

Exhibit 1

Item 13A

North Bay Village Investment Trust, LLC

Documents

MICHAEL I. ROSE, P.A.

A T T O R N E Y S A T L A W

MUSEUM TOWER, SUITE 1525
150 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

TELEPHONE (305) 373-6300
FACSIMILE (305) 373-1030
E-MAIL MIROSE@MIRLEGAL.COM

HAND DELIVERED

June 27, 2012

Hon. Connie Leon-Kreps, Mayor
City of North Bay Village
1700 Kennedy Causeway, Suite 132
North Bay Village, FL 33141

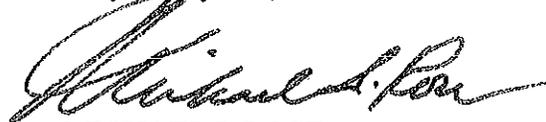
Re: Liens and Penalties
 North Bay Village Investment Trust, LLC
 Property Address: 1755 Kennedy Causeway
 North Bay Village, FL 33141

Dear Mayor Leon-Kreps:

It is respectfully requested that you place this matter early on the agenda at the Commission Meeting scheduled for July 10, 2012. As you may remember, I appeared at the meetings concerning same twice before and was placed towards the end of the agenda, therefore, not allowing sufficient time to discuss all issues. Therefore, your consideration in accommodating me will be greatly appreciated.

Thank you for your anticipated cooperation.

Very truly yours,



MICHAEL I. ROSE

MIR:mm

c: City Clerk

1 MjR

MICHAEL I. ROSE, P.A.

ATTORNEYS AT LAW

MUSEUM TOWER, SUITE 1525
150 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

TELEPHONE (305) 373-6300
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HAND DELIVERED

June 27, 2012

Connie Leon-Kreps, Mayor
Eddie Lim, Vice Mayor
Richard Cervony, Commissioner
Stuart Blumberg, Commissioner
City of North Bay Village
1700 Kennedy Causeway, Suite 132
North Bay Village, FL 33141

Re: North Bay Village Investment Trust, LLC
Property Address: 1755 79st Causeway
North Bay Village, FL

Dear Mayor and Commissioners:

Thank you for giving me the opportunity to supplement the information that I presented to you on June 12, 2012 at your Commission meeting, in order for you to be fully prepared to discuss my request on behalf of North Bay Village Investment Trust, LLC to vacate the accruing daily penalties and liens on the above referenced property, at your next meeting scheduled for July 10, 2012.

The following is a chronology of events that occurred regarding this matter and I have provided you with copies of documents that I believe may help you see that unless your consideration is given to remove the liens, the result would be an inequitable and unjust penalty exacted against my client's property.

- North Bay Village Investment Trust, LLC, hereinafter "Owner", obtained title to the subject property on April 29, 2008 by virtue of a Certificate of Title being issued after the foreclosing of an unpaid \$7 million dollar loan on the property. A copy of the Certificate of Title is enclosed herewith under **Tab 1**.
- Civil Citation Notices were issued 1386,1458,1459, 1117, 1147 and 1493 see **Tab 2**. After learning of the violations the Owner corrected same and left messages for Code Enforcement Inspector Efraim Rodriguez to advise of same, which went unanswered. Code § 153.02(A) provides "**The Code Enforcement Officer is required to use judgment and tact in the exercise of his or her duties in order**



June 27, 2012

Connie Leon-Kreps, Mayor

Eddie Lim, Vice Mayor

Richard Cervony, Commissioner

Stuart Blumberg, Commissioner

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to obtain enforcement of the Code provisions and ordinances of the City, County, or State". However, the officer never contacted the Owner or its representative regarding the overgrown grass, debris, etc. The Clerk then advised the undersigned's office that in order to appeal the violation that a hearing before a Special Master had to be requested, and after a request having been made to the City Clerk, a Notice to Appear Before the Special Master was received on or about May 9, 2010, see **Tab 3.**

- On May 19, 2010 a Hearing was held before Special Master, Norman Powell, Esq. The Hearing was conducted for violations of Code § 94.021(A)(1) and 94.021(A)(3) of the City of North Bay Village Code of Ordinances both sections are enclosed herewith under **Tab 4. Neither section makes it illegal to maintain dirt mounds as charged in Citation No. 1493.**
- Code Enforcement Officer Efraim Rodriguez who issued each of the Uniform Civil Citation Notices did not attend the May 19, 2010 Hearing and the only representative of the City at the Hearing was Code Inspector, Gus Cruz who testified about the condition of the property on that date. He presented pictures of the property which the Clerk has been unable to locate.
- It was determined at the Hearing by the Special Master that the Owner would be granted fifteen (15) days to correct the specific violations of the City Code as charged under § § 94.021(A)(1) and 94.021(A)(3). Since neither of these two Sections make it unlawful to maintain dirt mounds on the property, it was not an issue at the time of the Hearing.
- The Order of Enforcement was entered on June 21, 2010, and mailed on or about July 27, 2010 more than two (2) months after the Hearing. A copy of the City of North Bay Village Order of Enforcement is enclosed herewith under **Tab 5.**
- On May 27, 2010 the Owner had all trash and debris removed from the property and on June 3, 2010, I telefaxed and mailed a letter to Gus Cruz informing him that the lawn had been cut and the debris removed from the property as described at the Hearing and pursuant to my understanding of the Special Master's decision, a copy of the June 3, 2010 letter is enclosed herewith under **Tab 6.**
- Mr. Cruz did not respond to the letter nor did he communicate that the efforts that had been done were not satisfactory or not in compliance with the Special Master's

June 27, 2012

Connie Leon-Kreps, Mayor

Eddie Lim, Vice Mayor

Richard Cervony, Commissioner

Stuart Blumberg, Commissioner

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decision. Thereafter, on September 3, 2010, I sent a letter to the Special Master, indicating that the violations at the property had been corrected within the time limits he prescribed and asked for confirmation that there would be no fine or continuing penalty. This letter has gone unanswered to this date, a copy of the letter is enclosed herewith under **Tab 6**.

- On October, 2011 when the Owner sought to finance \$1.4 million dollars for unpaid real estate taxes on the property it was learned that the Order of Enforcement had been recorded on October 25, 2010 and was accruing a \$250 fine from May 19, 2010, a copy of the recorded Order of Enforcement is enclosed herewith under **Tab 7**.
- On October 18, 2011, I contacted the Clerk and faxed a Cover Sheet with some of the aforementioned documents see **Tab 8**. Thereafter, On October 21, 2011, I requested the Clerk to provide me with a copy of the cassette/tape or transcript of the May 19, 2012 Hearing in order to verify exactly what the Special Master had determined, a copy is enclosed herewith under **Tab 8**, I was provided instead with a handwritten notation of the Hearing, no transcript or pictures, and a copy is attached hereto under **Tab 8**. At the Hearing, Officer Cruz was provided with telephone numbers to assure that if there were any future problems that he could contact the Owner to address same immediately.
- In October 2011, I spoke to Interim City Manager, Robert Daniels and asked for his assistance explaining to him that all violations had been timely corrected and provided him with the fax transmittal of October 18, 2011 previously sent to the City Clerk, see **Tab 8**. On October 27, 2011, Mr. Daniels responded by letter, a copy of which is enclosed herewith under **Tab 9**.
- Code Compliance Office Maurice Murray returned from Ireland in November, 2011 and spoke with me expressing that the property was not in compliance with the Order of Enforcement and the fines were escalating. This was the first contact from Code Enforcement that the property was not in compliance. In fact, Chris Gretner of Schuckers Restaurant has been maintaining the property free of debris for the last several years as he had been using it for overflow parking for his adjacent hotel and restaurant.
- Over the next several months the City Mayor changed and a new City Manager was appointed. On March 1, 2012, I spoke to the City Attorney, Nina Lynn Boniske, and furnished her with information which she passed on to City Manager Dennis Kelly. See **Tab 10**.

