

BAL HARBOUR

- V I L L A G E -

Mayor Gabriel Groisman
Assistant Mayor Seth E. Salver
Councilman David J. Albaum
Councilman Jeffrey P. Freimark
Councilman Buzzy Sklar

Village Manager Jorge M. Gonzalez
Village Clerk Dwight S. Danie
Village Attorneys Weiss Serota
Helfman Cole & Bierman, P.L.

Bal Harbour Village Council Regular Council Meeting Agenda May 25, 2021 At 6:30 PM

Bal Harbour Village Hall • 655 - 96th Street • Bal Harbour • Florida 33154

On March 13, 2020, Village Manager Jorge Gonzalez declared a State of Emergency for Bal Harbour Village due to the Coronavirus (COVID-19) pandemic. This meeting will be conducted in-person and virtually via "Zoom" in order to minimize exposure to Councilmembers and members of the public. The meeting will also broadcast on the Village's website (www.balharbourfl.gov) and members of the public are encouraged to participate by email (meetings@balharbourfl.gov) or by telephone at 305-865-6449.

*BHV Who We Are, Vision, Mission, Values / The Bal Harbour Experience
[The Bal Harbour Experience.pdf](#)*

CALL TO ORDER/ PLEDGE OF ALLEGIANCE

REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRALS

PRESENTATIONS AND AWARDS

PA1 Police Annual Report

PA2 Community Service Award - Police Department

CONSENT AGENDA

C6 - COUNCIL MINUTES

C6A April 20, 2021 Village Council Minutes
[VillageCouncilRegularMeetingMinutes_April20_2021_ADA.pdf](#)

C7 - RESOLUTIONS

C7A Unity of Title - 161 Camden

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF A UNITY OF TITLE BY JNY PARTNERS, LLC, IN THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT OF THE VILLAGE, LOCATED AT 161 CAMDEN DRIVE, BAL HARBOUR, FLORIDA 33154, TO COMBINE TWO LOTS INTO ONE LOT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Unity of Title - 161 Camden Drive.pdf](#)

[Council Memorandum - Unity of Title - 161 Camden Drive.pdf](#)

[Resolution - Unity of Title - 161 Camden Drive.pdf](#)

[Unity of Title 161 Camden.pdf](#)

[Property Appraiser 161 Camden Dr.pdf](#)

[Property Appraiser - 165 Camden Dr.pdf](#)

C7B Unity of Title - 10155 Collins Ave - Cabanas

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF THE UNITY OF TITLE, SUBMITTED BY PETER THOMAS ROTH, FOR THE CABANA UNITS LOCATED AT 10155 COLLINS AVENUE, UNITS 16, 17, AND 28, BAL HARBOUR FLORIDA, 33154, TO COMBINE THREE CABANA UNITS INTO ONE CABANA UNIT; PROVIDING FOR IMPLEMENTATION; AND FOR AN EFFECTIVE DATE.

[Item Summary - Unity of Title - 10155 Collins Avenue.pdf](#)

[Council Memorandum - Unity of Title - 10155 Collins Avenue.pdf](#)

[Resolution - Unity of Title - 10155 Collins Avenue.pdf](#)

[Roth cabanas - unity of title - signed.pdf](#)

[Folio 12-2226-025-2000 Bal Harbour 101 Cabana 28.pdf](#)

[Folio 12-2226-025-1880 Bal Harbour 101 Cabana 16.pdf](#)

[Folio 12-2226-025-1890 Bal Harbour 101 Cabana 17.pdf](#)

C7C Unity of Title - 10201 Collins Ave

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF A UNITY OF TITLE, SUBMITTED BY SOLLY AZAR TRS, FOR THE PROPERTIES LOCATED AT 10201 COLLINS AVENUE, UNITS 2601 AND 2602, BAL HARBOUR FLORIDA, 33154, TO COMBINE THE TWO CONDOMINIUM UNITS INTO ONE CONDOMINIUM UNIT; PROVIDING FOR IMPLEMENTATION; AND FOR AN EFFECTIVE DATE.

[Item Summary - Unity of Title - 10201 Collins Avenue.pdf](#)

[Council Memorandum - Unity of Title - 10201 Collins Avenue.pdf](#)

[Resolution - Unity of Title - 10201 Collins Avenue.pdf](#)

[Unity of Title 10201 Collins Ave Unit 2601 and 2602 Oceana.pdf](#)

[Folio 12-2226-050-1060 Oceana Unit 2602.pdf](#)

[Folio 12-2226-050-0480 Oceana Unit 2601.pdf](#)

- C7D** Unity of Title - St. Regis 1701N & 1702N
A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF THE UNITY OF TITLE, SUBMITTED BY 9701 COLLINS AVENUE, 1701 LLC, FOR THE PROPERTIES LOCATED AT 9705 COLLINS AVENUE, UNITS 1701-N AND 1702-N, BAL HARBOUR FLORIDA, 33154, TO COMBINE THE TWO CONDOMINIUM UNITS INTO ONE CONDOMINIUM UNIT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Unity of Title - St. Regis 1701-1702 N.pdf](#)

[Council Memorandum - Unity of Title - St. Regis.pdf](#)

[Resolution - Unity of Title - St. Regis 1701-1702 N.pdf](#)

[Unity_of_Title_Chenaul-AC.pdf](#)

[Folio12-2226-048-0360 1702N St Regis.pdf](#)

[Folio 12-2226-048-0130 1701N St Regis.pdf](#)

R5 - ORDINANCES

- R5A** Petition Ordinance (Second Reading)
AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 8 "ELECTIONS" OF THE VILLAGE'S CODE OF ORDINANCES DEFINING PROCEDURES FOR CHARTER CHANGES BY THE VILLAGE COUNCIL AND CHARTER CHANGES BY PETITION OF ELECTORS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

[Item Summary - Petition Ordinance \(Second Reading\).pdf](#)

[Council Memorandum - Petition Ordinance \(Second Reading\).pdf](#)

[Ordinance - Petition Ordinance \(Second Reading\).pdf](#)

R7 - RESOLUTIONS

- R7A** Vice Mayor Resolution
A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, AUTHORIZING THE USE OF THE TITLE OF VICE MAYOR TO HAVE THE SAME MEANING AS ASSISTANT MAYOR FOR ALL PURPOSES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Vice Mayor.pdf](#)

[Council Memorandum - Vice Mayor.pdf](#)

[Resolution - Vice Mayor.pdf](#)

R9 - NEW BUSINESS AND COUNCIL DISCUSSION

R9A - PUBLIC COMMENT

R10 - VILLAGE MANAGER REPORT

R10A Update on Village's Efforts Pertaining to the Coronavirus (COVID-19)

R11 - VILLAGE CLERK REPORT

R11A Lobbyist Report

[R11A1_Lobbyist Registration Report as of May18_2021_ADA.pdf](#)

R12 - VILLAGE ATTORNEY REPORT

END OF REGULAR AGENDA

ADJOURNMENT

One or more members of any Village Committee/Board may attend this meeting of the Council and may discuss matters which may later come before their respective Boards/Committees.

The New Business and Council Discussion Section includes a section for Public Comment. On public comment matters, any person is entitled to be heard by this Council on any matter; however, no action shall be taken by the Council on a matter of public comment, unless the item is specifically listed on the agenda, or is added to the agenda by Council action.

Any person who acts as a lobbyist, pursuant to Village Code Section 2-301 (Lobbyists), must register with the Village Clerk, prior to engaging in lobbying activities before Village staff, boards, committees, and/or the Village Council. A copy of the Ordinance is available in the Village Clerk's Office at Village Hall.

If a person decides to appeal any decision made by the Village Council with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, 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 (F.S. 286.0105).

All persons who need assistance or special accommodations to participate in virtual meetings please contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

All Village Council meeting attendees, including Village staff and consultants, are subject to security screening utilizing a metal detector and/or wand, prior to entering the Council Chamber, Conference Room, or other meeting area located within Village Hall. This is for the safety of everyone. Thanks for your cooperation.

BAL HARBOUR

- V I L L A G E -

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Councilman Buzzy Sklar

Village Manager Jorge M. Gonzalez
Village Clerk Dwight S. Danie
Village Attorneys Weiss Serota Helfman
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Bal Harbour Village Council Regular Council Meeting Minutes April 20, 2021 At 6:30 PM

Bal Harbour Village Hall • 655 - 96th Street • Bal Harbour • Florida 33154

On March 13, 2020, Village Manager Jorge Gonzalez declared a State of Emergency for Bal Harbour Village due to the Coronavirus (COVID-19) pandemic. This meeting was conducted virtually via "Zoom" in order to minimize exposure to Councilmembers and members of the public. The meeting was also broadcast on the Village's website (www.balharbourfl.gov) and members of the public were encouraged to participate by email (meetings@balharbourfl.gov) or by telephone at 305-865-6449.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE Mayor Groisman called the meeting to order at 6:56 P.M. following the General Employees' Retirement Board and Local Planning Agency meetings.

The following were present:

Mayor Gabriel Groisman
Assistant Mayor Seth Salver
Councilman David Albaum
Councilman Jeffrey Freimark
Councilman Buzzy Sklar

Also present:

Jorge M. Gonzalez, Village Manager
Dwight S. Danie, Village Clerk
Susan L. Trevarthen, Village Attorney

REQUESTS FOR ADDITIONS, WITHDRAWALS AND DEFERRAL

Councilman Albaum withdrew Agenda Item R9C.

PRESENTATIONS AND AWARDS

PA1 Certificate of Appreciation for Jaya Kader

Mr. Gonzalez introduced Jaya Kader, acknowledging her 7.5 years of service as a member to the Architectural Review Board. Mayor Groisman thanked Ms. Kader and presented her with a Certificate of Appreciation. Ms. Kader thanked the Village for the opportunity to serve saying that it was a service of joy.

PA2 Certificate of Appreciation for Don Jacobs

Councilman Freimark introduced Don Jacobs saying that he had had the pleasure of knowing Mr. Jacobs for over 11 years, and thanking him for his service to the Village as a member of the Budget Advisory Committee, and presented his Certificate of Appreciation. Mr. Jacobs said that he had thoroughly enjoyed his time with the Village, that he had learned a lot, and the that he admired people who dedicate themselves to serving.

PA3 Certificate of Appreciation for David Levin

Mr. Gonzalez introduced David Levin acknowledging his 7.7 years of service on the Police Officers' Retirement Board, thanking him for his input and guidance, and presented his Certificate of Appreciation. Mr. Levin thanked the Council for the acknowledgement, saying that it was his pleasure to serve, and that he enjoyed working for the community.

PA4 Officer of the Year

Chief Raleigh Flowers presented Officer Richard Duarte with the Police Officer of the Year award acknowledging his overall performance and dedication to duty. He said the Officer Duarte is a savvy street cop with excellent investigative skills. Officer Duarte thanked the Council for being recognized saying that he looked forward to the coming year in that he would be performing his job with the same level of excellence.

PA5 Civilian of the Year

Chief Flowers presented Rosa Kamiya with the Civilian Employee of the Year, acknowledging her organizational skills, volunteering spirit, professionalism and dedication to service. Ms. Kamiya thanked everyone for the acknowledgement saying that that the group that she works with is amazing, making it easy to perform her job and give her hundred percent.

CONSENT AGENDA

C6 - COUNCIL MINUTES

C6A March 16, 2021 Regular Village Council Meeting Minutes

C7 - CONSENT AGENDA RESOLUTIONS

- C7A** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPOINTING A MEMBER TO SERVE AS A TRUSTEE ON THE POLICE OFFICERS' RETIREMENT BOARD; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- C7B** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; APPROVING THE PROPOSAL FROM ALL WEBBS ENTERPRISES, INC., FOR THE CLEANING AND REHABILITATION OF FOUR (4) STORM WATER INJECTION WELLS, AT A COST NOT TO EXCEED TWENTY-NINE THOUSAND NINE HUNDRED SIXTY (\$29,960) DOLLARS, INCLUSIVE OF A SEVEN (7%) PERCENT CONTINGENCY ALLOCATION IN THE AMOUNT OF ONE THOUSAND NINE HUNDRED SIXTY (\$1,960) DOLLARS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.
- C7C** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE MERCHANT SERVICES AND TELECHECK AGREEMENTS WITH FIRST DATA OFFERING CREDIT CARD AND ECHECK PAYMENTS OPTIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.
- C7D** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, URGING THE MIAMI-DADE COUNTY DEPARTMENT OF PUBLIC SAFETY TO DEDICATE ADDITIONAL TRAFFIC ENFORCEMENT RESOURCES TO COMBAT EXCESSIVE SPEEDING ON THE HAULOVER PARK ROADWAY IMMEDIATELY NORTH OF BAL HARBOUR VILLAGE; DIRECTING THE VILLAGE MANAGER TO CONFER WITH THE COUNTY TO SECURE ENHANCED TRAFFIC ENFORCEMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.
- C7E** A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, IN OPPOSITION TO THE TOWN OF SURFSIDE'S CLOSING BAY DRIVE AT 96TH STREET AND/OR OTHER TRAFFIC MITIGATION MEASURES; AND DIRECTING THE VILLAGE MANAGER TO APPEAL TO MIAMI-DADE COUNTY AND OTHER AGENCIES WITH JURISDICTION TO PREVENT SUCH CLOSURE AND/OR TRAFFIC MITIGATION MEASURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE

MOTION: A Motion to pass the Consent Agenda was moved by Councilman Buzzy Sklar and seconded by Councilman David Albaum.

VOTE: The Motion passed by unanimous voice vote (5-0).

R5 – ORDINANCES

- R5A** AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 5, "ANIMALS," SECTION 5-7, "CONTROL OF DOGS," OF THE CODE OF ORDINANCES RELATED TO DOG LEASH REQUIREMENTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that, at the first hearing, the ordinance was amended to restrict the length of a leash to six feet and to prohibit retractable leashes in all areas of the Village except for the Gated Community and to require a written warning for a first violation.

Lauren Koplowitz (177 Bal Cross Drive) asked for clarification of the penalties to which Mayor Groisman said that first there would be a written warning, then fines.

MOTION: A Motion to pass the Ordinance on second reading was moved by Councilman Jeffrey Freimark and seconded by Councilman David Albaum.

Council Sklar asked for clarification for why the ordinance did not apply to inside the Gated Community, to which Mr. Gonzalez responded that, at first reading, the ordinance only applied to the Beach Path, and after a conversation of whether or not to have it apply Village-wide, the Council compromised at outside the Gated Community.

ROLL CALL	VOTE
Mayor Gabriel Groisman	No
Assistant Mayor Seth E. Salver	Yes
Councilman David J. Albaum	Yes
Councilman Jeffrey P. Freimark	Yes
Councilman Buzzy Sklar	Yes

VOTE: The Motion passed by unanimous roll call vote (4-1) with Mayor Groisman voting against.

Mayor Groisman suggested that a future discussion should be bookmarked to discuss updating signage on the Beach Path.

- R5B** AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING CHAPTER 21 "ZONING" OF THE CODE OF ORDINANCES, BY AMENDING SECTION 21-358 "WALLS, FENCES AND LANDSCAPE PLANTINGS" TO DEFINE AND REGULATE PERIMETER WALLS AND FENCES SURROUNDING THE GATED RESIDENTIAL SECTION OF THE

VILLAGE; PROVIDING FOR INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item explaining that the ordinance sets the height of the perimeter wall adjacent to the Village Park west of Bal Bay Drive and does not apply to residential homes or the B Business District. There were no comments from the public.

MOTION: A Motion to pass the Ordinance on Second reading was moved by Assistant Mayor Seth Salver and seconded by Councilman Buzzy Sklar.

ROLL CALL	VOTE
Mayor Gabriel Groisman	Yes
Assistant Mayor Seth E. Salver	Yes
Councilman David J. Albaum	Yes
Councilman Jeffrey P. Freimark	Yes
Councilman Buzzy Sklar	Yes

VOTE: The Motion passed by unanimous roll call vote (5-0).

