

TEW • CARDENAS LLP
ATTORNEYS AT LAW
MIAMI • TALLAHASSEE • WASHINGTON DC

BOB DELA FUENTE
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FOUR SEASONS TOWER
15TH FLOOR
1441 BRICKELL AVENUE
MIAMI, FLORIDA 33131-3407
T 305.536.1112
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WWW.TEWLAW.COM

September 25, 2008

**VIA ELECTRONIC MAIL &
HAND DELIVERY**

Martha Salazar-Blanco
Zoning Administrator
City of Coral Gables
405 Biltmore Way
Miami, Florida 33134

*Re: Settlement of Bert J. Harris Act Claim: Response to Zoning's Comments to
Proposed Settlement*

Dear Ms. Salazar-Blanco:

We received your comments dated September 18, 2008. Per Mr. Riel's request, we are providing this information to comply with the deadline he imposed. We look forward to finalizing this information by Tuesday, September 30 and to reviewing your comments at our meeting on Friday, September 26. In response to your comments, we attach the following documents:

1. Modified Exhibit A, attached as Exhibit 1;
2. Surveys/Deeds, attached as Composite Exhibit 2;
 - a. Group I: Survey
 - b. Group II: Survey
 - c. Group III: 2 Surveys
 - d. Group IV: Warranty Deed and Property Appraiser Information
 - e. Group V: Survey
3. Modified Exhibit D to August 20, 2008 letter (Bulk & Height Analysis), attached as Exhibit 3

Further, we respond as follows, with our responses being indented below your comments:

Exhibit A – Site Specific

- Section A-28(A) – Coral Gables Biltmore Section – Should read Section A-12
 - DONE
- Section A-3(A) – Almeria does not exist
 - We proposed this designation since none existed. If you prefer another one, we have no objection as long as it accurately reflects the subject properties. Please let us know how you want to designate this section.
- According to our CLUP all these properties are located in the Biltmore Section – please verify
 - See Exhibit 2, specifically, Boundary Survey, field dated August 14, 2008, providing the following legal description: Lots 6, 7, 8, 9 and 10, Block 1, "Almeria Replat" according to the plat thereof as recorded in Plat Book 166, Page 82, of the public records of Miami-Dade County, Florida."
- Legal descriptions are not correct as per the survey included for Group 1 property. Please verify all legal descriptions and provide surveys on all the properties.
 - See Exhibit 2
- Wording for height of buildings should include: 3 stories and (45) forty five feet maximum inclusive of parapets, mechanical equipment areas and decorative roof structures.
 - We do not agree to this restriction. The Harris Act claim seeks a restoration of the previously permitted height on the properties. The prior regulations did not define height as you propose. We request height to be interpreted as before: "average of the gable."

Exhibit A – attached to letter dated August 20, 2008

- Correct all legal descriptions on this exhibit
 - Will be corrected and verified per information contained in Exhibit 2

Exhibit D

- Please include adjacent properties on all sides of mentioned property.

- Example – Group 1 – East – High Density - West – SFR(across Anderson) - North and South – Low Density – provide this for all GROUPS
- Group 5 – Medium density is to the East (please revise)
 - DONE

With the information delivered to the city and previous zoning analysis conducted the following comments are being provided:

GROUP 1

- 4-104D-8a-h – Maximum height allowed if site specific are approved would be 45'-0" inclusive of parapets and decorative roof, and mechanical equipment areas. Plans provided indicate a top of parapet height of 46'-0". Building must be brought down one (1) foot.
 - This is our Beatrice Row project. In the event that we were to redesign Beatrice Row, of the 10 feet (45' height limit) that we are seeking, we would be giving back at least 4' by including parapets within the building height. A four foot parapet would probably be necessary to conceal AC units on the roof. Accordingly, this will not work for settlement purposes. We request height to be interpreted as before: "average of the gable."
- 4-109D-9 a-k - Anderson Road and Biltmore Way must comply with the suburban streetscape requirement and could potentially require a 2'-0" easement on the side property line for the required suburban dimensions.
 - Both Anderson Road and Biltmore Way can accommodate the minimum 6' sidewalk and 4' parkway required of the suburban streetscape. Our architects have already met with Public Works and come to an agreement of what they would like to see in the Right of Way. We do not believe an easement is required to incorporate the Suburban Streetscape requirements.
- Must comply with the 25% open space requirement which now shows as a deficit.
 - You have miscalculated the "Landscape Open Space". The Code reads, "Landscape Open Space Area: c. Twenty five percent for residential properties. The total area shall be based upon the total lot area. This landscape area can be provided at street level, within the public right of way, elevated areas, planter boxes, planters, etc." You failed to include the parkway "within the public right of way" in your Landscape Open Space calculations. We currently exceed the required 25%.

GROUP 2

- We understand this property to be Almeria Row which is currently permitted. Only five (5) out of the ten (10) units have been built. For the remainder of the five (5) units these regulations will apply.
- 4-104D-8a-h – Maximum height allowed if site specific are approved would be 45'-0" inclusive of parapets and decorative roof, and mechanical equipment areas. Plans provided indicate a top of parapet height of 52'-2". Building must be brought down seven (7) foot – two (2) inches
 - We disagree with your interpretation. The 52'-2" that you refer to is an elevation mark based on NGVD (National Geodetic Vertical Datum). It is not the building height. The height to the top of the parapet is 40'-5", which complies even under your new building height definition.
- 4-109D-9 a-k - Cardena Street must comply with the suburban streetscape requirement and could potentially require a 2'-0" easement on the side property line for the required suburban dimensions.
 - Cardena Street suburban landscape requirements were part of Phase 1, which already received final CO. No easement was necessary.

GROUP 3, 4 and 5 (assembled property)

- Though it was mentioned in an email that the project in these groups would be similar to that in GROUP 1 it is impossible to conduct a zoning review to lack of information including a survey. With respect to height the following observations apply
- 4-104D-8a-h – Maximum height allowed if site specific are approved would be 45'-0" inclusive of parapets and decorative roof, and mechanical equipment areas.
 - The Harris Act claim seeks a restoration of the previously permitted height on the properties. The prior regulations did not define height as you propose. We request height to be interpreted as before: "average of the gable."
- 4-109D-9 a-k - Almeria Avenue and Anderson Road require no suburban streetscape
- Must comply with 25% open space requirement

Martha Salazar-Blanco
September 25, 2008
Page 5 of 5

We will finalize all remaining issues with you prior to the deadline provided by Eric Riel of Tuesday, September 30 and look forward to seeing you Friday, September 26.

Sincerely,



Bob de la Fuente

Enclosure

cc: Elizabeth Hernandez, Esq. (via electronic mail)
David Brown (via electronic mail)
Eric Riel (via electronic mail)
Fernando Menoyo (via electronic mail)
Richard Malavenda (via electronic mail)
Santiago D. Echemendia

EXHIBIT A

SITE SPECIFIC

APPENDIX A – SITE SPECIFIC ZONING REGULATIONS

SECTION A-12 – Coral Gables Biltmore Section

A. Height of buildings.

1. Height of buildings on the following described properties shall have a height limitation of forty-five (45) feet and 3 stories:

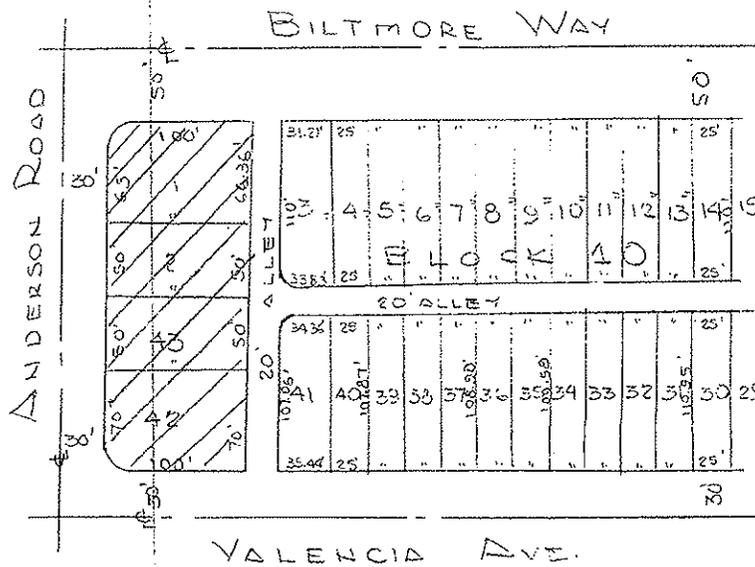
- a. Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 42 and 43, Block 10;
- b. Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 18, 19, 20, 21, 22, 23, Block 11.

