



# Town Council Agenda Report

**SUBJECT:** Selection of Special Legal Counsel

**TITLE OF AGENDA ITEM:** Special Legal Counsel for amendment to Comprehensive Plan and Land Development Code regarding Special Residential Facilities

**REPORT IN BRIEF:** Previously, the Town Attorney has suggested that Special Counsel be retained in conjunction with amendment to the Comprehensive Plan and Land Development Code regarding Special Residential Facilities. Town Council had directed staff to solicit other law firms for selection process relating to this endeavor in addition to the firm recommended by the Town Attorney.

**PREVIOUS ACTIONS:** On September 1, 1999, Town Council requested staff solicit additional firms.

**CONCURRENCES:** The Town Attorney has recommended the law firm of Burke, Weaver & Prell be retained.

**FISCAL IMPACT:** \$145.00 - \$240.00 per hour

**RECOMMENDATION(S):** Motion to select the firm of Burke, Weaver & Prell and authorize the Town Administrator to sign agreement for legal services.

**Attachment(s):** Memorandum to Town Administrator, List of applicable Attorneys and Law Firms, Resume Copies

# DEVELOPMENT SERVICES DEPARTMENT

## Planning & Zoning Division

### MEMORANDUM

**PZ 09-44-99**

**TO:** Robert Middaugh, Town Administrator

**THRU:** Mark A. Kutney, AICP, Development Services Director

**FROM:** Grace Hall, Assistant to the Development Services Director

**DATE:** August 23, 1999

**RE:** Attorneys/Special Residential Facility Issue

Pursuant to previous discussions and Town Council direction, staff contacted the following Agencies with regard to finding a local Firm and/or Attorney to assist the Town of Davie in amending our Comprehensive Plan and Land Development Code as it relates to Special Residential Facilities. Telephone calls were made to the following State and Federal Agencies.

- Jacksonville HUD Office: (904) 232-2627; Conversation with Ms. Marla Randall
- Miami HUD Office: (305) 536-4456; Conversation with Mr. Charlie Roche-Garcia
- Florida Department of Community Affairs/Housing Office: (850)488-7956;  
Conversation with Ms. Susan Fejes
- Florida Department of Community Affairs/General Counsel Office: (850) 488-8466  
Conversation with Ms. Beck Fraser
- State of Florida, Department of Children and Family Services: (954) 327-5220  
Conversation with Sandra Schwartz in the Legal Department
- Broward County Attorneys Office: (954) 357-7600; Conversation with Sharon Cruz

Staff was advised by every Agency that it was not their policy to recommend Attorney's and/or Law Firms. Staff then contacted our Housing and Community Development Coordinator, Shirley Taylor-Prakelt who recommended Mr. Bill Thompson, Executive Director with an Organization called HOPE, Inc. Staff spoke with Mr. Thompson and he was going to have his Vice-President, Kenya Johnson contact the Town. Unfortunately to date, staff has not been able to speak with Ms. Johnson.

After exhausting all efforts, Staff contacted several of the Law Firms that the Town has

conducted business with in the past. These Attorneys and Law Firms are as follows. Also listed are the recommendations they provided.

<b>Attorney's Firms Contacted:</b>	<b>Recommended:</b>
<ul style="list-style-type: none"><li>• Attorney Bill Laystrom Doumar, Allsworth, Curtis, Cross, <b>stating</b> 1177 S.E. 3rd Avenue Fort Lauderdale, Florida 33316 (954) 525-3441</li></ul>	<p>Attorney John Milledge <b>* 9/23/99: Mr. Milledge left a voicemail he was leaving town for several weeks and would not be able to provide information to TC within our time constraints.</b></p>
<ul style="list-style-type: none"><li>• Attorney Richard Weiss Weiss, Serota and Helfman Law Firm 1132 S. E. 2nd Avenue Fort Lauderdale, Florida 33316 (954) 763-4242</li></ul>	<p>Attorney Jamie Cole with his firm Weiss, Serota and Helfman Law Firm <b>* 9/23/99: Fax received, Attorney Cole withdrew proposal</b></p>
<ul style="list-style-type: none"><li>• Attorney Denis Mele Ruden, McClosky, Smith, Schuster &amp; Russel, P.A. 200 East Broward Boulevard, 15th Floor (Post Office Box 1900) Fort Lauderdale, Florida 33302 (954) 764-6660</li></ul>	<p>Attorney Mark Grant with his firm Ruden, McClosky, Smith, Schuster &amp; Russel, P.A.</p>
<ul style="list-style-type: none"><li>• Attorney Debbie Orshefsky Greenberg &amp; Traurig, P. A. 515 E. Las Olas Boulevard Fort Lauderdale, Florida 33301 (954) 765-0550</li></ul>	<p>Attorney Susan Trevarthen with Burke, Weaver &amp; Prell, and Attorney Jeff Sheffle w/Weiss, Serota and Helfman Law Firm</p>

Please note that Staff called Nova-Southeastern University and sent an email message requesting any recommendations that could be provided from the College. No response was received back.