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Connie Leon-Kreps, Mayor

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- A meeting with Mr. Kelly, Maurice Murray and Gerard Pirri, was had on April 4, 2012 whereat the aforementioned matters were discussed and a tentative agreement reached to resolve the outstanding issues at a Commission meeting scheduled for April 10, 2012, please see my April 4, 2012 letter **Tab 11**. Also, the proposed Resolution and Memorandum to the Clerk from the Manager concerning the Resolution, see **Tab 11**. (The matter was not heard on April 10, 2012 and was tabled until the June meeting)
- On May 4, 2012 I sent a letter to Mr. Murray asking for a close-out letter regarding the Code Violations, **Tab 12**. Mr. Murray responded by letter dated May 29, 2012 indicating that the property was re-inspected on March 20, 2012 and found to be in full compliance with the Special Master's Order of Enforcement, see **Tab 12**.
- I am attaching letters which I sent to Dennis Kelley on May 4, 8, and 17, 2012 regarding the penalties for both the code violations and the utility charges, see **Tab 13**. I have also tried to speak with Gus Cruz in order for him to verify that each matter that was discussed at the May 19, 2010 Hearing had been rectified and that there was no subsequent violations, or any matters that needed the Owners attention. Unfortunately, Mr. Cruz did not make himself available.
- On May 24, 2012 I asked the Clerk to provide copies of all documents being maintained in the City's records related to the subject property after the May 19, 2010 Hearing to evidence if any subsequent violations existed see **Tab 14**. I did not receive any notices of violations in the copies furnished to me but did receive a letter dated October 10, 2011 from Maurice Murray addressed "To Any and All persons with an interest in the property stated below, address: 1755 79st Causeway" regarding the filing of the lien. This letter was not sent to the Owner of the property or its representative. There were also, emails from Mr. Murray on October 25, 2010, August 13, 2011 and November 14, 2011. See **Tab 14**.
- On May 29, 2012, Rona Witek and I met with City Manager Kelly and Bert Wrains, CGFO, Interim Finance Director to discuss utility customer adjustments for water and sewer services, sanitation fees and stormwater fees. The subject property has not been receiving water or sanitation services yet was accruing substantial penalties on a water bill of \$185.39 there was a penalty of \$15, 812.83 and on a sewer services bill of \$194.16 there was a penalty of \$15,614.37. I indicated that I had requested these issues be resolved by the City Finance Director since February 5, 2009 and there had been no response until November of 2011 upon receipt of Mr. Pirri's letter,

June 27, 2012
Connie Leon-Kreps, Mayor
Eddie Lim, Vice Mayor
Richard Cervony, Commissioner
Stuart Blumberg, Commissioner
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see **Tab 15**. I responded by letter on December 16, 2011 and received his December 21, 2011 response. A Notice of Intent to Lien and Demand for Payment followed. See **Tab 15**.

- On June 6, 2012 a Memorandum was prepared by the City Manager for the Mayor and Commissioners, attached to it was a Memorandum from Bert Wrains, and a proposed Resolution with penalties of approximately \$13,500 as opposed to the agreed upon \$8,000 which was first proposed by the City Manager. See **Tab 16**.

It was obvious to each of you at the June 12, 2012 meeting that there was a lot of information which you had not been provided with which needed to be digested in order to have a meaningful discussion concerning the property Owners request to waive the imposed penalties. Hopefully, the materials which I have provided to you will allow you to agree with my position that the penalties should be vacated immediately so that the property Owner will not suffer the inequity and unfair imposition of the fines.

I welcome the opportunity to meet with each of you to discuss the matter prior to the next meeting if you desire. Thank you in advance for your time in familiarizing yourselves with these issues.

Very truly yours,



MICHAEL I. ROSE

MIR:mm

Enclosures

c: City Manger, Dennis Kelly
City Clerk, Yvonne P. Hamilton
City Attorney, Nina Lynn Boniske

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CFN 20080354685
OR Bk 26353 Pgs 4380 - 4381f (2pgs)
RECORDED 04/30/2008 14:05:14
DEED ODC TAX 0.60
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

IN THE CIRCUIT COURT OF THE JUDICIAL
CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

GENERAL JURISTITION DIVISION

CIVIL ACTION NO. 07-13041 SEC. 10

NORTH BAY VILLAGE INVESTMENT TRUST, LLC,
Plaintiff (s) / Petitioner (s)

vs.

1755 AQUA VISTA II, LLC., et al.,
Defendant (s) / Respondent (s)

CERTIFICATE OF TITLE
Chapter 45

THE UNDERSIGNED CLERK OF this Court Certifies that a Certificate of Sale was executed and filed in this action on April 16, 2008, for the property described herein and that objections to the sale have either not been filed within the time allowed by statutory law or, if filed, have been heard by the court. The property in Dade County, Florida and described as follows:

SEE LEGAL DESCRIPTION ATTACHED

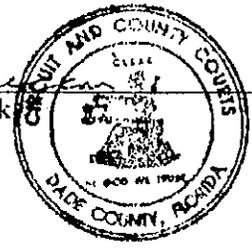
was sold to:
NORTH BAY VILLAGE INVESTMENT TRUST, LLC,
150 W FLAGLER STREET SUITE 1525, MIAMI, FL 33130

WITNESS my hand and seal of this Court on April 29, 2008

Harvey Ruvin, Clerk

By: _____

[Handwritten Signature]
Deputy Clerk



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LEGAL DESCRIPTION

The Easterly 300.00 feet of the Westerly 1,800.00 feet of the following described tract of land as measured along a line running at right angles to the Westerly line of said tract.

Commencing at the one-half Mile Post on the West Line of Section '9, Township 53 South, Range 42 East, as shown on the Map of Highway Right-of-Way of proposed Northeast Seventy-Ninth Street Causeway, which same is recorded in Plat Book 25 at Page 70 of the Public Records of Dade County, Florida, run North $88^{\circ}41'24''$ East 1,960.00 feet; thence North $1^{\circ}37'08''$ West 50.00 feet to the Point of Beginning of the hereinafter described tract of land:

Thence continue North $1^{\circ}37'08''$ West 129.730 feet to the Point of curve of a curve to the right; thence to the right along said curve having an interior angle of $90^{\circ}18'32''$ and a radius of 50.00 feet for an arc distance of 78.809 feet to a point of tangency; thence North $88^{\circ}41'24''$ East 2,169.970 feet to the point of curvature of a curve to the right; thence to the right along said curve having an interior angle of $40^{\circ}32'45''$ and a radius of 600.00 feet for an arc distance of 466.483 feet to a point of tangency; thence South $46^{\circ}45'51''$ East 102.180 feet to a point of intersection with the Northerly line of the existing right-of-way of said Northeast Seventy-Ninth Street Causeway; thence to a Southeasterly, Northwesterly and Westerly direction along the Northerly line of said existing right-of-way to the Point or Place of Beginning

07-13041-CA



City of North Bay Village

Administrative Offices

1666 Kennedy Causeway Suite 700 North Bay Village FL 33141-4190

(305) 756-7171 Fax (305) 756-7722 Website - www.nbvillage.com

**CITY OF NORTH BAY VILLAGE
NOTICE TO APPEAR BEFORE THE SPECIAL MASTER**

VIOLATOR(S): **CASE NUMBER:** CE 10-0011
North Bay Village Investment Trust, LLC

PROPERTY ADDRESS: **CODE VIOLATION #1386 & 1493**
1755 – 79th Street Causeway 1117&1147, 1458 &1459

CODE INSPECTOR: **HEARING DATE:** May 19, 2010
Gus Cruz **HEARING TIME:** 4:00 p.m.

TYPE OF VIOLATION: CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES:

1. Pursuant to Section 162.03, Florida Statutes, you are noticed to appear before the Special Master of the City of North Bay Village, on the above-mentioned date and time, to appeal a Notice of Violation. Failure to appear will result in action being taken in your absence.
2. **IF YOU HAVE ANY QUESTIONS REGARDING THE VIOLATION/S CITED OR HAVE FULLY COMPLIED WITH THE VIOLATIONS CITED, YOU MUST REQUEST AN INSPECTION BY THE CODE INSPECTOR PRIOR TO THE HEARING BY CALLING (305) 756-7171. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the Special Master, even if the violation has been corrected prior to the Special Master hearing. If you have any questions regarding the above-scheduled hearing, you may call (305) 756-7171.**
3. You have the right to testify on your own behalf at the hearing or bring witnesses to testify and to present evidence regarding the existence of the violation and your efforts at compliance. An attorney may appear before the Special Master on your behalf, at your expense.

Mayor
Oscar Alfonso

Vice Mayor
George A. Kane

Commissioner
Frank Rodriguez

Commissioner
Reinaldo Trujillo

Commissioner
Dr. Paul Vogel

//

4. Pursuant to 162.09, Florida Statutes, the Special Master may impose fines up to \$250 per violation, for each day on which any violation exists or up to \$500, per violation, per day if the same violation has been repeated by the same violator within the last five years. If you should fail to pay the fine timely, liens may be imposed upon your personal and real property and eventually foreclosed or otherwise enforced.

