



To: Chad Friedman

From: Cristina M. Suárez, Assistant City Attorney for the City of Coral Gables

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

RE: Legal Opinion Regarding Release of Covenant - 299 Alhambra Circle

Date: May 2, 2017

Further to your email and as discussed, the Covenant preventing the separate conveyance of the office building at 299 Alhambra Circle and a surface parking lot at the corner of Salzedo Street and Minorca Avenue should be released by our office. In sum, the property owner has requested the release of a Covenant and has submitted an affidavit attesting that he has no personal knowledge as to why the Covenant was recorded against the property; that the office building is under contract for sale; and that the Covenant can adversely impact his financial interest and may cause liability issues if the sale and purchase agreement are terminated. Additionally, the owner's counsel submitted a letter explaining why the Covenant should be released.

City staff has not been able to determine any basis for requiring that the parking lot and office building be linked. Notably, while the Covenant provides that the office building and the parking lot site cannot be conveyed separately, it does not require that the property at Salzedo and Minorca be used as a parking lot. The five-story office building was constructed in 1958 without off-street parking and because it was built before 1964 and has not been enlarged, it is exempt from the City's off-street parking requirements. Thus, because the City cannot determine any reason why this covenant may have been required and it does not appear to have been proffered in conjunction with any request, there does not seem to be any rational basis for retaining the Covenant and, as a legal matter, it should be released. Additionally, the property owner has provided a General Release of any and all claims against the City related to this matter, which serves as consideration for the release of the Covenant as settlement of any potential claims or disputes.

Accordingly, I will execute the Release of Restrictive Covenant tomorrow.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: Release of Covenant - 299 Alhambra Circle
Date: Tuesday, May 02, 2017 12:14:12 AM
Attachments: [image006.png](#)
[image007.png](#)
[image001.png](#)

Please publish.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
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City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Tuesday, May 02, 2017 12:15 AM
To: Suarez, Cristina <csuarez@coralgables.com>
Cc: Ramos, Miriam <mramos@coralgables.com>
Subject: RE: Release of Covenant - 299 Alhambra Circle

Thank you for providing this analysis, which I adopt as a City Attorney Opinion pursuant to section 2-201(e)(1), (6), and (8) of the City Code, as well as section 2-702 of the Zoning Code. Please proceed as you have indicated consistent with the described resolution of this matter.

Craig E. Leen, City Attorney

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Email: [\(6\)](#),



Celebrating 90 years of a dream realized.

From: Suarez, Cristina
Sent: Monday, May 01, 2017 6:16 PM
To: Leen, Craig <cleen@coralgables.com>
Cc: Ramos, Miriam <mramos@coralgables.com>
Subject: RE: Release of Covenant - 299 Alhambra Circle

Craig,

Further to your email and as discussed, the Covenant preventing the separate conveyance of the office building at 299 Alhambra Circle and a surface parking lot at the corner of Salzedo Street and Minorca Avenue should be released by our office. In sum, the property owner has requested the release of a Covenant and has submitted an affidavit attesting that he has no personal knowledge as to why the Covenant was recorded against the property; that the office building is under contract for sale; and that the Covenant can adversely impact his financial interest and may cause liability issues if the sale and purchase agreement are terminated. Additionally, the owner's counsel submitted a letter explaining why the Covenant should be released.

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with any request, there does not seem to be any rational basis for retaining the Covenant and, as a legal matter, it should be released. Additionally, the property owner has provided a General Release of any and all claims against the City related to this matter, which serves as consideration for the release of the Covenant as settlement of any potential claims or disputes.

Accordingly, I will execute the Release of Restrictive Covenant tomorrow.

Thanks,
Cristina

Cristina M. Suárez

Assistant City Attorney

City of Coral Gables

405 Biltmore Way, 3rd Floor

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From: Leen, Craig

Sent: Friday, April 21, 2017 2:06 PM

To: Chad Friedman

Cc: Shawn Khosravi; Ramos, Miriam; Suarez, Cristina; Throckmorton, Stephanie; Trias, Ramon

Subject: RE: Release of Covenant - 299 Alhambra Circle

Importance: High

In my opinion, the City should proceed with release of the covenant. I will provide a follow up opinion with analysis but wanted to provide my opinion now because of the time sensitivity of the

matter. Please proceed as indicated.

Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Chad Friedman [<mailto:cfriedman@wsh-law.com>]
Sent: Thursday, April 20, 2017 11:18 AM
To: Leen, Craig <cleen@coralgables.com>
Cc: Shawn Khosravi <skhosravi@aol.com>; Ramos, Miriam <mramos@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>; Throckmorton, Stephanie <sthrockmorton@coralgables.com>; Trias, Ramon <rtrias@coralgables.com>
Subject: RE: Release of Covenant - 299 Alhambra Circle

Good morning Craig, please see attached. You expedited review would be much appreciated. Thank you!

From: Leen, Craig [<mailto:cleen@coralgables.com>]
Sent: Wednesday, April 19, 2017 10:44 AM
To: Chad Friedman <cfriedman@wsh-law.com>
Cc: Shawn Khosravi <skhosravi@aol.com>; Ramos, Miriam <mramos@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>; Throckmorton, Stephanie <sthrockmorton@coralgables.com>; Trias, Ramon <rtrias@coralgables.com>
Subject: RE: Release of Covenant - 299 Alhambra Circle

Good morning, Chad. Please send me a brief memo requesting release of the covenant with analysis as to why it should be released for my review. I will expedite that review because of the time sensitivity.

Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Chad Friedman [<mailto:cfriedman@wsh-law.com>]

Sent: Monday, April 17, 2017 5:53 PM

To: Leen, Craig <cleen@coralgables.com>

Cc: Shawn Khosravi <skhosravi@aol.com>

Subject: FW: Release of Covenant - 299 Alhambra Circle

Hi Craig, I hope you enjoyed your vacation. It is my understanding that a packet of materials was left for you when you were gone relating to the release of the above referenced covenant. Attached is a draft release of covenant for your consideration. Please let us know when you have made a decision on this issue as it is time sensitive. Thank you.

Chad Friedman

Member

2525 Ponce de Leon Blvd., Suite 700 | Coral Gables, FL 33134
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Chad Friedman
Member

Logo



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