SECTION A-3(A) – Almeria

A. Height of buildings.

1. Height of buildings on the following described properties shall have a height limitation of forty-five (45) feet and 3 stories:

- a. Almeria Replat, Plat Book 166, Page 82, Lots 6, 7, 8, 9, 10, Block 1



LEGAL DESCRIPTION: Lots 1, 2, 42 and 43, Block 10, CORAL GABLES BILTMORE SECTION, according to the Plat thereof as recorded in Plat Book 20, page 28 of the Public Records of Dade County, Florida.

GENERAL NOTES

- 1) OWNERSHIP IS SUBJECT TO OPINION OF TITLE.
- 2) EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THIS PROPERTY.
- 3) (2.22) DENOTES THOSE ELEVATIONS REFERRED TO NGV DATUM.
- 4) LOCATION AND IDENTIFICATION OF UTILITIES ON AND/OR ADJACENT TO THE PROPERTY WERE NOT SECURED AS SUCH INFORMATION WAS NOT REQUESTED.
- 5) THIS PROPERTY IS WITHIN THE LIMITS OF FLOOD ZONE X
- 6) No underground locations were done by this Company

CERTIFIED TO: Fernando Menoyo, Attorneys' Title Insurance Fund., Inc., Roland J. Martinez, P.A. DATE: November 03, 2000

APPLICABLE ZONING, UNDERGROUND ZONING AND BUILDING SET BACKS, MUST BE CHECKED BY OWNER, ARCHITECT OR BUILDER BEFORE DESIGN OR CONSTRUCTION BEGINS ON THIS PROPERTY.

CERTIFIED TO:



UNITED
SURVEYING, INC.
L.B. No. 3333
147 ALHAMBRA CIRCLE No. 241
CORAL GABLES, FLORIDA, 33134
Phone: (305) 448-9488

I HEREBY CERTIFY: That the attached Plan of Survey of the above described property is true and correct to the best of my knowledge, information and belief, as recently surveyed and platted under my direction, also that there are not above-ground encroachments other than those shown. This survey meets the minimum technical standards set forth by the Florida Board of Land Surveyors pursuant to Chapter 61G17-6, Florida Administrative Code, Section 472-027, Florida Statutes.

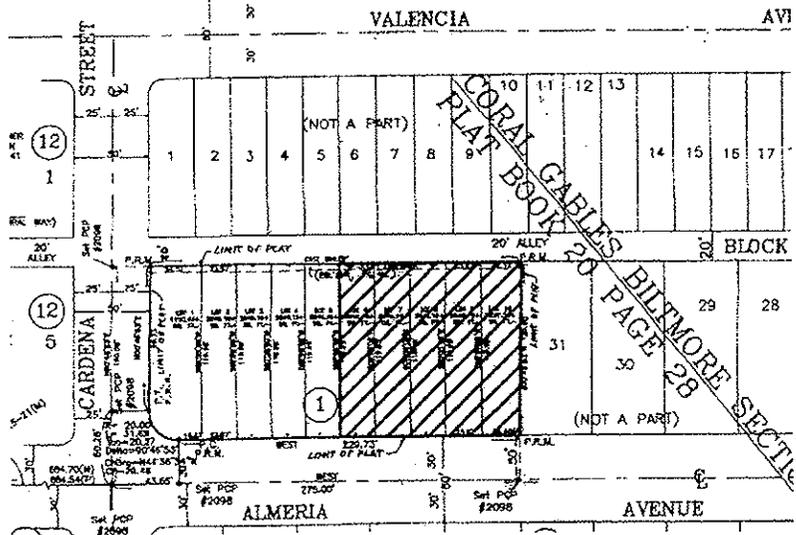
[Signature]
LAZARO D. ALONSO
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 3590
STATE OF FLORIDA

THIS IS A BOUNDARY SURVEY

NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL

LOCATION SKETCH

NOT TO SCALE



CERTIFIED TO:

ROLAND J. MARTINEZ, P.A.;
ATTORNEY'S TITLE INSURANCE
FUND, INC.; ALMERIA ROW LLC,
A FLORIDA LIMITED LIABILITY
COMPANY; PACIFIC NATIONAL
BANK; IT'S SUCCESSORS
AND/OR ASSIGNS, AS THEIR
INTEREST MAY APPEAR

LEGAL DESCRIPTION:

LOTS 6, 7, 8, 9 AND 10, BLOCK 1, "ALMERIA REPLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 166, PAGE 82, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SURVEYOR'S NOTES:

- 1) NOT VALID UNLESS SIGNATURE IS EMBOSSED WITH THE REGISTERED LAND SURVEYORS SEAL.
- 2) LEGAL DESCRIPTION PROVIDED BY OTHERS.
- 3) PROPERTIES SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PROPERTY PLAT OF RECORD.
- 4) MEASUREMENTS TO WOOD FENCES ARE TO OUTSIDE OF WOOD.
- 5) UNDERGROUND UTILITIES, FOUNDATIONS, OR OTHER IMPROVEMENTS, IF ANY, WERE NOT LOCATED.
- 6) ELEVATIONS, IF SHOWN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM 1929.
- 7) FENCE OWNERSHIP NOT DETERMINED UNLESS OTHERWISE NOTED.
- 8) MEASUREMENTS TO WIRE FENCES ARE TO CENTER OF WIRE.
- 9) WALL MEASUREMENTS ARE TO/FROM FACE OF WALL.
- 10) DRAWING DISTANCE BETWEEN WALLS AND/OR FENCES AND PROPERTY LINES MAY BE EXAGGERATED FOR CLARITY.
- 11) FLOOD ZONE INFORMATION WAS DERIVED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INFORMATION RATE MAPS
- 12) BEARINGS IF ANY SHOWN ARE BASED ON PLAT MERIDIAN AT: CALMERIA AVE. = EAST

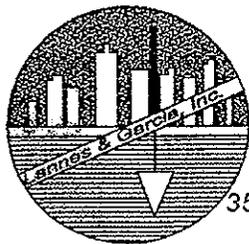
LEGEND

	INDICATES CONCRETE	L.M.	INDICATES LAKE MAINTENANCE
	INDICATES OVERHEAD LINES	CL:	INDICATES CLEAR
	INDICATES WIRE FENCE	ENCR:	INDICATES ENCROACHMENT
	INDICATES WOOD FENCE	FRP:	INDICATES FOUND IRON PIPE
	INDICATES PROPERTY CORNER	FRB:	INDICATES FOUND REBAR
	INDICATES POINT OF BEGINNING	SRB:	INDICATES SET 1/2" DIAMETER REBAR
	INDICATES POINT OF COMMENCEMENT	TYP.:	INDICATES TYPICAL
	INDICATES PROPERTY LINE	R/W:	INDICATES RIGHT-OF-WAY
	INDICATES RECORD MEASUREMENT	ORB:	INDICATES OFFICIAL RECORD BOOK
	INDICATES DRAINAGE & UTILITY EASEMENT	±	INDICATES MORE OR LESS
	INDICATES UTILITY EASEMENT	F.F. ELEV.:	INDICATES FINISHED FLOOR ELEVATION
	INDICATES PERMANENT REFERENCE MONUMENT	N.T.S.:	INDICATES NOT TO SCALE
	INDICATES PERMANENT CONTROL POINT	N	INDICATES NORTH
	INDICATES FOUND	S	INDICATES SOUTH
	INDICATES CLEAR	b	INDICATES CENTERLINE
		(M)	INDICATES FIELD MEASUREMENTS
		CONC.:	INDICATES CONCRETE
		ONPL:	INDICATES ON PROPERTY LINE

A BOUNDARY SURVEY

I HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472-027, FLORIDA STATUTES, THERE ARE NO ENCROACHMENTS, OVERLAPS, EASEMENTS APPEARING ON THE PLAT, OTHER THAN AS SHOWN HERETO.