5. Pursuant to Section 286, Florida Statutes, the City hereby advises the Public that: "If persons decides to appeal any decision made by the Special Master at the hearing, said person will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." This Notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

SPECIAL MASTER NORMAN POWELL
BY: YVONNE P. HAMILTON, CITY CLERK

**CITY OF NORTH BAY VILLAGE
UNIFORM CIVIL CITATION NOTICE No. 1386**

Date Issued: <u>12/22/08</u>	Time Issued: <u>7:00</u> () AM () PM	City of North Bay Village Chap. 153 Code Enforcement Officer (name) <u>Y. RODRIGUEZ</u>	Repeat Violation: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name of Violator(s): <u>North Bay Village Westside Trust, LLC c/o Michael Rose-McM</u>		Folio #23-3109- <u>000-0110</u> Courtesy Civil Infraction Notice Issued () Yes () No	
Mailing Address: <u>150 West Flyler Street Ste 1525 Miami FL 33130</u>			
This notice summons you to answer the complaint that on <u>12/22/08</u> at <u>7:30 AM</u> (date) (time) committed a violation of Section <u>94.02(4)(1)</u> of the Code of the City of North Bay Village, FL to wit: <u>Failure to perform required lot maintenance to wit: overgrowth of grass & weeds over 8 inch. in height.</u> at: <u>175 5th St SW</u> (location of violation)			
Corrective action: <u>Cut/clear overgrowth of grass & weeds from property.</u>			
You Shall:			
1. Pay the Civil Penalty of \$ <u>200.00</u> on or before <u>1/21/09</u> AND correct the above violation on or before <u>1/11/09</u> ; OR			
2. Request an Administrative Appeal before a Special Master to Appeal the decision of the Code Enforcement Officer on or before <u>1/11/09</u> . (SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)			
IF A PERSON ELECTS TO APPEAL THE CITATION A PENALTY OF UP TO \$500.00 PER DAY MAY BE IMPOSED UPON A DETERMINATION THAT A VIOLATION WAS COMMITTED.			
IF YOU FAIL TO PAY THE CIVIL PENALTY WITHIN THE TIME LIMIT SPECIFIED ABOVE OR TO APPEAL THE FINE WITHIN 20 CALENDAR DAYS FROM SERVICE OF THE CIVIL CITATION NOTICE, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION AND A LIEN MAY BE RECORDED AGAINST THE PROPERTY AND THE CITATION MAY BE ENFORCED BY INITIATING AN ENFORCEMENT ACTION IN COUNTY COURT.			
THIS CIVIL PENALTY IS INITIALLY A ONE TIME FINE, HOWEVER, EACH DAY OF CONTINUED VIOLATION AFTER THE TIME PERIOD FOR CORRECTION SHALL BE DEEMED A CONTINUING VIOLATION. FOR EACH DAY THE VIOLATION CONTINUES AFTER THE TIME PERIOD FOR CORRECTION HAS RUN, AN ADDITIONAL PENALTY IN THE SAME AMOUNT AS THE FINE FOR THE ORIGINAL VIOLATION SHALL BE ADDED.			
I ACKNOWLEDGE RECEIPT OF THIS CIVIL CITATION NOTICE. I UNDERSTAND THAT ACCEPTANCE OF THIS CITATION NOTICE IS NOT AN ADMISSION OF GUILT.			
VIOLATOR <u>Y. Rodriguez</u>		DATE <u>305-756-7171</u>	SERVICE: PERSONAL () MAIL <input checked="" type="checkbox"/> POSTING ()
CODE INSPECTOR SIGNATURE		PHONE NUMBER	DATE

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**CITY OF NORTH BAY VILLAGE
UNIFORM CIVIL CITATION NOTICE** No. 1493

Date Issued: 12/22/08	Time Issued: 8:15 (AM) (PM)	City of North Bay Village Chap. 153 Code Enforcement Officer (name) Y. Rodriguez	Repeat Violation: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Violator(s): North Bay Village Dwight K. ... 70- ...		Folio #23-3209 000 0110	Courtesy Civil Infraction Notice Issued <input type="checkbox"/> Yes () No
Mailing Address: 150 West Flagler Street Ste 1525 Miami, FL 33130			
This notice summons you to answer the complaint that on 12/22/08 7:30 AM you committed a violation of Section 91021(1)(3) of the Code of the City of North Bay Village, FL to wit: UNLAWFUL MAINTAINING JUNK & TRASH			
Location of violation: 175 ...			
Corrective action: REMOVE REMAINING JUNK & TRASH AND DIRT MOUNDS			
You Shall:			
1. Pay the Civil Penalty of \$ 200.00 on or before 1/21/09 AND correct the above violation on or before 1/11/09 ; OR			
2. Request an Administrative Appeal before a Special Master to Appeal the decision of the Code Enforcement Officer on or before 1/11/09 (SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)			
IF A PERSON ELECTS TO APPEAL THE CITATION A PENALTY OF UP TO \$500.00 PER DAY MAY BE IMPOSED UPON A DETERMINATION THAT A VIOLATION WAS COMMITTED.			
IF YOU FAIL TO PAY THE CIVIL PENALTY WITHIN THE TIME LIMIT SPECIFIED ABOVE OR TO APPEAL THE FINE WITHIN 20 CALENDAR DAYS FROM SERVICE OF THE CIVIL CITATION NOTICE, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION AND A LIEN MAY BE RECORDED AGAINST THE PROPERTY AND THE CITATION MAY BE ENFORCED BY INITIATING AN ENFORCEMENT ACTION IN COUNTY COURT.			
THIS CIVIL PENALTY IS INITIALLY A ONE TIME FINE, HOWEVER, EACH DAY OF CONTINUED VIOLATION AFTER THE TIME PERIOD FOR CORRECTION SHALL BE DEEMED A CONTINUING VIOLATION. FOR EACH DAY THE VIOLATION CONTINUES AFTER THE TIME PERIOD FOR CORRECTION HAS RUN, AN ADDITIONAL PENALTY IN THE SAME AMOUNT AS THE FINE FOR THE ORIGINAL VIOLATION SHALL BE ADDED.			
I ACKNOWLEDGE RECEIPT OF THIS CIVIL CITATION NOTICE. I UNDERSTAND THAT ACCEPTANCE OF THIS CITATION NOTICE IS NOT AN ADMISSION OF GUILT.			
VIOLATOR Y. Rodriguez		DATE 305-756-771 12/22/08	SERVICE: PERSONAL () MAIL () POSTING ()
CODE INSPECTOR SIGNATURE		PHONE NUMBER	DATE

CITY OF NORTH BAY VILLAGE
UNIFORM CIVIL CITATION NOTICE No. 1147

Date Issued: 7/3/09	Time Issued: 10:00 AM	City of North Bay Village Chap. 153 Code Enforcement Officer (name) Y. Rodriguez	Repeat Violation: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name of Violator(s): North Bay Village Invest. Tru. LLC	Folio #23-3209-000-0110	Courtesy Civil Infraction Notice Issued () Yes () No	
Mailing Address: 159 W. Flagler St. Ste 1525 Miami, FL 33130			

This notice summons you to answer the complaint that on 7/3/09 at 9:30 AM you committed a violation of Section 152.053(1) of the Code of the City of North Bay Village, FL to wit:

MAINTAINING/ALLOWING TO MAINTAIN MISCELLANEOUS TRUCK & TRASH
at: 1755 79 SW USWY NAY 33191
(location of violation)

Corrective action: Remove/Clean up miscellaneous trucks & trash, future, etc

You Shall:
1. Pay the Civil Penalty of \$ 400 on or before 8/30/09 AND correct the above violation on or before 8/30/09.
OR
2. Request an Administrative Appeal before a Special Master to Appeal the decision of the Code Enforcement Officer on or before 8/20/09.
(SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)

IF A PERSON ELECTS TO APPEAL THE CITATION A PENALTY OF UP TO \$500.00 PER DAY MAY BE IMPOSED UPON A DETERMINATION THAT A VIOLATION WAS COMMITTED.

IF YOU FAIL TO PAY THE CIVIL PENALTY WITHIN THE TIME LIMIT SPECIFIED ABOVE OR TO APPEAL THE FINE WITHIN 20 CALENDAR DAYS FROM SERVICE OF THE CIVIL CITATION NOTICE, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION AND A LIEN MAY BE RECORDED AGAINST THE PROPERTY AND THE CITATION MAY BE ENFORCED BY INITIATING AN ENFORCEMENT ACTION IN COUNTY COURT.

THIS CIVIL PENALTY IS INITIALLY A ONE TIME FINE, HOWEVER, EACH DAY OF CONTINUED VIOLATION AFTER THE TIME PERIOD FOR CORRECTION SHALL BE DEEMED A CONTINUING VIOLATION. FOR EACH DAY THE VIOLATION CONTINUES AFTER THE TIME PERIOD FOR CORRECTION HAS RUN, AN ADDITIONAL PENALTY IN THE SAME AMOUNT AS THE FINE FOR THE ORIGINAL VIOLATION SHALL BE ADDED.