Staff also spoke with Attorney Michael Burke, who is assigned to represent the Town through the Florida League of Cities and advised him of the dilemma Staff was having obtaining recommendations. Staff informed him of the recommendations that had been obtained to date and he advised that staff had received a good selection to choose from.

Also, at the time this report was being prepared, staff received a recommendation from Attorney Bill Laystrom. Attorney Laystrom recommended Attorney John Milledge in Fort Lauderdale. Staff contacted Mr. Milledge's office and he advised that he was preparing to be out of Town for a couple of weeks and could not furnish a proposal in time for the Town deadline.

Staff contacted the firm of Burke, Weaver & Prell and spoke with Attorney Stroud. She indicated that it was possible for the firm to not bill the Town for travel time related to the

completion of this assignment. Please be advised that the firm of Burke, Weaver & Prell is charging \$175.00 an hour for the services of Nancy Stroud as opposed to \$240.00 for the local firm of Ruden, McCloskey, Smith, Schuster & Russell, P.A., (Mark Grant). Based on the above and upon review of the proposals submitted to the Town, staff would recommend that Town Council select the law firm of Burke, Weaver & Prell (Attorney Nancy Stroud) and authorize the Town Administrator to sign an agreement for legal services.

**Attorneys/Law Firms**  
**Special Residential Facility/Fair Housing**

1. Attorney Nancy Stroud  
Burke, Weaver & Prell  
1900 Glades Road, Suite #350  
Boca Raton, Florida 33431  
(954) 391-0400
2. Attorney Susan Trevarthen  
Burke, Weaver & Prell  
1900 Glades Road, Suite #350  
Boca Raton, Florida 33431  
(954) 391-0400
3. Attorney Mark Grant  
Ruden, McCloskey, Smith, Schuster & Russell, P.A.  
200 East Broward Boulevard  
P.O. Box # 1900  
Fort Lauderdale, Florida 33302  
(954) 527-2404
4. Attorney Jamie Cole           \* 9/23/99 - *Fax received withdrawing proposal*  
Weiss, Serota and Helfman  
1132 Southeast 2nd Avenue  
Fort Lauderdale, Florida 33316  
(954) 763-4242

5. **Attorney John Milledge**  
**110 S.E. 6th Street, 15th Floor**  
**Fort Lauderdale, Florida**  
**(954) 761-8640**

LAW OFFICES OF

## BURKE, WEAVER & PRELL

ONE LINCOLN PLACE  
1900 GLADES ROAD  
SUITE 350

BOCA RATON, FLORIDA 33431

TELEPHONE: 561-391-0400

TELECOPIER: 561-392-9228

55 WEST MONROE STREET, SUITE 800  
CHICAGO, ILLINOIS 60603  
TELEPHONE: 312-263-3600  
TELECOPIER: 312-578-6666

nes@boca.burke-weaver-prell.com

August 23, 1999

BARBARA A. ADAMS  
KAREN M. BORG  
NICHOLAS J. BUA  
JOHN E. BURKE  
MARK E. BURKLAND  
MICHAEL J. CLARIZO  
MAUREEN A. CROWLEY<sup>1</sup>  
WILLIAM F. DEYOUNG  
MARTIN G. DURKIN, JR.  
STEVEN M. ELROD  
VICTOR F. FILIPPINI, JR.<sup>1</sup>  
PETER M. FRIEDMAN  
MATTHEW J. HUGHES  
CHARLES E. JOERN, JR.  
MICHAEL J. KANUTE  
LORETTO M. KENNEDY  
CHARLES D. KNIGHT  
JERRY KOKOLIS  
CLAUDIA J. LOVELETTE  
MARK A. MEROLLI

JAMES T. MUELLER  
CHRISTOPHER J. MURDOCH  
MARTIN P. MURPHY  
ROBERT C. NEWMAN  
MATTHEW E. NORTON  
SUSAN M. PODER  
JOSEPH F. POKLEMBIA<sup>2</sup>  
FRANCES E. PRELL<sup>1</sup>  
EDWARD F. RYAN<sup>1</sup>  
JULIE P. SHELTON  
COLIN SMITH<sup>1</sup>  
MARK A. STANG<sup>1</sup>  
NANCY E. STROUD<sup>2</sup>  
JULIE A. TAPPENDORF  
SUSAN L. TREVARTHEN<sup>2</sup>  
ROBERT W. VYVERBERG  
MICHAEL H. WEST  
THOMAS R. WOODROW<sup>1</sup>