FLORIDA PROFESSIONAL SURVEYOR AND MAPPER REG. NO. 4767.



PROFESSIONAL SURVEYING AND MAPPING
LANNES & GARCIA, INC.

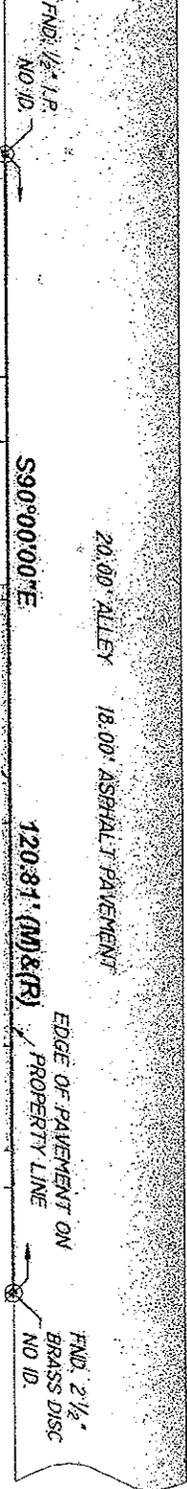
LB # 2098

FRANCISCO F. FAJARDO PSM # 4767

359 ALCAZAR AVENUE, CORAL GABLES, FLORIDA 33134

PH (305) 666-7909

FAX (305) 559-3002

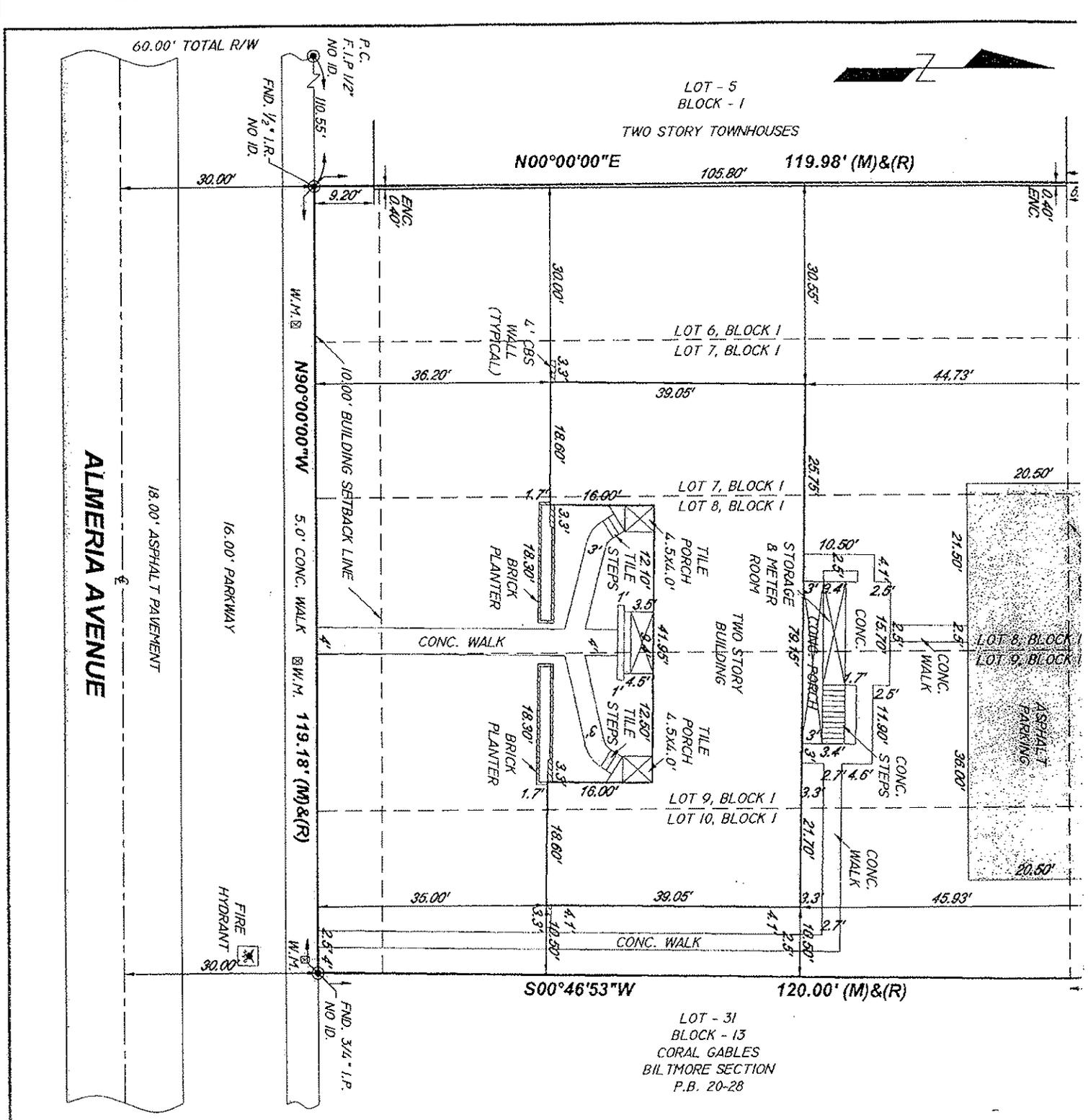


FIELD DATE: 08-14-2008

SCALE: 1" = 20'

DRAWN BY: M. PIQ

DWG. No.: 213155



FLOOD ZONE: X
 MAP & PANEL= 12025C0190
 COMMUNITY No.: 120639
 SUFFIX: J
 DATE OF FIRM: 7-17-95
 BASE ELEV.= N/A

PROPERTY OF: ALMERIA ROW LLC, A
 FLORIDA LIMITED LIABILITY COMPANY

633-635-637 ALMERIA AVENUE
 CORAL GABLES, FLORIDA 33134

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGEND OF SURVEY ABBREVIATIONS

A.....ARC DISTANCE	A/C.....AIR CONDITIONING	CBS...CONCRETE BLOCK STRUCTURE	NGVD...NATIONAL GEODETIC VERTICAL DATUM
C.....CALCULATOR	C.B.....CATCH BASIN	O.U.L...OVERHEAD UTILITY LINE	PRC...POINT OF REVERSE CURVATURE
CL.....CLEAR	CL.....CENTER LINE	P.C.C...POINT OF COMPOUND CURVE	RAD...RADIAL
ENC...ENCROACHMENT	P.C.....POINT OF CURVATURE	P.O.C...POINT OF COMMENCEMENT	R/W...RIGHT OF WAY
FR...FOUND IRON PIPE	P.O.B...POINT OF BEGINNING	BLDG...BUILDING	SEC...SECTION
O.H...OVER HANG	W.M...WATER METER	C.H...CHORD DISTANCE	SCR...SCREENED
P.B...PLAT BOOK	M.....MEASURED	D.E...DRAINAGE EASEMENT	S.I.P...SET IRON PIPE
PL...PROPERTY LINE	CONC...CONCRETE	F.M...FIRE HYDRANT	SWK...SIDEWALK
UP...UTILITY POLE	F.O.....FOUND	R.....RADIUS	U.E...UTILITY EASEMENT
			CHLF...CHAIN LINK FENCE

FLOOD ZONE: X
 THIS IS A FLOOD HAZARD ZONE
 THIS IS NOT A FLOOD HAZARD ZONE
 PANEL NO.: 190/J
 COMMUNITY #: 120639
 DATE OF FIRM: 07/17/1995
 BASE FLOOD: N/A
 FINISH FLOOR: N/A
 LOWEST: N/A
 ADJ GRADE

CERTIFY TO:

Fernando E. Menoyo And Hernan Galindo
 Roland J. Martinez, P.A.
 Attorneys' Title Insurance Fund, Inc.
 Gibraltar Bank, PSB. It's Successors and/or Assigns, A.T.I.M.A.