I ACKNOWLEDGE RECEIPT OF THIS CIVIL CITATION NOTICE. I UNDERSTAND THAT ACCEPTANCE OF THIS CITATION NOTICE IS NOT AN ADMISSION OF GUILT.

VIOLATOR: Y. Rodriguez
CODE INSPECTOR SIGNATURE: Y. Rodriguez
DATE: 7/3/09
PHONE NUMBER: 305-756-7171
SERVICE: PERSONAL () MAIL POSTING ()
DATE: 7/3/09

CITY OF NORI JAY VILLAGE
UNIFORM CIVIL CITATION NOTICE No. 1117

Date Issued: 7/3/09	Time Issued: 10:30 AM	City of North Bay Village Chap. 153 Code Enforcement Officer (name) Y. Rodriguez	Repeat Violation: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Violator(s): North Bay Village Invest. Tru. LLC	Folio #23-3209-000-0110	Courtesy Civil Infraction Notice Issued () Yes () No	
Mailing Address: 159 W. Flagler St. Ste 1525 Miami, FL 33130			

This notice summons you to answer the complaint that on 7/3/09 at 10:30 AM you committed a violation of Section 152.053(1) of the Code of the City of North Bay Village, FL to wit:

close all vacant lot to not allow motor vehicles and trespassing act in continuing motor vehicles
at: 1755 79 SW USWY NAY 33191
(location of violation)

Corrective action: MAINTAINING VACANT LOT OPEN TO MOTOR VEHICLES, AND NOT ALLOWING CONTINUING MOTOR VEHICLES

You Shall:
1. Pay the Civil Penalty of \$ 200 on or before 8/30/09 AND correct the above violation on or before 8/30/09.
OR
2. Request an Administrative Appeal before a Special Master to Appeal the decision of the Code Enforcement Officer on or before 8/20/09.
(SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)

IF A PERSON ELECTS TO APPEAL THE CITATION A PENALTY OF UP TO \$500.00 PER DAY MAY BE IMPOSED UPON A DETERMINATION THAT A VIOLATION WAS COMMITTED.

IF YOU FAIL TO PAY THE CIVIL PENALTY WITHIN THE TIME LIMIT SPECIFIED ABOVE OR TO APPEAL THE FINE WITHIN 20 CALENDAR DAYS FROM SERVICE OF THE CIVIL CITATION NOTICE, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION AND A LIEN MAY BE RECORDED AGAINST THE PROPERTY AND THE CITATION MAY BE ENFORCED BY INITIATING AN ENFORCEMENT ACTION IN COUNTY COURT.

THIS CIVIL PENALTY IS INITIALLY A ONE TIME FINE, HOWEVER, EACH DAY OF CONTINUED VIOLATION AFTER THE TIME PERIOD FOR CORRECTION SHALL BE DEEMED A CONTINUING VIOLATION. FOR EACH DAY THE VIOLATION CONTINUES AFTER THE TIME PERIOD FOR CORRECTION HAS RUN, AN ADDITIONAL PENALTY IN THE SAME AMOUNT AS THE FINE FOR THE ORIGINAL VIOLATION SHALL BE ADDED.

I ACKNOWLEDGE RECEIPT OF THIS CIVIL CITATION NOTICE. I UNDERSTAND THAT ACCEPTANCE OF THIS CITATION NOTICE IS NOT AN ADMISSION OF GUILT.

VIOLATOR: Y. Rodriguez
CODE INSPECTOR SIGNATURE: Y. Rodriguez
DATE: 7/3/09
PHONE NUMBER: 305-756-7171
SERVICE: PERSONAL () MAIL POSTING ()
DATE: 7/3/09

CITY OF NORTH BAY VILLAGE
UNIFORM CIVIL CITATION NOTICE No. 1459

Date Issued: 1/26/10 8:30 AM (M) PM (P)
 Name of Violator(s): North Bay LLC
 City of North Bay Village Chap. 153 Code Enforcement Officer (name): Y Rodriguez
 Folio #23-3209-000-010
 Courtesy Civil Infraction Notice Issued (Yes) (No)
 Mailing Address: 150 W. Flagler St. Ste 1525 Miami, FL 33130

This notice summons you to answer the complaint that on 1/26/10 at 8:30 you committed a violation of Section 99.02(1)(3) of the Code of the City of North Bay Village, FL to wit: UNLAWFULLY MAINTAINING TRASH & TRASH ON COMMERCIAL ZONED PROPERTY at: 1755-79 St. CSWY NBV 33141 (location of violation)

Corrective action: Remove miscellaneous junk & trash, yard waste from property
 You Shall: 1. Pay the Civil Penalty of \$ 400.00 on or before 2/15/10 AND correct the above violation on or before 2/15/10.
 OR
 2. Request an Administrative Appeal before a Special Master to Appeal the decision of the Code Enforcement Officer on or before 2/15/10.
 (SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)

IF A PERSON ELECTS TO APPEAL THE CITATION A PENALTY OF UP TO \$500.00 PER DAY MAY BE IMPOSED UPON A DETERMINATION THAT A VIOLATION WAS COMMITTED.
 IF YOU FAIL TO PAY THE CIVIL PENALTY WITHIN THE TIME LIMIT SPECIFIED ABOVE OR TO APPEAL THE FINE WITHIN 20 CALENDAR DAYS FROM SERVICE OF THE CIVIL CITATION NOTICE, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION AND A LIEN MAY BE RECORDED AGAINST THE PROPERTY AND THE CITATION MAY BE ENFORCED BY INITIATING AN ENFORCEMENT ACTION IN COUNTY COURT.

THIS CIVIL PENALTY IS INITIALLY A ONE TIME FINE, HOWEVER, EACH DAY OF CONTINUED VIOLATION AFTER THE TIME PERIOD FOR CORRECTION SHALL BE DEEMED A CONTINUING VIOLATION. FOR EACH DAY THE VIOLATION CONTINUES AFTER THE TIME PERIOD FOR CORRECTION HAS RUN, AN ADDITIONAL PENALTY IN THE SAME AMOUNT AS THE FINE FOR THE ORIGINAL VIOLATION SHALL BE ADDED.
 I ACKNOWLEDGE RECEIPT OF THIS CIVIL CITATION NOTICE. I UNDERSTAND THAT ACCEPTANCE OF THIS CITATION NOTICE IS NOT AN ADMISSION OF GUILT.

VIOLATOR: Y Rodriguez
 CODE INSPECTOR SIGNATURE: Y Rodriguez
 DATE: 1/26/10
 SERVICE: PERSONAL () MAIL () POSTING ()
 PHONE NUMBER: 305-756-7171

CITY OF NORTH BAY VILLAGE
UNIFORM CIVIL CITATION NOTICE No. 1458

Date Issued: 1/26/10 8:30 AM (M) PM (P)
 Name of Violator(s): North Bay LLC
 City of North Bay Village Chap. 153 Code Enforcement Officer (name): Y Rodriguez
 Folio #23-3209-000-010
 Courtesy Civil Infraction Notice Issued (Yes) (No)
 Mailing Address: 150 W. Flagler St. Ste 1525 Miami, FL 33130

This notice summons you to answer the complaint that on 1/26/10 at 8:25 you committed a violation of Section 99.02(1)(3) of the Code of the City of North Bay Village, FL to wit: FAILURE TO PERFORM REQUIRED LOT MAINTENANCE RE HEAVY OVERGROWTH at: 1755-79 St. CSWY NBV 33141 (location of violation)

Corrective action: Cut/clip heavy overgrowth on vacant commercial property
 You Shall: 1. Pay the Civil Penalty of \$ 400.00 on or before 2/15/10 AND correct the above violation on or before 2/15/10.
 OR
 2. Request an Administrative Appeal before a Special Master to Appeal the decision of the Code Enforcement Officer on or before 2/15/10.
 (SEE REVERSE SIDE FOR FURTHER INSTRUCTIONS)

IF A PERSON ELECTS TO APPEAL THE CITATION A PENALTY OF UP TO \$500.00 PER DAY MAY BE IMPOSED UPON A DETERMINATION THAT A VIOLATION WAS COMMITTED.
 IF YOU FAIL TO PAY THE CIVIL PENALTY WITHIN THE TIME LIMIT SPECIFIED ABOVE OR TO APPEAL THE FINE WITHIN 20 CALENDAR DAYS FROM SERVICE OF THE CIVIL CITATION NOTICE, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION AND A LIEN MAY BE RECORDED AGAINST THE PROPERTY AND THE CITATION MAY BE ENFORCED BY INITIATING AN ENFORCEMENT ACTION IN COUNTY COURT.