R5C AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 8 "ELECTIONS" OF THE VILLAGE'S CODE OF ORDINANCES DEFINING PROCEDURES FOR CHARTER CHANGES BY VILLAGE COUNCIL AND CHARTER CHANGES BY PETITION OF ELECTORS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that the item was introduced as a discussion item late last year to address an ambiguity in the Village Code with respect to Charter Amendment petitions. He provided a summary of the steps that would be required under the proposed ordinance, adding that this ordinance mirrored the steps and requirements listed in the Village Charter for Initiative/Referendum petitions.

Assistant Mayor Salver asked that Section 8-13.4(a) be clarified to read that the resolution would be presented to the Village Council at its "next regular meeting" following the Village Clerk's certification.

Councilman Sklar asked for clarification for why the Village Attorney does not weigh in on legal sufficiency prior to the petition being distributed, to which Mr. Gonzalez responded that during the drafting of the ordinance, it was determined that it would be better that the petition committee's access to the Village Attorney's opinion be voluntary, keeping the Village out of a possible debate until it is known whether or not ten percent of the electorate would approve.

Mayor Groisman asked the Village Attorney to research, before second reading of the ordinance, whether or not it would be possible to require a waiting period, after a failed referendum vote, restricting a committee initiation a new petition for the same question.

There were no comments from the public.

MOTION: A Motion to pass the Ordinance on first reading was moved by Mayor Gabriel Groisman and seconded by Councilman Buzzy Sklar.

ROLL CALL	VOTE
Mayor Gabriel Groisman	Yes
Assistant Mayor Seth E. Salver	Yes
Councilman David J. Albaum	Yes
Councilman Jeffrey P. Freimark	Yes
Councilman Buzzy Sklar	Yes

VOTE: The Motion passed by unanimous roll call vote (5-0).

R7 - RESOLUTIONS

R7A A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE FISCAL YEAR 2020-21 BUDGET; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR AMENDMENTS; PROVIDING FOR CARRYOVER OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that this item puts closure to the Fiscal Year 2020 cycle and provides for carryover of funds, primarily for capital projects. He said that the Fiscal Year ended with a \$2 million surplus in the general fund and with a net positive of \$550 thousand in Resort Tax, and \$1 million surplus in the Water and Sewer Utility Fund. He asked the Council to approve the fifty-fifty split for the remaining balance to Capital Reserve and Undesignated Fund Balance with \$805 thousand to each.

Councilman Sklar congratulated Mr. Gonzalez and his team in making prudent spending decisions in a trying year.

Brian Mulheren (10245 Collins Avenue) commended Mr. Gonzalez and Village Staff for doing an excellent job with limited resources saying that is was greatly appreciated.

MOTION: A Motion to pass the Resolution was moved by Councilman Jeffrey Freimark and seconded by Assistant Mayor Seth Salver.

VOTE: The Motion passed by unanimous voice vote (5-0).

R9 - NEW BUSINESS AND COUNCIL DISCUSSION

R9A Discussion Regarding Term Limits - Mayor Groisman

Mayor Groisman introduced the item providing a brief history of compensation for Council members, and a how a recent increase could be used as an incentive for residents to run for Council. He said that residents may be reluctant to run against an incumbent and said that he would be in favor of instituting a two-term limit.

Councilman Freimark noted that according to the data presented, there does not appear to be active participation, adding that there is nothing that prevents anyone, who desires to run, to run.

Councilman Sklar said that it is easy to run when a seat is open and if someone truly wants to be on the Council, and be involved in government, let them make an effort, to which Councilman Albaum and Assistant Mayor agreed.

The following to items were discussed concurrently.

R9B Discussion Regarding Potential Ways to Protect the New Sand being Placed on our Beaches (Follow-Up) - Mayor Groisman

R9E Discussion Regarding an Update on Beach Renourishment - Councilman Sklar

Mayor Groisman introduced the items saying that he had been approached by a company that was offering a new technology for protecting beach sand. Mr. Gonzalez said that the Village's engineer, Danielle Irwin, had reviewed the technology and had determined that the Village's beach would not be a suitable test site.

Ms. Irwin added that the product was best suited for low-energy beaches, which the Bal Harbour Beach is not low energy. She said that in the near and long term, the Army Corp and Florida Inland Navigation District (FIND) nourishment activities, and more importantly, the bypass project would be a reasonable expectation for managing the beaches in the long term.

Mayor Groisman asked who was slated to pay for the relocation of sand from Haulover to Bal Harbour, to which Ms. Irwin responded that it has not yet been identified. Mayor

Groisman then asked what the Village could do to have the County more engaged in managing escarpments and hot spots. Mr. Gonzalez suggested that keeping the County focused on renourishment plan and for the long term, securing bypass infrastructure funding was his recommended approach. Ms. Irwin added that the bypass project should yield 36,900 cubic yards per year aided by the he north jetty (Haulover) project. Mr. Gonzalez then provided an overview of the time schedule for project.

R9C Discussion Regarding Contribution to the Homeless Trust from the Resort Tax - Councilman Albaum *(Withdrawn)*

R9D Discussion Regarding an Update on the Village's Recycling Program - Councilman Sklar

Councilman Sklar introduced the item saying that people don't realize that throwing a pizza box into a recycle bin contaminates all the recycle materials in the bin and that he would like to see the scope of what can be recycled narrowed so that it is clearer for residents. Mayor Groisman said that recycling in Florida is generally difficult due to moisture and agreed that recycling should be done in a way that works.

John Oldenburg, Director of Parks and Public Spaces, said that the waste haulers do recycle all of the material, but that recycle material placed in plastic bags is not, and is treated as garbage. He said that cardboard needs to be broken down.

Mr. Oldenburg said that conversations with the buildings and the Civic Association have improved, but continuous education and outreach is necessary.

Councilman Sklar reiterated that he would like to see a narrower scope of what material is recycled. Mayor Groisman add that delivery boxes have become an issue that should be considered for special treatment.

Mayor Groisman asked if the Council could receive feedback from our recycling company.

R9F - PUBLIC COMMENT

Penny Sepler (10275 Collins Ave.) asked if a decision had been made as to whether residents could attend Council Meetings in person. She then addressed the Council's discussion on term limits, saying that it should be further explored, as well as the topic of redistricting.

R10 - VILLAGE MANAGER REPORT

R10A Update on Village's Efforts Pertaining to the Coronavirus (COVID-19)

Mr. Gonzalez provided an update on COVID-19 saying that positive cases were declining and vaccinations were increasing in Miami-Dade County. A general discussion ensued regarding having in-person meetings with a general consensus that it should be opened up with appropriate social distancing and protocols, and the ability for residents to continue attending virtually, if they choose to do so. It was suggested that pre-registration should be continued.

R11 - VILLAGE CLERK REPORT

R11A Lobbyist Report

R12 - VILLAGE ATTORNEY REPORT

END OF REGULAR AGENDA

ADJOURNMENT: The meeting was adjourned at 8:52 PM.

Mayor Gabriel Groisman



Attest:

Dwight S. Danie, Village Clerk

BAL HARBOUR

- V I L L A G E -

COUNCIL ITEM SUMMARY

Condensed Title:

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF A UNITY OF TITLE BY JNY PARTNERS, LLC, IN THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT OF THE VILLAGE, LOCATED AT 161 CAMDEN DRIVE, BAL HARBOUR FLORIDA, 33154, TO COMBINE TWO LOTS INTO ONE LOT; PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE.

Issue:

Should Council ratify the Building Official's approval of the Unity of Title for 161 Camden Drive by approving this Resolution?

The Bal Harbour Experience:

Beautiful Environment Safety Modernized Public Facilities/Infrastructure
 Destination & Amenities Exclusivity & Access Resiliency & Sustainable Community
 Other: Unity of Title

Item Summary / Recommendation:

JYN Partners, LLC is the Owner of the real property located at 161 Camden Drive ("Parcel A") and 165 Camden Drive (Parcel B), in the R-2 single-family residential district. Currently one single-family home is being construction Parcel A. Parcel B is currently vacant. Each lot was previously approved for the development of single-family homes.


In March of 2021, the Owner submitted an application to amend its previous ARB approval to build a Guest House on Parcel B instead of a single-family home. As required by the approval, the Owner, submitted a Unity of Title to the Village to combine the two lots into one lot. The request for a Unity of Title was reviewed and approved by the Building Official and Village Attorney.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION

Advisory Board Recommendation:

N/A

Sign off:

Director Title	Chief Financial Office	Village Manager
Eliezer Palacio		Jorge M. Gonzalez
		

BAL HARBOUR

- V I L L A G E -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager



DATE: May 25, 2021

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF A UNITY OF TITLE BY JNY PARTNERS, LLC, IN THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT OF THE VILLAGE, LOCATED AT 161 CAMDEN DRIVE, BAL HARBOUR, FLORIDA 33154, TO COMBINE TWO LOTS INTO ONE LOT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

I am recommending that the Village of Bal Harbour (the "Village") Council ratifies the Building Official's approval of the Unity of Title ("UOT") combining two lots into one lot, by approving the resolution.

BACKGROUND

Pursuant to Resolution 2019-1212, the Village Council approved the UOT, requested by JYN Partners, LLC (the "Owner") on March 19, 2019, for the real property located at 161 Camden Drive in the R-2 single-family residential district of the Village to combine three lots into two lots. The approval created two separate lots: 161 Camden Drive ("Parcel A") and 165 Camden Drive ("Parcel B"). The intent was to develop two single-family homes, one on each parcel.

On December 13, 2019, the Building Department issued a permit for the new single-family home on Parcel A, which is currently under construction.

In March of 2021, the Owner notified the Village that a buyer was interested in acquiring Parcel A (all of Lot 7 and a portion of Lot 8 on Block 5) and Parcel B (all of lot 9 and a portion of lot 8, in Block 5), to unify the properties under one folio number, and add a guesthouse to the single-family home currently under construction. To that end, the Owner submitted an ARB application and plans, along with a UOT to amend the previously approved ARB Certificate of Appropriateness issued for Parcel A.

On April 8, 2021 the ARB heard the amended application for Parcel A and Parcel B, which covers the structures on 161 Camden Drive (Parcel A; Main House) and 165 Camden Drive (Parcel B; Guesthouse, pool and pool deck). Part of the approval requirements for this

property is a UOT to combine the two lots, as they do not meet the Village Zoning Code as separate residences.

ANALYSIS

The Owner owns following described real property, consisting of two (2) separate and contiguous lots, located in the Village:

Parcel A: All of Lot 7 and a portion of lot 8, in Block 5, of "RESIDENTIAL SECTION OF BAL HARBOUR", according to the plat thereof, as recorded in Plat Book 44, at Page 98, of the Public Records of Miami-Dade County, Florida,

Parcel B: All of Lot 9 and a portion of Lot 8, in Block 5, of "RESIDENTIAL SECTION OF BAL HARBOUR", according to the plat thereof, as recorded in Plat Book 44, at Page 98, of the Public Records of Miami-Dade County, Florida,

The Owner is desirous of unifying the titles of "Parcel A" and "Parcel B," into one lot as follows:

Property as One Parcel. The property described below ("Parcel A," the "Property") shall be considered as one parcel of land. No portion of the Property shall be encumbered, mortgaged, sold, transferred, divided, conveyed, devised or assigned, except in its entirety as one parcel of land.

LOTS 7, 8 AND 9, IN BLOCK 5, OF "RESIDENTIAL SECTION OF BAL HARBOUR", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, AT PAGE 98, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THE BAL HARBOUR EXPERIENCE

This item falls under the category "Other: A Unity of Title of two Parcels A & B the owner is proposing to build a guest house on Parcel B instead of a single-family house.

CONCLUSION

The Administration recommends the adoption of the resolution, ratifying the Building Official's approval of the UOT for the combination of two lots into one lot, Parcel A, as described above.

Attachments:

1. Unity of Title Parcel A
2. Property Appraiser's Detailed Report for 161 Camden Drive.
3. Property Appraiser's Detailed Report for 165 Camden Drive.

RESOLUTION NO. 2021_____

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF A UNITY OF TITLE BY JNY PARTNERS, LLC, IN THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT OF THE VILLAGE, LOCATED AT 161 CAMDEN DRIVE, BAL HARBOUR, FLORIDA 33154, TO COMBINE TWO LOTS INTO ONE LOT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, JNY Partners, LLC (the "Applicant") seeks to unify 161 Camden Drive ("Parcel A") and 165 Camden Drive (Parcel B) to complete the development of a single-family home on Parcel A and construct a guest house on Parcel B; and

WHEREAS, the Village Council desires to ratify the Building's official's approval of a Unity of Title for JNY Partners, LLC to combine two lots into one lot; and

WHEREAS, the Village Council finds that the approval is warranted.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Approved. That the above stated recitals are hereby adopted and confirmed.

Section 2. Ratification of Approval of Unity of Title. That the approval of the application to create one lot out of two by unifying the titles of lots 7, 8 and 9 of Block 5 under one property, as shown on Exhibit A is hereby approved.

Section 3. Implementation. That the Village Manager is hereby authorized to take any action necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this May 25, 2021.

Gabriel Groisman, Mayor



ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR USE AND
RELIANCE OF BAL HARBOUR VILLAGE

Village Attorney
Weiss Serota Helfman Cole & Bierman, P.L.

EXHIBIT "A"

This instrument prepared by and
after recording return to:

Isaac M. Marcushamer, Esq.
1111 Kane Concourse, Suite 302
Bay Harbor Islands, FL 33154

Folio Number: 12-2226-002-0980

Unity of Title

The undersigned ("Owner") is the owner of the following described real property,
consisting of two (2) separate and contiguous lots, located in Bal Harbour Village, Florida:

Property – Parcel A

All of Lot 7 and a portion of lot 8, in Block 5, of "RESIDENTIAL SECTION OF BAL
HARBOUR", according to the plat thereof, as recorded in Plat Book 44, at Page 98, of the Public
Records of Miami-Dade County, Florida, more particularly described as follows:

Begin at the Southwesterly Property Corner of said Lot 8 (P.O.B. "A"); thence run Northeasterly
along the westerly Boundary Line of said Lot 8 (also being the easterly Right of Way of Camden
Drive), along a circular curve to the right, having a Radius of 1885.00 Feet and a Central Angle of
01°11'08" for an Arc distance of 39.005 Feet to a point that Bears N86°26'27"W from the Radius
Point; Thence run along that Radial Line S86°26'27"E for 122.084 Feet to a point intersecting the
Easterly Boundary Line of said Lot 8; thence run S01°31'37"W along the Easterly Boundary Line
of said Lot 8, for 36.476 Feet to a point being the Southeasterly Property Corner of said Lot 8;
thence run N87°37'35"W along the Southerly Boundary Line of said Lot 8, for 123.00 Feet to the
Point Of Beginning (P.O.B. "A").

And

Property -- Parcel B

All of Lot 9 and a portion of Lot 8, in Block 5, of "RESIDENTIAL SECTION OF BAL
HARBOUR", according to the plat thereof, as recorded in Plat Book 44, at Page 98, of the Public
Records of Miami-Dade County, Florida, more particularly described as follows:

Begin at the Northwesterly Property Corner of said Lot 8 (P.O.B. "B"); thence run along the
Northerly Boundary Line of said Lot 8, S82°10'28"E for 120.00 Feet to the Northeasterly Property
Corner of said Lot 8; thence run along the Easterly Boundary Line of said Lot 8, S01°31'37"W for
39.077 Feet to a point; thence run along a Radial Line N86°26'27"W for 122.084 Feet to a point
of curvature intersecting the Westerly Boundary Line of said Lot 8 (also being the Easterly Right
Of Way of Camden Drive); thence run Northeasterly along a circular curve to the right and being
coincident with the Westerly Boundary Line of said lot 8 (also being the Easterly Right of Way of
Camden Drive), having a Radius of 1885.00 Feet and a Central Angle of 00°56'17" for an Arc
distance of 30.862 Feet to a Point of Compound Curvature that Bears N85°30'10"W from the

Registered

Radius Point of the next described curve; thence run Northeasterly along the Westerly Boundary Line of said Lot 8 (also being the Easterly Right of Way of Camden Drive), along a circular curve to the right, having a Radius of 295.00 Feet and a Central Angle of 03°19'42" for an Arc distance of 17.136 Feet to The Point Of Beginning (P.O.B. "B").