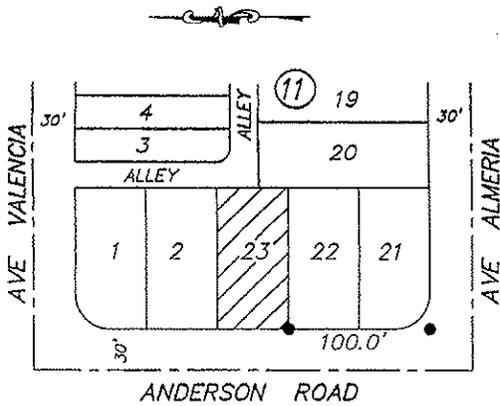
LEGAL DESCRIPTION:

Lot: 23
 Block: 11
 Subdivision: Coral Gables Biltmore Section
 According to the Plat thereof as recorded in
 Plat Book: 20 Page: 28
 Public Records of MIAMI-DADE County, Florida.

ADDRESS:
 2611 ANDERSON ROAD
 CORAL GABLES, FL

Encroachments Noted: NONE

LOCATION SKETCH
 SCALE: N.T.S.



NOTES:

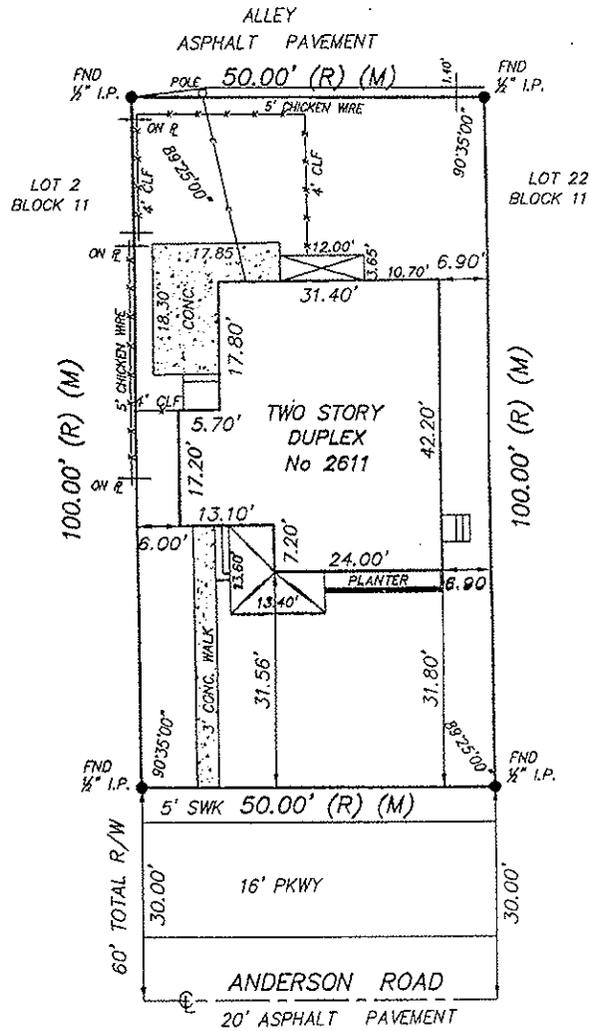
- A) All clearances and/or encroachments shown hereon are of apparent nature. Fence ownership by visual means. Legal ownership of fences not determined.
 - B) This survey is intended for mortgage or refinance purposes only exclusively for the use by those to whom it is certified. This survey is not to be used for construction, permitting, design, or any other use without written consent of Thomas J. Kelly, Inc.
 - C) Code restriction and title search are not reflected on this survey.
 - D) The flood information shown hereon does not imply that the referenced property will or will not be free from flooding or damage and does not create liability on the part of the firm, any officer or employee thereof, for any damage that results from reliance on said information.
 - E) The lands depicted hereon were surveyed per the legal description and no claim as to ownership or matters of title are made or implied.
 - F) Underground Encroachments, if any, not located.
- I hereby certify that the survey represented hereon meets the minimum technical standards set forth by the Board of Land Surveyors in chapter 61G97-5 Florida Administrative Code pursuant to Section 472.027 Fla. Statutes.

Jose A. Perea
 JOSE A. PEREA, P.S. & M. #4858
 STATE OF FLORIDA
 NOT VALID UNLESS IMPRINTED WITH AN EMBOSSED SURVEYOR'S SEAL

- NOTES:
1. IF SHOWN, BEARING ARE TO AN ASSUMED MERIDIAN (BY PLAT).
 2. IF SHOWN, ELEVATIONS ARE REFERRED N.G.V.D 1929.
 3. THIS IS A BOUNDARY SURVEY.

THOMAS J. KELLY, INC.
 L.B. #6486
 SURVEYORS-MAPPERS-LAND PLANNERS
 8125 SW 120 STREET PINECREST, FLORIDA 33156
 (786) 242-7692 DADE (954) 779-3288 BRWD
 (786) 242-6494 DADE FAX (954) 779-3260 BRWD FAX

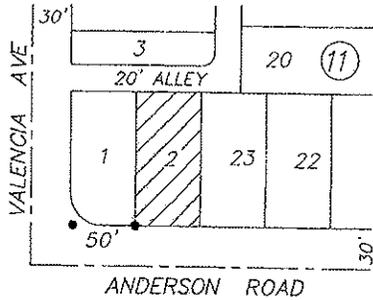
DATE FIELD WORK 12/09/2005	SCALE 1" =	SURVEY NO. 05-8160
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THOMAS J. KELLY, INC.

LB # 6486
 SURVEYORS-MAPPERS-LAND PLANNERS
 8125 SW 120 STREET PINECREST, FLORIDA 33156
 (786) 242-7692 DADE (954) 779-3288 BRWD
 (786) 242-6494 DADE FAX (954) 779-3260 BRWD FAX

DATE FIELD WORK 12/09/2005	SCALE 1" = 20'	SURVEY NO. 05-8160
-------------------------------	-------------------	-----------------------



LOCATION SKETCH

SCALE _____ N.T.S.

LEGEND OF SURVEY ABBREVIATIONS

A.....ARC DISTANCE	P.O.C...POINT OF COMMENCEMENT	PL....PROPERTY LINE
A.C....AIR CONDITIONER	R/W....RIGHT OF WAY	CONC...CONCRETE
CBS....CONCRETE BLOCK STRUCTURE	FI.P....FOURD IRON PIPE	F.H....FIRE HYDRANT
NGVD...NATIONAL GEODETIC VERTICAL DATUM	P.O.B...POINT OF BEGINNING	U.E....UTILITY BASINENT
C.....CALCULATED	BLDG...BUILDING	UP....UTILITY POLE
C.B....CATCH BASIN	SEC....SECTION	F.D....FOUND
O.U.A...OVERHEAD UTILITY LINE	OH....OVER HANG	R.....RADIUS
PRC....POINT REVERSE CURVATURE	W.M....WATER METER	SWK...SIDE WALK
CL....CLEAR	CH....CHORD DISTANCE	CLF...CHAIN LINK FENCE
CL....CENTER LINE	SCR....SCREENED	WF....WOODEN FENCE
P.C.C...POINT OF COMPOUND CURVE	P.B....PLAT BOOK	ME....MAINTENANCE EASEMENT
RAD....RADIAL	M.....MEASURED	
ENC....ENCROACHMENT	DE....DRAINAGE EASEMENT	
P.C....POINT OF CURVATURE	SP....SET IRON PIPE	

CERTIFY TO: 2605 ANDERSON ROAD, L.L.C.
 ROLAND J. MARTINEZ, P.A.
 ATTORNEYS' TITLE INSURANCE FUND, INC.
 FIRST BANK FLORIDA, ITS SUCCESSORS AND/OR ASSIGNS.
 AS THEIR INTEREST MAY APPEAR.