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VIOLATOR: Y Rodriguez
 CODE INSPECTOR SIGNATURE: Y Rodriguez
 DATE: 1/26/10
 SERVICE: PERSONAL () MAIL () POSTING ()
 PHONE NUMBER: 305-756-7171

16

sidewalk, gutter, park or other public property in the City.

(1964 Code, § 10-1; Ord. 106, passed 7-9-56)

Cross references: Penalty, see § 10.99; Adoption of state sanitary code, see Ch. 97; Deposit of refuse in waterways from boats and docks prohibited, see § 150.19.

§ 94.021 Upkeep of lots, parcels and tracts.

(A) Certain conditions of lots, parcels and tracts declared unlawful. It shall be unlawful for any owner or occupant of any lot, parcel or tract of land within the City, whether said lot, parcel or tract of land is improved or unimproved, to permit:

- ✓ (1) On improved/unimproved lots the growth or accumulation of any weeds, non-native undergrowth dead plant life, or to permit any grass to or to grow to a height of eight (8) inches or more from the ground;
- (2) On any lot, rubbish, trash, junk, abandoned property, debris, dead trees, growth of noxious plants or weeds, or to permit unsightly or unsanitary matter to remain on said lot, parcel or tract of land;
- ✓ (3) On any lot, the existence of depressions or excavations or any other conditions on such premises wherein water may accumulate and stand in such a manner or fashion as to make possible the propagation of mosquitoes therein;
- (4) On any lot, storage or maintenance of junk, trash, abandoned property or waste on any lot;

[(B)] Maintenance of swale areas. It shall be the duty of all owners and/or occupants of improved or unimproved property to maintain in good condition the non-paved area between their property line and the street curb or edge of the paved road known as the swale area. Maintenance of the swale area shall include keeping the area free of holes, hidden dangers or other obstructions and the grass or weeds at a height of no more than eight inches

[(C)] Open-air storage in residential-zoned districts is subject to the following provisions:

- (1) Open-air storage of the following materials is prohibited:
 - (a) Junk, as defined in this Chapter.
 - (b) Merchandise or manufacturing materials. Evidence of one or more of the following shall create a rebuttable presumption that merchandise or manufacturing materials are being stored on the premises:
 - (i) Multiple boxes of uniform appearance bearing;
 - (ii) Multiple articles of similar type in unused condition, including without limitation raw materials for manufacturing furniture and computer components;
 - (iii) Pallets containing multiple boxes.
 - (c) Commercial equipment, including without limitation vending machines.
 - (d) Motor vehicle parts, including without limitation automobile engines and transmissions.
 - (e) Household furniture, including without limitations of as and recliners.
 - (f) Construction materials, including without limitation lumber, cement blocks or pallets without a valid building permit relating to the specific construction

18

**CITY OF NORTH BAY VILLAGE
CODE ENFORCEMENT DIVISION
STATE OF FLORIDA**

IN THE MATTER OF:

CASE NO. 10-0011

North Bay Village Investment Trust, LLC
1755 - 79th Street Causeway
North Bay Village, FL 33141

ORDER OF ENFORCEMENT

This cause having come before the Code Enforcement Special Master of the City of North Bay Village, on May 19, 2010, at a violation hearing, the Special Master having heard the testimony and the evidence presented, does hereby make the following finds of fact, conclusions of law, and imposes the following fine:

1. FINDINGS OF FACT:

The violator was properly served with notice of these proceedings as required by law.

That the real property under which the violation occurred is described as:

Legal Description: 1755 – 79th Street Causeway
 E300 Feet of Treasure Island, Lying North
 of 79th Street Causeway, PER DB 4117-513
 North Bay Village, Florida 33141

Zoning Classification: CG, General Commercial District

Parcel I.D. No. 23-3209-000-0110

That the violator identified in the citation is the owner of the above-described real property.

Failure to perform required lot maintenance, thereby allowing overgrowth of grass and weeds over eight (8) inches in height.

The unlawful maintenance of junk, trash, and dirt mounds on the property.

2. CONCLUSION OF LAW:

That the violator identified above violated Sections 94.021(A)(1) and 94.021(A)(3) of the City of North Bay Village Code of Ordinances, by virtue of the facts set forth above.

That this Order of Enforcement is hereby warranted.

3. IMPOSITION OF FINE:

A \$400 fine and administrative cost in the amount of \$75.00 as authorized by law are hereby imposed.

Failure to clear the property within 15 days of this Order, May 19, 2010, will result in a continuing fine in the amount of \$250 for each day that the violation continues to exist on the above-described property.

FUTURE VIOLATIONS OF SECTIONS 94.021(A)(1) AND 94.021(A)(3) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES ON ANY PROPERTY OWNED BY THE ALLEGED VIOLATOR WITHIN THE CITY OF NORTH BAY VILLAGE MAY BE CITED AS REPEAT VIOLATIONS, PURSUANT TO FLORIDA STATUTE 162.06 AND 162.09 AND SUBJECT TO A FINES NOT TO EXCEED \$500 PER DAY.

DONE AND ORDERED at North Bay Village, Miami-Dade County, Florida on May 19, 2010.

CODE ENFORCEMENT DIVISION

By: *Norman Powell*
NORMAN POWELL, ESQ.
SPECIAL MASTER

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

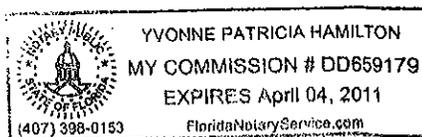
I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Norman Powell, to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Miami-Dade County, Florida, this 21st day of June, 2010, 2010.

Yvonne Patricia Hamilton
Notary Public
State of Florida at Large

My Commission Expires:

(Notary Seal)



MICHAEL I. ROSE, P.A.

A T T O R N E Y S A T L A W

MUSEUM TOWER, SUITE 1525
150 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

TELEPHONE (305) 373-6300
FACSIMILE (305) 373-1030
E-MAIL MIROSE@MIRLEGAL.COM

VIA TELEFAX TO: (305) 776-7722

June 3, 2010

Gus Cruz, Code Inspector
City of North Bay Village
Code Enforcement Division
1666 Kennedy Causeway, #700
North Bay Village, FL 33141

Re: North Bay Village Investment Trust, LLC
Property Address: 1755 79th Street,
North Bay Village, FL
Code Violation No's.: 1386 & 1493, 1117 & 1147, 1458 & 1459

Dear Mr. Cruz:

Pursuant to the Special Masters order at the hearing held on May 19, 2010, please be informed that the lawn has been cut and all the debris has been removed on the above referenced real property. I am in the process of having a gate installed at the driveway.

Very truly yours,


MICHAEL I. ROSE

MIR:mm

MIR
23

Transmission Report - Undelivered

G3 ID

305-973-1030

Date/Time: 06/03/2010; 04:49PM

Page: 1 (Last Page)

Local Name

Michael I Rose, PA

Logo

Document has not been sent. Pass this report to the sender.

Document Size 8.5X11*SEF

MICHAEL I. ROSE, P.A.

ATTORNEYS AT LAW

MUSEUM TOWER, SUITE 1825
150 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

TELEPHONE (305) 373-6300
FACSIMILE (305) 373-1030
EMAIL MIROSE@MIRLEGAL.COM

VIA TELEFAX TO: (305) 776-7722

June 3, 2010

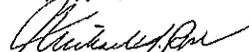
Gus Cruz, Code Inspector
City of North Bay Village
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Property Address: 1755 79th Street,
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MICHAEL I. ROSE

MIR:rm



Total Pages Scanned: 1 Total Pages Sent : -

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	7983	3057767722	6- 3: 4:47PM	0s	- / 1	G3		EN

Note:

RE: Resend	MB: Send to Mailbox	BC: Broadcast	MP: Multi Polling	RV: Remote Service
PG: Polling	RB: Relay Broadcast	RS: Relay Send	BF: Box Fax Forward	CP: Completed
SA: Send Again	EN: Engaged	AS: Auto Send	TM: Terminated	

MICHAEL I. ROSE, P.A.