<sup>1</sup> ADMITTED ILLINOIS AND FLORIDA

<sup>2</sup> ADMITTED FLORIDA ONLY

Via Facsimile

Mr. Barry Webber  
Town Attorney  
Town of Davie  
P.O. Box 8549  
Pembroke Pines, Florida 33084

Re: Legal Assistance for Town of Davie Group Homes Legislation

Dear Barry:

Thank you very much for your inquiry about our availability to provide assistance to the Town regarding the Town's effort to prepare and adopt a group homes ordinance. We would be privileged to provide assistance for this matter. As you know, a large part of our practice is focused on just this type of local government land use matter.

We propose that I would be the primary lawyer working for the Town, with research assistance as necessary by Susan Trevarthen or Joseph Poklemba. We will be able to provide assistance in all stages of preparation and presentation for the ordinance.

We offer to provide services at our governmental rates, which are \$175.00 for me, \$145 for Ms. Trevarthen, and \$125 for Mr. Poklemba. We will bill monthly, with detailed invoices describing the work and time of each attorney and the disbursement costs incurred. We do not bill for work of paralegals or other staff. If the Town is agreeable, your signature below will act as our letter of contract.

Mr. Barry Webber  
August 23, 1999  
Page Two

I have enclosed resumes for our firm and the individuals who might be involved.  
If you have any questions, please do not hesitate to call.

Very truly yours,



Nancy E. Stroud

NES:bh

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Mr. Barry Webber  
For the Town of Davie

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Date

## **BURKE, WEAVER & PRELL**

### **Boca Raton, Florida**

Burke, Weaver & Prell is a law firm of approximately 42 attorneys, dedicated to the highest quality service in a selected group of related specializations, with an attention to cost control not customarily associated with larger firms.

Over the last fifteen years the firm's Boca Raton office has maintained a staff of three to five lawyers plus paralegals, along with a complement of eight attorneys in its Chicago office who are members of the Florida bar and who work actively with the firm's Florida clients. Until January 1994, the firm practiced under the name of Burke, Bosselman & Weaver.

### **AREAS OF PRACTICE**

The firm's primary areas of expertise in Florida are counseling and litigation in the fields of land use, growth management, environmental, governmental and inverse condemnation law.

### **GROWTH MANAGEMENT AND ENVIRONMENTAL LAW**

Attorneys at Burke, Weaver & Prell are nationally recognized experts in matters concerning the development and use of land and related environmental areas. The firm's practice is at the cutting edge of this rapidly developing field. Its attorneys have written numerous books and articles and have lectured to diverse audiences around the country.

Burke, Weaver & Prell has represented public clients in drafting and litigating growth management and zoning matters throughout the state of Florida. The firm has also had considerable experience in assisting clients to interpret, apply, and comply with the complex and changing state and federal environmental statutes. For example, the firm has had responsibility for:

- A rate of growth ordinance for the City of Key West.
- Impact fee ordinances for various public facilities in eight Florida counties and cities.
- Growth management plans and policies for the Northeast Florida Regional Planning Council and the Palm Beach Countywide Planning Council.
- Representation of several large scale land developers for permits under Florida's complex system of land use and environmental regulations.
- Representation of a Fortune 100 company in its efforts to site a project in

compliance with federal and state environmental regulations.

- Representation of a major environmental organization in its efforts to prevent the intensive development of an unbridged, environmentally sensitive coastal barrier island.

#### LOCAL GOVERNMENT LITIGATION

Burke, Weaver & Prell's widely recognized expertise in local government matters, coupled with its extensive knowledge of the state and federal court systems, has earned the firm its reputation as one of the country's most respected litigation firms in the highly specialized areas of land use, environmental and governmental law. Examples of the firm's Florida litigation practice in these areas include:

- Representing Palm Beach County in the precedent-setting defense of its road impact fee ordinance.
- Defending Martin County in cases involving the attempted development of over 20,000 acres of freshwater wetlands and rejected text amendments to its award-winning Comprehensive Plan.
- Representing the Town of Jupiter in state and federal court challenges to a corridor overlay zone regulating uses and development standards along its major road.
- Representing Broward County in the defense of its park impact fee ordinance and in the defense of several developer actions attacking its Comprehensive Plan.
- Representing The School Board of Broward County in the establishment of the first school concurrency system in the state of Florida.
- Representing cities and counties in the defense of federal civil rights damages actions concerning building permit matters and changes in land use regulations.
- Representing regional planning councils in administrative and court proceedings regarding developments of regional impact.
- Representing citizens in administrative proceedings challenging the consistency of development regulations and development orders with the local comprehensive plan.
- Representing a dozen local governments in Broward County in the administrative proceedings regarding the siting of a 500 KV electrical transmission line.