ADDRESS: 2605 ANDERSON ROAD
 CORAL GABLES, FL 33134

LEGAL DESCRIPTION:
 LOT 2, BLOCK 11, CORAL GABLES, BALTIMORE SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FLOOD ZONE: X
 THIS IS A FLOOD HAZARD ZONE X THIS IS NOT A FLOOD HAZARD ZONE
 COMMUNITY PANEL NO. 120639
 PANEL NO. 190 SUFFIX: J DATE OF FIRM: 07/17/95
 BASE FLOOD ELEV. N/A FINISH FLOOR ELEV. N/A LOWEST ADJ. GRADE: N/A
 NOTE: UNDERGROUND ENCROACHMENTS, IF ANY, NOT LOCATED. ENCROACHMENTS NOTED: NONE

I HEREBY CERTIFY THAT THIS SKETCH OF THIS PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED AND PLATTED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SURVEY MEET THE MINIMUM REQUIREMENTS ADOPTED BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND THE FLORIDA LAND TITLE ASSOCIATION AND ALSO CH-61617 F.A. CODE. THERE ARE NO ENCROACHMENTS, EXCEPT AS SHOWN.

- NOTES: 1. IF SHOWN, BEARING ARE TO AN ASSUMED MERIDIAN PLAT)
 2. IF SHOWN, ELEVATIONS ARE REFERRED N.G.M. DATUM 1929
 3. THIS IS A BOUNDARY SURVEY.
 CLOSURE ABOVE 1:7500
 4. LICENSE BUSINESS NO. 6466

[Signature]
 03/14/2006
 JOSE A. PEREA (DATE OF FIELD WORK)
 PROFESSIONAL LAND SURVEYOR #4858
 STATE OF FLORIDA
 (NOT VALID UNLESS IMPRINTED WITH AN EMBOSSED SURVEYOR'S SEAL)

THOMAS J. KELLY, INC. P.S. & M.
 8125 SW 120 STREET Date: 03/14/2006
 PINECREST, FL 33156 Survey No.: 06-1479

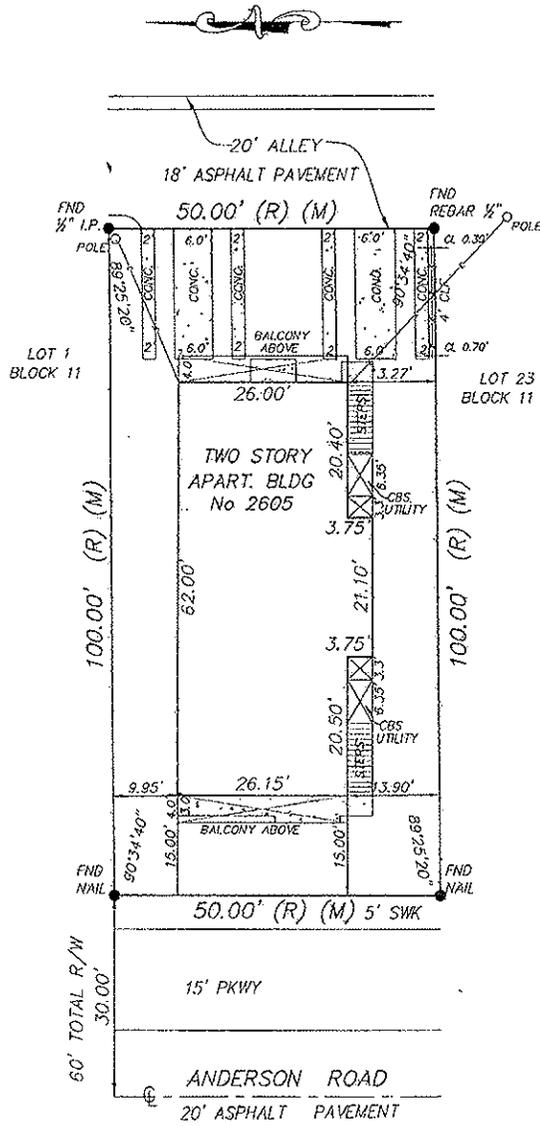
LB. # 6466
 8125 SW 120 STREET
 PINECREST, FL 33156
 TEL: (786) 242-7892 DASE. (304) 779-3288 BRWD
 FAX: (786) 242-8494 DASE. (304) 779-3280 BRWD
 E-MAIL: DRAFTING@T.KELLYINC.COM

THOMAS J. KELLY
 SURVEYORS-MAPPERS
 LAND PLANNERS

BOUNDARY SURVEY

PLAN OF SURVEY

SCALE 1"=15'





CFN 2007R0486425
 OR Bk 25618 Pgs 0309 - 3101 (2pgs)
 RECORDED 05/14/2007 15:28:41
 DEED DOC TAX 35,802.00
 SURTAX 26,851.50
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

This instrument prepared by:
 Louis Stinson, Jr., Esq.
 2199 Ponce de Leon Blvd., Suite 301
 Coral Gables, Florida 33134
 (305) 444-8807

Folio Nos.:03-4117-008-1931
 03-4117-008-1940
 03-4117-008-1950
 03-4117-008-1960

WARRANTY DEED

THIS INDENTURE, made this 8 day of May, 2007, between **RIVIERA ALMERIA, LLC**, a Florida limited liability company (the "Grantor"), whose post office address is 500 S. Dixie Highway, Suite 307, Coral Gables, FL 33146, and **ALMERIA II, LLC**, a Florida limited liability company (the "Grantee"), whose post office address is 744 Biltmore Way, Suite 2, Coral Gables, FL 33134.

WITNESSETH:

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) paid to Grantor by Grantee, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained and sold to Grantee his heirs, successors and assigns forever, land, situated in **Miami-Dade County**, Florida, (the "Land"), described as:

Lots 18, 19, 20, 21 and 22, Block 11, CORAL GABLES BILTMORE SECTION, according to the Plat thereof, as recorded in Plat Book 20, Page 28 of the Public Records of Miami-Dade County, Florida.

This Deed is given subject to conditions, restrictions, limitations and easements of record, not intending to reimpose same, applicable zoning ordinances and taxes for the year 2007 and subsequent years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomever.

IN WITNESS WHEREOF, Grantor has caused this warranty deed to be executed the date set forth above.

Witnesses:

RIVIERA ALMERIA,LLC, a Florida limited liability company

Thomas A. Skewer

Signature of Witness

By: *Harold D. White*

HAROLD D. WHITE, MANAGING MEMBER

Thomas A. Skewer

Printed Name of Witness

Amelia Stone

Signature of Witness

Carmen Torre

Printed Name of Witness

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 8 day of May, 2007 by **HAROLD D. WHITE, Managing Member of RIVIERA ALMERIA, LLC**, a Florida limited liability company, who is personally known to me or has produced _____ as identification and who did/did not take an oath.