A T T O R N E Y S A T L A W

MUSEUM TOWER, SUITE 1525
150 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

TELEPHONE (305) 373-6300
FACSIMILE (305) 373-1030
E-MAIL MIROSE@MIRLEGAL.COM

September 3, 2010

Norman Powell, Esq,
Special Master
City of North Bay Village
Code Enforcement Division
1666 Kennedy Causeway, #700
North Bay Village, FL 33141

Re: North Bay Village Investment Trust, LLC
Property Address: 1755 79th Street, Causeway
North Bay Village, FL 33141
Case No's.: 10-0011

Dear Mr. Powell:

Pursuant to the Order of Enforcement dated May 19, 2010 and received in August, 2010, please be informed that the violation at the above referenced property set forth in your Order was corrected on May 27, 2010. It was my understanding that if the violation was timely corrected, that there would be no fine imposed.

Your cooperation in confirming this accordingly will be appreciated.

Very truly yours,



MICHAEL I. ROSE

MIR:mm

25 *MIR*

CITY OF NORTH BAY VILLAGE
CODE ENFORCEMENT DIVISION
STATE OF FLORIDA

IN THE MATTER OF:

CASE NO. 10-0011

North Bay Village Investment Trust, LLC
1755 - 79th Street Causeway
North Bay Village, FL 33141

ORDER OF ENFORCEMENT

This cause having come before the Code Enforcement Special Master of the City of North Bay Village, on May 19, 2010, at a violation hearing, the Special Master having heard the testimony and the evidence presented, does hereby make the following finds of fact, conclusions of law, and imposes the following fine:

1. **FINDINGS OF FACT:**

The violator was properly served with notice of these proceedings as required by law.

That the real property under which the violation occurred is described as:

Legal Description: 1755 – 79th Street Causeway
E300 Feet of Treasure Island, Lying North
of 79th Street Causeway, PER DB 4117-513
North Bay Village, Florida 33141

Zoning Classification: CG, General Commercial District

Parcel I.D. No. 23-3209-000-0110

That the violator identified in the citation is the owner of the above-described real property.

Yvonne P. Hines, CITY CLERK OF THE
CITY OF NORTH BAY VILLAGE HEREBY CERTIFY
THIS TO BE A TRUE AND EXACT COPY
OF THE ORIGINAL THEREOF MAINTAINED IN THE
FILES OF THIS OFFICE

DATED THIS 21st DAY OF October 2010

SIGNED Yvonne P. Hines

Failure to perform required lot maintenance, thereby allowing overgrowth of grass and weeds over eight (8) inches in height.

The unlawful maintenance of junk, trash, and dirt mounds on the property.

2. CONCLUSION OF LAW:

That the violator identified above violated Sections 94.021(A)(1) and 94.021(A)(3) of the City of North Bay Village Code of Ordinances, by virtue of the facts set forth above.

That this Order of Enforcement is hereby warranted.

3. IMPOSITION OF FINE:

A \$400 fine and administrative cost in the amount of \$75.00 as authorized by law are hereby imposed.

Failure to clear the property within 15 days of this Order, May 19, 2010, will result in a continuing fine in the amount of \$250 for each day that the violation continues to exist on the above-described property.

FUTURE VIOLATIONS OF SECTIONS 94.021(A)(1) AND 94.021(A)(3) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES ON ANY PROPERTY OWNED BY THE ALLEGED VIOLATOR WITHIN THE CITY OF NORTH BAY VILLAGE MAY BE CITED AS REPEAT VIOLATIONS, PURSUANT TO FLORIDA STATUTE 162.06 AND 162.09 AND SUBJECT TO A FINES NOT TO EXCEED \$500 PER DAY.

DONE AND ORDERED at North Bay Village, Miami-Dade County, Florida on May 19, 2010.

I, Yvonne P. Hunt, CITY CLERK OF THE CITY OF NORTH BAY VILLAGE HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL THEREOF MAINTAINED IN THE FILES OF THIS OFFICE

DATED THIS 20th DAY OF October 2010

SIGNED Yvonne P. Hunt

CODE ENFORCEMENT DIVISION

By: *Norman Powell*
NORMAN POWELL, ESQ.
SPECIAL MASTER

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Norman Powell, to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument.

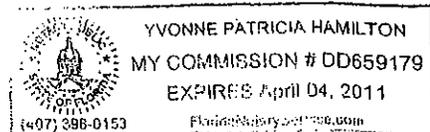
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Miami-Dade County, Florida, this 21st day of June, 2010.

Yvonne Patricia Hamilton
Notary Public
State of Florida at Large

My Commission Expires:

(Notary Seal)

Yvonne Patricia Hamilton, CITY CLERK OF THE
CITY OF NORTH BAY VILLAGE HEREBY CERTIFY
THIS TO BE A TRUE AND EXACT COPY
OF THE ORIGINAL THEREOF MAINTAINED IN THE
FILES OF THIS OFFICE
DATED THIS 20th DAY OF June 2010
SIGNED *Norman Powell*



MICHAEL I. ROSE, P.A.

ATTORNEYS AT LAW

MUSEUM TOWER, 150 WEST FLAGLER STREET, MIAMI, FLORIDA 33130 TELEPHONE (305) 373-6300 TELEFAX (305) 373-1030

Transmittal Cover Sheet

To: Yvonne

Company: City of North Bay Village

Fax: (305) 756-7722

From: Michael I. Rose

Re: North Bay Village Investment Trust, LLC
Property Address: 1755 79th Street, Causeway
North Bay Village, FL 33141

Comments: Pursuant to our telephone conversation today, enclosed herewith are the following:

1. City of North Bay Village Notice to Appear Before the Special Master, Uniform Civil Citation Notice No. 1386, Notice No. 1493, Notice No. 1147, Notice No. 1117, Notice No. 1459, Notice No. 1458;
2. Letter to Guz Cruz, Code Inspector dated June 3, 2010 and facsimile transmission report;
3. Letter to Norman Powell, Esq dated September 3, 2010;

Pages: (including cover sheet) 10

Date: October 18, 2011

If any portion of this transmission is illegible please contact us at (305) 373-6300.

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT INDICATED ABOVE. If the reader of this transmission is not the intended recipient or an agent therefore, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this transmission or any portion thereof is strictly prohibited. If you receive this transmission in error, please notify us immediately by telephone and return said transmission to us

29

WorkCentre 7132 Transmission Report

33 ID

305-373-1030

Date/Time: 10/18/2011; 12:21PM
Page: 1 (Last Page)

Local Name
Logo

Michael I Rose, PA

Document has been sent.
Document Size 8.5X11"SEF

MICHAEL I. ROSE, P.A. ATTORNEYS AT LAW

MUSEUM TOWER, 150 WEST FLAGLER STREET, MIAMI, FLORIDA 33130 TELEPHONE (305) 373-4100 TELEFAX (305) 373-1030

Transmittal Cover Sheet

To: Yvonne

Company: City of North Bay Village

Fax: (305) 756-7722

From: Michael I. Rose

Re: North Bay Village Investment Trust, LLC
Property Address: 1755 79th Street, Causeway
North Bay Village, FL 33141

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Total Pages Scanned: 10 Total Pages Sent : 10

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Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

30

MICHAEL I. ROSE, P.A.

ATTORNEYS AT LAW

MUSEUM TOWER, 150 WEST FLAGLER STREET, MIAMI, FLORIDA 33130 TELEPHONE (305) 373-6300 TELEFAX (305) 373-1030

Transmittal Cover Sheet

To: Yvonne

Company: City of North Bay Village

Fax: (305) 756-7722

From: Michael I. Rose

Re: North Bay Village Investment Trust, LLC
Property Address: 1755 79th Street, Causeway
North Bay Village, FL 33141

Comments: Please provide me with a copy of the tape and/or transcript regarding the Hearing held May 19, 2010.

Thank you.

Pages: (including cover sheet) 1

Date: October 21, 2011

If any portion of this transmission is illegible please contact us at (305) 373-6300.

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT INDICATED ABOVE. If the reader of this transmission is not the intended recipient or an agent therefore, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this transmission or any portion thereof is strictly prohibited. If you receive this transmission in error, please notify us immediately by telephone and return said transmission to us by U.S. mail.

WorkCentre 7132 Transmission Report

G3 ID

305-373-1030

Date/Time: 10/21/2011; 05:03PM

Page: 1 (Last Page)

Local Name
Logo

Michael I. Rose, PA

Document has been sent.

