



SURFRIDER FOUNDATION
SOUTH FLORIDA CHAPTER

November 7, 2006

Sent via Facsimile and Certified Mail

Michael Patrizio
WCI Communities, Inc.
13450 W. Sunrise Boulevard, Suite 140
Sunrise, FL 33323

Michael,

Thank you for taking the time to return my call and discuss the issues of public beach access and parking regarding the One Bal Harbour project. I sincerely appreciate your efforts in working with us and Bal Harbour Village in trying to find an amicable solution to the matter at hand.

As we discussed Florida Statute 161.55 provides, in pertinent part:

(5) PUBLIC ACCESS – Where the public has established an accessway through private lands to lands seaward of the mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or construction **shall not interfere** with such right of public access unless a **comparable alternative accessway is provided**. The developer shall have the right to improve, consolidate, or relocate such public accessways so long as the accessways provided by the developer are: (a) Of **substantially similar quality and convenience** to the public....

(emphasis added)

Enclosed you will find a copy of the letter our counsel sent to Mayor Roth on October 16, 2006, to clarify this matter. In addition, I have enclosed copies of the pertinent parts of Florida Statute 161. It is my sincere hope that counsels for WCI Communities, Bal Harbour Village and Surfrider can communicate with each other and expediently find a resolution to the issue.

As we advised Village Manager Treppeda, if the parties involved are unable to immediately address the issue and put plans in motion to resolve the matter we will notify the Florida Department of Environmental Protection regarding the violation. We have been reticent to go this course since it may result in fines and additional scrutiny of permits. We understand that this may open a 'Pandora's Box' of issues and would prefer to work with the Village and WCI Communities to benefit the public welfare.

Sincerely,

Theodore Marshall
Vice-Chairman
Surfrider-South Florida Chapter

cc: Joseph Imbesi
cc: John Treppeda (additional documents previously provided)

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