702, Page 19, of the Public Records of Miami-Dade County, Florida; which contain a reverter clause that has been released by a Release of Reverter from George E. Merriok, Eunice Merriok, Coral Gables Corporation and Coral Gables, Inc., dated June 4, 1929, recorded on June 15, 1929 under Clerk's File No. E-20743 in Deed Book 1315, Page 126 of the Public Records of Miami-Dade County, Florida;

8. Partial Release of Restrictions from Coral Gables Corporation, dated June 23, 1926, recorded on June 26, 1926 under Clerk's File No. B-62628 in Official Records Book 974, Page 229, of the Public Records of Miami-Dade County, Florida;

9. All the terms, provision, conditions, rights, privileges, obligations, restrictions, liens, and easements as set forth in the Declaration of Condominium of University Federal Condominium, and all exhibits attached thereto, recorded July 2, 1979 under Clerk's File No. 79R-184369, in Official Records Book 10440, Page 2225 of the Public Records of Miami-Dade County, Florida;

10. Amendment to Declaration of Condominium of University Federal Condominium dated October 22, 1981 recorded October 27, 1981 under Clerk's File No. 81R-278295 in Official Records Book 11252, Page 1583 of the Public Records of Miami-Dade County, Florida;

11. Restrictions, covenants, and conditions as contained in that certain Declaration of Restrictive Covenants recorded on July 16, 1993 in Official Records Book 15983, Page 2171 of the Public Records of Miami-Dade County, Florida;

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12. Restrictions, covenants, and conditions as contained in that certain Declaration of Restrictive Covenants recorded on June 19, 1997 in Official Records Book 17682, Page 1806 of the Public Records of Miami-Dade County, Florida.

13. Rights of the lessors occupying all or part of the insured land under unrecorded leases or rental agreements;

14. All matters contained on the Plat Book of Coral Gables Section K in Plat Book 8, Page 33, of the Public Records of Miami-Dade County, Florida;

15. Utility Easement (water service) referenced in Warranty Deed between Coral Gables Corporation and Utilities Land Company dated March 31, 1926 under Clerk's File No. B34870 and in Deed Book 939, Page 443 of the Public Records of Miami-Dade County, Florida;

16. Utility Easement (electric service) referenced in Warranty Deed between Coral Gables Corporation and Utilities Land Company dated March 31, 1926 under Clerk's File No. B34866 and in Deed Book 939, Page 445 of the Public Records of Miami-Dade County, Florida;

17. Easement between George B. Merriok, and Eunice P. Merriok and Southern Atlantic Telephone & Telegraph Company dated February 7, 1924 recorded April 3, 1926 under Clerk's File No. B34908 and in Deed Book 839, Page 106 of the Public Records of Miami-Dade County, Florida; and

18. That certain Parking Lease Agreement as described in that certain Cancellation and Ratification of Parking Lease Agreement recorded July 9, 1992 in Official Records Book 15581, Page 3347, of the Public Records of Miami-Dade County, Florida.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

Grantor hereby fully warrants title to the Property and will defend same against the lawful claims of all persons claiming, by, through or under Grantor, but none other.

IN WITNESS WHEREOF, the said Grantor has/have executed this Special Warranty Deed the day and year first above written.

Signed, sealed and delivered
in the presence of:

Grantor:

2222 PONCE CORP., a Florida corporation,

Print Name:

Print Name:

By:

Allen R. Greenwald, President

~~JACKNOWLEDGEMENT ON THE FOLLOWING PAGE~~

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

The foregoing instrument was acknowledged before me this 30 day of July, 2004 by Allen R. Greenwald, as President of 2222 Ponce Corp., a Florida corporation. He is personally known to me as has produced (type of identification) as identification.

Michael
NOTARY PUBLIC, STATE OF FLORIDA

(Print, Type or Stamp Commissioned Name of Notary Public)



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CONSULTING ENGINEERING & SCIENCE, INC.

Civil Engineers

Coastal Engineers

Environmental Scientists

MEMORANDUM

TO: Lina Hickman HAND DELIVERED
City of Coral Gables Department of Public Works

FROM: Ben F. Prewitt, P.E.

RE: Giralda Complex
Coral Gables, Florida

DATE: May 27, 2008

Please accept this memorandum and enclosures as our request City Commission approval, June 3, 2008 Commission Meeting, to encroach into the Right-of-Way for the above referenced project.

Enclosed herewith is the following:

1. Request for permission to Encroach, signed by the Owner's Representative;
2. One (1) copy of the City of Coral Gables Building Permit;
3. One (1) copy of the Special Warranty Deed;
4. Twenty (2) copies of the Civil/Site Improvement Drawings (11" x 17"); and,
5. One (1) review fee in the amount of \$300.00 made payable to the City of Coral Gables.

