

2016 OPERATIONAL DETAILS

1747 Bay Road

Hours: The towing use will operate 24/7. The commercial uses are expected to keep normal business hours. At all other times, the garage will be available for valet storage.

Security: Security personnel will take measures to keep noise disturbances and vehicles blocking the driveway and street to a minimum. A closed circuit TV system facing the street and governing the entire garage shall be installed and operate at all times. There will not be a walk up window that allows people to congregate outside.

Car Alarms: All car alarms and other such devices will be disabled or otherwise prevented from sounding with the garage.

Ramp Operation: The parking/towing storage use will be served exclusively by valets. Because of the limited width of the site, the applicant is proposing to utilize "one way" ramps. The ramps will operate using a barrier gate at the ground level (which will avoid the general public becoming confused and attempting to enter the garage) and a "vehicle priority system." As the name implies, a vehicle priority system allows for safe access in parking facilities where only a single vehicle can traverse a driveway or ramp. The system includes traffic lights combined with a programmable logic controller and in-ground loops. Once an ascending or descending vehicle crosses an in-ground loop, the signal in the opposing direction will turn from green to red, warning

valet drivers moving in the opposite direction not to enter the ramp. The lights will be located in a manner so that they are readily visible to a wide area on each floor, ensuring that valet drivers have plenty of warning that another vehicle is using the ramp. Because this system will be employed in a valet-only facility, there is little room for the confusion that could result in a publicly-accessible facility.

Maintenance of Street: The applicant will be responsible for maintaining the adjacent areas fronting Bay Road and all around the property in excellent condition, keeping these areas clean and free of refuse at all times.

Tow Truck Limits: Tow trucks will be prohibited from travelling on Purdy Avenue at all times. At no time will tow trucks will allowed to idle in the roadway or be parked in the right of way. All tow trucks will operate within the speed limits and obey all traffic signals and signs. Tow trucks may not back out of the property.

Valet Parking: All parking will be valet in nature, with the ramp being located internally. Since the uses are not restaurants, a ramp on the street should not be necessary.

Employee Parking: It is anticipated that employees who drive to the site will park in the building or in the nearby City garage.

Loading: There is adequate space provided in the building for the loading requirements.

Garbage:

The building has a fully enclosed and air conditioned garbage room.

Queuing:

The proposed use is not expected to create a queue. There is more than adequate area in front of the building in case towing customers will need to wait for vehicles.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 6, 2012

FILE NO: 22846

PROPERTY: 1747-1759 Bay Road

LEGAL: Lots 7, 8, & 9, Block 16A, Island View Subdivision, According to the Plat Thereof, as recorded in Plat Book 6 at Page 115, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for modifications associated with the conversion of an existing 2-story warehouse into a 3-story valet parking structure with mechanical lifts, the conversion of an existing single story office structure into a restaurant and towing office, and the construction of a new 2-story parking garage with mechanical lifts and new surface parking lot associated with a towing facility, on a site containing an existing one and two story building and an existing surface parking lot.

ORDER

The applicant, 1747 Bay Road Properties, LLC, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is not consistent with Design Review Criteria No. 1 & 3 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The single vehicle entry on 18th Street shall be reduced to a maximum width of thirteen (13') feet and the flanking retail space increased in width in a manner to be approved by staff.
 - b. The applicant shall provide uplighting for the tower portion on the west elevation, in a manner to be approved by staff.

CERTIFICATION
THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT,
CITY OF MIAMI BEACH

[Signature] 3-13-12
(Signature of Planning Director or Designee) (Date)

Personally known to me or Produced ID:

[Signature]
Notary Public, State of Florida at Large

Printed Name:

My Commission Expires: (Year)

