



To: Kevin O'Brien

From: Yaneris Figueroa, Assistant City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Unity of Title

Date: August 31, 2015

You have asked me to determine whether the Unity of Title recorded in the Official Records Book of Miami-Dade County, located in Book 16598, at Page 1445, is violated by the conveyance or mortgaging of the individual condo units located on the property. Specifically, you questioned whether selling an individual unit, as the lot is improved with a condo building, would violate the Unity of Title. It is my opinion, pursuant to Sections 2-201(e)(1) and (8) of the City of Coral Gables Municipal Code, that the sale of a single unit within a condominium does not violate the Unity of Title. Indeed, pursuant to Section 5-2301 of the City of Coral Gables' Zoning Code, a unity of title is required "[w]hen it is necessary that two (2) or more lots, parcels or portions thereof are added or joined, in whole or in part, a Unity of Title or Declaration of Restrictive Covenant in lieu of a Unity of Title shall be filed to ensure the properties are planned, developed and maintained as an integral development and/or project and are consistent with and satisfy the requirements of these regulations and the City Code of Ordinances.." (emphasis added). Similarly, the Unity of Title itself states that: "said lots...upon which the building to be built shall be situated shall not be conveyed, mortgaged, or leased separate and apart from each other." Reading both together, it is clear that the unity of title restrictions concern the *lots* upon which the buildings are located rather than the individual condo units. Thus, the *lots* cannot be sold separate and apart from one another, but nothing restricts sale of the individual units. Accordingly, the Unity of Title is not violated by the sale of an individual condo unit.

Paulk, Enga

From: Leen, Craig
Sent: Friday, August 28, 2015 11:20 PM
To: Figueroa, Yaneris
Cc: Miriam S. Ramos; Paulk, Enga
Subject: Re: Unity of Title
Attachments: image001.png; image001.png

Please publish.

Sent from my iPhone

On Aug 28, 2015, at 5:33 PM, Figueroa, Yaneris <yfigueroa@coralgables.com> wrote:

Good Afternoon,

You have asked me to determine whether the Unity of Title recorded in the Official Records Book of Miami-Dade County, located in Book 16598, at Page 1445, is violated by the conveyance or mortgaging of the individual condo units located on the property. Specifically, you questioned whether selling an individual unit, as the lot is improved with a condo building, would violate the Unity of Title. It is my opinion, pursuant to Sections 2-201(e)(1) and (8) of the City of Coral Gables Municipal Code, that the sale of a single unit within a condominium does not violate the Unity of Title. Indeed, pursuant to Section 5-2301 of the City of Coral Gables' Zoning Code, a unity of title is required "[w]hen it is necessary that two (2) or more **lots, parcels or portions thereof** are added or joined, in whole or in part, a Unity of Title or Declaration of Restrictive Covenant in lieu of a Unity of Title shall be filed to ensure the **properties are planned, developed and maintained as an integral development and/or project** and are consistent with and satisfy the requirements of these regulations and the City Code of Ordinances.." (emphasis added). Similarly, the Unity of Title itself states that: "said **lots**... upon which the building to be built shall be situated shall not be conveyed, mortgaged, or leased separate and apart from each other." Reading both together, it is clear that the unity of title restrictions concern the *lots* upon which the buildings are located rather than the individual condo units. Thus, the *lots* cannot be sold separate and apart from one another, but nothing restricts sale of the individual units. Accordingly, the Unity of Title is not violated by the sale of an individual condo unit.

If you have any questions or concerns, please let me know.

Best,

Yaneris Figueroa
Assistant City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 722-8625
Fax: (305) 476-7795

<image001.png>