



**GOREN CHEROF  
DOODY & EZROL P.A.**  
ATTORNEYS AT LAW

October 31, 2023

Via Email

Benjamin A. Solomon, Esq.  
Association Law Group, Attorneys at Law  
1101 Brickell Avenue, Suite N1101  
Miami, FL 33131  
[ben@algpl.com](mailto:ben@algpl.com)

Re: Heron Pond Condominium Association, Inc. ("Client") / Property Located at  
8400 SW 1<sup>st</sup> Street, Pembroke Pines, FL. 33025 ("Property" or "Heron Pond")  
/ Response to Submittal Extension Request

Dear Mr. Solomon:

This letter shall serve as the City of Pembroke Pines' (the "City") response to your Client's request for additional time to comply with the City's long-standing requests necessary to address the City's serious and significant life-safety concerns over the structural conditions of every building within Heron Pond. More specifically, the requested extension would provide your Client with additional time to, among other things, submit the remaining structural reports that were requested by the City in May 2023, submit additional building permit applications, provide updated and complete technical structural analyses, conduct necessary exploratory work within the interior of units, and provide any necessary amendments to the previously submitted structural reports. After thoughtful consideration of your request by the City's Chief Building Official, Fire Marshal, and City Manager, the City Administration is providing your Client with 30-calendar days to comply with the requests detailed below.

The City previously issued a 30-day notice to provide the remaining structural analyses on September 21, 2023. The 30-day notice matured on October 21, 2023. A few days prior to maturation of the 30-day notice, your Client requested a 10-day extension to the 30-day notice to provide the remaining structural reports to the City. While your

Client has submitted several additional structural reports during the time that would have constituted the requested extension time, the structural reports for Buildings 1, 17, and 19 remain outstanding as of this writing.

On October 23, 2023, the City's Administration extended an invitation to meet with your Client at City Hall on October 25, 2023, five (5) months to the date of the City Administration's original in-person meeting with your Client at Heron Pond. The following day, you submitted a request to our office via email for a 45-day extension to allow your Client to comply with the City's requests discussed during the in-person meeting.

As aforementioned, the City Administration is providing your Client with a 30-calendar day extension, beginning from the date of this letter, to meet the terms and objectives noted in the conditions below. There are several reasons that the City cannot accept your requested 45-day extension. Those reasons include, but are not limited to, the City's significant and ongoing concerns over the known structural issues on the Property, which are compounded by what remains unknown about the structural conditions within the floors, ceilings, and walls of each building within the Property. The City also remains alarmingly concerned over the noted water intrusion within buildings and units on the Property, the amount of unpermitted repair work which was performed without the City's knowledge that has already begun to decay, and the obvious and significant structural issues that have been noted throughout buildings within reports submitted to the City by your Client's engineer of record.

In consideration of the foregoing, the City is offering your Client a 30-calendar day extension to comply with the following terms:

1. Submission of the remaining 'preliminary' structural reports for buildings 1, 17, and 19 by Wednesday, November 1, 2023. The reports should clearly detail which units should be vacated and provide a rationale for why the remaining units are safe to occupy. The City notes that this date of compliance extends beyond the 10-day extension originally requested by your Client to submit the remaining reports; and
2. Installation of additional shoring as noted in preliminary reports, including updating the permit on file for the shoring by Monday, November 6, 2023; and
3. Submission of a permit application for the installation of construction fencing around the completely vacated buildings (Buildings 2, 3, 5, 10, 14, and 16) by Monday, November 6, 2023. The City notes information received from residents

who have re-entered buildings that received unsafe structure notices and were ordered to be vacated. We ask that, as a life-safety matter, you take immediate action to ensure that the vacated buildings remain inaccessible by residents until such time that they are deemed as "Safe to Occupy"; and

4. Following issuance of the building permits for Buildings 2, 3, and 10, which is anticipated to occur on Tuesday, October 31, 2023, the contactor, should request an onsite preconstruction meeting with City Officials. The Contractor, at the direction of the engineer of record, should remove the stucco from the first floor of Buildings 2 and/or 3, including the removal of damaged sheathing to expose the external structure members. Further, where there is evidence present of damage, additional sheathing or drywall should be removed on the inside of the structure including, but not limited to, roof trusses, floor trusses, columns, beams, girders, joists, hangers, connectors and nothing is to be concealed without Building Department approval with the exclusion of tarps to prevent water intrusion. This work should occur by Wednesday, November 15, 2023. Subsequently, an inspection should be scheduled for Thursday, November 16, 2023 for City officials along with the engineer of record to examine the newly-exposed structures of buildings 2 and/or 3 both inside and out; and
5. By Tuesday, November 28, 2023, the engineer of record will provide an updated and complete technical structural analysis for Buildings 2 and 3 including photo and schematic documentation for review and acceptance by the City. The City expects the engineer of record to provide additional recommendations for units currently remaining safe and occupied; and
6. City Staff review and comment on updated technical structural report by Wednesday, November 29, 2023; and
7. The City expects to receive any necessary amendments to previously submitted 'preliminary' structural reports that may become evident to the engineer of record during the 30-day extension; and
8. Submittal of an explanation as to whether units deemed as safe for occupancy by the engineer of record may remain occupied during the required construction upon the issuance of building permits. Additionally, if units will remain occupied during the required construction, please detail how residents will be able to safely remain within their units.

Please note that the Chief Building Official or Fire Marshal may issue unsafe structure designations and orders to vacate buildings within the Property throughout the 30-day

extension. Such decisions shall be determined independently by the Chief Building Official and Fire Marshal through their sovereign authority as granted by the State of Florida and shall be governed by their respective Codes. Additionally, orders to vacate may be issued for the remaining occupied buildings should your Client fail to meet the above-referenced terms. Any requested amendment or extension to the terms contained herein should be presented to the City immediately and shall be considered on a case-by-case basis.

We thank you for your considerate attention to this matter and look forward to continuing to receive the necessary applications, revisions, and information to help ensure the safety of all residents within Heron Pond. In the interim, please contact us should you have any questions regarding this matter.

Sincerely,

*Samuel S. Goren*

SAMUEL S. GOREN  
City Attorney

*Paul B. Hernandez*

PAUL B. HERNANDEZ  
Assistant City Attorney

cc: Frank C. Ortis, Mayor  
Members of the City Commission  
Charles F. Dodge, City Manager  
Michael Stamm, Assistant City Manager and Director of Planning and Economic Development  
Jonathan Bonilla, Assistant City Manager  
Daniel Almaguer, Fire Marshal  
Steve Pizzillo, Chief Building Official