## INVERSE CONDEMNATION

Burke, Weaver & Prell attorneys have extensive experience before trial and appellate courts in inverse condemnation litigation. Recent U.S. Supreme Court decisions concerning inverse condemnation and regulatory takings have also resulted in a tremendous increase in the litigation of such issues. The attorneys at Burke, Weaver & Prell have played a major role in the development and resolution of these issues, in Florida and elsewhere. For example, members of the firm were trial and appellate counsel in the precedent setting inverse condemnation case of Graham v. Estuary Properties, Inc., 399 So. 2d 1374 (Fla. 1981), cert. den. 454 U.S. 1083. In addition, the firm's attorneys write and speak regularly on the takings issue.

## CLIENTS

Florida clients in the public sector have included:

Boca Raton Community Redevelopment Agency	Lee County
Broward County	Martin County
Captiva Erosion Prevention District	Orange County
City of Boca Raton	Palm Beach County
City of Destin	The School Board of Broward County
City of Naples	South Florida Water Management District
City of Gainesville	Town of Davie
City of Key West	Town of Jupiter
City of West Palm Beach	Town of Longboat Key
Charlotte County	Town of Palm Beach
Collier County	Treasure Coast Regional Planning Council

## GENERAL LITIGATION

Burke, Weaver & Prell's litigation practice covers all the principal areas of corporate litigation, both civil and criminal, including general commercial, product liability, toxic tort, antitrust, construction contracts, real estate, bankruptcy, (including creditors' rights), employment practices and discrimination, and government regulation, as well as a full range of constitutional and statutory litigation arising out of the firm's land use, environmental and governmental practices. The firm's clients have also called upon the firm for counseling in these areas, particularly in situations where special care is needed to avoid, or to be prepared for, potential litigation.

The scope of Burke, Weaver & Prell's general commercial litigation practice throughout the country is illustrated by the following examples of matters handled by the firm's commercial litigation attorneys:

- Representation of a Fortune 100 corporation charged with violations of Sections 12 and 17 of The Securities Act of 1933 and State blue sky laws in a lawsuit arising out of an acquisition agreement.
- Representation of a manufacturer against an equipment leasing firm in an action for RICO violations, fraud, and other related business torts arising out of a fraudulent scheme to misappropriate funds paid under equipment leases.
- Representation of investors in a real estate limited partnership in a dissolution action against the managing general partner.
- Representation of a lender in a series of lawsuits arising from the termination of a credit facility.
- Representation of secured and unsecured creditors in a variety of breach of contract actions.
- Representation of a Fortune 100 corporation in a series of lawsuits arising when its subsidiary filed bankruptcy soon after being sold to a third party.
- Consultation regarding potential contract, warranty, and consumer fraud claims arising from malfunction and partial non-delivery of a multi-million dollar sales and inventory management software system.
- Representation of antitrust defendants in the paper, industrial gas, and building industries in grand jury investigations, criminal proceedings, and treble damage actions.
- Representation of owners and contractors in a variety of construction disputes both at the negotiation and litigation stages.

NANCY E. STROUD

Partner

Attorney-at-Law

Ms. Stroud's practice with Burke, Weaver & Prell includes land use and environmental law, with a special emphasis on the representation of local government. Ms. Stroud was awarded a master's degree in regional planning and a law degree from the University of North Carolina in 1978. She graduated cum laude with a B.A. in Sociology from Indiana University. She is a member of Phi Beta Kappa, and studied for a year at the London School of Economics. Ms. Stroud has been a member of the Florida Bar since 1979. She has been a partner in the firm since 1986.

Ms. Stroud's experience ranges from broad based representation as general counsel to local government, to litigation on state and federal land use matters, to consultation with local governments in the development of land use regulations. She has special expertise in growth management, local government and civil rights relating to land use decisions, such as regulatory takings. She has defended local government land use decisions and laws in state and federal court, and has also represented private citizens and nonprofit organizations in administrative and court challenges to various state and local land use actions. She also has served as an adjunct professor of growth management law at Florida Atlantic University.