Document Size 8.5X11"SEF



Transmittal Cover Sheet

To: Yvonne
Company: City of North Bay Village
Fax: (305) 756-7722
From: Michael I. Rose
Re: North Bay Village Investment Trust, LLC
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Total Pages Scanned: 1 Total Pages Sent : 1

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2	3086	3057567722	5:02PM	35s	1 / 1	G3 RE		CP

Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

City of North Bay Village

CODE ENFORCEMENT HEARING
WEDNESDAY, MAY 19, 2010

CASE #:	VIOLATOR:	PROPERTY ADDRESS	CODE INSPECTOR	CITATION #:	FINE:	NOTES:
<i>Violate Courts -</i>						
CE 10-0002	RACHEL DUOGER	7401 BEACH VIEW DR	GUS CRUZ	1104	\$200.00	94.021(A)(3) UNLAWFULLY MAINTAINING JUNK AND TRASH (JET SKIS) ON RESIDENTIAL PROPERTY. ✓
<i>\$250 day until rectified.</i>						
CE 10-0004	NORTH BAY VILLAS CONDO ASSOC	1801 S TREASURE DR	GUS CRUZ	1460	\$200.00	151.11 (A) CONSTRUCTION W/O PERMITS. ✓
<i>Sheryl Montgomery Prop Manager \$800 + 75 Fine</i>						
CE 10-0005	KRAMCO BUILDERS, INC. (MARK MACCAGNO)	7631 MIAMI VIEW DR	GUS CRUZ	1478	\$200.00	94.021 (A)(1) GRASS/WEED OVERGROWTH
				1479	\$200.00	94.021 (A)(3) UNLAWFULLY MAINTAINING JUNK & TRASH ON VACANT PROPERTY
<i>condemned</i>						
CE 10-0006	ROBERTO POLBETE	1520 S TREASURE DR	GUS CRUZ	1076	\$200.00	94.021 (A)(1) GRASS/WEED OVERGROWTH
				1079	\$200.00	151.15 MAINTAINING SWIMMING POOL W/ STAGNANT WATER
<i>condemned</i>						
CE 10-0007	MARK E. & SANDHYA MURPHY	7731 MIAMI VIEW DR	GUS CRUZ	1123	\$200.00	94.021 (A)(1) GRASS/WEED OVERGROWTH
<i>Renote Proper Lender</i>						
CE 10-0008	NICHOLAS STUDS	1321 BAY TERRACE	GUS CRUZ	1071	\$400.00	94.021 (A)(1) GRASS/WEED OVERGROWTH ✓
<i>Dismissed</i>						
CE 10-0011	NORTH BAY VILLAGE INVESTMENT TRUST, LLC	1755 79TH STREET CAUSEWAY	GUS CRUZ	1147	\$200.00	152.055 (4) MAINTAINING VACANT LOT OPEN FOR MOTOR VEH.
				1147	\$400	94.021 (B) MAINTAINING/ALLOWING TO MAINTAIN MISC JUNK & TRASH.
				1386	\$200.00	94.021 (A)(1) FAILURE TO PERFORM REQUIRED LOT MAINTENANCE TO WIT. OVERGROWTH OF GRASS & WEEDS OVER 8 INCHES IN HEIGHT.
				1493	\$200.00	94.021 (A)(3) UNLAWFULLY MAINTAINING JUNK & TRASH AND DIRT MOUNDS.
				1458	\$400.00	94.021 (A)(1) FAILURE TO PERFORM REQUIRED LOT MAINTENANCE TO WIT. OVERGROWTH OF GRASS & WEEDS OVER 8 INCHES IN HEIGHT.
				1459	\$400.00	94.021 (A)(3) UNLAWFULLY MAINTAINING JUNK & TRASH AND DIRT MOUNDS.
<i>\$400.00</i>						
<i>Cleared with 15 days of order, \$250 fine a day. Michael Rose, Esq.</i>						

Put on Next Agenda
Dugger.



City of North Bay Village

Administrative Offices
1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**FACSIMILE
TRANSMITTAL**

DATE: 10/27/11
TO: Michael Rose, Esq.
FROM: Yvonne P. Hamilton
FAX #: (305) 373-1030
SUBJECT: North Bay Village Investment Trust, LLC
PAGES: (2) (including this cover sheet)

Please advise immediately if you do not receive all pages clearly or if any pages are missing.



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

October 27, 2011

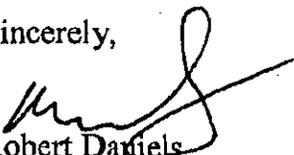
Mr. Michael Rose, P.A.
Attorneys At Law
Museum Tower
150 West Flagler Street
Miami, Florida 33130

Re: Recorded Lien on
North Bay Village Investment Trust, LLC
1755 - 79th Street Causeway
North Bay Village, FL 33141

Dear Mr. Rose:

While we understand your urgency to resolve the matter and want to assist you in doing so, we are unable to make a determination on the status of the lien against the property with the absence of the Code Compliance Officer. He will be back in the office on November 8, 2011, and we will immediately work on finalizing the issue.

Sincerely,


Robert Daniels
Interim City Manager

Mayor
Corina S. Esquijarosa

Vice Mayor
Connie Leon-Kreps

Commissioner
Frank Rodriguez

Commissioner
Eddie Lim

Commissioner
Dr. Paul Vogel

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MICHAEL I. ROSE, P.A.

A T T O R N E Y S A T L A W

MUSEUM TOWER, SUITE 1525
150 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

TELEPHONE (305) 373-6300
FACSIMILE (305) 373-1030
E-MAIL MIROSE@MIRLEGAL.COM

VIA EMAIL TO: nboniske@wsh-law.com

March 1, 2012

Nina Lynn Boniske
Weiss Serota Helfman et al
2525 Ponce De Leon Boulevard, Suite 700
Coral Gables, FL 33134-6045

Re: North Bay Village Investment Trust, LLC
Account No.: 00650-00773
Property Address: 1755 Kennedy Causeway
North Bay Village, FL 33141

Dear Ms. Boniske:

Pursuant to our telephone conversation today, I am enclosing herewith the following:

NOTICE OF VIOLATION - DIRT MOUND

1. City of North Bay Village Notice to Appear Before The Special Master along with copies of Code Violation No.'s 1386 & 1493, 1117 & 1147, 1458 & 1459;
2. Order of Enforcement dated May 19, 2010;
3. Letter to Gus Cruz, Code Inspector dated June 3, 2010;
4. Letter to Norman Powell, Esq. Special Master dated September 3, 2010;

Please be informed that immediately after the hearing before the Special Master on May 19, 2010 the violations for removing the debris and cutting the grass were corrected. In fact, there was no mention at the hearing of the dirt mounds being in violation of the City Code, and upon review of the City Codes there is no reference of dirt mounds having to be removed. Copies of Sections 94.021 and 152.055 of the Code of the City of North Bay Village are also enclosed.

Also, when I spoke to the code inspector, Maurice Murray in November, 2011 he indicated that there was still a violation on the subject property, and that there would be a \$250 fine per day charge until the dirt mounds were removed, and that there was more than \$125,000 owed at that time. All dirt mounds have been removed by the owner of Shuckers restaurant who also continues to clean and maintain the subject property.

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MR

Page 2
March 1, 2012
Nina L. Boniske, Esq.

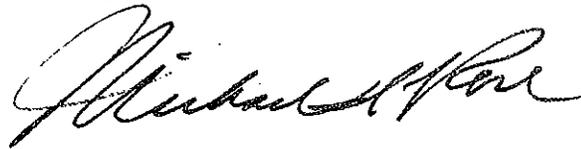
STORM WATER BILLS

1. Letter from Gerard Pirri, Finance Director City of North Bay Village Administrative Offices dated November 30, 2011 with history of charges (the storm water charges commenced at \$2.93 and were increased to \$47.93 monthly after I complained about being over-charged since there is no water on the property
2. Letter to Gerard Pirri, Finance Director City of North Bay Village Administrative Offices dated December 16, 2011;
3. Letter from Gerard Pirri, Finance Director City of North Bay Village Administrative Offices dated December 21, 2011 along with a print-out summary of charges;

A review of the history will indicate that there are substantial penalties being levied when in fact the property is vacant and has not utilized water for a number of years. Of course if this could be resolved I would immediately pay the amount that is due without penalties.

Your cooperation in reviewing the enclosures with City Manager, Dennis Kelley and advising me as quickly as possible how this matter may be resolved will be appreciated.

Very truly yours,



MICHAEL I. ROSE

MIR:mm

Enclosures

MICHAEL I. ROSE, P.A.

A T T O R N E Y S A T L A W

MUSEUM TOWER, SUITE 1525
150 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

TELEPHONE (305) 373-6300
FACSIMILE (305) 373-1030
E-MAIL MIROSE@MIRLEGAL.COM

VIA EMAIL TO: dkelly@nbvillage.com

April 4, 2012

Dennis Kelly, City Manager
City of North Bay Village
1700 Kennedy Causeway, Suite 132
North Bay Village, FL 33141

Re: North Bay Village Investment Trust, LLC
Property Address: 1755 79st Causeway
North Bay Village, FL

Dear Mr. Kelly:

Thank you for the opportunity of allowing me to meet with yourself, Maurice Murray, and Gerard Pirri today to discuss the issues concerning the above referenced property.