This document contains 6 pages

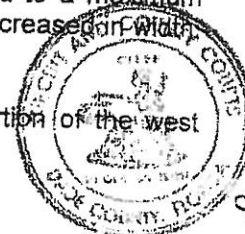


TERESA MARIA

MY COMMISSION # DD 928148

EXPIRES: December 2, 2013

Bonded thru Budget Notary Services



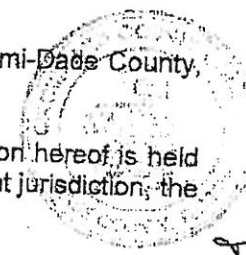
- c. On the west elevation, facing Bay Road, a flush stucco band, or similar finish, with a minimum of 6" in height, shall be inserted between the existing horizontal ribbon windows and the proposed new vertical storefronts below, in a manner to be approved by staff.
 - d. The storefront windows and doors on the north elevation of tenant spaces 01 & 02 shall be refined and simplified; specifically, these spaces shall utilize a storefront mullion and muntin configuration that is different than the single story restaurant space facing Bay Road, in a manner to be approved by staff.
 - e. The applicant shall provide a masonry or pre-cast perimeter wall along the west side of the property, between the south property line and the drive-way, in order to further the urban street wall established by the one (1) story structure facing Bay Road. The dimensions, material, location and design details of such wall shall be subject to the review and approval of staff.
 - f. The final design and details of the proposed signage canopies shall be provided, subject to the review and approval of the Public Works Department and Planning staff.
 - g. Bicycle parking shall be provided on a revised site and floor plan. Such bicycle parking may include, but not be limited to, bicycle racks or bicycle lockers, the quantity, design, location and design of which shall be subject to the review and approval of staff.
 - h. The final design and details of the proposed trash structure and drive-thru canopy shall be provided, in a manner to be reviewed and approved by staff.
 - i. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - j. All roof-top fixtures, air-conditioning units and mechanical devices, both existing and proposed, shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - k. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. If technically feasible, all overhead utilities abutting the property along Bay Road and 18th Street shall be placed underground.



- b. The sidewalks along both Bay Road and 18th Street shall be widened to meet the existing buildings, using the same standard sidewalk color and scoring pattern throughout, in a manner to be approved by staff.
 - c. If technically feasible, canopy street trees or large palm trees, shall be located within the right-of-way. The species selected shall be determined based on the feasibility of placing the existing overhead utilities underground.
 - d. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - e. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - h. Prior to the Issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 4. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
 5. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).



6. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.
 - d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
7. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
8. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the



order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

9. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
10. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-10, inclusive) hereof, to which the applicant has agreed.

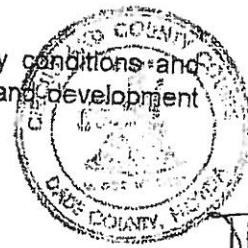
PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "1747-1759 Bay Road", as prepared by ADD Inc., Architecture + Design, dated 12-10-2010.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Design Review Approval will expire and become null and void.

In accordance with Section 118-264 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code.



[Signature]



DIRECT LINE: (305) 377-6229
E-Mail: gpenn@BRZoningLaw.com

VIA HAND DELIVERY

April 6, 2016

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Main Use Garage/Towing Facility for 1747 Bay Road – Planning Board Review and Modification of Lot Split Conditions.

Dear Tom:

This firm represents 1747 Bay Road Properties, LLC (the “Applicant”), the applicant and owner of the property located at 1747 Bay Road (“Property”). As you know, the Property is currently developed with the Tremont Towing facility. The instant application seeks conditional use approval for a new “main use” garage on the site over 50,000 square feet in gross size. The garage will include accessory commercial and office space, including the new offices for the Tremont use. The approval of this new design will allow Tremont to fully enclose the towing operation on the Property, which, along with the introduction of a beautiful new building to the neighborhood, will be a significant benefit to the Sunset Harbour neighborhood. The Applicant has also filed a companion application seeking to remove the condition of the Property’s lot split approval related to the ability to seek variances. This letter will address both applications.

Property. The Property consists of two platted lots at the southeast corner of Bay Road and 18 Street. The Property is zoned for Industrial use under the City Land Development Regulations. “Main use” parking garages and towing are both permitted uses in the district. The proposed building is consistent with all of the “main use” garage requirements as well as the setbacks of the district. The property is developed with the existing towing operation and a cellular tower. The instant application seeks to significantly reduce the neighborhood impact of both the towing use and the cellular tower.

Proposed Development. The Applicant proposes to develop the Property with four level main use valet-operated parking garage. The street facing portions of the garage will be lined with commercial and office uses, including both the customer service portion of the Tremont towing use and third party office space. The garage has been designed to fully accommodate and contain the towing operation.