The Owner is desirous of unifying the titles of "Parcel A" and "Parcel B", for a total of one lot

1. **Property as One Parcel.** The property described below ("Parcel A," the "Property") shall be considered as one parcel of land. No portion of the Property shall be encumbered, mortgaged, sold, transferred, divided, conveyed, devised or assigned, except in its entirety as one parcel of land.

LOTS 7, 8 AND 9, IN BLOCK 5, OF "RESIDENTIAL SECTION OF BAL HARBOUR", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, AT PAGE 98, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

2. **Use of Property.** The Property shall only be used for any use permitted in the R-2 Single Family Residential District. The only construction which may be permitted on the Property is that of a single family home and any attendant uses permitted in the R-2 Single Family Residential District.

3. **Covenant Running with the Land.** This Unity of Title is a covenant running with the land and shall remain in full force and effect and be binding upon the Owner, and its heirs, successors, and assigns until such time as this Unity of Title is modified or released in the manner provided herein.

4. **Term.** This Unity of Title shall run with the land and shall be binding on all parties and all persons claiming under it for a period of 30 years from the date this Unity of Title is recorded, after which time it shall be extended automatically for successive periods of 10 years each.

is that of

5. **Modification, Amendment, Release.** This Unity of Title may only be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the Property, with joinders by all mortgagees, if any, and by the Director of the Bal Harbour Village Building Department or his or her successor or designee.

6. **Enforcement.** Enforcement of this Unity of Title shall be by action against any parties or person violating, or attempting to violate, any of the covenants set forth herein. The prevailing party in any action or suit pertaining to or arising out of this Unity of Title shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable attorneys' fees. This enforcement provision shall be in addition to any other remedies available at law or in equity.

is that of

7. **Authorization for Village to Withhold Permits and Inspections.** In the event the terms of this Unity of Title are not being complied with, in addition to any other remedies available, the Village is hereby authorized to withhold any further permits, and to refuse to make any inspections or grant any approvals, until such time as this Unity of Title is complied with.

8. **Recording.** Owner shall promptly record this Unity of Title in the Public Records of Miami-Dade County, Florida at the Owner's expense, and shall provide a copy of the recorded instrument to the Village within 10 days after recording.

This Unity of Title has been executed on this 7 day of April 2021.

Owner: JNY Partners, LLC

By: [Signature]
Morris Kaplan, Authorized Member
1111 Kane Concourse, Suite 302
Bay Harbor Islands, FL 33154

Witness Number One
By: [Signature]
Printed Name: Daniel Naim

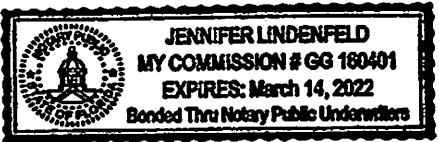
Witness Number Two
By: [Signature]
Printed Name: Sandra Kaplan

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of (check one) physical presence or online notarization, this day of April 7, by Morris Kaplan as Authorized Member for JNY Partners, LLC, who (check one) is personally known to me or has produced _____ as identification.

NOTARY PUBLIC, State of Florida



My Commission Expires: 3/14/22

Print Name: Jennifer Lindenfeld Signature: [Signature]



Address

Owner Name

Folio

SEARCH:

12-2226-002-0980



PROPERTY INFORMATION

Folio: 12-2226-002-0980

Sub-Division:

BAL HARBOUR RESIDENTAL SEC IN SUB 002

Property Address

161 CAMDEN DR
Bal Harbour, FL 33154-1328

Owner

JNY PARTNERS LLC

Mailing Address

1111 KANE CONCOURSE STE 302
BAL HARBOUR ISLANDS, FL 33154

PA Primary Zone

0800 SGL FAMILY - 1701-1900 SQ

Primary Land Use

0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT

Beds / Baths / Half

4 / 4 / 1

Floors

1

Living Units

1

Actual Area

6,738 Sq.Ft

Living Area	4,942 Sq.Ft
Adjusted Area	5,692 Sq.Ft
Lot Size	30,332.28 Sq.Ft
Year Built	1955



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 Tax Estimator
 Value Adjustment Board

Tax Comparison
 TRIM Notice

ASSESSMENT INFORMATION

Year	2018	2017	2016
Land Value	\$3,829,103	\$4,253,770	\$3,473,733
Building Value	\$601,076	\$605,771	\$610,467
Extra Feature Value	\$56,890	\$57,576	\$58,259
Market Value	\$4,487,069	\$4,917,117	\$4,142,459
Assessed Value	\$1,542,355	\$1,510,632	\$1,479,562

TAXABLE VALUE INFORMATION

	2018	2017	2016
COUNTY			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$1,492,355	\$1,460,632	\$1,429,562
SCHOOL BOARD			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$1,517,355	\$1,485,632	\$1,454,562
CITY			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$1,492,355	\$1,460,632	\$1,429,562
REGIONAL			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$1,492,355	\$1,460,632	\$1,429,562

BENEFITS INFORMATION

Benefit	Type	2018	2017	2016
Save Our Homes Cap	Assessment Reduction	\$2,944,714	\$3,406,485	\$2,662,897
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

FULL LEGAL DESCRIPTION

BAL HARBOUR RES SEC
 PB 44-98
 LOTS 7 THRU 9 BLK 5 & PROP INT IN
 & TO COMMON ELEMENTS NOT
 DEDICATED TO PUBLIC
 LOT SIZE 30333 SQ FT
 OR 17959-0612 0198 1

SALES INFORMATION

Previous Sale	Price	OR Book-Page	Qualification Description	Previous Owner 1
11/28/2018	\$5,400,000	31273-1592	Trustees in bankruptcy, executors or guardians	ARNOLD SHEVLIN EST OF
11/23/2018	\$100	31273-1593	Corrective, tax or QCD; min consideration	JESSICA SHEVLIN
12/20/2017	\$100	30807-0563	Corrective, tax or QCD; min consideration	ARNOLD SHEVLIN & W SUSAN
01/01/1998	\$875,000	17959-0612	Sales which are qualified	
01/01/1998	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed	
08/01/1973	\$200,000	00000-00000	Sales which are qualified	

For more information about the Department of Revenue's Sales Qualification Codes.

2018 2017 2016

LAND INFORMATION

Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-2	0800 - SGL FAMILY - 1701-1900 SQ	Front Ft.	164.38	\$2,397,140
GENERAL	R-2	0800 - SGL FAMILY - 1701-1900 SQ	Front Ft.	84.18	\$1,431,963

BUILDING INFORMATION

Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value
1	1	1955	5,302	4,654	4,748	\$501,389
1	2	1962	1,008	0	586	\$61,882
1	3	1967	428	288	358	\$37,805

 Building Sketches Available!

EXTRA FEATURES

Description	Year Built	Units	Calc Value
Patio - Terrazzo, Pebble	2010	160	\$967
Patio - Brick, Tile, Flagstone	2010	640	\$6,547
Whirlpool - Attached to Pool (whirlpool area only)	1999	36	\$4,133
Patio - Terrazzo, Pebble	1999	300	\$1,599
Patio - Brick, Tile, Flagstone	1999	660	\$5,953
Paving - Asphalt	1999	2,630	\$3,314
Pool 8' res BETTER 3-8' dpth, tile 650-1000 sf	1999	1	\$32,800
Wall - CBS 4 to 8 in, reinforced	1988	180	\$1,051
Wall - CBS unreinforced	1988	180	\$526

ADDITIONAL INFORMATION

* The information listed below is not derived from the Property Appraiser's Office records. It is provided for convenience and is derived from other government agencies.

LAND USE AND RESTRICTIONS

Community Development District: NONE
Community Redevelopment Area: NONE
Empowerment Zone: NONE
Enterprise Zone: NONE
Urban Development: INSIDE URBAN DEVELOPMENT BOUNDARY
Zoning Code: R-2 -
Existing Land Use: 13 - SINGLE-FAMILY, LOW-DENSITY (UNDER 2 DU/GROSS ACRE).
 Government Agencies and Community Services

OTHER GOVERNMENTAL JURISDICTIONS

Business Incentives
 Childrens Trust
 City of Bal Harbour
 Environmental Considerations
 Florida Department Of Revenue
 Florida Inland Navigation District
 PA Bulletin Board
 Non-Ad Valorem Assessments
 School Board
 South Florida Water Mgmt District
 Tax Collector

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Homestead

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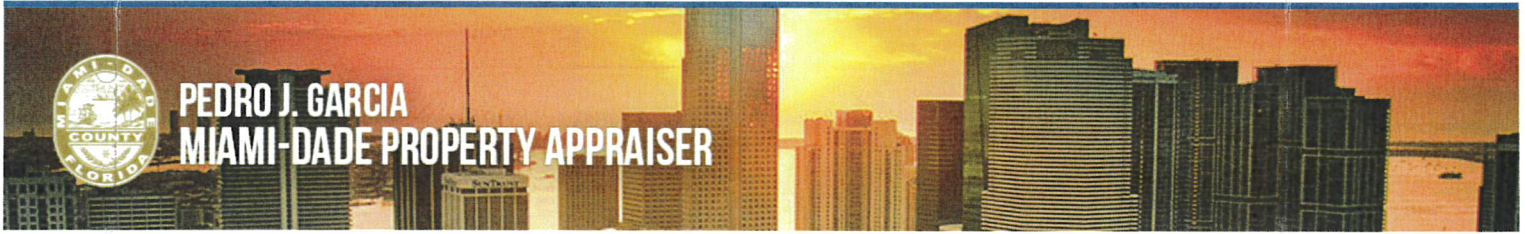
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Address Owner Name Subdivision Name Folio

SEARCH:

165 Camden Drive

Suite



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PROPERTY INFORMATION ⓘ

Folio: 12-2226-002-0985

Sub-Division:
BAL HARBOUR RESIDENTAL SEC IN SUB 002

Property Address
165 CAMDEN DR

Owner
JNY PARTNERS LLC

Mailing Address
1111 KANE CONCOURSE STE 302
BAL HARBOR, FL 33154

PA Primary Zone
0800 SGL FAMILY - 1701-1900 SQ

Primary Land Use
0081 VACANT RESIDENTIAL : VACANT LAND

Beds / Baths / Half 0 / 0 / 0

Floors 0

Living Units 0

Actual Area 0

Living Area 0

Adjusted Area 0

Lot Size 15,266 Sq.Ft

Year Built 0



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| Value Adjustment Board | | | | | |

ASSESSMENT INFORMATION ⓘ

Year	2020	2019	2018
Land Value	\$2,060,146		
Building Value	\$0		
Extra Feature Value	\$0		
Market Value	\$2,060,146		
Assessed Value	\$2,060,146		

BENEFITS INFORMATION ⓘ

Benefit	Type	2020	2019
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).			

FULL LEGAL DESCRIPTION ⓘ

BAL HARBOUR RES SEC
 PB 44-98
 LOT 9 & PORT OF LOT 8 DESC
 BEG NWLY COR OF LOT 8 TH
 S 82 DEG E 120FT S 01 DEG W
 39.077FT N 86 DEG W 122.084FT
 NELY AD 30.862FT NELY AD
 17.136FT TO POB PER UNITY OF
 TITLE OR 31326-3327 & PORT INT
 & TO COMMON ELEMENTS NOT

TAXABLE VALUE INFORMATION			
	2020	2019	2018
COUNTY			
Exemption Value	\$0		
Taxable Value	\$2,060,146		
SCHOOL BOARD			
Exemption Value	\$0		
Taxable Value	\$2,060,146		
CITY			
Exemption Value	\$0		
Taxable Value	\$2,060,146		
REGIONAL			
Exemption Value	\$0		
Taxable Value	\$2,060,146		

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
For more information about the Department of Revenue's Sales Qualification Codes.			
2020			

LAND INFORMATION					
The Land calculated value for this property has been overridden. Please refer to the Land Value in the Assessment Section, in order to obtain the most accurate value.					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Valu
GENERAL	R-2	0800 - SGL FAMILY - 1701-1900 SQ	Square Ft.	15,266.00	

BUILDING INFORMATION							
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Valu	

EXTRA FEATURES				
Description	Year Built	Units	Calc Valu	

ADDITIONAL INFORMATION			
* The information listed below is not derived from the Property Appraiser's Office records. It is provided for convenience and is derived from other government agencies.			
LAND USE AND RESTRICTIONS			
Community Development District:	NONE	Community Redevelopment Area:	NONE
Empowerment Zone:	NONE	Enterprise Zone:	NONE
Urban Development:	INSIDE URBAN DEVELOPMENT BOUNDARY	Zoning Code:	R-2 -
Existing Land Use:	13 - SINGLE-FAMILY, LOW-DENSITY (UNDER 2 DU/GROSS ACRE).	Government Agencies and Community Services	
OTHER GOVERNMENTAL JURISDICTIONS			
Business Incentives	Childrens Trust	City of Bal Harbour	Environmental Considerations
Florida Inland Navigation District	PA Bulletin Board	Special Taxing District and Other Non-Ad valorem Assessment	School Board
Tax Collector			South Florida Water Mgmt District

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BAL HARBOUR

- V I L L A G E -

COUNCIL ITEM SUMMARY

Condensed Title:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF THE UNITY OF TITLE, SUBMITTED BY PETER THOMAS ROTH, FOR THE CABANAS LOCATED AT 10155 COLLINS AVENUE, UNITS 16, 17, AND 28, BAL HARBOUR FLORIDA, 33154, TO COMBINE THREE CABANA UNITS INTO ONE CABANA UNIT.

Issue:

Should Council ratify the Building Official's approval of the Unity of Title for 10155 Collins Avenue, cabana units 16, 17 and 28 by approving this Resolution?

The Bal Harbour Experience:

Beautiful Environment Safety Modernized Public Facilities/Infrastructure
 Destination & Amenities Exclusivity & Access Resiliency & Sustainable Community
 Other: Unity of Title

Item Summary / Recommendation:

Peter Thomas Roth (the "Owner") owns the property located at 10155 Collins Avenue, cabana units 16, 17 and 28 in the Oceanfront District of the Village. On March 11, 2021, the Owner advised the Village of his desire to combine the three cabana units into one cabana unit.

The Owner has submitted the attached UOT, which has been reviewed and approved by the Village Attorney, to combine the three cabana units into one cabana unit.


THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.

Advisory Board Recommendation:

N/A

Sign off:

Building Official & Director	Chief Financial Officer	Village Manager
Eliezer Palacio		Jorge M. Gonzalez



BAL HARBOUR

- V I L L A G E -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager



DATE: May 25, 2021

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF THE UNITY OF TITLE, SUBMITTED BY PETER THOMAS ROTH, FOR THE CABANA UNITS LOCATED AT 10155 COLLINS AVENUE, UNITS 16, 17, AND 28, BAL HARBOUR FLORIDA 33154, TO COMBINE THREE CABANA UNITS INTO ONE CABANA UNIT; PROVIDING FOR IMPLEMENTATION; AND FOR AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

I am recommending that the Village of Bal Harbour (the "Village") Council ratifies the Building Official's approval of the Unity of Title ("UOT") combining three cabana units into one cabana unit, by approving the resolution.

BACKGROUND

Peter Thomas Roth (the "Owner") owns the property located at 10155 Collins Avenue, cabana units 16, 17 and 28 in the Oceanfront District of the Village. On March 11, 2021, the Owner advised the Village of his desire to combine the three cabana units into one cabana unit.

ANALYSIS

Currently, the Property is legally described as the following:

Cabana 16: Cabana No. 16 of BAL HARBOUR 101, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 10345 at Page 1729 of the Public Records of Miami-Dade County, Florida; and

Street address: 10155 Collins Avenue, Cabana 16, Bal Harbour, Florida 33154

Cabana 17: Cabana No. 17 of BAL HARBOUR 101, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 10345 at Page 1729 of the Public Records of Miami-Dade County, Florida;

Street address: 10155 Collins Avenue, Cabana 17, Bal Harbour, Florida
33154

Cabana 28: Cabana No. 28 of BAL HARBOUR 101, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 10345 at Page 1729 of the Public Records of Miami-Dade County, Florida;

Street address: 10155 Collins Avenue, Cabana 28, Bal Harbour, Florida
33154

The Owner has submitted the attached UOT, which has been reviewed and approved by the Village Attorney, to combine the three cabana units into one cabana unit.