It was determined that there are outstanding storm water and sanitation bills which are approximately \$4,000, and that a penalty in the amount of \$2,000 would be acceptable to resolve the accounts. Further, Mr. Pirri would provide a copy of the code section indicating the exact amount of the storm water and sanitation fees that were utilized in determining these amounts.

Also, it was agreed a penalty in the amount of \$2,000 would be paid to resolve all pending code enforcement liens and Mr. Murray and myself have on this day walked the property to determine what needs to be remedied going forward and have an understanding accordingly.

Your cooperation in scheduling this matter before the commission at their April 10, 2012 meeting in order that I am able to request that our agreement as set forth herein be ratified, will be greatly appreciated.

Very truly yours,



MICHAEL I. ROSE

MIR:mm

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING/DENYING THE REQUEST BY NORTH BAY VILLAGE INVESTMENT TRUST, LLC TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. 10-001 AND UTILITY COSTS AND PENALTIES; DIRECTING THE CITY MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

WHEREAS, the City of North Bay Village ("the City") Special Master issued an Order of Enforcement against North Bay Village Investment Trust, LLC ("Violator) as a result of citations issued by the Code Compliance Officer for failure to maintain the property at 1755 – 79th Street Causeway in accordance with Section 94.021(A)(3) of the City's Code of Ordinances; and

WHEREAS, the Violator subsequently corrected the violation but failed to pay the penalties; and

WHEREAS, the Violator had incurred a fine of \$163,475; and

WHEREAS, the City of North Bay Village notified the Violator of unpaid utility service charges including penalties for \$36,369.86 which constitute a violation of Chapters 51, 52, 53, and 94 of the City of North Bay Village Code of Ordinances; and

WHEREAS, the Violator has requested that the City reduce the fines, and the City Manager, having reviewed the file, has recommended that the City Commission reduce the code enforcement fine from \$163,475 to \$2,000 and the utility fines from \$36,369.86 to 5,987.49.

11B(11)

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WHEREAS, any reduction should be conditioned upon execution of a stipulation of conditions and waiver releasing the City from any claims relating to the violations as condition of the reduction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Reduction of Fine. The civil penalty/fine for Code Compliance Case No. 10-011 is reduced to \$2,000 and the utility fees and fines are reduced to \$5,987.49 and are to be paid in full. The City Manager is authorized to execute appropriate documents, including a stipulated settlement and release by the Violator for any and all claims relating to the citation and this reduction in a form acceptable to the City Attorney.

Section 3. Release of Lien. The City Clerk is directed to prepare the necessary documents to release the lien filed with Miami-Dade County Clerk of the Court.

Section 4. Conditions. The following conditions shall apply and shall be incorporated into the settlement stipulation:

1. In the event the reduced fine is not paid within sixty (60) days of the effective date of this Resolution, the original fine amount shall be re-instated and continue to accrue interest as if this Resolution had not existed.

2. _____

11B(2)

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Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2012.

A motion to adopt the foregoing Resolution was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Stuart Blumberg _____
Commissioner Richard Chervony _____
Commissioner Paul Vogel _____

Connie Leon-Kreps
MAYOR

ATTEST:

Yvonne P. Hamilton, CMC
CITY CLERK

Approved as to form and legality for the use
and benefit of the City of North Bay Village only:

Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.L.
CITY ATTORNEY

City of North Bay Village Resolution: Reduction of Fines/Penalties-North Bay Village Investment Trust, LLC/1755 - 79th Street Causeway

11B(3)

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City of North Bay Village

Administrative Offices

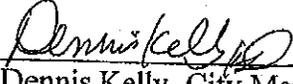
1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM
City of North Bay Village

DATE: April 5, 2012

TO: Yvonne P. Hamilton, CMC
City Clerk

FROM: 
Dennis Kelly, City Manager

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Resolution:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING/DENYING THE REQUEST BY NORTH BAY VILLAGE INVESTMENT TRUST, LLC TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. 10-001 AND UTILITY COSTS AND PENALTIES; DIRECTING THE CITY MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

DK:yph

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

11B(4)

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City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

To: Mayor and City Commission

From: Dennis W. Kelly, City Manager

Subject: Proposed Settlement Agreement-Michael Rose, Attorney

Date: April 4, 2012

Mr. Michael Rose, Attorney, is the representative for the parking lot property immediately west of the Best Western Hotel and Shuckers Restaurant. According to the Miami-Dade Property Appraiser's on line records, the property is owned by North Bay Village Investment Trust, LLC, 150 W. Flagler Street, Suite 1525, Miami, FL 33130-1557. The property currently has a Code Enforcement lien of \$163,475; there are currently \$36,369.86 for utility charges and penalties.

The Utility Charges of \$36,369.86 are comprised of \$32,382.37 in penalties leaving a net bill of actual usage/charges of \$3,987.49 (rounded to \$4,000.00). The net cost of the Code Enforcement Lien, including staff inspection time, complaint processing and time before the magistrate are approximately \$2,000.00. The balance of the Code Enforcement Lien is daily penalties that have been running at \$250.00 per day for about the past year and half.

Mr. Rose has represented himself and his client as preparing the property for development. For historical reference a site plan for a 22 story, 173 unit condominium was submitted in December, 2004, for this same property. In order to have clear title to the property Mr. Rose needs to resolve payment of the liens and outstanding utility payments and penalties. On Wednesday, April 4, 2012, Mr. Rose met with the City Manager, Finance Director and Code Enforcement Officer in an effort to negotiate down and waive as much of the Lien cost and utility penalties in order to gain clear title.

11B(5)

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

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Based on our discussions, staff is prepared to recommend the following:

1. Require Mr. Rose to pay the direct utility cost of \$3,987.49.
2. Waive the lien and reimburse the City for the Code Enforcement Officers cost of about \$2,000.00.
3. Revise the utility penalty to \$2,000.00.

Total settlement cost would equal: \$7,987.49. Thank you for your attention to this matter.

11B(6)

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Word Bank

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MICHAEL I. ROSE, P.A.

A T T O R N E Y S A T L A W

MUSEUM TOWER, SUITE 1525
150 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

TELEPHONE (305) 373-6300
FACSIMILE (305) 373-1030
E-MAIL MIROSE@MIRLEGAL.COM

NOV 15 AM 11:30

VIA EMAIL TO: mmurray@nbvillage.com

May 4, 2012

Maurice Murray, Code Enforcement Inspector
NORTH BAY VILLAGE POLICE DEPARTMENT
1700 JFK Causeway, Suite 132
North Bay Village, FL 33141

Re: North Bay Village Investment Trust, LLC
Property Address: 1755 79st Causeway
North Bay Village, Florida

Dear Mr. Murray:

I have not received a response from you concerning my April 13, 2012 letter a copy of which is attached hereto for your immediate reference.

Please let me know if this resolves all outstanding issues in order to obtain a close-out letter regarding the code violations.

Very truly yours,



MICHAEL I. ROSE

MIR:mm

c: Dennis Kelley, City Manager - VIA EMAIL TO: dkelly@nbvillage.com

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NORTH BAY VILLAGE POLICE DEPARTMENT

LETTER OF COMPLIANCE

May 29, 2012,

Michael Rose P.A.
North Bay Village Investment Trust, LLC
Museum Tower, Suite 1525
150 West Flagler Street,
Miami,
Florida 33130

VIA CERTIFIED MAIL
7011 3500 0000 2124 7294

Re: Special Master Case # 10-0011

Dear Mr. Rose,

Your property located at 1755 79th Street Causeway was re-inspected on March 20, 2012 and found to be in full compliance with the Special Master order dated May 19, 2010.

With March 19, 2012 as your compliance date there remains due to the City of North Bay Village accrued fines and charges of \$163,475.00 (one hundred and sixty three thousand, four hundred and seventy five dollars). The fines have stopped accruing as of the compliance date and the recorded lien will remain in place until this case is settled and eventually closed. Payment is to be made to the City of North Bay Village.

Thank you for your cooperation.

Respectfully,

A handwritten signature in cursive script, appearing to read 'M. Murray'.

Maurice Murray
Inspector
Code Enforcement Unit

C:
Honorable Mayor and City Commission
City Manager
Police Chief
City Clerk
City Attorney

1700 JFK CAUSEWAY, SUITE 132, NORTH BAY VILLAGE, FL 33141
MIAMI-DADE COUNTY
PHONE #305-758-2626 FAX #305-866-7513

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