Should you have any questions, or require additional information, please call.


Ben F. Prewitt, P.E.
Project Engineer

06084.04

Enclosures

10700 N. Kendall Drive, Suite 400 • Miami, Florida 33176 • Phone: (305)378-5555 • Fax: (305) 279-4553

RECEIVED
MAY 27 2008

PUBLIC WORKS DEPT.

DISPLAY THIS CARD ON FRONT OF JOB
NO INSPECTION WILL BE MADE UNLESS PERMIT CARD IS
DISPLAYED AND APPROVED PLANS ARE READILY AVAILABLE.

CG 70829

City of Coral Gables BUILDING PERMIT

PERMIT # 07020314

DATE

23 Feb 2007

MASTER APPLICATION # 06036115

OWNER'S NAME GIRALDA PB LLC

QUALIFIER MIGUEL ANGEL CERRA

MCOL #

000480767

CONTRACTOR LINK CONSTRUCTION GROUP

TELEPHONE #

3056659826

PURPOSE COMMERCIAL ADDN (3207 SF), RESTROOM RENOV FLOORS 1-6, WINDOWS,
DOORS, STOREFRONT, DEMOLISH ENTRY PLAZA, \$1,700,000

LEGAL DESCRIPTION

UNIVERSITY FEDERAL CONDO UNIT 1 UNDIV 21.4389
INT IN COMMON ELEMENTS OFF REC 10440-2225

SITE ADDRESS 2222 PONCE DE LEON BLVD 1 Folio # 41080590010

**WARNING TO OWNER: YOUR FAILURE TO RECORD A
NOTICE OF COMMENCEMENT MAY RESULT IN YOU PAYING
TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU
INTEND TO OBTAIN FINANCING, CONSULT YOUR LENDER
OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF
COMMENCEMENT.**

**THE NOTICE OF COMMENCEMENT IS THE FIRST INSPECTION AND
MUST BE DISPLAYED AT THE JOB SITE.**

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies. Please be advised that in accordance with City Ordinance No. 2765, it is the responsibility of the property owner to repair all broken sidewalks. Compliance must be obtained prior to final public works approval.

CERTIFICATE OF OCCUPANCY OR COMPLETION MUST BE SECURED
BEFORE THIS BUILDING CAN BE USED FOR ANY PURPOSE.

DO NOT REMOVE THIS CARD BEFORE COMPLETION

CALL THE APPROPRIATE PHONE # TO SCHEDULE AN INSPECTION FOR THE NEXT DAY.

BUILDING & ZONING: 440-5245 FIRE: 440-5543 PUBLIC WORKS: 440-5543

GIRALDA PB, LLC

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Doc#2251015

THIS INSTRUMENT PREPARED BY,
RECORD AND RETURN TO:

Emily M. Usow, Esq.
ADORNO & YOSS, P.A.
2601 South Bayshore Drive
Suite 1600
Miami, Florida 33133

CFN 2004R0665192
OR Bk 22543 Pgs 3811 - 3815 (5pgs)
RECORDED 02/04/2004 15:20:15
DEED DOC TAX 42,000.00
SURTAX 31,500.00
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Property Appraisers Parcel Identification (Folio) No: 68641-0000
Grantee's Federal Identification No.:

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made as of the 30th day of July, 2004, by 2222 Ponce Corp., a Florida corporation, having a mailing address of 1320 South Dixie Highway, Suite 781, Coral Gables, FL 33146 (the "Grantor"), to Giralda PB, LLC, a Florida limited liability company, having a mailing address of 2199 Ponce de Leon Blvd., Suite 304, Coral Gables, FL 33134 (the "Grantee").

(Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

The Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration, paid to Grantor by Grantee, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all of that certain real property situated in Miami-Dade County, Florida, legally described in Exhibit "A" attached hereto and made a part hereof (the "Property").

This conveyance is subject to:

1. Real estate taxes and assessments for the year 2004 and subsequent years, not yet due and payable;
2. Covenants, conditions, easements, rights-of-way, restrictions, limitations, reservations and other matters of record, if any;
3. Zoning laws, ordinances, and regulations and other restrictions imposed by applicable governmental authorities;
4. Restrictions covering Lot 25 of underlying land, omitting any restrictions based on race, creed, color or natural origin, contained in that certain Warranty Deed from George E. Merrick and Eunice Merrick to Archille Renuart dated February 26, 1925, recorded on April 7, 1925 under Clerk's File No. A-36737 in Official Records Book 560, Page 277, of the Public Records of Miami-Dade County, Florida; which contain a reverter clause that has been released by a Release of Reverter from George E.

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