THE BAL HARBOUR EXPERIENCE

This item falls under the category "Other:" A Unity of Title to combine three cabana units into one cabana unit located at the Bal Harbour 101.

CONCLUSION

The Administration recommends the adoption of the resolution, ratifying the Building Official's approval of the UOT for the combination of three cabana units into one cabana unit as described above.

Attachments:

1. Unity of Title
2. Property Appraiser's Detailed Report for Cabana 16, 17 and 28

RESOLUTION NO. 2021_____

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF THE UNITY OF TITLE, SUBMITTED BY PETER THOMAS ROTH, FOR THE CABANA UNITS LOCATED AT 10155 COLLINS AVENUE, UNITS 16, 17, AND 28, BAL HARBOUR FLORIDA, 33154, TO COMBINE THREE CABANA UNITS INTO ONE CABANA UNIT; PROVIDING FOR IMPLEMENTATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, Peter Thomas Roth (the "Applicant") seeks to unify the cabana units located at 10155 Collins Avenue, units 16, 17 and 28, Bal Harbour Florida, 33154, to combine three cabana units into one cabana unit; and

WHEREAS, the Village of Bal Harbour (the "Village") Council desires to ratify the Building's official's approval of a Unity of Title for Peter Thomas Roth to combine the three cabana units into one cabana unit; and

WHEREAS, the Village Council finds that the approval is warranted.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Approved. That the above stated recitals are hereby adopted and confirmed.

Section 2. Ratification of Approval of Unity of Title. That the approval of the application to create one cabana unit out of three by unifying the titles of 10155 Collins Avenue, cabana units 16, 17 and 28 under one property, as shown on Exhibit A is hereby approved.

Section 3. Implementation. That the Village Manager is hereby authorized to take any action necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this May X, 2021.

Gabriel Groisman, Mayor



ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR USE AND
RELIANCE OF BAL HARBOUR VILLAGE

Village Attorney
Weiss Serota Helfman Cole & Bierman, P.L.

EXHIBIT "A"

This instrument prepared by
and return to:
Brian Louis Lipsky, Esq.
Saraga/Lipsky, PL
201 NE First Avenue
Delray Beach, Florida 33444

UNITY OF TITLE

WHEREAS, the undersigned is the Owner of that property described as:

Cabana No. 17 of BAL HARBOUR 101, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 10345 at Page 1729 of the Public Records of Miami-Dade County, Florida;

Cabana No. 16 of BAL HARBOUR 101, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 10345 at Page 1729 of the Public Records of Miami-Dade County, Florida; and

Cabana No. 28 of BAL HARBOUR 101, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 10345 at Page 1729 of the Public Records of Miami-Dade County, Florida,

having an address of 10155 Collins Avenue, Bal Harbour, Florida 33154, Miami-Dade County, Florida, and

Cabana No. 17 and Cabana No. 16 are already subject to a Unity of Title recorded in Official Records Book 29783 at Page 3306 of the Public Records of Miami-Dade County, Florida.

Notwithstanding, Cabana Unit Nos. 16, 17 and 28 shall continue to be deemed and treated as three (3) separate cabana condominium units pursuant to the Declaration of Condominium for Bal Harbour 101 and, as such, all assessments imposed by Bal Harbour 101 Condominium, Inc. (whether general or special), shall continue to be due and owing with respect to each of said cabana condominium units, and all provisions and requirements of the applicable condominium documents for Bal Harbour 101, including but not limited to its rules and regulations, as may be amended from time to time, shall continue to be applicable to and binding upon said cabana condominium units and the owner thereof.

Owner recognizes and acknowledges that for the public health, welfare, safety or morals, the herein-described property should not be divided into separate parcels owned by several owners so long as the same is put to the hereinafter use, and

In consideration of TEN AND 00/100 DOLLARS (\$10.00) and for other good and valuable consideration, Owner hereby agrees to restrict the use of the subject property in the following manner:

That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land.

Owner further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land and may be recorded, at Owner's expense in the Public Records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the Owner, Owner's heirs, successors, personal representatives and assigns and upon all mortgagees or lessees until such time as the same may be released in writing by all applicable government authorities having jurisdiction over the property. Further provided, however, that a release will be executed when the premises are made to conform with applicable zoning regulations or the use or structure is removed from the premises and there is no further reason to maintain the Unity of Title on the public records.

(SIGNATURE PAGES FOLLOW)

The foregoing Unity of Title is hereby approved by the Board of Directors of Bal Harbour 101 Condominium Association on this 11 day of March, 2021.

Bal Harbour 101 Condominium Association
Board of Directors

By: Minna Lea Forer

Signature
Print name: MINNA LEA FORER
Title: VP
(president or vice president)

Witnessed by:

[Signature]

Signature
Tqar Bond

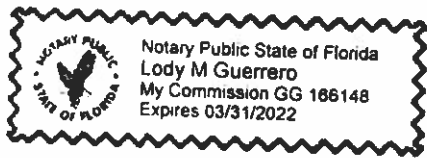
Print Name
Akleema Ali

Signature
AKLEEMA ALI

Print Name

STATE OF FLORIDA } STATE OF FLORIDA
COUNTY OF MIAMI-DADE } COUNTY of MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or [] online notarization this 11 day of March, 2021 by _____, as _____ of Bal Harbour 101 Condominium Association who is personally known to me or who has produced _____ as identification.



(Notarial Seal)

Lody M Guerrero
Notary Public
State of Florida

Dated: the 11 day of March, 2021

OWNER:

Peter Thomas Roth
Peter Thomas Roth

Witnessed by:

Guy O'Donnell
Signature

Guy O'Donnell
Print Name

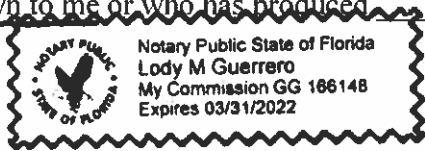
Lody M. Guerrero
Signature

Lody M. GUERRERO
Print Name

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

} STATE of FLORIDA
} COUNTY of MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or [] online notarization this 11 day of March, 2021 by Peter Thomas Roth who is personally known to me or who has produced _____ as identification.



(Notarial Seal)

Lody M. Guerrero
Notary Public
State of Florida



OFFICE OF THE PROPERTY APPRAISER

Detailed Report

Generated On : 5/14/2021

Property Information	
Folio:	12-2226-025-2000
Property Address:	10155 COLLINS AVE UNIT: 28 Bal Harbour, FL 33154-1655
Owner	PETER THOMAS ROTH
Mailing Address	52 E 73 ST NEW YORK, NY 10021 USA
PA Primary Zone	5000 HOTELS & MOTELS - GENERAL
Primary Land Use	0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	Sq.Ft
Living Area	115 Sq.Ft
Adjusted Area	115 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	1978



Assessment Information			
Year	2020	2019	2018
Land Value	\$0	\$0	\$0
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$37,000	\$37,000	\$38,658
Assessed Value	\$37,000	\$37,000	\$38,658

Benefits Information				
Benefit	Type	2020	2019	2018
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$37,000	\$37,000	\$38,658
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$37,000	\$37,000	\$38,658
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$37,000	\$37,000	\$38,658
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$37,000	\$37,000	\$38,658

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-2000

Property Address: 10155 COLLINS AVE 28

Roll Year **2020** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-2000

Property Address: 10155 COLLINS AVE 28

Roll Year **2019** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-2000

Property Address: 10155 COLLINS AVE UNIT: 28 Bal Harbour, FL 33154-1655

Roll Year 2018 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-2000

Property Address: 10155 COLLINS AVE 28

Full Legal Description
BAL HARBOUR 101 CONDO
CABANA 28
UNDIV .040304%
INT IN COMMON ELEMENTS
OFF REC 10345-1729
OR 17690-1957 0697 5

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
04/05/2017	\$45,500	30493-4322	Corrective, tax or QCD; min consideration
04/10/2013	\$21,000	28582-0933	Not exposed to open-market; atypical motivation
01/21/2009	\$100	26746-2077	Trustees in bankruptcy, executors or guardians
06/01/1997	\$0	17690-1957	Sales which are disqualified as a result of examination of the deed
06/01/1987	\$825,000	13330-1262	Deeds that include more than one parcel
11/01/1979	\$20,300	10564-3240	Sales which are qualified

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Version:



OFFICE OF THE PROPERTY APPRAISER

Detailed Report

Generated On : 5/14/2021

Property Information	
Folio:	12-2226-025-1880
Property Address:	10155 COLLINS AVE UNIT: 16 Bal Harbour, FL 33154-1655
Owner	PETER THOMAS ROTH
Mailing Address	52 E 73 ST NEW YORK, NY 10021 USA
PA Primary Zone	5000 HOTELS & MOTELS - GENERAL
Primary Land Use	0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	Sq.Ft
Living Area	150 Sq.Ft
Adjusted Area	150 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	1978



Assessment Information			
Year	2020	2019	2018
Land Value	\$0	\$0	\$0
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$48,000	\$48,000	\$50,439
Assessed Value	\$48,000	\$48,000	\$50,439

Benefits Information				
Benefit	Type	2020	2019	2018
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$48,000	\$48,000	\$50,439
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$48,000	\$48,000	\$50,439
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$48,000	\$48,000	\$50,439
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$48,000	\$48,000	\$50,439

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-1880

Property Address: 10155 COLLINS AVE 16

Roll Year **2020** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-1880

Property Address: 10155 COLLINS AVE 16

Roll Year **2019** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-1880

Property Address: 10155 COLLINS AVE UNIT: 16 Bal Harbour, FL 33154-1655

Roll Year 2018 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-1880

Property Address: 10155 COLLINS AVE 16

Full Legal Description
BAL HARBOUR 101 CONDO
CABANA 16
UNDIV .040304%
INT IN COMMON ELEMENTS
OFF REC 10345-1729
OR 21090-0868-0875 0203 4

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/22/2015	\$100	29900-3774	Corrective, tax or QCD; min consideration
03/18/2014	\$75,000	29088-0910	Qual by exam of deed
02/01/2003	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
04/01/2000	\$0	19091-2941	Sales which are disqualified as a result of examination of the deed
05/01/1979	\$277,800	10411-0338	Deeds that include more than one parcel

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Version:



OFFICE OF THE PROPERTY APPRAISER

Detailed Report

Generated On : 5/14/2021

Property Information	
Folio:	12-2226-025-1890
Property Address:	10155 COLLINS AVE UNIT: 17 Bal Harbour, FL 33154-1655
Owner	PETER THOMAS ROTH
Mailing Address	52 EAST 73 STREET NEW YORK, FL 10021 USA
PA Primary Zone	5000 HOTELS & MOTELS - GENERAL
Primary Land Use	0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	Sq.Ft
Living Area	250 Sq.Ft
Adjusted Area	250 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	1978



Assessment Information			
Year	2020	2019	2018
Land Value	\$0	\$0	\$0
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$80,000	\$80,000	\$84,031
Assessed Value	\$80,000	\$80,000	\$84,031

Benefits Information				
Benefit	Type	2020	2019	2018
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$80,000	\$80,000	\$84,031
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$80,000	\$80,000	\$84,031
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$80,000	\$80,000	\$84,031
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$80,000	\$80,000	\$84,031

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-1890

Property Address: 10155 COLLINS AVE 17

Roll Year **2020** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-1890

Property Address: 10155 COLLINS AVE 17

Roll Year **2019** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-1890

Property Address: 10155 COLLINS AVE UNIT: 17 Bal Harbour, FL 33154-1655

Roll Year **2018** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-025-1890

Property Address: 10155 COLLINS AVE 17

Full Legal Description
BAL HARBOUR 101 CONDO
CABANA 17
UNDIV .040304%
INT IN COMMON ELEMENTS
OFF REC 10345-1729
OR 14872-0169-0166 0191 5

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/22/2015	\$100	29900-3774	Corrective, tax or QCD; min consideration
12/21/2012	\$100,000	28441-3300	Qual by exam of deed
11/11/2004	\$765,000	22941-1810	Other disqualified
01/01/1991	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
02/01/1980	\$150,000	10676-2549	Deeds that include more than one parcel

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Version:

BAL HARBOUR

- V I L L A G E -

COUNCIL ITEM SUMMARY

Condensed Title:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF A UNITY OF TITLE, SUBMITTED BY SOLLY AZAR TRS, FOR THE PROPERTIES LOCATED AT 10201 COLLINS AVENUE, UNITS 2601 AND 2602, BAL HARBOUR FLORIDA, 33154, TO COMBINE THE TWO CONDOMINIUM UNITS INTO ONE CONDOMINIUM UNIT

Issue:

Should Council ratify the Building Official's approval of the Unity of Title for 10201 Collins Avenue, Units 2601 and 2602 by approving this Resolution?

The Bal Harbour Experience:

- Beautiful Environment Safety Modernized Public Facilities/Infrastructure
 Destination & Amenities Exclusivity & Access Resiliency & Sustainable Community
 Other: Unity of Title

Item Summary / Recommendation:


Solly Azar Trs owns (the "Owner") the real properties located at 10201 Collins Avenue, Units 2601 and 2602 in the Oceana Bal Harbour Condominium and Oceanfront zoning district ("Property"). On April 23, 2021, the Owner advised the Village of his desire to combine the two condominium units into one condominium unit.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION

Advisory Board Recommendation:

N/A

Sign off:

Building Official & Director	Chief Financial Office	Village Manager
Eliezer Palacio		Jorge M. Gonzalez
		

BAL HARBOUR

- V I L L A G E -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: May 25, 2021

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF A UNITY OF TITLE, SUBMITTED BY SOLLY AZAR TRS, FOR THE PROPERTIES LOCATED AT 10201 COLLINS AVENUE, UNITS 2601 AND 2602, BAL HARBOUR FLORIDA, 33154, TO COMBINE THE TWO CONDOMINIUM UNITS INTO ONE CONDOMINIUM UNIT; PROVIDING FOR IMPLEMENTATION; AND FOR AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

I am recommending that the Village of Bal Harbour (the "Village") Council ratifies the Building Official's approval of the Unity of Title ("UOT") combining two condominium units into one condominium, by approving the resolution.

BACKGROUND

Solly Azar Trs owns (the "Owner") the real properties located at 10201 Collins Avenue, Units 2601 and 2602 in the Oceana Bal Harbour Condominium and Oceanfront zoning district ("Property"). On April 23, 2021, the Owner advised the Village of his desire to combine the two condominium units into one condominium unit.

ANALYSIS

Currently, the Property is legally described as the following:

Unit 2601: Condominium Parcel No. 2601 in the OCEANA CONDOMINIUM, according to the plat thereof, as recorded in Plat Book 28907, at Page 932, of the Public Records of Miami-Dade County, Florida

Street address: 10201 Collins Avenue, Unit 2601, Bal Harbour, Florida 33154; and

Unit 2602: Condominium Parcel No. 2602 in the OCEANA CONDOMINIUM, according to the plat thereof, as recorded in Plat Book 28907, at Page 932, of the Public Records of Miami-Dade County, Florida

Street address: 10201 Collins Avenue, Unit 2602, Bal Harbour, Florida 33154.

The Owner has submitted the attached UOT, which has been reviewed and approved by the Village Attorney, to combine the two condominium units.

THE BAL HARBOUR EXPERIENCE

This item falls under the category "Other:" A Unity of Title to combine two condominium units, 2601 and 2602, located in the Oceana Bal Harbour Condominium.

CONCLUSION

The Administration recommends the adoption of the resolution, ratifying the Building Official's approval of the UOT for the combination of two condominium units into one condominium unit as described above.

Attachments:

1. Unity of Title
2. Property Appraiser's Detailed Report for 10201 Collins Avenue Unit 2601 and 2602

RESOLUTION NO. 2021_____

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF A UNITY OF TITLE, SUBMITTED BY SOLLY AZAR TRS, FOR THE PROPERTIES LOCATED AT 10201 COLLINS AVENUE, UNITS 2601 AND 2602, BAL HARBOUR FLORIDA, 33154, TO COMBINE THE TWO CONDOMINIUM UNITS INTO ONE CONDOMINIUM UNIT; PROVIDING FOR IMPLEMENTATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, Solly Azar Trs (the "Applicant") seeks to unify the real properties located at 10201 Collins Avenue, units 2601 and 2602, in the Oceana Bal Harbour Condominium and Oceanfront zoning district; and

WHEREAS, the Village of Bal Harbour (the "Village") Council desires to ratify the Building's official's approval of a Unity of Title for Solly Azar Trs to combine the two condominium units into one condominium unit; and

WHEREAS, the Village Council finds that the approval is warranted.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Approved. That the above stated recitals are hereby adopted and confirmed.