NOTARY PUBLIC STATE OF FLORIDA

Amelia Stone

(Signature of Notary Public)

(SEAL)

My Commission Expires:



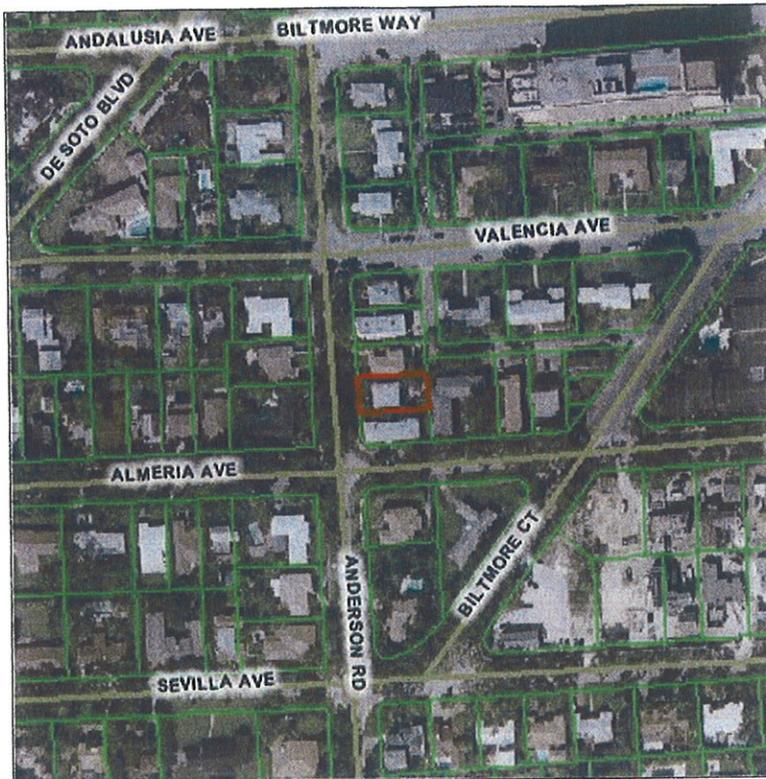
CARMEN TORRE
MY COMMISSION # DD 408566
EXPIRES: April 22, 2009
Bonded Thru Budget Notary Services

My Home
Miami-Dade County, Florida

miamidade.gov



Property Information Map



Digital Orthophotography - 2007

0 110 ft

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Close

Summary Details:

Folio No.:	03-4117-008-1960
Property:	2615 ANDERSON RD
Mailing Address:	ALMERIA II LLC
Address:	744 BILTMORE WAY STE 2 CORAL GABLES FL 33134-7527

Property Information:

Primary Zone:	
CLUC:	0002 MULTIFAMILY-DUPLEX
Beds/Baths:	4/2
Floors:	2
Living Units:	2
Adj Sq Footage:	2,078
Lot Size:	5,006 SQ FT
Year Built:	1951
Legal Description:	CORAL GABLES BILTMORE SEC PB 20-28 LOT 22 BLK 11 LOT SIZE 50.060 X 100 OR 14031-2487 0389 1 COC 25618-0309 05 2007 2

Sale Information:

Sale O/R:	25618-0309
Sale Date:	5/2007
Sale Amount:	\$5,967,000

Assessment Information:

Year:	2008	2007
Land Value:	\$575,690	\$575,690
Building Value:	\$125,765	\$125,765
Market Value:	\$701,455	\$701,455
Assessed Value:	\$701,455	\$701,455
Total Exemptions:	\$0	\$0
Taxable Value:	\$701,455	\$701,455

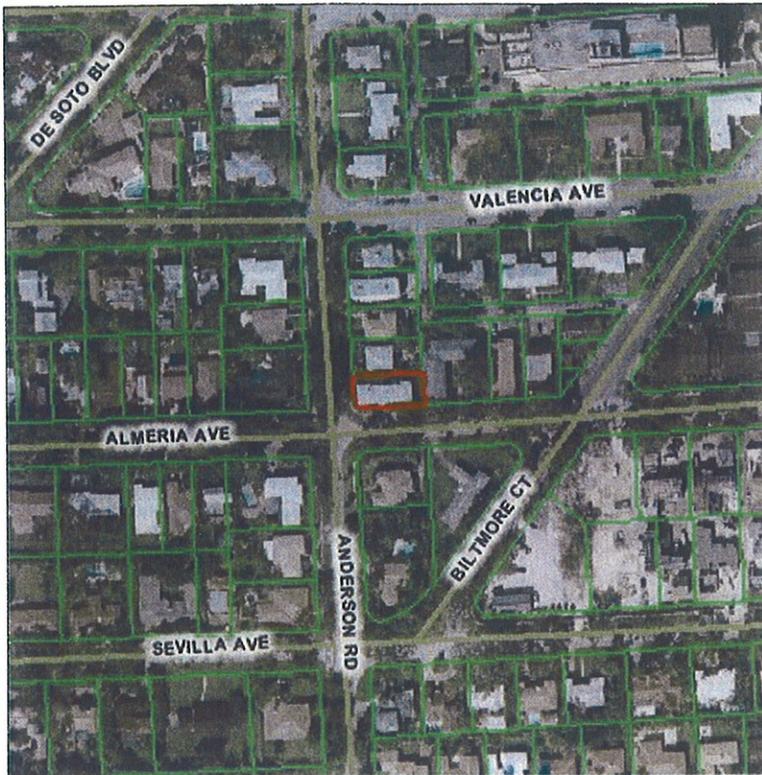
* The market and assessed values are accurately reflected. Information related to this property's exemptions and taxable values are being updated as a result of the recent passage of Amendment One and will be available shortly.

My Home
Miami-Dade County, Florida

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Property Information Map



Digital Orthophotography - 2007

0 110 ft

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Close

Summary Details:

Folio No.:	03-4117-008-1950
Property:	743 ALMERIA AVE
Mailing Address:	ALMERIA II LLC
Address:	744 BILTMORE WAY STE 2 CORAL GABLES FL 33134-7527

Property Information:

Primary Zone:	
CLUC:	0003 MULTIFAMILY-APARTMENTS
Beds/Baths:	6/5
Floors:	2
Living Units:	5
Adj Sq Footage:	3,229
Lot Size:	5,000 SQ FT
Year Built:	1949
Legal Description:	17 54 41 PB 20-28 CORAL GABLES BILTMORE SEC LOT 21 BLK 11 LOT SIZE 50,000 X 100 OR 13941-3283 1288 1 COC 25618-0309 05 2007 2

Sale Information:

Sale O/R:	25618-0309
Sale Date:	5/2007
Sale Amount:	\$5,967,000

Assessment Information:*

Year:	2008	2007
Land Value:	\$575,000	\$575,000
Building Value:	\$103,466	\$103,466
Market Value:	\$678,466	\$678,466
Assessed Value:	\$678,466	\$678,466
Total Exemptions:	\$0	\$0
Taxable Value:	\$678,466	\$678,466

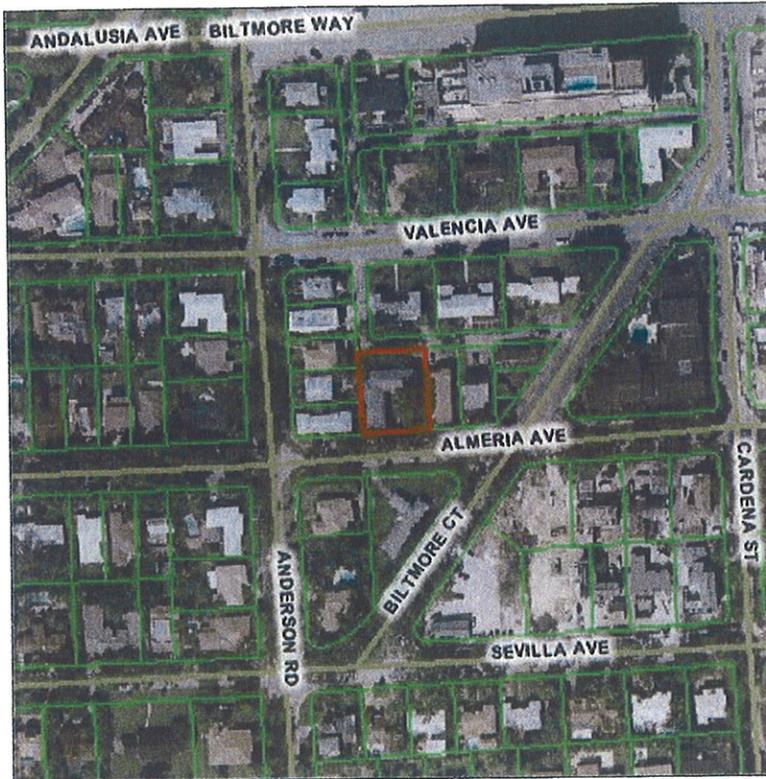
* The market and assessed values are accurately reflected. Information related to this property's exemptions and taxable values are being updated as a result of the recent passage of Amendment One and will be available shortly.

