THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.

Brownfields, Transactions, Due Diligence, Development, Permitting, Cleanups & Compliance

One Southeast Third Avenue, Suite 2120
Miami, Florida 33131
Telephone: (305) 777-1680
Facsimile: (305) 777-1681
www.goldsteinenvlaw.com

Michael R. Goldstein, Esq.
Direct Dial: (305) 777-1682
Email: mgoldstein@goldsteinenvlaw.com

March 8, 2017

Via Email Only

Mr. Reddy Chitepu, P.E., Director
Environmental & Engineering Services Department
City of Margate
5790 Margate Blvd.
Margate, FL 33063

Re: Environmental Status of Property Located at 3100 N. State Road 7, Margate, FL 33063, Identified by Folio Number 23-28-24-000000-031020, as a Green Reuse Area Pursuant to §376.80(2)(c), Florida Statutes

Dear Mr. Chitepu:

This letter is being written to provide the Firm's legal opinion as to certain environmental technical, legal, and regulatory matters associated with the above-referenced property (the "Subject Property") as it relates to the request for designation of a Brownfield Area filed on behalf of HTG Arbor View, LLC ("HTG Arbor") with the City of Margate on January 13, 2017. We are available to respond to any questions or concerns that you may have in connection herewith.

1. Based on a careful environmental investigation consistent with industry standards (ASTM) and applicable law, there is no documented contamination at the Subject Property nor is there any evidence of actual contamination at the Subject Property.

2. The perception of contamination that is discussed in HTG Arbor's request for designation of the Subject Property as a Brownfield Area relates to historically occurring agricultural activities *completely off-site at one or more adjacent properties.*

3. There is nothing in Florida law – either in Florida Statutes or in the Florida Administrative Code – and there is nothing in the Broward County Code that triggers a requirement to conduct a Phase II Environmental Site Assessment (i.e., invasive testing of soils and groundwater) due to the assertion of a mere perception of contamination as allowed by Florida's Brownfields Redevelopment Act at §376.80, Florida Statutes.[1]

4. The Broward County Environmental Protection Growth Management Department ("EGPMG") has been consulted about this matter, is supportive of the brownfields designation request, and has confirmed that the request with the assertion of contamination perception does not trigger a requirement for invasive testing of soil or groundwater or any other regulatory process at this time. Moreover, Broward County EPGMD has no objections to construction activities at the Subject Property based solely on the request for designation of the Subject Property as a Brownfield Area, which is based on contamination perception related to an adjacent property and not any actual contamination at the Subject Property.[2]

5. Designation of property as a Brownfield Area by a local government does not render the local government liable for the costs of site rehabilitation or source removal, if ever required, pursuant to Sections 376.79(17) and (18), Florida Statutes, respectively.

Very truly yours,

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.

Michael R. Goldstein
/mrg

Enclosures

cc: Mr. David Vanlandingham, P.E., Brownfields Coordinator and Engineering Supervisor, Broward County EPGMD
Mr. Jake Zunamon, Development Manager, HTG Arbor View, LLC

[1] Were the City to require invasive testing at the Subject Property as a result of its mere proximity to another site with potential environmental issues, as a constitutional matter of equal protection and due process, it would have to require such testing *at all similarly situated properties throughout Margate* subject to the City's jurisdiction, a needless and wasteful proposition not supported by federal or state law or any provision of the City's Code of Ordinances.

[2] If actual contamination is discovered in the future at the Subject Property, or within a certain distance of the Subject Property proscribed by Broward County EPGMD, HTG Arbor View will provide full, timely notice to Broward County EPGMD as required by Chapter 27 of the Broward County Code of Ordinances and Chapter 62-780, Florida Administrative Code.