Section 2. Ratification of Approval of Unity of Title. That the approval of the application to create one condominium unit out of two by unifying the titles of 10201 Collins Avenue, units 2601 and 2602 under one property, as shown on Exhibit A, is hereby approved.

Section 3. Implementation. That the Village Manager is hereby authorized to take any action necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this May X, 2021.

Gabriel Groisman, Mayor



ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR USE AND
RELIANCE OF BAL HARBOUR VILLAGE

Village Attorney
Weiss Serota Helfman Cole & Bierman, P.L.

EXHIBIT "A"

This instrument prepared by and after recording return to:

Sally Azar
10201 Collins Avenue
unit 2601
Bal Harbour, FL
33154-1415

Folio Number(s): 12-2226-050-0480 and 12-2226-050-1060
(unit 2601 + 2602)

UNITY OF TITLE

The undersigned ("Owner") is the owner of the following described real property ("Property") located in Bal Harbour Village, Florida:

units 2601 and 2602 are already combined
without walls separating them. We now need a unity
of title signed by Municipality and recorded in courts.

Street address: 10201 Collins Ave 2601, Bal Harbour FL
33154-1415

In consideration of the issuance of a building permit by Bal Harbour Village ("Village") for the construction of a condominium unit on the Property, Owner hereby agrees to restrict the use of the Property in the following manner:

1. **Property as One Parcel.** The Property shall be considered as one parcel of land. No portion of the Property shall be encumbered, mortgaged, sold, transferred, divided, conveyed, devised or assigned, except in its entirety as one parcel of land.
2. **Use of Property.** The Property shall only be used for residential purposes. The only construction which may be permitted on the Property is that of a condominium unit
3. **Covenant Running with the Land.** This Unity of Title is a covenant running with the land and shall remain in full force and effect and be binding upon the Owner, and its heirs, successors, and assigns until such time as this Unity of Title is modified or released in the manner provided herein.
4. **Term.** This Unity of Title shall run with the land and shall be binding on all parties and all persons claiming under it for a period of 30 years from the date this Unity of Title is

recorded, after which time it shall be extended automatically for successive periods of 10 years each.

5. **Modification, Amendment, Release.** This Unity of Title may only be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the Property, with joinders by all mortgagees, if any, and by the Director of the Bal Harbour Village Building Department or his or her successor or designee.
6. **Enforcement.** Enforcement of this Unity of Title shall be by action against any parties or person violating, or attempting to violate, any of the covenants set forth herein. The prevailing party in any action or suit pertaining to or arising out of this Unity of Title shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable attorneys' fees. This enforcement provision shall be in addition to any other remedies available at law or in equity.
7. **Authorization for Village to Withhold Permits and Inspections.** In the event the terms of this Unity of Title are not being complied with, in addition to any other remedies available, the Village is hereby authorized to withhold any further permits, and to refuse to make any inspections or grant any approvals, until such time as this Unity of Title is complied with.
8. **Recording.** Owner shall promptly record this Unity of Title in the Public Records of Miami-Dade County, Florida at the Owner's expense, and shall provide a copy of the recorded instrument to the Village within 10 days after recording.

SIGNATURE BLOCKS ON FOLLOWING PAGES

This Unity of Title has been executed by the Owner on _____.

Witnesses (2 required):

OWNER:

Signature: *Dargaux*

[Signature]

Print name: DARGAUX Grisman

Address: 10201 Collins Avenue

Signature: *Melanie*

2601 S
Bal Harbour, FL 33154

Print name: MELANIE SIERRA

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

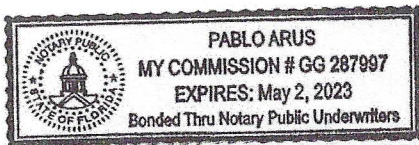
The foregoing instrument was acknowledged before me on 4/19/21
by SOLLY AZAR
who (check one) [] is personally known to me or [] has produced
_____ as identification.

[Signature]

NOTARY PUBLIC, State of Florida

My Commission Expires:

Print Name: PABLO ARUS



JOINDER BY MORTGAGEE

_____, a _____ corporation and Mortgagee under that certain mortgage from _____ dated _____ and recorded in Official Records Book _____, Page _____, of the Public Records of Miami-Dade County, Florida, covering all or a portion of the property described in the foregoing Unity of Title, does hereby acknowledge that the terms of this Unity of Title are and shall be binding upon the undersigned Mortgagee and its successors in title.

Witnesses (2 required):

Mortgagee:

Signature: _____

By: _____

Print name: _____

Print name: _____

Signature: _____

Title: _____

Print name: _____

Date: _____

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on _____, by _____, as _____, of _____, on behalf of the _____. He or she (check one) [] is personally known to me or [] has produced _____ as identification.

NOTARY PUBLIC, State of Florida

My Commission Expires:

Print Name: _____



MIAMI-DADE COUNTY
PROPERTY APPRAISER
ADMINISTRATIVE DIVISION

PEDRO GARCIA
PROPERTY APPRAISER

Thank you for submitting a service request.

Request Information

Request No: 2021-010639
Date: Feb 11 2021 11:17AM
Created By: Yaira Campbell
Customer Comments: We have to received the property combine request form and have all the documents for both folios. The appointment is to finalize the combine request and make sure we have all documents for the appraiser review. I spoke with Rose. Combine 12-2226-050-1060
Reason(s) for Request: Review Compliance
 Grouping (WF)

Customer Information

Name: MARGARET GRINMAN
Phone No: (305) 978-5698
Email: azarsolm@gmail.com
Prof. Lang: English

Property Information

Folio(s): 12-2226-050-0480
Address: 10201 COLLINS AVE 2601 Bal Harbour 33154-1415

Please call 305 375 4749 if you have any questions regarding this service request.



Office of the Property Appraiser
111 NW First Street, Suite 710
Miami, Florida 33128-1984

February 5, 2021

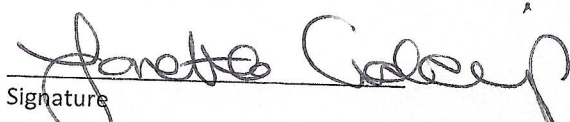
To whom it may concern:

Oceana Bal Harbour Condominium Association acknowledges Solly Azar TTE., owner of units 2601 and 2602 located at 10201 Collins Ave, Bal Harbour, FL 33154, request to combine both units' folios.

The developer floorplans at time of closing show these two units already combined, without walls separating them. The floorplans provided by the unit owner for their buildout project confirm that both units are combined into one living dwelling. Please find floorplans attached.

Thank you,

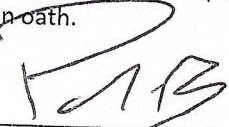
For the Board of Directors


Signature
Janette Giddings
Printed Name
General Manager

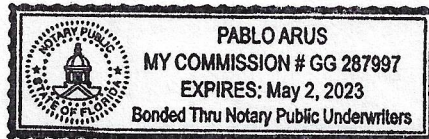
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

OCEANA BAL HARBOUR CONDOMINIUM ASSOCIATION, INC.

Acknowledged this foregoing instrument before me by Janette Giddings by means of physical presence this day 5th of February 2021, who is personally known to me or who has produced a driver license as identification and who did take an oath.



Notary Public:
My commission expires:



Oceana Bal Harbour Condominium Association
10203 Collins Ave, Bal Harbour, FL 33154
(786) 623-4305



PROPERTY COMBINE REQUEST

PAO REV 1/10

OFFICE OF THE PROPERTY APPRAISER
111 NW First Street, Suite 710
Miami, Florida 33128-1984

NOTICE

1. Title to parcels/units must be in same ownership, and all taxes due must be paid prior to Property Combine Request.
2. If one parcel is currently receiving homestead exemption, property owner must file a homestead application to add new lands to the original parcel; therefore the first year in which the legal descriptions are combined will constitute the base year for the new lands. **The deadline to file a timely application is March 1st.**
3. If subject is a condominium, owner must submit a letter from the condominium association acknowledging owner's Property Combine Request and property's physical status as one living unit. Must provide main entrance unit number and total bed/bath count, and submit floor plans or design reflecting current physical changes (if available).
4. The Property Appraiser may request a homestead affidavit be filed if parcel(s) have two or more dwellings/living units. Condominium units must be physically joining. Each parcel should be contiguous in same municipality.
5. The Property Appraiser reserves the right to investigate and inspect the premises to confirm that it is a single property living unit. If property is mortgaged, property owner must notify all mortgagees associated with the properties listed above. Requested information provided to the Office of the Property Appraiser will be subject to review. Owner acknowledges and hereby agrees to all conditions of Property Combine Request. Meeting the above conditions does **not** imply approval of this Property Combine Request.

STEP 1: IDENTIFY ALL PROPERTIES

List all applicable **FOLIO NUMBERS**: (2601 S) 12-2226-050-0480 / (2602 S) 12-2226-050-1060

List all applicable **PROPERTY ADDRESSES**: 10201 Collins AV, units 2601 S and 2602 S
(Indicate principal property address) Bal HARBOR, FL 33154

STEP 2: ANSWER THE FOLLOWING QUESTIONS

Reason for grouping request: both units are combined into one since purchase

Do any of the parcels have homestead exemption? yes (2601 S) Is any portion of property rented? NO

If yes, provide details: _____

STEP 3: SIGN AND DATE THIS REQUEST

*Current owner(s) of record or their attorney (with a power of attorney) must sign request & have form notarized below.

Signature: [Signature] Name/Title: _____ Telephone Number: 305-409-5702 Date: 2/5/2021

STEP 4: NOTARIZE THIS REQUEST

The foregoing instrument was acknowledged this 5 day of FEB, 2021 by SOULY AZAR who is personally known to me or has provided _____ as identification, and who did/did not take an oath

Notary Public, State of Florida at Large

PABLO ARS
MY COMMISSION # GG 287997
EXPIRES: May 2, 2023
Bonded Thru Notary Public Underwriters

Office Use Only: (check if attached)

Review for Tax Year: _____ Homestead Application: _____ Letter from Homeowner's Assn.: _____

Letter from Owner: _____ Floor plan or design: _____ Other: _____

RECEIVED
FEB 11 2021
MIAMI-DADE COUNTY
PROPERTY APPRAISER



CFN 2017R0072228
OR BK 30412 Pgs 4881-4882 (2Pgs)
RECORDED 02/07/2017 12:34:02
DEED DOC TAX \$57,876.60
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument prepared by, or under the supervision of (and after recording, return to):

Gary A. Saul, Esq.
Greenberg Traurig, P.A.
333 Avenue Of The Americas (333 S.E. 2nd Avenue)
Miami, FL 33131

Property Appraiser's Parcel ID Nos. 12-2226-050-0480

(Reserved for Clerk of Court)

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into as of the 6 day of FEBRUARY, 2017 by CONSULTATIO BAL HARBOUR, LLC, a Florida limited liability company, Grantor, whose office address is at 1395 Brickell Avenue, Suite 950, Miami, Florida 33131, to Solly Azar, as Trustee of the Solly Azar Revocable Intervivos Trust Under Agreement Dated December 7, 2016, Grantee, whose with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the real property pursuant to Florida Statute 689.073, and whose mailing address is 10295 Collins Avenue, Unit 2407, Bal Harbour, FL 33154. Wherever used herein, the terms "Grantor" and "Grantee" shall include all of the parties to this instrument and their heirs, legal representatives and assigns.

WITNESETH:

GRANTOR, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold, and by these presents does hereby grant, bargain and sell to Grantee, the following described land situate and being in Miami-Dade County, Florida (the "Property"):

Condominium Parcel No. 2601S of OCEANA BAL HARBOUR CONDOMINIUM, according to the Declaration thereof, recorded November 12, 2013 in Official Records Book 28907, Page 932, as amended by instrument recorded in Official Records Book 28937, Page 3832 and by instrument recorded in Official Records Book 30312, Page 332, all of the Public Records of Miami-Dade County, Florida, as amended and/or supplemented from time to time, together with an undivided interest in the common elements appurtenant thereto.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

THIS CONVEYANCE is subject to: taxes and assessments for 2017 and all subsequent years; zoning ordinances, restrictions, prohibitions and other requirements imposed by governmental authority; conditions, restrictions, reservations, limitations and easements of



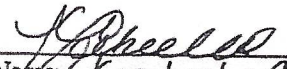
record, if any, but this reference shall not operate to reimpose same; and restrictions, conditions, covenants, liens, terms and limitations set forth in the Declaration of Condominium referenced above and all exhibits thereto.

GRANTOR hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor. Grantee, by acceptance and recordation of this Deed, expressly and specifically approves, accepts, covenants and agrees to be bound by and to assume performance of all of the applicable provisions and requirements set forth in the Declaration of Condominium described above and all amendments and/or supplements thereto.


IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal as of the day and year first above written.

Witnessed by:


Name: Sheila Diaz


Name: Kimberly Cabriella

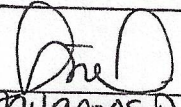
CONSULTATIO BAL HARBOUR, LLC, a
Florida limited liability company

By: 
Name: Marcos Corti-Maderna
Title: Manager

[CORPORATE SEAL]

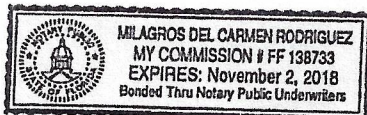
STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 3 day of February, 2017 by Marcos Corti-Maderna, as Manager of CONSULTATIO BAL HARBOUR, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or produced _____ as identification.

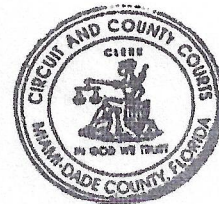

Name: Milagros D. Rodriguez

Notary Public, State of Florida
Commission No. FF138733

My commission expires:



STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on FEB 07 2017 day of _____, A.D. 20____
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
By TANASHIA ARNOLD #201144



AMENDMENT TO PURCHASE AGREEMENT

THIS AMENDMENT TO PURCHASE AGREEMENT ("Amendment") is made as of the ____ day of February, 2017 by and between Consultatio Bal Harbour, LLC, a Florida limited liability company ("Seller"), and Solly Azar, as Trustee of the Solly Azar Revocable Intervivos Trust Under Agreement Dated December 7, 2016 ("Buyer").

W H E R E A S:

A. Seller and Buyer have entered into that certain Purchase Agreement (the "Agreement") for the purchase and sale of Unit 2601S and 2602S (the "Unit") in OCEANA BAL HARBOUR CONDOMINIUM (the "Condominium").

B. The parties desire to amend the Agreement in certain respects as more particularly set forth below.

NOW, THEREFORE, in consideration of the execution and delivery of the Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein as if repeated at length. Unless the context otherwise requires, all initial capitalized terms used but not defined in this Amendment, shall have the meaning or meanings given to such terms in the Agreement. This Amendment shall be deemed a part of, but shall take precedence over and supersede any provisions to the contrary contained in, the Agreement. All references in the Agreement or this Amendment to the "Agreement" shall be deemed to refer to the Agreement as modified by this Amendment, unless the context otherwise requires.

2. Seller agrees that, at closing, Buyer shall be entitled to a credit against the Purchase Price of the Unit in an amount equal to \$35,000.00 (the "Credit").

3. Buyer hereby fully releases Seller and its partners, assigns and/or designees, and its and their shareholders, officers, directors, agents, employees, contractors and attorneys, and any and all parties who, together with it or them, might be jointly or severally liable to the Buyer, and all of their respective successors and assigns, from and against all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, liabilities, damages, claims and demands whatsoever, which Buyer ever had, now has, or which Buyer or any personal representative, successor, heir or assign of Buyer, hereafter can, shall or may have, against Seller, for claims regarding the presence and the location of the columns, closet wall and bathroom closet in the Unit, which locations are identified on Exhibit "A" attached hereto, all of which issues have been fully settled and compensated for as herein provided.

