
From: Klopp, Keven
Sent: Wednesday, April 19, 2017 3:51 PM
To: Gary Rosner; Jonathan Staebler; Alex Berkovich
Cc: Merino, Jennifer; Carlton, Roger M.; Dominguez, Christy; Leroy, Vanessa; Bardales, Cindy; Rafols, Nydia M; Bataille, Mario; McKenney, Andre
Subject: FW: Phillip King Investments, Inc.-URGENT
Attachments: Notice Of Service.pdf; Ex 1.docx

Importance: High

Good afternoon,

Thank you for your e-mail below. I will review the request with the administration and Development Services' staff. A follow-up response will follow thereafter.

Regards,

Keven R. Klopp | kklopp@cohb.gov | 954-457-1376
Director, Development Services Department | City of Hallandale Beach | 400 S. Federal Highway | Hallandale Beach, FL 33009

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From: Gary Rosner [<mailto:grosner@ritterchusid.com>]
Sent: Wednesday, April 19, 2017 2:33 PM
To: Klopp, Keven; Rafols, Nydia M; jfrastai@hallandalebeachfl.gov
Cc: Jonathan Staebler; Alex Berkovich
Subject: Phillip King Investments, Inc.-URGENT
Importance: High

Good afternoon,

The undersigned is counsel for Phillip King Investments, Inc. ("PKI"). On May 27, 2015, PKI submitted a request letter to the City of Hallandale Beach (the "City"), which the City then designated Application #144-15-RV (the "Application"). The Application requests that the City vacate a five-foot strip (the "Strip") of City right-of-way, specifically, the southernmost five feet of the alley (the "Alley") that abuts the northern boundary of a lot owned by PKI (the "PKI Lot"). The locations of the PKI Lot and the Alley are shown in a surveyor's sketch and two maps that were delivered to the City as part of the Application; a copy of the sketch is attached to this letter, for ease of reference.

The sketch identifies lots by number. The PKI Lot is Lot 15. Lots 14, 16 and 17 are owned by GFYI Florida, Inc. ("GFYI"; the "GFYI Lots"). GFYI Lot 16 abuts the PKI Lot to the west and GFYI Lot 14 abuts the Alley to the north. A building on GFYI Lots 16 and 17 houses the medical practice of Dr. Linda F. Kaplan.

The sketch also illustrates the fact that in 1991, by City Ordinance 91-16, the City vacated the entire portion of the Alley that lies between GFYI Lot 14, on the north, and GFYI Lots 16 and 17, on the south. The sole beneficiary of that vacation was Dr. Kaplan, whose practice uses GFYI Lot 14 as its parking lot.

PKI's predecessor in title to Lot 15 entered into a contract with Dr. Kaplan in 2007 (the "2007 Agreement"). The 2007 Agreement purported to grant an easement to Dr. Kaplan over a five-foot strip on the northern tip of Lot 15, for the purpose of erecting a fence. PKI closed its purchase of Lot 15 on November 21, 2013, without any knowledge of the 2007 Agreement.

In order to resolve the issue, a lawsuit was filed by PKI relative to 2007 Agreement

The attached Application was included in the Agenda of the City Commission for its September 16, 2015 meeting.

At the meeting, the Application was duly called for consideration. But before any discussion of the merits, Commissioner London objected to voting on the Application, on the ground that such action would be improper in light of the lawsuit. He then moved that the Application be tabled until the lawsuit was resolved. His motion passed and the Application was tabled.

The events described in the preceding paragraph were recorded in the official audio/video record of the Meeting (as displayed on the City website), starting at approximately 2:50:30 and ending at approximately 2:59:30.

Recorded remarks show that certain members of the Commission, and even City Attorney Whitfield, labored under a fundamental misunderstanding of the lawsuit and I must assume this was because Dr. Kaplan had provided them with incomplete or incorrect information. The misunderstanding is shown most clearly in the following specific remarks, excerpted from the official record:

- Starting at approximately 2:54:30, City Attorney Whitfield, in dialog with the Mayor, made a series of statements about the lawsuit, which included her assertion that "there is currently a lawsuit involving these parties [i.e., PKI and Dr. Kaplan], both of these parties, and the property, and the right of way that's in question, is currently before the court."
- Starting at approximately 2:57:20, Commissioner London sought to lay the foundation for his motion to table the Application by stating, "I don't want to be the person who preempts the court of law and changes the facts on the ground. I think that the lawsuit should proceed [and when it] finishes, [...] we will come back and worry about right-of-ways."

On April 17, 2017, the attached order was entered by Judge Antonio Rodriguez in favor of PKI, the only remaining issue in this lawsuit are damages, fees and costs PKI is entitled to as the prevailing party. I request, therefore, that the Commission place this application on the next Commission agenda. I will be present at the meeting to address any questions.

Please contact me upon receipt of this e-mail.

Regards
Gary Rosner

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