My Home
Miami-Dade County, Florida



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Property Information Map



Digital Orthophotography - 2007

0 112 ft

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Close

Summary Details:

Folio No.:	03-4117-008-1940
Property:	735 ALMERIA AVE
Mailing Address:	ALMERIA II LLC
Address:	744 BILTMORE WAY STE 2 CORAL GABLES FL 33134-7527

Property Information:

Primary Zone:	
CLUC:	0003 MULTIFAMILY-APARTMENTS
Beds/Baths:	16/8
Floors:	2
Living Units:	8
Adj Sq Footage:	6,084
Lot Size:	12,000 SQ FT
Year Built:	1948
Legal Description:	17 54 41 PB 20-28 CORAL GABLES BILTMORE SEC LOTS 19 & 20 BLK 11 LOT SIZE 100.000 X 120 OR 17924-2037 1297 2(2) COC 25618-0309 05 2007 2

Sale Information:

Sale O/R:	25618-0309
Sale Date:	5/2007
Sale Amount:	\$5,967,000

Assessment Information:*

Year:	2008	2007
Land Value:	\$1,380,000	\$1,380,000
Building Value:	\$311,306	\$311,306
Market Value:	\$1,691,306	\$1,691,306
Assessed Value:	\$1,691,306	\$1,691,306
Total Exemptions:	\$0	\$0
Taxable Value:	\$1,691,306	\$1,691,306

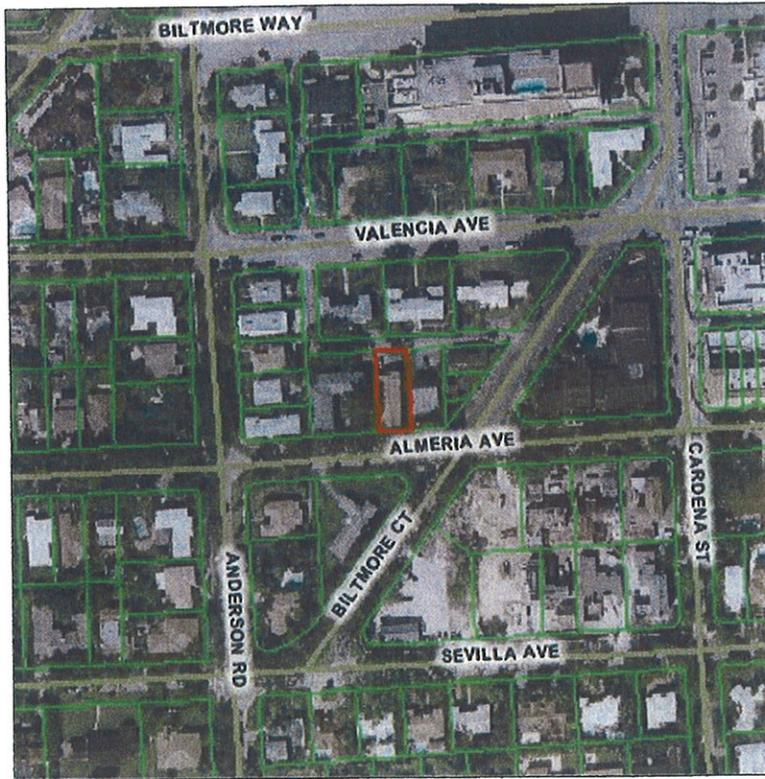
* The market and assessed values are accurately reflected. Information related to this property's exemptions and taxable values are being updated as a result of the recent passage of Amendment One and will be available shortly.

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Miami-Dade County, Florida

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Property Information Map



Digital Orthophotography - 2007

0 112 ft

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Close

Summary Details:

Folio No.:	03-4117-008-1931
Property:	731 ALMERIA AVE
Mailing Address:	ALMERIA II LLC
Address:	744 BILTMORE WAY STE 2 CORAL GABLES FL 33134-7527

Property Information:

Primary Zone:	
CLUC:	0003 MULTIFAMILY-APARTMENTS
Beds/Baths:	8/6
Floors:	2
Living Units:	6
Adj Sq Footage:	3,752
Lot Size:	6,000 SQ FT
Year Built:	1961
Legal Description:	CORAL GABLES BILTMORE SEC PB 20-28 LOT 18 BLK 11 LOT SIZE 50,000 X 120 OR 17924-2037 1297 2(2) COC 25618-0309 05 2007 2

Sale Information:

Sale O/R:	25618-0309
Sale Date:	5/2007
Sale Amount:	\$5,967,000

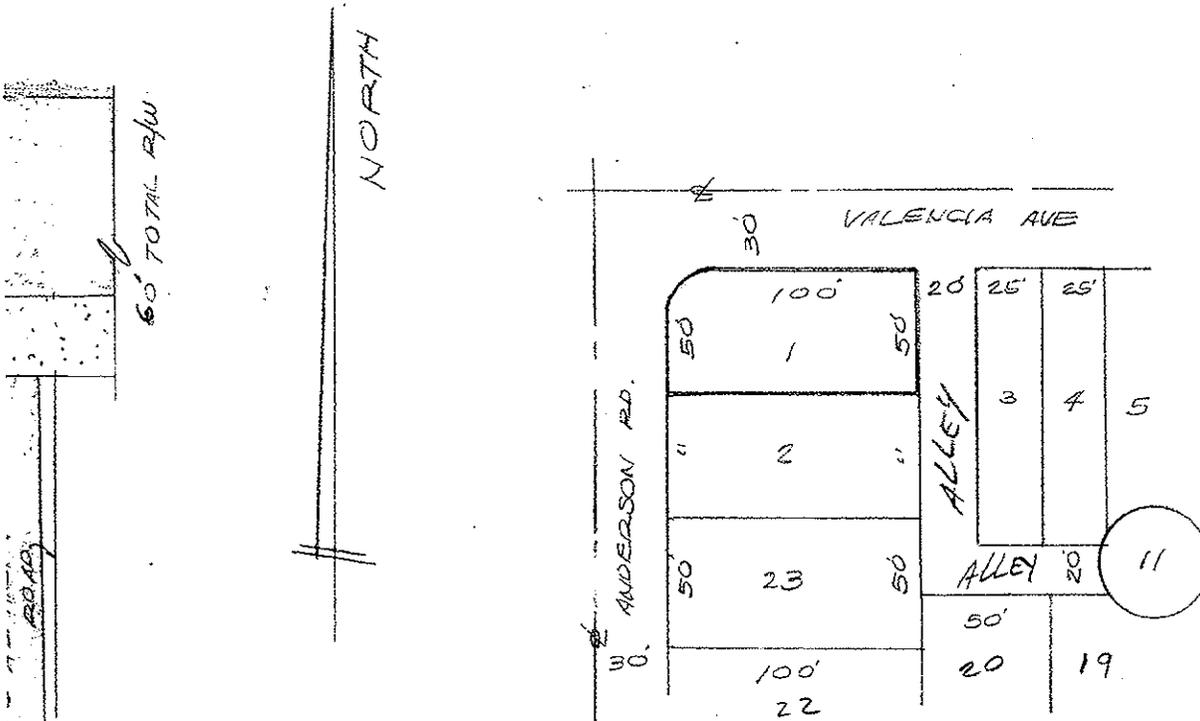
Assessment Information:

Year:	2008	2007
Land Value:	\$690,000	\$690,000
Building Value:	\$213,357	\$213,357
Market Value:	\$903,357	\$903,357
Assessed Value:	\$903,357	\$903,357
Total Exemptions:	\$0	\$0
Taxable Value:	\$903,357	\$903,357

* The market and assessed values are accurately reflected. Information related to this property's exemptions and taxable values are being updated as a result of the recent passage of Amendment One and will be available shortly.