4. The execution of this Amendment shall neither extend, toll, nor reinstate any rights of the Buyer to rescind the Agreement pursuant to the terms thereof, or of Section 718.503(1)(a), Florida Statutes.

5. Except as amended herein, the Agreement shall remain in full force and effect.

EXECUTED as of the date and year first above written.

Buyer:

Solly Azar, as Trustee of the Solly Azar
Revocable Intervivos Trust Under Agreement
Dated December 7, 2016


Name: Solly Azar, Trustee

Name: _____

Seller:

Consultatio Bal Harbour, LLC, a Florida limited
liability company

By: _____
Name: _____
Title: _____

In addition to homestead exemption, I am applying for the following benefits.

See page 3 for qualification and required documents.

By local ordinance only:

- Age 65 and older with limited income (amount determined by ordinance)
- Age 65 and older with limited income and permanent residency for 25 years or more
- \$500 widowed \$500 blind \$500 totally and permanently disabled
- Total and permanent disability - quadriplegic
- Certain total and permanent disabilities - limited income and hemiplegic, paraplegic, wheelchair required, or legally blind
- Disabled veteran discount, 65 or older
- Veteran disabled 10% or more
- Disabled veteran confined to wheelchair, service-connected
- Service-connected totally and permanently disabled veteran or surviving spouse
- Surviving spouse of veteran who died while on active duty
- First responder totally and permanently disabled in the line of duty or surviving spouse
- Surviving spouse of first responder who died in the line of duty

Other, specify: _____

I authorize this agency to obtain information to determine my eligibility for the exemptions applied for. I qualify for these exemptions under Florida Statutes. I own the property above and it is my permanent residence or the permanent residence of my legal or natural dependent(s). (See s. 196.031, Florida Statutes.)

I understand that under section 196.131(2), F.S., any person who knowingly and willfully gives false information to claim homestead exemption is guilty of a misdemeanor of the first degree, punishable by imprisonment up to one year, a fine up to \$5,000, or both.

I certify all information on this form and any attached statements, schedules, etc., are true and correct to the best of my knowledge as of January 1 of this year.

Signature, applicant

Date 2/25/2021

Signature, co-applicant

Date _____

File the signed application for exemption with the county property appraiser.

Signature, property appraiser or deputy

Date

Entered by

Date

Penalties

The property appraiser has a duty to put a tax lien on your property if you received a homestead exemption during the past 10 years that you were not entitled to. The property appraiser will notify you that taxes with penalties and interest are due. You will have 30 days to pay before a lien is recorded. If this was not an error by the property appraiser, you will be subject to a penalty of 50 percent of the unpaid taxes and 15 percent interest each year (see s. 196.011(9)(a), F.S.). For special requirements for estates probated or administered outside Florida, see s. 196.161(1), F.S.

The information in this application will be given to the Department of Revenue. Under s. 196.121, F.S., the Department and property appraisers can give this information to any state where the applicant has resided. Social security numbers will remain confidential under s.193.114(5), F.S.

Contact your local property appraiser if you have questions about your exemption.



CFN 2017R0072230
OR BK 30412 Pgs 4885-4886 (2Pgs)
RECORDED 02/07/2017 12:34:02
DEED DOC TAX \$39,756.00
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument prepared by, or under the supervision of (and after recording, return to):

Gary A. Saul, Esq.
Greenberg Traurig, P.A.
333 Avenue Of The Americas (333 S.E. 2nd Avenue)
Miami, FL 33131

Property Appraiser's Parcel ID Nos. 12-2226-050-1060

(Reserved for Clerk of Court)

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into as of the 6 day of February, 2017 by CONSULTATIO BAL HARBOUR, LLC, a Florida limited liability company, Grantor, whose office address is at 1395 Brickell Avenue, Suite 950, Miami, Florida 33131, to SOLLY AZAR, AS TRUSTEE OF THE SOLLY AZAR REVOCABLE INTERVIVOS TRUST UNDER AGREEMENT DATED DECEMBER 7, 2016, Grantee, whose with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the real property pursuant to Florida Statute 689.073, and whose mailing address is 10295 Collins Avenue, Unit 2407, Bal Harbour, FL 33154. Wherever used herein, the terms "Grantor" and "Grantee" shall include all of the parties to this instrument and their heirs, legal representatives and assigns.

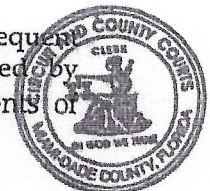
WITNESSETH:

GRANTOR, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold, and by these presents does hereby grant, bargain and sell to Grantee, the following described land situate and being in Miami-Dade County, Florida (the "Property"):

Condominium Parcel No. 2602S of OCEANA BAL HARBOUR CONDOMINIUM, according to the Declaration thereof, recorded November 12, 2013 in Official Records Book 28907, Page 932, as amended by instrument recorded in Official Records Book 28937, Page 3832 and by instrument recorded in Official Records Book 30312, Page 332, all of the Public Records of Miami-Dade County, Florida, as amended and/or supplemented from time to time, together with an undivided interest in the common elements appurtenant thereto.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

THIS CONVEYANCE is subject to: taxes and assessments for 2017 and all subsequent years; zoning ordinances, restrictions, prohibitions and other requirements imposed by governmental authority; conditions, restrictions, reservations, limitations and easements of





record, if any, but this reference shall not operate to reimpose same; and restrictions, conditions, covenants, liens, terms and limitations set forth in the Declaration of Condominium referenced above and all exhibits thereto.

GRANTOR hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor. Grantee, by acceptance and recordation of this Deed, expressly and specifically approves, accepts, covenants and agrees to be bound by and to assume performance of all of the applicable provisions and requirements set forth in the Declaration of Condominium described above and all amendments and/or supplements thereto.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal as of the day and year first above written.

Witnessed by:

CONSULTATIO BAL HARBOUR, LLC, a
Florida limited liability company

Name: Sheila Diaz

By:
Name: Marcos Corti-Maderna
Title: Manager

Name: Kimberly Cabriella

[CORPORATE SEAL]

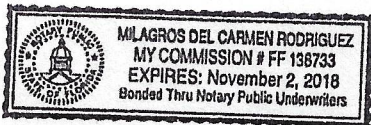
STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 3 day of February, 2017, by Marcos Corti-Maderna, as Manager of CONSULTATIO BAL HARBOUR, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or produced _____ as identification.

Name: Milagros D. Rodriguez

My commission expires:

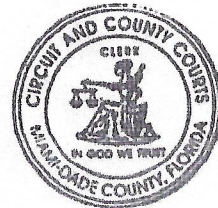
Notary Public, State of Florida
Commission No. FF138733



STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on FEB 07 2017 day of AD 20

WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
By:
D.C.

TANASHIA ARNOLD #201144





OFFICE OF THE PROPERTY APPRAISER

Detailed Report

Generated On : 5/14/2021

Property Information	
Folio:	12-2226-050-1060
Property Address:	10201 COLLINS AVE UNIT: 2602 Bal Harbour, FL 33154-1415
Owner	SOLLY AZAR TRS SOLLY AZAR REV INTERVIVOS TR
Mailing Address	10295 COLLINS AVE 2407 BAL HARBOUR, FL 33154 USA
PA Primary Zone	5000 HOTELS & MOTELS - GENERAL
Primary Land Use	0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL
Beds / Baths / Half	3 / 4 / 1
Floors	0
Living Units	1
Actual Area	Sq.Ft
Living Area	3,450 Sq.Ft
Adjusted Area	3,450 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	2017



Assessment Information				
Year	2020	2019	2018	
Land Value	\$0	\$0	\$0	
Building Value	\$0	\$0	\$0	
XF Value	\$0	\$0	\$0	
Market Value	\$4,874,590	\$5,579,350	\$5,687,992	
Assessed Value	\$4,874,590	\$5,579,350	\$5,687,992	

Benefits Information				
Benefit	Type	2020	2019	2018
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Taxable Value Information				
	2020	2019	2018	
County				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$4,874,590	\$5,579,350	\$5,687,992	
School Board				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$4,874,590	\$5,579,350	\$5,687,992	
City				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$4,874,590	\$5,579,350	\$5,687,992	
Regional				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$4,874,590	\$5,579,350	\$5,687,992	

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-050-1060

Property Address: 10201 COLLINS AVE 2602

Roll Year **2020** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-050-1060

Property Address: 10201 COLLINS AVE 2602

Roll Year **2019** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-050-1060

Property Address: 10201 COLLINS AVE UNIT: 2602 Bal Harbour, FL
33154-1415

Roll Year **2018** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-050-1060

Property Address: 10201 COLLINS AVE 2602

Full Legal Description
OCEANA BAL HARBOUR CONDO
UNIT 2602 S
UNDIV 0.5288%
INT IN COMMON ELEMENTS
OFF REC 28907-0932 30312-0332

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
02/06/2017	\$6,626,000	30412-4885	Qual by exam of deed

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Version:



OFFICE OF THE PROPERTY APPRAISER

Detailed Report

Generated On : 5/14/2021

Property Information	
Folio:	12-2226-050-0480
Property Address:	10201 COLLINS AVE UNIT: 2601 Bal Harbour, FL 33154-1415
Owner	SOLLY AZAR TRS SOLLY AZAR REV INTER TRUST
Mailing Address	10201 COLLINS AVE 2601S BAL HARBOUR, FL 33154 USA
PA Primary Zone	5000 HOTELS & MOTELS - GENERAL
Primary Land Use	0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL
Beds / Baths / Half	3 / 4 / 1
Floors	0
Living Units	1
Actual Area	Sq.Ft
Living Area	3,992 Sq.Ft
Adjusted Area	3,992 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	2017



Assessment Information			
Year	2020	2019	2018
Land Value	\$0	\$0	\$0
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$7,089,850	\$7,089,850	\$7,226,876
Assessed Value	\$7,089,850	\$7,089,850	\$7,226,876

Benefits Information				
Benefit	Type	2020	2019	2018
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$7,039,850	\$7,039,850	\$7,176,876
School Board			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$7,064,850	\$7,064,850	\$7,201,876
City			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$7,039,850	\$7,039,850	\$7,176,876
Regional			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$7,039,850	\$7,039,850	\$7,176,876

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-050-0480

Property Address: 10201 COLLINS AVE 2601

Roll Year **2020** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-050-0480

Property Address: 10201 COLLINS AVE 2601

Roll Year **2019** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-050-0480

Property Address: 10201 COLLINS AVE UNIT: 2601 Bal Harbour, FL
33154-1415

Roll Year **2018** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-050-0480

Property Address: 10201 COLLINS AVE 2601

Full Legal Description
OCEANA BAL HARBOUR CONDO
UNIT 2601 S
UNDIV 0.6118%
INT IN COMMON ELEMENTS
OFF REC 28907-0932 30312-0332

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
02/06/2017	\$9,646,100	30412-4881	Qual by exam of deed

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Version:

BAL HARBOUR

- V I L L A G E -

COUNCIL ITEM SUMMARY

Condensed Title:

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF THE UNITY OF TITLE, SUBMITTED BY 9701 COLLINS AVENUE, 1701 LLC, FOR THE PROPERTIES LOCATED AT 9705 COLLINS AVENUE, UNITS 1701-N AND 1702-N, BAL HARBOUR FLORIDA, 33154

Issue:

Should Council ratify the Building Official's approval of the Unity of Title for 9705 Collins Avenue, Units 1701-N AND 1702-N by approving this Resolution?

The Bal Harbour Experience:

- Beautiful Environment Safety Modernized Public Facilities/Infrastructure
 Destination & Amenities Exclusivity & Access Resiliency & Sustainable Community
 Other: Unity of Title

Item Summary / Recommendation:

9701 Collins 1701, LLC owns (the "Owner") the real properties located at 9705 Collins Avenue, units 1701-N and 1702-N, in the St. Regis North Tower ("Property") and OF Ocean Front zoning district. On April 13, 2021, the Owner advised the Village of its desire to join the two condominium units into one condominium unit. The Owner has submitted a Unity of Title, which has been reviewed and approved by the Village Attorney, to combine the two condominium units.

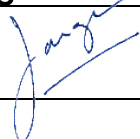
THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.

Advisory Board Recommendation:

N/A

Sign off:

Building Official & Director Eliezer Palacio	Chief Financial Officer	Village Manager Jorge M. Gonzalez
--	--------------------------------	---



BAL HARBOUR

- V I L L A G E -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: May 25, 2021

SUBJECT: **A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF THE UNITY OF TITLE, SUBMITTED BY 9701 COLLINS AVENUE, 1701 LLC, FOR THE PROPERTIES LOCATED AT 9705 COLLINS AVENUE, UNITS 1701-N AND 1702-N, BAL HARBOUR FLORIDA, 33154, TO COMBINE THE TWO CONDOMINIUM UNITS INTO ONE CONDOMINIUM UNIT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

I am recommending that the Village of Bal Harbour (the "Village") Council ratifies the Building Official's approval of the Unity of Title ("UOT") combining two condominium units into one condominium unit, by approving the resolution.

BACKGROUND

9701 Collins 1701, LLC owns (the "Owner") the real properties located at 9705 Collins Avenue, units 1701-N and 1702-N, in the St. Regis North Tower ("Property") and OF Ocean Front zoning district. On April 13, 2021, the Owner advised the Village of its desire to combine the two condominium units into one condominium unit.

ANALYSIS

Currently, the Property is legally described as the following:

Condominium Parcel No. 1701-N in BAL HARBOUR NORTH SOUTH CONDOMINIUM, according to the Declaration thereof, as recorded in Official Records Book 27891, Page 0454, of the Public Records of Miami-Dade County, Florida; and

Condominium Parcel No. 1702-N in BAL HARBOUR NORTH SOUTH CONDOMINIUM, according to the Declaration thereof, as recorded in Official Records Book 27891, Page 0454, of the Public Records of Miami-Dade County, Florida

The Owner has submitted the attached UOT, which has been reviewed and approved by the Village Attorney, to combine the two condominium units.

THE BAL HARBOUR EXPERIENCE

This item falls under the category "Other:" A Unity of Title to combine two condominium units, 1701-N and 1702-N located in the St. Regis North Tower.

CONCLUSION

The Administration recommends the adoption of the resolution, ratifying the Building Official's approval of the UOT for the combination of the two condominium units into one condominium unit as described above.

Attachments:

1. Unity of Title for 1701-N and 1702-N
2. Property Appraiser's Detailed Report 9705 Collins Avenue, Unit 1701-N
3. Property Appraiser's Detailed Report for 9705 Collins Avenue, Unit 1702-N

RESOLUTION NO. 2021_____

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA; RATIFYING THE BUILDING OFFICIAL'S APPROVAL OF THE UNITY OF TITLE, SUBMITTED BY 9701 COLLINS AVENUE, 1701 LLC, FOR THE PROPERTIES LOCATED AT 9705 COLLINS AVENUE, UNITS 1701-N AND 1702-N, BAL HARBOUR FLORIDA, 33154, TO COMBINE THE TWO CONDOMINIUM UNITS INTO ONE CONDOMINIUM UNIT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 9701 Collins 1701, LLC (the "Applicant") seeks to unify the real property located at 9705 Collins Avenue, units 1701-N and 1702-N, in the St. Regis North Tower ("Property") and OF Ocean Front zoning district.; and

WHEREAS, the Village of Bal Harbour (the "Village") Council desires to ratify the Building's official's approval of a Unity of Title for JNY Partners, LLC to combine the two condominium units into one condominium unit; and

WHEREAS, the Village Council finds that the approval is warranted.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Approved. That the above stated recitals are hereby adopted and confirmed.

Section 2. Ratification of Approval of Unity of Title. That the approval of the application to create one condominium unit out of two by unifying the titles of 9705 Collins Avenue, units 1701-N and 1702-N under one property, as shown on Exhibit A is hereby approved.

Section 3. Implementation. That the Village Manager is hereby authorized to take any action necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this May X, 2021.

Gabriel Groisman, Mayor



ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR USE AND
RELIANCE OF BAL HARBOUR VILLAGE

Village Attorney
Weiss Serota Helfman Cole & Bierman, P.L.