Among her professional service activities, Ms. Stroud is a Board member of the Treasure Coast Regional Planning Council, appointed by Governor Chiles. She is an author of the Florida Bar Land Use and Environmental Law Section manual for practitioners. She serves on the American Planning Association Amicus Curiae Committee and is an executive board member of the APA Planning and Law Division. She has been a featured speaker on land use law topics for a number of professional and lay organizations, including the American Planning Association, the Florida Bar, the Urban Land Institute and the American Law Institute.

Ms. Stroud is a member of the American Bar Association (including the state and local government law section), the Florida Bar Association (including the environmental and land use law section, and city, county and local government law section) and the Palm Beach County Bar. She was awarded the 1996 Palm Beach County Bar Association Pro Bono award for service to the cultural arts.

SUSAN L. TREVARTHEN, AICP

Associate  
Attorney-at-Law

Ms. Trevarthen is board certified in the practice of City, County & Local Government Law by the Florida Bar. She practices primarily in the areas of zoning, land use, local comprehensive planning and constitutional law. The major portion of her practice, since joining the firm in 1991, has consisted of local government representation involving these issues. She has represented clients such as the Town of Longboat Key, the City of West Palm Beach, Captiva Erosion Prevention District, the Palm Beach County Countywide Planning Council, Martin County, the School Board of Broward County, and represents the planning staff of the City of Sunrise in the City's quasi-judicial hearings.

Ms. Trevarthen assists in the defense of local governments in state and federal court litigation, frequently handling dispositive motions, and plays a major role in the management and preparation of expert witnesses in disciplines ranging from land economics to comprehensive planning and environmental sciences. She has briefed appeals in many of these cases for Florida District Courts of Appeal, the Florida Supreme Court, the Eleventh Circuit, and petitions for certiorari to the U.S. Supreme Court. She also participates in the firm's representation of private clients in land use and environmental litigation, and public contracts matters.

Ms. Trevarthen's prior professional experience includes applied research in growth management with the Florida Atlantic University/Florida International University Joint Center for Environmental and Urban Problems. At the Center, she gained extensive experience in American Assemblies, a method for group conflict resolution and goal setting, and has completed the Florida State University Conflict Resolution Consortium's training program for Special Masters pursuant to the 1995 Florida Land Use and Environmental Dispute Resolution Act. She has participated in extensive court-ordered mediation in the Eleventh Circuit on behalf of a local government client.

In 1986, she received her Bachelor of Arts degree Cum Laude from Duke University, majoring in public policy studies. She received a doctor of jurisprudence degree and a master of city and regional planning degree from the University of North Carolina at Chapel Hill in 1991. She has been a member of the Florida Bar since 1991.

Ms. Trevarthen is a member of the American Bar Association, the American Institute of Certified Planners and the American Planning Association. For the APA, she provides pro bono representation in a challenge to a California statute exempting religious properties from historic preservation regulation. She has also served as an adjunct professor of environmental and growth management law at Florida Atlantic University. She has lived in Boca Raton since 1972.

**JOSEPH F. POKLEMBIA**

Associate  
Attorney-at-Law

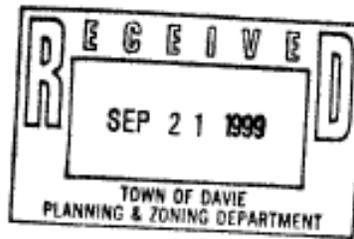
Mr. Poklemba's practice with Burke, Weaver & Prell includes land use and environmental law, with an emphasis on local government litigation and consulting. Mr. Poklemba was awarded a master's degree in business administration from Drexel University in 1985 and a law degree from Nova Southeastern University in 1995. He graduated with a B.A. in political science/economics from St. Joseph's University. Mr. Poklemba has been a member of the Florida Bar since 1995.

Mr. Poklemba's experience ranges from representing local governments as general counsel on special matters, i.e., forfeitures, foreclosures, special assessments, zoning and land use, to general civil litigation. He has special expertise in land use consulting and litigation involving zoning and land use regulations. Mr. Poklemba has assisted in defending local government land use decisions and laws in state courts. Mr. Poklemba has also assisted in the preparation of appeals in land use cases.

Among his professional activities, Mr. Poklemba is Vice-Chair of the Palm Beach County Bar Association's Land Use Law, Environmental Law and Eminent Domain Committee. Mr. Poklemba is also a member of the Treasure Coast Section of the American Planning Association.

Mr. Poklemba is a member of the American Bar Association (including the state and local government law section), the Florida Bar (including environmental and land use law section), and the Palm Beach County Bar Association (including the land use/environmental law and eminent domain committee). He is also a member of all of the federal court bars in the State of Florida (Northern, Middle, Southern Districts) and the 11<sup>th</sup> Circuit Court of Appeals.

