



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

December 8, 2023

Via Email

Benjamin A. Solomon, Esq.
Association Law Group, Attorneys at Law
1101 Brickell Avenue, Suite N1101
Miami, FL 33131
ben@algpl.com

Re: Heron Pond Condominium Association, Inc. / Property Located at 8400 SW 1st Street, Pembroke Pines, FL. 33025 ("Heron Pond" or "Property")

Dear Mr. Solomon:

On Monday, December 4, 2023, Representatives of the Heron Pond Condominium Association ("HOA" or "Client"), including the HOA's President, Property Manager, Engineer, Contractor, and Counsel, met with City of Pembroke Pines' ("City") Assistant City Manager Michael Stamm, Chief Building Official, Fire Marshal, and an Assistant City Attorney (the "City Representatives") at City Hall to discuss the HOA's plans to address the ongoing structural concerns within the Property consistent with the terms in extension granted by the City on October 31, 2023, attached hereto as Exhibit "A". The purpose of this letter is to confirm that the HOA will provide the City with information pertaining to the HOA's future plans to address the City's ongoing structural concerns for the buildings within the Property as discussed at the December 4, 2023 meeting and outlined below.

Prior to the December 4, 2023 meeting, our City Attorney's Office submitted a letter, attached hereto as Exhibit "B," on behalf of the City's Administration to your office requesting answers to a number of questions related to the updated technical structural analyses submitted to the City by your engineer of record. Subsequently, at the December 4, 2023 meeting, the HOA informed the City Representatives that it was still actively

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working to attain much of the information previously requested by the City, but provided the City Representatives with mostly tentative and other general information related to the construction and development of the Property.

As such, in order to give the HOA adequate time to produce the information requested by the City, the HOA agreed to provide the City with the following information in writing by Monday, December 18, 2023:

1. Status of HOA's consideration and possible approval of a second Special Assessment for all property owners;
2. Status of HOA's consideration of additional future Special Assessments for all property owners to cover remaining costs of construction;
3. Updates on any changes to HOA's phased-development schedule including, but not limited to, changes in work to be performed during stage 1 and stage 2 of construction;
4. Status of shoring replacement;
5. Extent that HOA will cover the costs of work required inside individual residential units;
6. Confirmation of construction schedule, particularly whether HOA remains committed to plan wherein six (6) buildings are completed every three (3) months;
7. Confirmation of plan to complete buildings 2,3,10,5,14, and 16 by end of January 2024;
8. Confirmation that work will begin on buildings 6, 7, 9, 11, 12, and 13, subsequent to approval of Second Assessment and the timing of when the notice to vacate will occur for the units that are currently occupied in this group;
9. Confirmation of the estimated total price of construction for each building and for entire property, including costs associated with twenty-five (25) year Safety Inspection Program;
10. HOA's tentative plan to pay for total price of construction;
11. HOA's contingency plan, if any, to address structural issues on the property in absence of additional assessments;
12. Please provide written confirmation that HOA will provide notice requiring evacuation of every unit within property in the event that Property falls within area designated any type of official storm watch or warning until such time that the watch or warning is lifted. Please further provide draft of said notice;

13. Confirmation that Engineer of Record shall provide written updates on the safety of each inhabited unit in sixty (60) day intervals;
14. Tentative construction plan for submitting building permits for all remaining buildings;
15. Confirmation that Engineer of Record shall contact Chief Building Official to conduct Special Inspections on a weekly basis; and
16. Status of permits and timing of the construction for repairs to the driveway exiting onto Pines Boulevard for Heron Pond. The driveway leads into the shared roadway for the Heron Pond community and adjacent property owners.

We thank you in advance for your attention to the City's ongoing concerns related to the Property and look forward to receiving and reviewing the HOA's response by Monday, December 18, 2023. In interim should you have any questions, please do not hesitate to contact us.

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



**GOREN CHEROF
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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

Re: Heron Pond Condominium Association, Inc. ("Client") / Property Located at
8400 SW 1st 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



**GOREN CHEROF
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ATTORNEYS AT LAW

November 30, 2023

Via Email

Benjamin A. Solomon, Esq.
Association Law Group, Attorneys at Law
1101 Brickell Avenue, Suite N1101
Miami, FL 33131
ben@algpl.com

Re: Heron Pond Condominium Association, Inc. ("HOA" or "Client") / Property Located at 8400 SW 1st Street, Pembroke Pines, FL. 33025 ("Property" or "Heron Pond") / Meeting Request

Dear Mr. Solomon:

This letter shall serve as confirmation of the City's receipt of the updated and revised technical structural analyses for each building within Heron Pond (the "Reports"). The purpose of this letter is to request an in-person meeting between The City Administration, Chief Building Official, and Fire Marshal ("City Officials") and your Client, Client's Engineer of Record, and Client's Property Manager.

The City Officials would like to schedule an in-person meeting at City Hall this coming **Monday, December 4, 2023 at 11:00 AM** to discuss the updated and additional information provided by the HOA's Engineer of Record within the Reports. More particularly, the City Officials wish to discuss the following:

1. HOA's anticipated timeline to submit building permit applications for the thirteen (13) buildings that require building permit approvals prior to commencing repair work;
2. HOA's anticipated construction schedule to address all structural issues noted within the Reports and to bring each building into compliance with the City Code, Florida Building Code, and the Florida Fire Prevention Code;
3. Updated estimated cost of repairs for each building within Heron Pond and HOA's financial ability or plan to pay for such repairs;
4. HOA's position on the required repair work within the interior of units including, but not limited to, ceiling, drywall, electrical, plumbing, and HVAC; and

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November 30, 2023
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5. HOA's plan to address the Building Safety Inspection Program that matured this year.

Please confirm your Client's availability to meet this coming **Monday, December 4, 2023 at 11:00 AM**, to discuss the aforementioned topics related to the updated and revised technical structural analyses. In the interim, please contact us should you have additional questions regarding this matter.

Sincerely,

Samuel S. Goren

SAMUEL S. GOREN
City Attorney

Paul B. Hernandez

PAUL B. HERNANDEZ
Assistant City Attorney

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