EXHIBIT "A"

**THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:**

Ana Cosculluela, Esq.
The Jacobs Law Group
20700 W. Dixie Highway
Aventura, FL 33180

Folio Number(s): 12 2226 048 0130
12 2226 048 0360

UNITY OF TITLE

The undersigned ("**Owner**") is the owner of the following described real property ("**Property**") located in Bal Harbour Village, Florida:

Condominium Parcel No. 1701-N in BAL HARBOUR NORTH SOUTH CONDOMINIUM, according to the Declaration thereof, as recorded in Official Records Book 27891, Page 0454, of the Public Records of Miami-Dade County, Florida

Street address: 9705 Collins Avenue, Unit #1701-N, Bal Harbour, Florida 33154

Condominium Parcel No. 1702-N in BAL HARBOUR NORTH SOUTH CONDOMINIUM, according to the Declaration thereof, as recorded in Official Records Book 27891, Page 0454, of the Public Records of Miami-Dade County, Florida

Street address: 9705 Collins Avenue, Unit #1702-N, Bal Harbour, Florida 33154

NOW THEREFORE, In consideration of the issuance of a building permit by Bal Harbour Village ("**Village**") for the joinder of Unit 1701-N and Unit 1702-N, Owner hereby agrees to restrict the use of the Property in the following manner:

1. **Property as One Parcel.** The Property shall be considered as one parcel of land. No portion of the Property shall be encumbered, mortgaged, sold, transferred, divided, conveyed, devised or assigned, except in its entirety as one parcel of land.
2. **Use of Property.** The Property shall only be used for residential purposes. The only construction which may be permitted on the Property is that of a residence.
3. **Covenant Running with the Land.** This Unity of Title is a covenant running with the land and shall remain in full force and effect and be binding upon the Owner, and its heirs, successors, and assigns until such time as this Unity of Title is modified or released in the manner provided herein.

4. **Term.** This Unity of Title shall run with the land and shall be binding on all parties and all persons claiming under it for a period of 30 years from the date this Unity of Title is recorded, after which time it shall be extended automatically for successive periods of 10 years each.
5. **Modification, Amendment, Release.** This Unity of Title may only be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the Property, with joinders by all mortgagees, if any, and by the Director of the Bal Harbour Village Building Department or his or her successor or designee.
6. **Enforcement.** Enforcement of this Unity of Title shall be by action against any parties or person violating, or attempting to violate, any of the covenants set forth herein. The prevailing party in any action or suit pertaining to or arising out of this Unity of Title shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable attorneys' fees. This enforcement provision shall be in addition to any other remedies available at law or in equity.
7. **Authorization for Village to Withhold Permits and Inspections.** In the event the terms of this Unity of Title are not being complied with, in addition to any other remedies available, the Village is hereby authorized to withhold any further permits, and to refuse to make any inspections or grant any approvals, until such time as this Unity of Title is complied with.
8. **Recording.** Owner shall promptly record this Unity of Title in the Public Records of Miami-Dade County, Florida at the Owner's expense, and shall provide a copy of the recorded instrument to the Village within 10 days after recording.

----- SIGNATURES ON FOLLOWING PAGES -----

This Unity of Title has been executed by the Owner on _____, 2021.

Witnesses (2 required):

OWNER:

9701 Collins 1701 LLC

a Florida limited liability company

Witness Signature: _____

By: _____

Witness Name: _____

Kathryn Chenault - Manager

Witness Signature: _____

Witness Name: _____

STATE OF _____

COUNTY OF _____

THE FOREGOING INSTRUMENT was acknowledged before me by means of physical presence on the ____ day of _____, 2021 by Kathryn Chenault, as Manager of 9701 Collins 1701 LLC, a Florida limited liability company, who (check one) is personally known to me or has produced _____ as identification.

My Commission Expires:

NOTARY PUBLIC, State of _____

Print Name: _____

**JOINDER BY
MORTGAGEE**

_____, a _____ corporation and

Mortgagee under that certain mortgage from _____

dated _____
and recorded in Official Records Book _____, Page _____, of the
Public Records of Miami-Dade County, Florida, covering all or a portion of the property
described in the foregoing Unity of Title, does hereby acknowledge that the terms of this Unity of
Title are and shall be binding upon the undersigned Mortgagee and its successors in title.

Witnesses (2 required):

Mortgagee:

Signature: _____

By: _____

Print name: _____

Print name: _____

Signature: _____

Title: _____

Print name: _____

Date: _____

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

THE FOREGOING INSTRUMENT was acknowledged before me by means of physical
presence on the ____ day of _____, 2021 by _____, as
_____ of _____ who (check
one) is personally known to me or has produced _____ as identification.

My Commission Expires:

NOTARY PUBLIC, State of _____

Print Name: _____

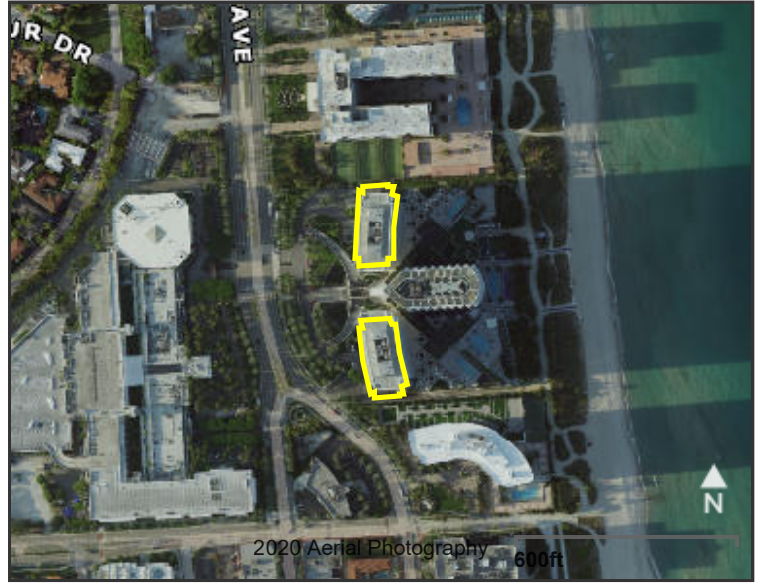


OFFICE OF THE PROPERTY APPRAISER

Detailed Report

Generated On : 5/14/2021

Property Information	
Folio:	12-2226-048-0360
Property Address:	9705 COLLINS AVE UNIT: 1702N Bal Harbour, FL 33154-0000
Owner	9701 COLLINS 1701 LLC
Mailing Address	3 EAST 95 ST NEW YORK, NY 10128 USA
PA Primary Zone	0000
Primary Land Use	0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL
Beds / Baths / Half	3 / 3 / 1
Floors	0
Living Units	1
Actual Area	Sq.Ft
Living Area	3,128 Sq.Ft
Adjusted Area	3,128 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	2011



Assessment Information				
Year	2020	2019	2018	
Land Value	\$0	\$0	\$0	
Building Value	\$0	\$0	\$0	
XF Value	\$0	\$0	\$0	
Market Value	\$3,599,816	\$4,004,580	\$3,327,247	
Assessed Value	\$3,599,816	\$3,659,971	\$3,327,247	

Benefits Information				
Benefit	Type	2020	2019	2018
Non-Homestead Cap	Assessment Reduction		\$344,609	

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Taxable Value Information				
	2020	2019	2018	
County				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$3,599,816	\$3,659,971	\$3,327,247	
School Board				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$3,599,816	\$4,004,580	\$3,327,247	
City				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$3,599,816	\$3,659,971	\$3,327,247	
Regional				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$3,599,816	\$3,659,971	\$3,327,247	

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-048-0360

Property Address: 9705 COLLINS AVE 1702N

Roll Year **2020** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Generated On : 5/14/2021

Property Information

Folio: 12-2226-048-0360

Property Address: 9705 COLLINS AVE 1702N

Roll Year **2019** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-048-0360

Property Address: 9705 COLLINS AVE UNIT: 1702N Bal Harbour, FL
33154-0000

Roll Year **2018** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-048-0360

Property Address: 9705 COLLINS AVE 1702N

Full Legal Description
BAL HARBOUR NORTH SOUTH CONDO
UNIT 1702N
UNDIV 0.391647%
INT IN COMMON ELEMENTS
OFF REC 27891-0454

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/08/2017	\$6,300,000	30802-0363	Qual by exam of deed
02/21/2012	\$3,950,000	28031-0019	Qual by exam of deed

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Version:



OFFICE OF THE PROPERTY APPRAISER

Detailed Report

Generated On : 5/14/2021

Property Information	
Folio:	12-2226-048-0130
Property Address:	9705 COLLINS AVE UNIT: 1701N Bal Harbour, FL 33154-0000
Owner	9701 COLLINS 1701 LLC
Mailing Address	3 EAST 95 ST NEW YORK, NY 10128 USA
PA Primary Zone	0000
Primary Land Use	0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL
Beds / Baths / Half	3 / 3 / 1
Floors	0
Living Units	1
Actual Area	Sq.Ft
Living Area	3,524 Sq.Ft
Adjusted Area	3,524 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	2011



Assessment Information				
Year	2020	2019	2018	
Land Value	\$0	\$0	\$0	
Building Value	\$0	\$0	\$0	
XF Value	\$0	\$0	\$0	
Market Value	\$3,902,353	\$4,198,020	\$4,039,033	
Assessed Value	\$3,902,353	\$4,198,020	\$4,039,033	

Benefits Information				
Benefit	Type	2020	2019	2018
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Taxable Value Information				
	2020	2019	2018	
County				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$3,902,353	\$4,198,020	\$4,039,033	
School Board				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$3,902,353	\$4,198,020	\$4,039,033	
City				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$3,902,353	\$4,198,020	\$4,039,033	
Regional				
Exemption Value	\$0	\$0	\$0	
Taxable Value	\$3,902,353	\$4,198,020	\$4,039,033	

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-048-0130

Property Address: 9705 COLLINS AVE 1701N

Roll Year **2020** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-048-0130

Property Address: 9705 COLLINS AVE 1701N

Roll Year **2019** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-048-0130

Property Address: 9705 COLLINS AVE UNIT: 1701N Bal Harbour, FL
33154-0000

Roll Year **2018** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/14/2021

Property Information

Folio: 12-2226-048-0130

Property Address: 9705 COLLINS AVE 1701N

Full Legal Description
BAL HARBOUR NORTH SOUTH CONDO
UNIT 1701N
UNDIV 0.441229%
INT IN COMMON ELEMENTS
OFF REC 27891-0454

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
06/25/2013	\$6,895,000	28702-3707	Qual by exam of deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

BAL HARBOUR

- V I L L A G E -

COUNCIL ITEM SUMMARY

Condensed Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 8 "ELECTIONS" OF THE VILLAGE'S CODE OF ORDINANCES DEFINING PROCEDURES FOR CHARTER CHANGES BY THE VILLAGE COUNCIL AND CHARTER CHANGES BY PETITION OF ELECTORS.

Issue:

The Village Charter and Village Code are silent on procedures for a Charter amendment by petition.

The Bal Harbour Experience:

- Beautiful Environment Safety Modernized Public Facilities/Infrastructure
 Destination & Amenities Exclusivity & Access Resiliency & Sustainable Community
 Other: Elections

Item Summary / Recommendation:

Florida Statutes § 166.031(1) and Miami Dade County Home Rule Charter provide brief guidelines for municipal Charter Amendments and although the Village Charter provides detailed procedures and steps for petitioning for an Initiative or Referendum, the Charter and Village Code are silent regarding steps for a petition for a Charter Amendment. The Village Council passed the ordinance on first reading on April 20, 2021.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE

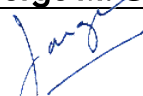
Advisory Board Recommendation:

N/A

Financial Information:

	Amount	Account	Account #
	N/A	N/A	N/A

Sign off:

Dwight Danie Village Clerk		Village Manager Jorge M. Gonzalez
		

BAL HARBOUR

- V I L L A G E -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: May 25, 2021

SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 8 "ELECTIONS" OF THE VILLAGE'S CODE OF ORDINANCES DEFINING PROCEDURES FOR CHARTER CHANGES BY THE VILLAGE COUNCIL AND CHARTER CHANGES BY PETITION OF ELECTORS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

I recommend approval of this Ordinance on second reading.

BACKGROUND

This ordinance was first presented to the Village Council on October 20, 2020 as a discussion item. The Village Council requested that the item be brought back to the Council after the January 26, 2021 Special Referendum Election. The Village Council passed the ordinance on first reading on April 20, 2021 with direction to the Village Attorney to research whether or not a section might be added requiring the petitioner to wait a period of time after a failed referendum to wait for a period of time to initiate a new petition process for the same issue. The legal opinion of the Village Attorney is that the Section 6.03 of the Miami-Dade Home Rule Charter prohibits the Village from imposing a waiting period to commence gathering signatures for a new charter petition for the same issue.

Section 6.03 of the Miami-Dade Home Rule Amendment and Charter states that a municipality's governing body shall conduct a special election not less than 60 nor more than 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, but is silent on any further procedures.

Sections 54 through 65 of the Bal Harbour Village Charter provide very detailed procedures for Initiative and Referendum petitions, but the Code is silent on procedures for Charter amendment petitions.

In the past, when administering a petition presented to the Village for a Charter amendment, the Village Clerk has generally followed a process in parallel to the process prescribed by the Village Charter for initiatives and referendum petitions, representing best practices, but these practices have not been codified in the Village Code.

ANALYSIS

The October 20, 2020 discussion item presented a sample ordinance and posed the following policy matters for Council consideration and direction.

1. Whether or not a petition committee is required for Charter amendment petitions, and if so, the minimum size of its membership;
2. If there is a petition committee, whether or not the names of all committee members need to be printed on the petition;
3. Whether or not the Village Attorney should review the proposed Charter amendment language for legal sufficiency before signatures are obtained;
4. Whether or not an opportunity to amend an insufficient petition for a Charter amendment should be provided to the signature collectors;
5. Whether or not, after a Charter amendment petition is certified as insufficient, there should be a time period barring the initiation of a new petition procedure for the same proposed Charter amendment.
6. Whether or not, after a failed charter amendment referendum the petitioner should wait for a period of time to initiate a new petition process for the same issue.

The Council requested that Staff provide recommendations regarding these matters upon the return of ordinance for consideration.

1. Whether or not a petition committee is required for Charter amendment petitions, and if so, the minimum size of its membership;

Nearly every municipality in Miami-Dade County (see Attachment 1) has very detailed procedures in their Charters for initiative/referendum petitions; the majority require a petition committee, with an average committee size of ten (10) electors. Nine municipalities that have procedures for Charter amendment petitions mirror their procedures for initiative/referendum petitions. We are recommending that a petition committee be required for Charter amendment petitions. The requirement for a charter amendment petition committee is consistent with our existing Charter requirements for initiative/referendum petitions. We believe that five (5) committee members would be sufficient given the size of the electorate.

2. If there is a petition committee, whether or not the names of all committee members need to be printed on the petition;

Our Charter requires the names and addresses of the five electors comprising a petition committee for initiatives and referenda to be printed on the petition. The printing of committee members' names on the petition is not a common practice in Miami-Dade. Instead, the majority of municipalities require the petition committee to file an affidavit with the committee members' names and addresses, accessible to the public on municipal websites. We recommend the petition committee member names be printed on the

petition, consistent with our Charter requirements for initiative/referendum petitions, but also to accommodate residents who may not have access to our website.

3. Whether or not the Village Attorney should review the proposed Charter amendment language for legal sufficiency before signatures are obtained;

Twenty of the thirty-four municipalities in Miami-Dade County, including Bal Harbour, do not require that the municipal attorney review initiative/referendum petitions prior to the circulation of the petition to collect signatures. Consistent with our process for initiative/referendum petitions, we do not believe it is necessary to incorporate language in the ordinance on legal sufficiency review by the Village Attorney prior to the circulation of a petition for a charter change. It is important to note that the Village Attorney will review this issue prior to the petition being presented for Council review.

4. Whether or not an opportunity to amend an insufficient petition for a Charter amendment should be provided to the signature collectors;

We recommend that the Charter amendment petition committee be given the opportunity to amend an insufficient petition one (1) time after the first submittal is found to be insufficient. This is a standard practice for the majority of municipalities in Miami-Dade, with an average turnaround or cure time of ten (10) days. This practice would also be consistent with our Charter procedures for initiative/referendum petitions. We are recommending that the petition committee be afforded ten (10) days to amend a petition upon a finding of insufficiency by the Village Clerk.