The Applicant is also proposing to fully enclose the existing cellular tower within the building, leaving only the portion of the tower with antenna facilities visible to the public. The Applicant is in discussions with the ownership of the tower to potentially relocate the cellular antennas in the future. The proposed relocation of the antennas would allow the Applicant to remove the tower completely. However, we believe that the proposed enclosed of the tower already represents a significant reduction in the visual impact of the tower.

For more operational details, please see the attached operational plan.

Condition Related to Variances. The Property is the subject of a lot split approval issued by the Planning Board (File 2114). The lot split divorced the Property from the land to the north, 1759 Bay Road. The lot split order includes a common “boilerplate” condition for lot splits 1(c), which bars the granting of variances for either site. As you know, this condition is typically applied to residential development to help discourage intensification of residential lots that are the subject of a lot split, therefore providing protection of existing residential neighborhoods.

The lot split order carried over that typical boilerplate, even though the parcels subject to the division were both industrially zoned and developed. In order to realize its development plan, the Applicant needs to seek a small variance of maximum height. In the absence of the variance, the Applicant will not be able to accommodate the tow trucks in the garage. We believe that the proposed garage will provide a long-term solution that will significantly reduce the impact of the towing use on the rapidly changing Sunset Harbour neighborhood. Towing is a necessary use in the City and needs to remain in place. However, enclosing the use in a beautiful new building will help reduce the inherent impacts of the use far more than barring the grant of variances on the Property would ever do.

Compliance with Relevant Code Standards. We believe the application, as submitted, is consistent with all of the relevant criteria of the City’s Land Development Regulations. This letter will address each relevant criterion in turn.

Standard Conditional Use Criteria. Every conditional use application requires the Planning Board to determine an application’s consistency with seven (7) criteria. Those

criteria, codified in Section 118-192(a), are below, along with a description of the application's consistency with each:

1. The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

The proposed commercial development for the Property is consistent with the policies of the City's comprehensive plan. The Property is one of the only sites in the City where towing is permitted.

2. The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

Based on the preliminary concurrency analysis and the Applicant's traffic study, which analyzes existing and proposed development in the vicinity, the application will not result in an impact that exceeds any levels of service.

3. Structures and uses associated with the request are consistent with these land development regulations.

Both the proposed building and the uses within it are consistent with the industrial zoning regulations.

4. The public health, safety, morals, and general welfare will not be adversely affected.

The proposed development will have no impact on the public's health, safety or welfare. The pattern of area development is consistent with a mix of industrial, residential and commercial uses. This application will result in a significant reduction in impacts when compared to the existing towing operation on the Property.

5. Adequate off-street parking facilities will be provided.

The development plan proposes to construct sufficient parking to serve all of the uses within the building.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Care has been taken in the design of the proposed improvements to limit the impact on adjacent parcels. Enclosing the towing operation as proposed will

result in a significant reduction in impacts when compared to the existing towing operation on the Property.

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

The City has only two towing operators and the limitations in the City's zoning code make the Property one of the few sites where towing can legally occur. There is very little chance of concentration.

Additional Criteria for Structures Exceeding 50,000 Square Feet. Along with the criteria codified in Section 118-192(a), the City's Land Development Regulations also require the Planning Board to review eleven additional criteria when the application seeks approval of a structure exceeding 50,000 square feet. Those criteria (codified in Section 118-192(b)) are listed below, along with a description of the application's consistency with each:

1. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

The proposed development will not create a negative impact on the surrounding area. This application, which will enclose the towing use, will result in a significant reduction in impacts when compared to the existing towing operation on the Property.

2. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

The proposed plans include off-street loading areas designed to accommodate typical delivery trucks. The uses in the building are not contemplated to require large scale deliveries.

3. Whether the scale of the proposed use is compatible with the urban character of the surrounding area and create adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.

As depicted on the submitted plans, the scale of the proposed development is compatible to the development on surrounding parcels. The development will not have an adverse impact on the immediate neighborhood. The project will provide a transition from the residential uses on West Avenue to the commercial uses on Alton Road.

4. Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

The submitted plans indicate that all of the development's parking needs will be met on-site.

5. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

Customers visiting the uses on the Property will have access directly from the City's sidewalks. In order to discourage activity in the alley, all customer pedestrian access is proposed to be from Alton Road.

6. Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

All of the parking spaces designated for the uses will be located within the building. The overall project will be subject to a uniform security program as discussed above.

7. Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

The Applicant has submitted a traffic circulation analysis.

8. Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

The parking areas will be buffered from the rear and therefore will have a limited noise impact. The commercial service and trash room area will be air conditioned and closed when not in active use. The loading areas along the alley will provide more than adequate loading area for the project, resulting in fewer vehicles stacking or idling in the alley and thereby reducing potential noise impacts.

9. Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

The sanitation for the development will be handled through a centralized trash room located in the rear of the proposed building. There will be no off-site sanitation issues created by the operation of the proposed development.

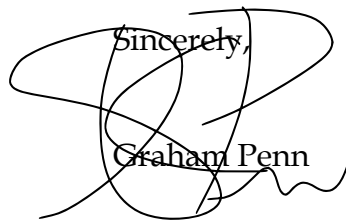
10. Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.

The proposed development is of a scale that is consistent and compatible with the surrounding neighborhood as depicted on the submitted plans.

11. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

The proposed development includes uses that are typical for the surrounding area and are not of a type that would create a negative impact through concentration.

Conclusion. The Applicant is excited to bring this new development to the Sunset Harbour area. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

Graham Penn

cc: Russell Galbut
Keith Menin
Manuel Diaz
Michael Larkin, Esq.

CFN 2009R0246028
OR Bk 26815 Pgs 3736 - 3740f (5pgs)
RECORDED 04/03/2009 11:52:01
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by: and
WHEN RECORDED MAIL TO:
SRC Properties, LLC
230 Fifth Street
Miami Beach, Florida 33139

MEMORANDUM OF LEASE
AND
NOTICE OF NON-RESPONSIBILITY

THIS MEMORANDUM OF LEASE AGREEMENT is made and entered into as of March 31 2009, by and between **BAY ROAD PARTNERS, LLC**, a Florida limited liability company ("Landlord"), and **TREMONT TOWING, INC.**, a Florida Corporation ("Tenant").

Date of Lease: As of March 31, 2009.

Description of
Demised Premises: Portions of 1850-1916 Bay Road, Miami Beach, Florida 33139
See Legal Description on Exhibit "A"

Term: Two (2) years, commencing on the date the Lease is fully-executed by Landlord and Tenant, with no Option to Extend the Lease. The Lease provides an "EARLY TERMINATION OPTION", which term shall mean that Landlord shall have the right to terminate this Lease by providing Tenant no less than thirty (30) days advanced written notice for any reason whatsoever.

Notwithstanding anything contained in the Lease to the contrary, Landlord shall have the right to terminate the Lease and Tenant's occupancy rights in and to the Premises pursuant to the Early Termination Option, with written notice to Tenant. On or before the expiration of such 30 day period, Tenant shall vacate all portions of the

Premises and remove all vehicles and personalty of Tenant therefrom, and Rent shall be prorated through the date of Tenant's vacation of the Premises.

Mechanic's Liens:

The Lease specifically provides that Tenant shall keep the Premises, at all times, free of mechanic's liens and other liens for labor, services or material purchased or procured, directly or indirectly, by or for Tenant.

**Notice of
Non-Responsibility:**

All persons are put upon notice of the fact that the Lease provides that Tenant under no circumstances shall have the power to subject the interest of Landlord in the Premises to any mechanic's or materialmen's lien or liens of any kind. All persons who hereafter, during the life of the Lease, may furnish work, services, or materials to the Premises upon the request or order of the Tenant or any person claiming under, by, or through the Tenant, must look wholly to the interest of the Tenant and not to that of the Landlord. Tenant covenants and agrees with Landlord that Tenant shall not permit or suffer to have filed or claimed against the interest of Landlord in the Premises during the continuance of this Lease any lien or liens of any kind by any person claiming under, by, through or against the Tenant; and if any such lien is claimed or filed, it shall be the duty of the Tenant, within twenty (20) calendar days after receipt of notice of the claim of lien or suit claiming a lien has been filed, to cause the Premises to be released from such claim either through payment or bonding with corporate surety or through the deposit into court, pursuant to statute, of the necessary sums of money, or in any other way that shall effect the release of the Landlord's interest in the Premises from such claim. Landlord shall have the right to come upon the Premises to post notices of Landlord's non-responsibility.