**RUDEN  
McCLOSKEY  
SMITH  
SCHUSTER &  
RUSSELL, P.A.  
ATTORNEYS AT LAW**



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September 17, 1999

**VIA TELECOPY 797-1086  
and REGULAR MAIL**

Ms. Grace Hall  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Dear Ms. Hall:

Pursuant to your request, I am enclosing a copy of my resume. The typewritten page is a bit more up to date than the copy of the printed page with my photograph.

Most importantly, regarding my experience in dealing with the Fair Housing Act, I direct you to the portions of my resume which indicate that I have lectured on the Fair Housing Amendments Act of 1988, both for the American Bar Association and for Multi-Housing World at their annual conventions. I have also provided extensive advice regarding the Fair Housing Act to my developer clients as well as to my condominium and homeowner association clients. Although the lecturing I have done and the advice I have given to my clients have concentrated on areas of the Fair Housing Act other than group homes, I have continued to study the Fair Housing Act cases which have involved issues dealing with municipalities and group homes and have kept myself well informed of the most recent decisions across the United States regarding this issue.

My standard hourly rate for commercial transactions is \$285.00 per hour. However, I am prepared to provide counsel to the Town of Davie at a reduced "municipal rate" of \$240.00 per hour.

I would be very pleased to meet with you and anyone else at the Town of Davie to discuss my qualifications.

I look forward to hearing from you soon.

Sincerely,

RUDEN, McCLOSKEY, SMITH,  
SCHUSTER & RUSSELL, P.A.

Mark F. Grant

Enc.

FTL:617801:1

FORT LAUDERDALE ■ MIAMI ■ NAPLES ■ ST. PETERSBURG ■ SARASOTA ■ TALLAHASSEE ■ TAMPA ■ WEST PALM BEACH

**MARK F. GRANT**  
**Ruden, McClosky, Smith, Schuster & Russell, P.A.**

Mark F. Grant received his undergraduate degree from The Wharton School of the University of Pennsylvania (B.S., 1968) and received his law degree from St. Johns University School of Law (J.D., 1972).

Mr. Grant is a Board Certified real estate lawyer who concentrates his practice in the areas of real estate acquisition and development, condominium and homeowner association operation and real estate and commercial lending. He has represented hundreds of clients in the acquisition, financing and development of residential, commercial and industrial properties. Mr. Grant has a statewide reputation as a specialist in the area of large residential and mixed use developments. In addition to representing developers and other purchasers and sellers of real estate, Mr. Grant serves as counsel to country clubs, condominium and homeowner associations.

Mr. Grant served as Co-Chairman of the Condominium and Planned Development Committee of the Real Property, Probate and Trust Law Section of The Florida Bar. He is a frequent lecturer for The Florida Bar and the University of Miami Institute on Condominium and Cluster Developments, and serves as a faculty member of that Institute. He has also lectured on the Fair Housing Amendments Act of 1988 for the American Bar Association at its annual convention and for Multi-Housing World at its annual convention.

Mr. Grant is the author of a chapter in The Florida Bar's new treatise, *Condominium and Homeowners' Association Law and Practice* and wrote two articles published in *The Nova Law Review*, one entitled: "Ocean Trail Unit Owners Association, Inc. v. Mead: Democracy or Tyranny - The Supreme Court of Florida Properly Finds in Favor of Condominium Board" and the other entitled: "RIS Investment Group, Inc. v. Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes: Condominium Associations Cheated: The Fourth District Denies Assessments Imposed upon Developer-Owned Unconstructed Condominium Units."

Mr. Grant currently serves as counsel to and is a member of the Board of Advisors of the Broward Economic Development Council, Inc. Mr. Grant is a past President of The Wharton School Club of South Florida; past Chairman of the Motion Picture and Television Task Force of the Broward Economic Development Council, Inc.; past Chairman of the Advisory Board and past President of the Broward County Film Society; and Vice Chairperson of the Downtown Fort Lauderdale Transportation Management Association.

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**SARASOTA**  
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401 East Jackson Street  
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Fax (813) 229-9128

**MARK F. GRANT**

ATTORNEY

REAL ESTATE

**RUDEN**  
**MCCLOSKEY**  
**SMITH**  
**SCHUSTER &**  
**RUSSELL, P.A.**  
ATTORNEYS AT LAW



**MARK F. GRANT**  
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Mark F. Grant received his undergraduate degree from The Wharton School of the University of Pennsylvania (B.S., 1968) and his law degree from St. Johns University School of Law (J.D., 1972).

