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TEW CARDENAS LLP SETTLES \$8.135 MILLION CLAIM AGAINST CITY OF CORAL GABLES

First Bert J. Harris, Jr. Private Property Rights Protection Act Approved by the City

MIAMI (March 11, 2009) – Attorneys [Santiago Echemendia](#) and [Bob de la Fuente](#), partners at [Tew Cardenas LLP](#), a full service law firm with offices in Miami, Tallahassee and Washington D.C., announced today that they have successfully resolved a Bert J. Harris, Jr. Private Property Rights Protection Act claim for \$8.135 million against the City of Coral Gables on behalf of **Almeria Row, LLC and Fernando Menoyo**. This was the first Bert. J Harris, Jr. Private Property Rights Protection Act settlement approved by the City of Coral Gables.

On January 9, 2007 the City Commission adopted Ordinances No. 2007-01 and 2007-03, reducing the permissible height on Almeria Row, LLC's and Fernando Menoyo's properties, from 45 feet to 35 feet for the first 50 feet of each property, and allowing a height of 45 feet thereafter. This restriction essentially reduced the height to 35 feet for the entire property.

Almeria Row, LLC and Fernando Menoyo claimed that the City's adoption of the Ordinances inordinately burdened, restricted and limited the properties under the Bert J. Harris, Jr. Private Property Rights Protection Act, entitling the property owner to relief in the form of compensation for the loss to the fair market value of the properties.

The Almeria Row, LLC properties were appraised by Integra Realty Resources, LLC, which demonstrated that the loss in fair market value of the properties resulting from the application of the Ordinances was \$8.135 million. On January 8, 2008, Almeria Row, LLC filed a claim for compensation for the said monies pursuant to the Bert J. Harris, Jr. Private Property Rights Protection Act.

Echemendia, who chairs the Land Use and Local Government Law group at Tew Cardenas LLP, and De la Fuente, successfully resolved the claim with the City, with the City agreeing to reinstate the 45 foot height limit for townhomes on their client's properties, thereby bringing back the property value that was taken away when the city reduced the height.

"We are delighted that we were able to successfully restore our client's property rights," said Echemendia. "Much of the credit has to be given to the City Attorney, the Mayor and the City Commissioners, who collaborated with us and allowed us to visit and discuss our issues individually, as well as in the public forum, resulting in an artful settlement rather than litigation. That is exactly how the Bert J. Harris, Jr. Private Property Rights Protection Act is supposed to work."

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ABOUT TEW CARDENAS LLP

Tew Cardenas LLP is a full service law firm with offices in Miami, Tallahassee and Washington, D.C. The firm represents, advises, and advocates for a wide array of clients, including domestic and international companies, federal, state and local governments, as well as foreign governments and individuals. The Tew Cardenas team possesses vast experience across industries including aviation, communications, construction, energy, financial services, food & beverage, hospitality, real estate development, retail and pharmaceutical. For more information, call 305-536-1112 or visit www.tewlaw.com.

Editor's note: Official settlement available upon request.