The purpose of this Memorandum of Lease is to give record notice of the Lease and of the rights created thereby and of the specific terms herein, all of which are hereby confirmed.

This Memorandum is for informational purposes only and nothing contained herein shall be deemed to in any way modify or otherwise affect any of the terms and conditions of the Lease, the terms of which are incorporated herein by reference. This instrument is merely a Memorandum of the Lease and is subject to all of the terms, provisions and conditions of the Lease. In the event of any inconsistency between the terms of the Lease and this instrument, the terms of the Lease shall prevail.

The rights and obligations set forth herein shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns. This Memorandum of Lease shall expire by its own terms of record, unless sooner terminated in writing by Landlord or unless extended by the mutual written agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the dates set forth in their respective acknowledgments.

Signed, sealed and delivered
in the presence of:

LANDLORD:

BAY ROAD PARTNERS, L.L.C.,
a Florida limited liability company

CH H
CHARLES H RATNER

Edouard E. Levenson
(As to "LANDLORD") EDOUARD E. LEVENSON

By:

Scott Robins, Manager

TENANT:

TREMONT TOWING, INC., a Florida Corporation

CH H
CHARLES H RATNER

Edouard E. Levenson
(As to "TENANT") EDOUARD E. LEVENSON

By:

Edwin Gonzalez, President

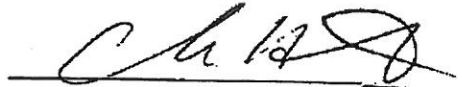
(NOTARY ACKNOWLEDGMENTS ATTACHED TO
MEMORANDUM OF LEASE AND NOTICE OF NON-RESPONSIBILITY)

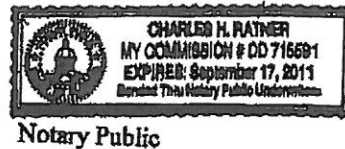
STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State
aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was
acknowledged before me by Scott Robins, as Manager of Bay Road Properties, LLC. He is personally
known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 31 day of
March, 2009.


CHARLES H RATNER
My Commission Expires:



Name of Notary Public

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State
aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was
acknowledged before me by Edwin Gonzalez, as President of Tremont Towing, LLC. He is personally
known to me or who has produced FLD as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 31 day of
March, 2009.


CHARLES H RATNER
My Commission Expires:



Name of Notary Public

LEGAL DESCRIPTION PREMISES

That certain Commercial Condominium Unit described as The SRC Unit of the PURDY AVENUE COMMERCIAL CONDOMINIUM, according to the Declaration of Condominium Thereof recorded in the Public Records of Miami-Dade County, Florida simultaneously herewith, together with an undivided interest in the common elements thereof, which is a commercial condominium of a parcel of vacant land located adjacent to the Building and more particularly described as follows:

All of Lot 1 and Lot 2, Less the North four (4) feet of the East 1/2 of said Lot 2, Block 14-A, ISLAND VIEW ADDITION, according to the plat thereof, as recorded in Plat Book 9 at Page 144, and together with the East 1/2 of Lot 7 and all of Lot 8, Block 14, THE ALTON BEACH REALTY COMPANY'S PLAT OF ISLAND VIEW SUBDIVISION, according to the plat thereof, as recorded in Plat Book 6 at Page 115, both being recorded in the Public Records of Miami-Dade County, Florida.

The above described perimetrical boundary being below elevation 20.80 feet, relative to the National Geodetic Vertical Datum of 1929.

Together with:

The first floor of the Building Located at 1916 Bay Road, Miami Beach, FL 33139 and situated on real property legally described as:

The East 1/2 of Lot 3, and the North four (4) feet of the East 1/2 of Lot 2, Block 14-A, ISLAND VIEW ADDITION, according to the plat thereof, as recorded in Plat Book 9 at Page 144, of the Public Records of Miami-Dade County, Florida.