Mr. Grant is a Board Certified Real Estate Lawyer who concentrates his practice in the areas of real estate acquisition and development, condominium and homeowner association documentation and operation and commercial lending. He represents clients in the acquisition, financing and development of residential, commercial and industrial properties. Mr. Grant has a statewide reputation as a specialist in the area of large residential and mixed use developments. In addition to representing developers and other purchasers and sellers of real estate, Mr. Grant serves as counsel to country clubs and condominium and homeowner associations.

Mr. Grant is Co-Chairperson of the Condominium and Planned Unit Development Committee of The Florida Bar. He is a frequent lecturer for The Florida Bar and the University of Miami Institute on Condominium and Cluster Housing, and serves as a faculty member of that institute. Mr. Grant has lectured on the Fair Housing Amendments Act of 1988 for the American Bar Association and for Multi-Housing World, both at their annual conventions. He has served as Sub-Committee Chairman of the Condominium and Planned Unit Development Committee which was responsible for various regulations promulgated by the Division of Florida Land Sales, Condominiums and Mobile Homes. Mr. Grant is also a member of the Real Estate Certification Committee of The Florida Bar.

Mr. Grant is the author of a chapter in The Florida Bar's new treatise, *Condominium and Homeowners' Association Law and Practice* and wrote an article published in *The Nova Law Review* entitled: "Ocean Trail Unit Owners Association, Inc. v. Mead: Democracy or Tyranny - The Supreme Court of Florida Properly Finds in Favor of Condominium Board."

Mr. Grant is a past President of the Wharton School Alumni Club of South Florida, Counsel to and a member of the Board of Advisors of the Broward Economic Development Council, Inc., past President of the Broward County Film Society, and Chair-Elect and Member of the Board of Directors of the Downtown Fort Lauderdale Transportation Management Association, Inc.

LAW OFFICES OF

**BURKE, WEAVER & PRELL**

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MARK A. MEBELLI

September 15, 1999

*Via Facsimile*

Grace Hall  
Asst. to Director of Development Services  
Town of Davie  
P. O. 8549  
Pembroke Pines, FL 33084

Dear Grace:

Per your request, enclosed you will find a copy of the firm resume and my resume. My government rate is \$145/hour. We will bill monthly, with detailed invoices describing the work and time of each attorney, and the disbursement costs incurred. Please let me know if you have any additional questions or require any further information.

Very truly yours,



Susan L. Trevarthen

SLT:jag  
enclosures

## **BURKE, WEAVER & PRELL**

### **Boca Raton, Florida**

Burke, Weaver & Prell is a law firm of approximately 42 attorneys, dedicated to the highest quality service in a selected group of related specializations, with an attention to cost control not customarily associated with larger firms.

Over the last fifteen years the firm's Boca Raton office has maintained a staff of three to five lawyers plus paralegals, along with a complement of eight attorneys in its Chicago office who are members of the Florida bar and who work actively with the firm's Florida clients. Until January 1994, the firm practiced under the name of Burke, Bosselman & Weaver.

### **AREAS OF PRACTICE**

The firm's primary areas of expertise in Florida are counseling and litigation in the fields of land use, growth management, environmental, governmental and inverse condemnation law.

### **GROWTH MANAGEMENT AND ENVIRONMENTAL LAW**

Attorneys at Burke, Weaver & Prell are nationally recognized experts in matters concerning the development and use of land and related environmental areas. The firm's practice is at the cutting edge of this rapidly developing field. Its attorneys have written numerous books and articles and have lectured to diverse audiences around the country.

Burke, Weaver & Prell has represented public clients in drafting and litigating growth management and zoning matters throughout the state of Florida. The firm has also had considerable experience in assisting clients to interpret, apply, and comply with the complex and changing state and federal environmental statutes. For example, the firm has had responsibility for:

- A rate of growth ordinance for the City of Key West.
- Impact fee ordinances for various public facilities in eight Florida counties and cities.
- Growth management plans and policies for the Northeast Florida Regional Planning Council and the Palm Beach Countywide Planning Council.
- Representation of several large scale land developers for permits under Florida's complex system of land use and environmental regulations.
- Representation of a Fortune 100 company in its efforts to site a project in

compliance with federal and state environmental regulations.

- Representation of a major environmental organization in its efforts to prevent the intensive development of an unbridged, environmentally sensitive coastal barrier island.

