



January 7, 2015

Tom Ansbro, Esq.
City of Dania Beach Attorney
100 West Dania Beach Blvd.
Dania Beach, FL 33004

Re: Rolly Marine v Broward County

Dear Mr. Ansbro:

As per your request, this letter will serve to provide a brief and updated history of the proposed transaction as well as some detail regarding the transaction and Dania Beach's role. This is a follow up to the letter sent in May 2013 which also described the transaction.

History of the transaction

Rolly Marine Service Company is a marina located on State Road 84. The marina is directly adjacent to Secret Woods Park, a Broward County designated park that sits within the City of Dania Beach. Rolly Marine's property borders the City of Dania Beach and is located within the boundaries of the City of Ft. Lauderdale. It is our understanding that Rolly Marine became a part of the City of Ft. Lauderdale during an involuntary annexation some years ago.

In 2004, a Broward County surveyor was conducting a survey of Secret Woods Park and determined that Rolly Marine was encroaching upon protected Broward County park land. The encroachment ran from the parking lot of Rolly Marine on the south side of the property to the north side of the property. The encroachment extended approximately 10 feet wide throughout that north to south strip. The alleged encroachment totaled 16,857 square feet. For the remainder of this letter, the land adjacent to Secret Woods Park which Rolly Marine wishes to acquire will be called "the strip."

777 BRICKELL AVENUE
SUITE 600
MIAMI, FLORIDA 33131

(305) 577-8448 / 1100
(305) 577-8465 / 111

www.letolaw.com

Rolly Marine objected to Broward County's position that it was encroaching since Rolly Marine had occupied the strip for over 35 years and several surveys performed by McLaughlin Engineering Company from the late 1990s through 2003 had confirmed that Rolly Marine owned the strip. After some investigation, Rolly Marine learned that McLaughlin Engineering made a surveying error and located the strip as part of Rolly Marine's property when, in fact, the property appeared to exist within Secret Woods Park.

Rolly Marine deems the strip adjacent to Secret Woods Park to be absolutely essential to the operation of Rolly Marine's business. As a result, Rolly Marine has entered into an agreement with Broward County and the City of Dania Beach which will allow it to purchase the strip adjacent to Secret Woods Park.

Actions required of the City of Dania Beach

The actions are fully described within the contract that was approved by the City of Dania Beach Commissioners on June 25, 2013. We have attached that contract for your review as Exhibit 1 to this letter. In short order, the contract requires the following action now that the County has completed its obligation under the agreement:

1. Broward County shall deliver the Rolly Marine deed to Dania. Upon receipt, Dania is to promptly record the deed. *See* Exhibit 1, pg. 4. I have requested an update from Andrew Meyers on this item and if the deed has not already been delivered, we expect it to be soon. Please confirm once you have received the deed.

2. Within 30 days after Dania has recorded the deed, the City shall move to adopt a resolution regarding the County property pursuant to Part X, Article 2 of the City of Dania Beach Charter and Related Laws. This Resolution should value the property at less than \$250,000 based upon the appraisals. The City is to explain why the property is no longer needed for City public purposes, and declare that the property acquired is surplus real property. *See* Exhibit 1, pg. 4; *see also* Exhibit 1, pg. 14 (Exhibit C to the Agreement which is the form in which the City of Dania Beach is to make such a declaration regarding the property). Prior to placing the resolution on an agenda, please forward it to me in final form for review to ensure compliance with the agreement.

3. Between 30 and 60 days after adoption of the Resolution described above, the property is to be offered for sale pursuant to the City of Dania Beach Charter and Related Laws.

Dania must publish notice of the sale in the official newspaper for 2 issues before the sale date. The publication must describe the date the sale bids will be received and protest heard, if any. See Exhibit 1, pg. 4

4. Upon the sale date, the City must sell the property for cash to the highest and best bidder. The City may reject bids pursuant to Part X, Article 2 of the charter. See Exhibit 1, pg. 4.

5. Rolly Marine will submit a sealed cash bid for the property which will also includes an obligation to construct a security wall on the western border of the property, as well as an obligation to provide fire hose protection in the area. See Exhibit 1, pg. 4.

6. Once the bid is accepted, the City will convey to Rolly Marine by quit claim deed the property along with title and interest. See Exhibit 1, pg. 4. Once the escrow agent has received the deed, Rolly will deliver payment as per the bid. See Exhibit 1, pg. 4. Rolly Marine is also readily prepared to begin construction on the wall and fire protection upon final exchange of the property.

Basically, in the above summation, I have reiterated the terms of the agreement. In your email of December 17, 2014, you requested a "descriptive summary of the recent County Commission action." Broward County has complied with the terms of the contract and the County Commission has approved the measure. Deeds have been exchanged and we consider the County to have fully complied. We are now moving forward to the portion of the contract involving Dania Beach.

As it relates to a survey, there was a survey attached to the agreement. Additionally, we sent you a certified survey on April 26, 2013. That survey was sent via courier so you should have it in your files. Please confirm so we do not need to get another copy.

The net result of the transaction

Once the transaction is complete, the following will have taken place:

1. Broward County will receive Oak Knoll, which will be designated a County Park subject to the protections of County Charter Amendment 8.13.

2. Rolly Marine Service Company will receive the strip and will become owner of the strip.

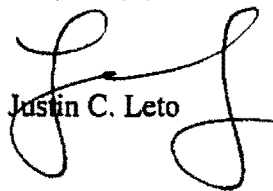
3. Rolly Marine Service Company will build a fire wall that separates Secret Woods Park and Rolly Marine, providing essential fire protection to the park and the City of Dania Beach where no present fire protection exists. Along with the firewall will be a fire line which will provide essential fire protection to the City of Dania Beach.

Costs associated with the transaction

All costs in connection with this agreement (including surveying costs, title insurance costs, environmental inspection costs, and conveyance costs) will be paid by Rolly Marine. There will be no financial impact whatsoever on the City of Dania Beach other than deriving the benefit of fire protection paid for by Rolly Marine.

We look forward to moving forward quickly and efficiently. I am available for any questions or comments.

Very truly yours,



Justin C. Leto

Cc: Greg Poulos, Rolly Marine Service Company