

This instrument prepared by and
after recording return to:
Virginia Goizueta
Secretary to the Construction
Regulation Board
Development Services Department
City of Coral Gables
427 Biltmore Way,
Coral Gables, FL 33134-5717

BEFORE THE CONSTRUCTION REGULATION BOARD
FOR THE CITY OF CORAL GABLES

CITY OF CORAL GABLES,
Petitioner,

Case No. 24-7097

vs.

David William Hotel Condominium Association, Inc.
700 Biltmore Way, Ste 100
Coral Gables, FL 33134-7562
Respondent.

NOTICE OF AMENDED ORDER DECLARING STRUCTURE UNSAFE

This cause was brought before the Construction Regulation Board ("Board") of the City of Coral Gables ("City"), on August 12, 2024, on the Notice of Unsafe Structure Violation for Failure to Recertify and Notice of Hearing ("Notice"). The Board, having heard the arguments of the parties and having considered any evidence presented, hereby enters this Order Declaring Structure Unsafe ("Order") and finds, concludes, and orders as follows:

Findings of Fact

The City properly served all required notices on the owner, David William Hotel Condominium Association, Inc., and any lienholders of record for the structure located on the property at 700 BILTMORE WAY, CORAL GABLES, FL. 33134 (the "Structure") and legally described as DAVID WILLIAMS HOTEL CONDO LOTS 6 THRU 22 INC., BLOCK 10, CORAL GABLES BILTMORE SEC., PB 20-28 and 03-4117-034-0001 ("Property").

2. As of the date of this Notice the Structure has failed to comply with the inspection report requirement and minimum inspection procedural guidelines as issued by the Miami-Dade County Board of Rules and Appeals, required by Section 8-11 of the Miami-Dade County Code ("Report"). Therefore, **the Structure is presumed and is hereby declared unsafe** pursuant to Section 105-186(j) (13) of the City Code for failure to timely comply with the maintenance and recertification requirements of the Florida Building Code or Section 8-11 of the Miami-Dade County Code.

Order

3. It is, therefore, **ORDERED**: A. Property is required to appear before the CRB every 6 months for a status update, with progress pictures as practicable. B. The construction work needed on the tower shall be completed by the end of October of 2025 in accordance with the construction schedule presented to the CRB during the August 12, 2024, meeting. C. Submit an electrical recertification report recertifying the electrical elements of the property within sixty (60) days of the Board's order. D. A \$250 daily fine be imposed if any of those deadlines are not met.

4. *Request for compliance inspection.* It is the responsibility of the Owner to request an inspection of City records and of the Property, as applicable, to determine compliance with this Order and to notify the City of any compliance action taken.

5. *Payment of costs, fines, and demolition by City.* The Owner shall pay, within 7 days of the date of this Order, the City's administrative costs to date of \$600, in addition to the costs of recording this Order. If the Owner does not comply with any of the applicable deadlines above, the Building Official may immediately and without further order from this Board, order that the structure be vacated, boarded, secured, and posted (including, but not limited to, requesting the electric utility to terminate service to the Structure) to prevent further occupancy and the City may demolish the Structure. The City may sell as salvage or require the demolition contractor to dispose of the contents of the Structure. In addition, the Owner shall pay a fine of \$250 for each day the violation continues past the date set for compliance, for which the City shall have a lien against the Owner and the Property. The Board may also enter an order of demolition and assess all costs of the proceedings and demolition and other required action for which the City shall have a lien against the Owner and the Property. Until the Structure is recertified in compliance the terms of this Order, the City shall not issue any further development approvals for the Property, including, but not limited to, building permits, unless the development approval is required to comply with the terms of this Order.

6. *Lien for costs and notice to subsequent purchasers.* The City shall have a special assessment lien for its administrative costs, the costs of corrective action, and any fines imposed by the Board, including but not limited to, securing the Structure and demolition ("Costs"), against the real and personal property of the Owner, including the Property. The lien for Costs shall have equal dignity with a lien for taxes. In order to have this lien, the City shall record this Order and an affidavit for any additional Costs, as applicable. Once recorded in the Public Records of Miami-Dade County, Florida, a copy of this Order shall constitute notice to any subsequent purchasers, successors in interest, or assigns, and the findings herein shall be binding upon the Owner and any subsequent purchasers, successors in interest or assigns.

7. *City's remedies are cumulative.* This Order notwithstanding, the City may enforce its code by any other lawful means.

8. **NOTICE:** If the Respondent does not comply with the terms of this Order, the City may issue a Notice of Non-Compliance ("Notice"). The Respondent may request an administrative hearing that shall be strictly limited to determining whether the Respondent complied with the terms of this Order. Requests for a hearing must be made in writing to Virginia Goizueta, Secretary to the Board, at City of Coral Gables, Development Services Department, 405 Biltmore Way, 3rd

Floor, Coral Gables, FL 33134-5717, vgoizueta@coralgables.com, tel: (305) 460-5250. The Development Services Department's hours are Monday through Friday, 7:30 a.m. to 2:30 p.m. Failure to request an administrative hearing within twenty (20) days after service of the Notice shall constitute a waiver of the Respondent's right to the hearing. The Respondent shall be liable for the reasonable costs of the administrative hearing if the Respondent does not prevail at the hearing.

DONE AND ORDERED at the City of Coral Gables, Miami-Dade County, Florida, on this 19th day of August 2024.

CONSTRUCTION REGULATION BOARD
OF THE CITY OF CORAL GABLES


Virginia Goizueta
Secretary to the Board

Notice of Deadline to Appeal

PURSUANT TO SECTION 105-95(6) OF THE CITY CODE, AN APPEAL OF THIS ORDER MAY BE FILED IN THE CIRCUIT COURT IN MIAMI-DADE COUNTY, FLORIDA, WITHIN THIRTY (30) DAYS OF THE FILING OF THIS ORDER.

c: David William Hotel Condominium Association, Inc.
c/o Siegfried Rivera, Registered Agent
201 Alhambra Circle, FL 11
Coral Gables, FL 33134-5107