5. Whether or not, after a Charter amendment petition is certified as insufficient, there should be a time period barring the initiation of a new petition procedure for the same proposed Charter amendment.

Petition signatures are valid for up to two years, and the proponent of the petition chooses when to submit based on their judgment of whether they have enough signatures. Because the signatures collected in one petition drive cannot be re-used after they are submitted and found insufficient, there will naturally be some delay between one petition effort and the next while all signatures are once again gathered. A review of other municipalities in Miami-Dade County did not reveal other cities having such a requirement. We see no compelling reason to address this question in this ordinance, and suggest that the people's right to petition their government is important enough that, as a matter of policy, it would be best not to adopt such a requirement.

6. Whether or not, after a failed charter amendment referendum the petitioner should wait for a period of time to initiate a new petition process for the same issue.

Section 6.03 of the Miami-Dade County Charter governs municipal elections and offers some flexibility to a municipality as to the method a municipality can adopt when

considering charter changes questions, but does not grant specific authority for a municipality to establish a waiting period for petitioners who wish to begin collecting signatures for the same ballot question that previously failed. Consequently,, no legal justification could be found to establish a waiting period. However, it should be noted that a gap in time between elections is likely given the time it takes to collect signatures. Moreover, unless the question is certified for a general election, the Village has to rely on the Miami-Dade Supervisor of Elections to schedule a special election.

THE BAL HARBOUR EXPERIENCE

This item falls under the category "Other: Elections" in the Bal Harbour Experience. Requirements of the County Charter and in some cases State statutes, as well as the example of the Village Charter procedures for petitions for initiatives and referenda, provide the guidance for the creation of new procedures.

CONCLUSION

This ordinance would provide clarity in the Village Code as to the procedures to be followed for a petition seeking to amend to the Village Charter. It establishes and provides guidance for the petition committee regarding the form of the petition, and the elements of the petition required by the Village for accountability and by the Miami-Dade County Supervisor of Elections to properly verify electors' signatures and voting status.

The ordinance also provides guidance for the Village Clerk and the Village Attorney in working with the petition committee and the County on the certification of the sufficiency/insufficiency of the petition. Lastly it provides guidance to the Village Council in calling a special election, in the event that the petition is certified as sufficient.

ORDINANCE NO. 2021-____

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 8 "ELECTIONS" OF THE VILLAGE'S CODE OF ORDINANCES DEFINING PROCEDURES FOR CHARTER CHANGES BY THE VILLAGE COUNCIL AND CHARTER CHANGES BY PETITION OF ELECTORS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 6.03 of the Miami-Dade County Charter ("County Charter") establishes the method by which the Village Council ("Council") can propose to change the Village Charter ("Village Charter"), by adopting a resolution framing a ballot question and setting forth the language of the proposed Village Charter change, and submitting the ballot question to the voters at a regular or special election in accordance with its terms; and

WHEREAS, Section 6.03 of the County Charter also establishes a petition method by which 10 percent of the qualified electors of the Village may submit proposed language to change the Village Charter to the Village Council, for Council approval of a resolution to submit a ballot question at a regular or special election in accordance with the County Charter's terms; and

WHEREAS, Sections 54 through 65 of the Village Charter provides detailed procedures for initiative and referendum petitions to amend the Village Code of Ordinances, but are silent on procedures for Village Charter changes; and

WHEREAS, historically, the Village has applied those portions of Sections 54 through 65 of the Village Charter as may be applicable to petitions to change the Village Charter, but the absence of defined Village policies and requirements has raised questions and interfered with the efficient processing of such petitions; and

WHEREAS, the Village Council desires to amend Village Code Chapter 8, "Elections" to sub-divided it into two Articles, and to provide clear procedures and guidelines for (a) the Village Council to propose changes to the Village Charter via resolution, and (b) Village electors to propose changes to the Village Charter via a petition to the Village Council.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the above stated recitals are hereby adopted and confirmed.

Section 2. Village Code Amended - Chapter 8. That Chapter 8 "Elections" of the Code of Bal Harbour Village, Florida, is hereby amended to create an Article I containing all of current sections of the chapter, and to add an Article II, "Proposals to Change Charter", which shall read as follows:¹

CHAPTER 8 - ELECTIONS

ARTICLE I. GENERALLY

ARTICLE II. PROPOSALS TO CHANGE CHARTER

Sec. 8-12. - Definitions. Words and terms not defined in this article shall be interpreted in accordance with their normal dictionary meaning and customary usage. The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section:

Charter change. A proposed amendment to or revocation of the village charter, or a proposed adoption of a new village charter. The proposal shall not address the village boundaries.

Qualified electors. Registered electors as of the last preceding village general election.

Sec. 8-13. - Village council proposal to change charter.

(a) Resolution required. The council may, by resolution, submit to village electors a proposed charter change.

(b) Content of resolution. The resolution shall satisfy the requirements of Miami-Dade County Charter Section 6.03, and shall contain the following provisions:

¹ Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double striketrough~~ font.

(1) the full language of the proposed charter change; and

(2) the language of the ballot title and ballot summary, consistent with Florida Statute Section 101.161(1); and

(3) the date of the election at a time that complies with Miami-Dade County Charter Section 6.03, as approved by the Miami-Dade County Supervisor of Elections pursuant to Florida Statutes Section 100.151; and

(4) the effective date of the proposed charter change, if approved by the village electors; and

(5) all other details necessary to submit the proposed charter change to the village electors.

(c) *Elector approval.* If a majority of the electors voting on a charter change proposed by the village council vote in favor thereof, it shall become effective in accordance with the effective date provisions of the council resolution.

Sec. 8-13. - Petition of village electors to change charter. The village electors may, by petition, submit to the village council a proposed charter change. The petition must be signed by 10 percent of the qualified electors. The petition must comply with the requirements and be processed in accordance with this Article.

Sec 8-13.1. - Petition committee. Five electors of the municipality shall be designated as the petition committee for the charter change. A specific person shall be designated as chair of the committee, and this person shall act for the committee.

Sec 8-13.2. - Petition.

(a) *Petition form.* The form of petition shall be available on request from the village clerk's office, and each petition submitted shall meet the following requirements.

(1) *Style and content.* All petition papers circulated shall be uniform in size and style, and shall contain the full text of the proposed charter change. The text shall show additions through underlined language and deletions by language which is stricken through, in the usual village format. The text shall be drafted clearly in order to convey the expressed intent of the petition, and the language of the ballot title and ballot summary must comply with Florida Statute Section 101.161(1);

(2) *Multiple petition papers.* The elector signatures may be appended to more than one petition paper.

(3) Signatures. Each signer of any petition paper shall sign their name in ink or indelible pencil and shall indicate, after their name, their place of residence by street and number, or other description sufficient to identify the place, and date of birth or voter registration number.

(4) Responsible entity. There shall appear on each petition paper the names and addresses of five (5) electors, who, as a committee of the petitioners, shall be responsible for the circulation and filing of the petition. The person serving as chair of the petition committee shall be identified as such on each petition paper.

(5) Affidavit of circulator. Attached to each petition paper, there shall be an affidavit of the circulator thereof that the circulator, and only the circulator, personally circulated the petition paper, that it bears a stated number of signatures, that all the signatures appended thereto were made in the circulator's presence, and that the circulator believes them to be the genuine signatures of the persons whose names they purport to be. A petition paper which does not have the affidavit of circulator is invalid, and will not be accepted for processing. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds.

Sec. 8-13.3. - Petition filing, signature verification, and determination of sufficiency.

(a) Filing with village clerk. All petition papers comprising the charter change petition shall be assembled and filed with the village clerk as one instrument, along with a check from the petition committee's campaign account made out to the Miami-Dade County Supervisor of Elections for the amount required by the County.

(b) Signature verification by County. Within 7 business days of the charter change petition being filed, the village clerk shall transmit the petition, as one instrument, to the Miami-Dade County Supervisor of Elections for signature verification, along with the required payment, written verification that the requirements of this Article are met, and any further instructions for the Supervisor's processing.

(c) Clerk's certification. Within 7 business days of receipt of the County's signature verification, the village clerk shall examine the charter change petition and the County's certification, and determine whether or not the petition is sufficient. If each paper of the petition has a proper statement of the circulator and the petition is signed by a sufficient number of qualified electors as verified by the County, the petition shall be certified as sufficient. If the village clerk determines that the petition is insufficient, the certification shall specify the particulars in which it is defective. The village clerk shall certify the result of his or her examination of the petition to the village council at its next regular meeting, and notify the committee of his or her determination and of the date and time of the next regular village council meeting.

(d) Amendment of the charter change petition. Upon a finding of insufficiency by the village clerk, the committee may file a supplementary charter change petition provided the clerk receives the amended petition within ten (10) days from the date the committee receives the clerk's certificate of insufficiency. The supplementary petition will be filed and processed in the same manner as the original petition.

Sec. 8-13.4. - Duty of village council.

(a) Resolution. Following the certification of a proposed charter change as sufficient by the village clerk, the charter change shall be presented to the village council for approval by resolution at its next regular meeting. The resolution shall be adopted in conformance with the time requirements for submission of the ballot question to village electors, and shall otherwise conform to the requirements of section 8-12(b).

(b) Council decision on petitioners' proposed charter change. The council may reject a resolution proposing a charter change only on the basis of failure to meet all applicable laws. The council's approval of such a resolution shall not be construed as support of or opposition to the substance of the proposed charter change.

Sec. 8-13.5. - Elector approval. If a majority of the electors voting on a proposed charter change vote in favor thereof, it shall become effective in accordance with the effective date provisions of the council resolution.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become and be made a part of the Bal Harbour Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflict. That all Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions, or parts of

resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 20th day of April, 2021.

PASSED AND ADOPTED on second reading this 25th day of May, 2021.

Gabriel Groisman, Mayor



ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

BAL HARBOUR

- V I L L A G E -

COUNCIL ITEM SUMMARY

Condensed Title:

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, AUTHORIZING THE USE OF THE TITLE OF VICE MAYOR TO HAVE THE SAME MEANING AS ASSISTANT MAYOR FOR ALL PURPOSES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Issue:

Shall the Assistant Mayor of Bal Harbour Village henceforth use the title Vice Mayor?

The Bal Harbour Experience:

- Beautiful Environment Safety Modernized Public Facilities/Infrastructure
 Destination & Amenities Exclusivity & Access Resiliency & Sustainable Community
 Other: Village Council Protocol and Administration

Item Summary / Recommendation:

The title "Assistant Mayor" is unique to Bal Harbour Village and its meaning is deemed inconsistent with responsibilities of the Council member elected by the Council to serve in this capacity. This item is before the Council by its unanimous consensus at the May 6 & 7, 2021 Council Retreat recommending that the title Vice Mayor be used for all purposes henceforth.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE

Advisory Board Recommendation:

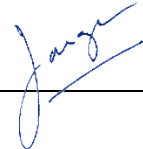
N/A

Financial Information:

	Amount	Account	Account #
	N/A	N/A	N/A

Sign off:

Dwight Danie Village Clerk		Village Manager Jorge M. Gonzalez
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BAL HARBOUR

- V I L L A G E -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: May 25, 2021

SUBJECT: **A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, AUTHORIZING THE USE OF THE TITLE OF VICE MAYOR TO HAVE THE SAME MEANING AS ASSISTANT MAYOR FOR ALL PURPOSES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

I recommend approval of this Resolution.

BACKGROUND

Section 16 of Bal Harbour Village Charter states that "The council shall elect one of its members **as mayor** who shall preside at meetings of the council, and shall be recognized as head of the village government for all purposes and by the governor for purposes of military law. the council shall also elect one of its members as **an** assistant mayor who shall act as mayor during the absence or disability of the mayor and if a vacancy occurs shall become mayor for the completion of the unexpired term" (emphasis added).

According to a Municode search, Bal Harbour Village is the single municipality in the State of Florida that uses the title *assistant mayor* for the officer that assumes mayoral duties in the absence of the mayor. The title of *vice mayor* is also recognized in Florida Statutes 48.111(b), in civil practice and procedure, which states that the vice mayor, in absence of the mayor, may be served in a process against a municipal corporation.

At the May 6 & 7, 2021 Village Council Retreat the Village Council reached unanimous consensus to ascribe the same meaning of *vice mayor* to the duties of *assistant mayor* as enumerated in the Village Charter.

THE BAL HARBOUR EXPERIENCE

This item falls under the category "Other: Council Protocol and Administration" in the Bal Harbour Experience.

CONCLUSION

May 25, 2021 Council Meeting

Re: Vice Mayor Resolution

Page 2 of 2

This Resolution would allow, for the official designated in the Village Charter, that has the responsibility to act in the capacity of Mayor during his or her absence or disability, to utilize the title "Vice Mayor" providing the same meaning to the title assistant mayor. The title, recognized in the Florida Statute and most commonly used in the State of Florida for this position, conveys a meaning that is consistent with the responsibilities of the Council member elected by the Village Council to serve in this capacity.

RESOLUTION NO. 2021-____

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, AUTHORIZING THE USE OF THE TITLE OF VICE MAYOR TO HAVE THE SAME MEANING AS ASSISTANT MAYOR FOR ALL PURPOSES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 16 of Bal Harbour Village Charter states that “The council shall elect one of its members as mayor who shall preside at meetings of the council, and shall be recognized as head of the village government for all purposes and by the governor for purposes of military law. the council shall also elect one of its members as **an** assistant mayor who shall act as mayor during the absence or disability of the mayor and if a vacancy occurs shall become mayor for the completion of the unexpired term”; and

WHEREAS, according to a Municode search, Bal Harbour Village is the single municipality in the State of Florida that uses the title *assistant mayor* for the officer that assumes mayoral duties in the absence of the mayor; and

WHEREAS, this title conveys a meaning inconsistent with the responsibilities of the Council member elected by the Council to serve in this capacity; and

WHEREAS, the title of *vice mayor* is also recognized in Florida Statutes 48.111(b), in civil practice and procedure, stating that the vice mayor, in absence of the mayor, may be served in a process against a municipal corporation; and

WHEREAS, being that the title *vice mayor* is more commonly used in the State of Florida and Miami-Dade County, the Village Council, at the May 6 & 7, 2021 Village Council Retreat, reached unanimous consensus to ascribe the same meaning of *vice mayor* to the duties of *assistant mayor* as enumerated in the Village Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That the above stated recitals are hereby adopted and confirmed.

Section 2. Title Change Authorized. The Village Council authorizes that the title of *vice mayor*, so when used, shall have the same meaning as *assistant mayor*, for all purposes.

Section 3. Implementation. That the Village Manager is hereby authorized to take all actions necessary to execute and implement this Resolution.

Section 4. Effective Date. That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 25th day of May, 2021.



Mayor Gabriel Groisman

ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.

BAL HARBOUR

- V I L L A G E -

MEMORANDUM

TO: Honorable Mayor and Council

FROM: Dwight S. Danie, Village Clerk 

DATE: May 18, 2021

RE: Lobbyist Registration Report

Name of Lobbyist	Principal Represented	Date Registered
Ronald Book	Alternative Claims Management	01/02/21
Stuart Sobel	Bal Harbour Civic Association	01/11/21
John Shubin, Shubin & Bass	Bal Harbour Shops, LLLP	01/14/21
Amy E. Huber, Shubin & Bass	Bal Harbour Shops, LLLP	01/14/21
Ian DeMello	Bal Harbour Shops, LLLP	01/14/21
Matthew W. Lazenby	Bal Harbour Shops, LLLP	01/14/21
Randall Whitman	Bal Harbour Shops, LLLP	01/14/21
Ivor N. Massey aka Nik Massey	Bal Harbour Shops, LLLP	01/14/21
Carolyn M. Travis	Bal Harbour Shops, LLLP	01/14/21
Randall A. Whitman	Bal Harbour Shops, LLLP	01/14/21
Mark Fisher	Bal Harbour Civic Association	01/15/21
Carter McDowell	BH RE Ventures LLC	01/15/21
Lauren Koplowitz	Bal Harbour Civic Association	01/19/21
Davie Wolf	Bal Harbour Civic Association	01/19/21
Dina Cellini	Bal Harbour Civic Association	01/19/21