



TOWN OF SURFSIDE

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September 9, 2021

Via Email, and U.S. Mail

Michael I. Goldberg, Esq.
Receiver, Champlain Towers South Condominium Association
201 East Las Olas Boulevard, Suite 1800 | Ft. Lauderdale, FL 33301
michael.goldberg@akerman.com

**Re: Requested Land Swap of Champlain Towers South Property for Surfside
Community Center Property located at 9301 Collins Avenue**

Dear Mr. Goldberg:

Thank you for conveying the inquiries of several former Champlain Towers South residents, survivors and owners regarding a requested land swap of the Champlain Towers South site for the Town's Community Center site located at 9301 Collins Avenue. The Town (myself and the Town Attorneys) were in attendance at the last status zoom hearing before Judge Hanzman and also heard the Judge's instruction to you as the Receiver to explore the option of the land swap. We did promptly convey the request to the Mayor and the Town Commission, but there is no support for the land swap. While we appreciate the residents' creativity, recognize the difficult circumstances they find themselves in, and respect your role in vetting this and all proposals, the Town will not entertain it. The Community Center is the centerpiece of the Town's services to its roughly 6,000 residents and the crown jewel of its public facilities. Its central location is integral to equitably providing services to all Town residents, adult and child alike, and the amenities it provides should be maintained in its current central location without interruption. Accordingly, the Community center site is not for sale, lease or exchange, even for this worthy cause.

Beyond the facility's importance, there are a number of impediments which make the proposal not feasible. Most significantly, Section 4 of the Charter, approved overwhelmingly by Surfside voters in November, 2020, restricts the sale, lease or exchange of Town property such as the Community Center, by requiring approval by at least four (4) members of the Town Commission and a minimum of 60% vote of the Town electors voting at a regularly scheduled general election or special election for the purpose of approving any conveyance or exchange of Town property. Second, as part of the Town's park system, conveyance or exchange of the Community Center is limited by Section 7 of the County Charter. Third, deed and plat restrictions may impact the use of the Community Center property, including requiring that the land be used for a public purpose and requiring access through the site by Town residents. Fourth, land use and

zoning restrictions further limit the development and use of the Community Center property. There are other considerations and potential obstacles, but given the Town's clear position on this matter, there is no need to elaborate further.

We understand you are doing your utmost to thoroughly consider every potential proposal to help the victims of this tragic accident, but we want to be clear that this particular request is not viable. We continue to support the residents, property owners, and all victims of the Champlain Towers South site collapse, but cannot do so in this way. Our responsibility to our residents as a whole is something we take seriously, and the Community Center serves too many in the community to simply transfer it away to interrupt and adversely impact those crucial services that Surfside families rely on.

As a final matter, we believe we have developed a good working relationship with you and would appreciate you serving as a liaison of sorts with respect to future proposals that the various Champlain Towers South groups may have for the Town's consideration.

Please let us know if you have any questions.

Sincerely,



Andrew Hyatt
Town Manager

cc: Mayor Charles Burkett
Vice Mayor Tina Paul
Commissioner Charles Kesl
Commissioner Eliana Salzhauer
Commissioner Nelly Velasquez
Lillian Arango and Tony Recio, Town Attorney
Sandra McCready, Town Clerk
Manny Kadre, Court appointed government liaison
Rodney Barreto, Court appointed government liaison