LOCATION SKETCH

NOT TO SCALE



LEGEND

- INDICATES CONCRETE
- INDICATES OVERHEAD LINES
- INDICATES WIRE FENCE
- INDICATES WOOD FENCE
- INDICATES PROPERTY CORNER
- INDICATES POINT OF BEGINNING
- INDICATES POINT OF COMMENCEMENT
- INDICATES PROPERTY LINE
- INDICATES RECORD MEASUREMENT
- INDICATES DRAINAGE & UTILITY EASEMENT
- INDICATES UTILITY EASEMENT
- INDICATES PERMANENT REFERENCE MONUMENT
- INDICATES PERMANENT CONTROL POINT
- INDICATES FOUND
- INDICATES CLEAR
- INDICATES ENCROACHMENT
- INDICATES FOUND IRON PIPE
- INDICATES FOUND REBAR
- INDICATES SET 1/2" DIAMETER REBAR
- INDICATES TYPICAL
- INDICATES RIGHT-OF-WAY
- INDICATES OFFICIAL RECORD BOOK
- INDICATES MORE OR LESS
- INDICATES FINISHED FLOOR ELEVATION
- INDICATES NOT TO SCALE
- INDICATES NORTH
- INDICATES SOUTH
- INDICATES CENTERLINE
- INDICATES FIELD MEASUREMENTS
- INDICATES CONCRETE
- INDICATES ON PROPERTY LINE

LEGAL DESCRIPTION: Lot 1, Block 11, CORAL GABLES BILTMORE SECTION, according to the Plat thereof, as recorded in Plat Book 20, Page 28 of the Public Records of Miami-Dade County, Florida.

SURVEYOR'S NOTES:

- 1) NOT VALID UNLESS SIGNATURE IS EMBOSSED WITH THE REGISTERED LAND SURVEYORS SEAL
- 2) LEGAL DESCRIPTION PROVIDED BY OTHERS.
- 3) PROPERTIES SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PROPERTY PLAT OF RECORD.
- 4) BEARINGS SHOWN ARE BASED ON PLAT MERIDIAN REFERENCE
- 5) UNDERGROUND UTILITIES, FOUNDATIONS, OR OTHER IMPROVEMENTS, IF ANY, WERE NOT LOCATED.
- 6) ELEVATIONS, IF SHOWN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM 1929.
- 7) FENCE OWNERSHIP NOT DETERMINED UNLESS OTHERWISE NOTED.
- 8) MEASUREMENTS TO WIRE FENCES ARE TO CENTER OF WIRE.
- 9) MEASUREMENTS TO WOOD FENCES ARE TO OUTSIDE OF WOOD.
- 10) WALL MEASUREMENTS ARE TO/FROM FACE OF WALL.
- 11) DRAWING DISTANCE BETWEEN WALLS AND/OR FENCES AND PROPERTY LINES MAY BE EXAGGERATED FOR CLARITY.
- 12) FLOOD ZONE INFORMATION WAS DERIVED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INFORMATION RATE MAPS.

Fernando Menoyo 760 Valencia Avenue Coral Gables, Florida 33134	FLOOD ZONE: X	BASE ELEV.= Not Available
	COMMUNITY No.: 120639	MAP & PANEL= 12025C0190
	DATE OF FIRM: 7-17-95	SUFFIX: J

A BOUNDARY SURVEY

I HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 81G01-4, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 473.061, FLORIDA STATUTES. THERE ARE NO ENCROACHMENTS, OVERLAPS, EASEMENTS APPEARING ON THE PLAT, OTHER THAN AS SHOWN HERETO.

SIGNATURE AND THE F.A. LICENSED MAPPING

FLORIDA PROFESSIONAL SURVEYOR AND MAPPING REG. NO. 4767



PROFESSIONAL SURVEYING AND MAPPING

LANNES & GARCIA, INC.

LB # 2098

FRANCISCO F. FAJARDO PSM# 4767
 359 ALCAZAR AVENUE, CORAL GABLES, FLORIDA
 33134 PH (305) 668-7909 FAX (305) 559-3002

FIELD DATE: 10/2/07	SCALE: 1" = 20'	DRAWN BY: JG	DWG. No.: 211307
---------------------	-----------------	--------------	------------------

EXHIBIT D

**HEIGHT ANALYSIS
ADJACENT PROPERTIES**

GROUP I: 744 Biltmore Way; 2509 Anderson Road; 745 Valencia Avenue

NORTH

Zoning MF2
LUP MULTI-FAMILY LOW DENSITY
Height Limit Per CLUP or Site Specific Zoning Regulations

SOUTH (Group V)

Zoning MFSA
LUP MULTI-FAMILY LOW DENSITY
Height Limit 35 feet, per revised Zoning Code (subject of Harris Act claim)

EAST

Zoning MFSA
LUP MULTI-FAMILY HIGH DENSITY
Height Limit 60 – 150 feet

WEST

Zoning SFR
LUP SINGLE FAMILY LOW DENSITY
Height Limit 29 feet

GROUP II: 635 Almería Avenue; 643 Almeria Avenue

NORTH:

Zoning MFSA
LUP MULTI-FAMILY MEDIUM DENSITY
Height Limit: 60 to 100 feet

SOUTH

Zoning SFR
LUP SINGLE FAMILY LOW DENSITY
Height Limit 29 feet

EAST

Zoning MFSA
LUP MULTI-FAMILY LOW DENSITY
Height Limit 35 feet, per revised Zoning Code

WEST (Already-Built Townhomes)

Zoning MFSA
LUP MULTI-FAMILY LOW DENSITY
Height Limit 35 feet, per revised Zoning Code

GROUP III: 2605 Anderson Road; 2611 Anderson Road

NORTH (Group V)

Zoning MFSA
LUP MULTI-FAMILY LOW DENSITY
Height Limit 35 feet, per revised Zoning Code (subject of Harris Act claim)

SOUTH (Group IV)

Zoning MFSA
LUP MULTI-FAMILY LOW DENSITY
Height Limit 35 feet, per revised Zoning Code (subject of Harris Act claim)

EAST

Zoning MFSA
LUP MULTI-FAMILY MEDIUM DENSITY
Height Limit 60 to 100 feet

WEST

Zoning SFR
LUP SINGLE FAMILY LOW DENSITY
Height Limit 29 feet

GROUP IV: 731 Almeria Avenue; 735 Almeria Avenue; 743 Almeria Avenue; 2615 Anderson Road

NORTH

Zoning MFSA
LUP MULTI-FAMILY MEDIUM DENSITY
Height Limit 60 to 100 feet

SOUTH

Zoning SFR
LUP SINGLE FAMILY LOW DENSITY
Height Limit 29 feet

EAST

Zoning MFSA
LUP MULTI-FAMILY LOW DENSITY
Height Limit 35 feet, per revised Zoning Code

WEST (Group III)

Zoning SFR
LUP SINGLE FAMILY LOW DENSITY
Height Limit 29 feet

GROUP V: 760 Valencia Avenue

NORTH (Group I)

Zoning MFSA
LUP MULTI-FAMILY LOW DENSITY
Height Limit 35 feet, per revised Zoning Code (subject of Harris Act claim)

SOUTH (Group III)

Zoning MFSA
LUP MULTI-FAMILY LOW DENSITY
Height Limit 35 feet, per revised Zoning Code (subject of Harris Act claim)

EAST

Zoning MFSA
LUP MEDIUM DENSITY
Height Limit 60 to 100 feet

WEST

Zoning SFR
LUP SINGLE-FAMILY LOW DENSITY
Height Limit 29 feet