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 JAN - 8 2008

January 8, 2008

**VIA HAND DELIVERY**

Mayor Don Slesnick, II  
 City of Coral Gables  
 405 Biltmore Way, 2<sup>nd</sup> Floor  
 Coral Gables, Florida 33134

Re: Bert J. Harris, Jr. Private Property Rights Protection Act Claim, Pertaining to the  
 Following Properties (collectively, the "Properties"):

- Group I:** 744 Biltmore Way, Folio No.: 03-4117-008-1570;  
 2509 Anderson Road, Folio No.: 03-4117-008-1580  
 745 Valencia Avenue, Folio No. 03-4117-008-1870
- Group II:** 635 Almeria Avenue, Folio No.: 03-4117-056- 0070  
 643 Almeria Avenue, Folio No. 03-4117-056-0060
- Group III:** 2605 Anderson Road, Folio No.: 03-4117-008-1890  
 2611 Anderson Road, Folio No. 03-4117-008-1970
- Group IV:** 731 Almeria Avenue, Folio No.: 03-4117-008-1931  
 735 Almeria Avenue, Folio No. 03-4117-008-1940  
 743 Almeria Avenue, Folio No. 03-4117-008-1950  
 2615 Anderson Road, Folio No. 03-4117-008-1960
- Group V:** 760 Valencia Avenue, Folio No.: 03-4117-008-1880

Dear Mayor Slesnick:

This law firm represents Fernando Menoyo and Almeria Row, LLC (collectively, the "Property Owner"), regarding the above-referenced Properties. The legal descriptions of the Properties are attached as Composite Exhibit "A".

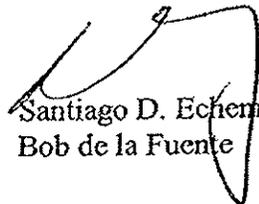
This letter is a claim for compensation pursuant to the Bert J. Harris, Jr., Private Property Rights Protection Act, Sec. 70.001, Fla. Stat. (the "Act"). On January 9, 2007, the City Commission adopted Ordinance Nos. 2007-01 and 2007-03 (the "Ordinances"), which reduced the permissible height on the Properties from forty-five (45) feet to thirty-five (35) feet for the first fifty (50) feet and, allowing a height of forty-five (45) feet thereafter. The height reduction in fact reduces the allowable height on the Properties to thirty-five (35) feet as a whole, since designing buildings for the Properties with the stepped height is not feasible. The Ordinances therefore reduce the permissible height on the Properties to thirty-five (35) feet.

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The City's adoption of the Ordinances inordinately burdens, restricts, and limits the Properties under the Act, entitling the Property Owner to relief, in the form of compensation for the loss to the fair market value of the Properties. Pursuant to Paragraph 4(a) of the Act, we include an appraisal of the Properties prepared by Integra Realty Resources, LLC, dated as of January 7, 2008 (the "Appraisal"). The Appraisal demonstrates that the loss in fair market value of the Properties arising from the application of the Ordinances to the Properties is \$8,135,000.00. Accordingly, the Property Owner hereby makes a claim for compensation of \$8,135,000.00 from the City of Coral Gables as a result of the City's actions that have inordinately burdened the Properties.

This claim does not rescind or modify any of the Property Owner's past objections related to the Ordinances or waive any of the Property Owner's objections arising out of the Ordinances, on federal or state constitutional grounds or otherwise, nor does this claim waive any of the Property Owner's rights to assert that the Ordinances rise to the level of a taking under the Constitution of the United States or the Constitution of the State of Florida, nor does it waive or modify any right or remedy which might otherwise be available to Property Owner at law or in equity. All of the foregoing is hereby expressly reserved.

Sincerely,



Santiago D. Echemendia  
Bob de la Fuente

Enclosures

cc: Fernando Menoyo (via Federal Express)  
Vice-Mayor William Kerdyk, Jr. (via Hand Delivery)  
Commissioner Maria Anderson (via Hand Delivery)  
Commissioner Wayne E. "Chip" Withers (via Hand Delivery)  
Commissioner Rafael Cabrera (via Hand Delivery)  
Elizabeth Hernandez, City Attorney (via Hand Delivery)  
David L. Brown, City Manager (via Hand Delivery)  
Eric Riel, Planning & Zoning Director (via Hand Delivery)

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**EXHIBIT A**

**Group I:** Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 43 & N4 ½ feet of Lot 42, and Lot 42 less N4 ½ feet of Block 10.

**Group II:** Almeria, Plat Book 164, Page 096, T-22246, Lot 6, 7, 8, 9, 10, Block 1.

**Groups III,IV,V:** Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 18, 19, 20, 21, 22, 23, Block 11.