### LOCAL GOVERNMENT LITIGATION

Burke, Weaver & Prell's widely recognized expertise in local government matters, coupled with its extensive knowledge of the state and federal court systems, has earned the firm its reputation as one of the country's most respected litigation firms in the highly specialized areas of land use, environmental and governmental law. Examples of the firm's Florida litigation practice in these areas include:

- Representing Palm Beach County in the precedent-setting defense of its road impact fee ordinance.
- Defending Martin County in cases involving the attempted development of over 20,000 acres of freshwater wetlands and rejected text amendments to its award-winning Comprehensive Plan.
- Representing the Town of Jupiter in state and federal court challenges to a corridor overlay zone regulating uses and development standards along its major road.
- Representing Broward County in the defense of its park impact fee ordinance and in the defense of several developer actions attacking its Comprehensive Plan.
- Representing The School Board of Broward County in the establishment of the first school concurrency system in the state of Florida.
- Representing cities and counties in the defense of federal civil rights damages actions concerning building permit matters and changes in land use regulations.
- Representing regional planning councils in administrative and court proceedings regarding developments of regional impact.
- Representing citizens in administrative proceedings challenging the consistency of development regulations and development orders with the local comprehensive plan.
- Representing a dozen local governments in Broward County in the administrative proceedings regarding the siting of a 500 KV electrical transmission line.

### INVERSE CONDEMNATION

Burke, Weaver & Prell attorneys have extensive experience before trial and appellate courts in inverse condemnation litigation. Recent U.S. Supreme Court decisions concerning inverse condemnation and regulatory takings have also resulted in a tremendous increase in the litigation of such issues. The attorneys at Burke, Weaver & Prell have played a major role in the development and resolution of these issues, in Florida and elsewhere. For example, members of the firm were trial and appellate counsel in the precedent setting inverse condemnation case of Graham v. Estuary Properties, Inc., 399 So. 2d 1374 (Fla. 1981), cert. den. 454 U.S. 1083. In addition, the firm's attorneys write and speak regularly on the takings issue.

### CLIENTS

Florida clients in the public sector have included:

Boca Raton Community Redevelopment Agency	Lee County
Broward County	Martin County
Captiva Erosion Prevention District	Orange County
City of Boca Raton	Palm Beach County
City of Destin	The School Board of Broward County
City of Naples	South Florida Water Management District
City of Gainesville	Town of Davie
City of Key West	Town of Jupiter
City of West Palm Beach	Town of Longboat Key
Charlotte County	Town of Palm Beach
Collier County	Treasure Coast Regional Planning Council

**SUSAN L. TREVARTHEN, AICP**

Associate  
Attorney-at-Law

Ms. Trevarthen is board certified in the practice of City, County & Local Government Law by the Florida Bar. She practices primarily in the areas of zoning, land use, local comprehensive planning and constitutional law. The major portion of her practice, since joining the firm in 1991, has consisted of local government representation involving these issues. She has represented clients such as the Town of Longboat Key, the City of West Palm Beach, Captiva Erosion Prevention District, the Palm Beach County Countywide Planning Council, Martin County, the School Board of Broward County, and represents the planning staff of the City of Sunrise in the City's quasi-judicial hearings.

Ms. Trevarthen assists in the defense of local governments in state and federal court litigation, frequently handling dispositive motions, and plays a major role in the management and preparation of expert witnesses in disciplines ranging from land economics to comprehensive planning and environmental sciences. She has briefed appeals in many of these cases for Florida District Courts of Appeal, the Florida Supreme Court, the Eleventh Circuit, and petitions for certiorari to the U.S. Supreme Court. She also participates in the firm's representation of private clients in land use and environmental litigation, and public contracts matters.

Ms. Trevarthen's prior professional experience includes applied research in growth management with the Florida Atlantic University/Florida International University Joint Center for Environmental and Urban Problems. At the Center, she gained extensive experience in American Assemblies, a method for group conflict resolution and goal setting, and has completed the Florida State University Conflict Resolution Consortium's training program for Special Masters pursuant to the 1995 Florida Land Use and Environmental Dispute Resolution Act. She has participated in extensive court-ordered mediation in the Eleventh Circuit on behalf of a local government client.

In 1986, she received her Bachelor of Arts degree Cum Laude from Duke University, majoring in public policy studies. She received a doctor of jurisprudence degree and a master of city and regional planning degree from the University of North Carolina at Chapel Hill in 1991. She has been a member of the Florida Bar since 1991.

Ms. Trevarthen is a member of the American Bar Association, the American Institute of Certified Planners and the American Planning Association. For the APA, she provides pro bono representation in a challenge to a California statute exempting religious properties from historic preservation regulation. She has also served as an adjunct professor of environmental and growth management law at Florida Atlantic University. She has lived in Boca Raton since 1972.

WEISS SEROTA HELFMAN  
PASTORIZA & GUEDES, P.A.  
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September 23, 1999

VIA FACSIMILE ONLY

Ms. Grace Hall  
Assistant to Development Services Director  
Town of Davie, Florida  
6591 Orange Drive  
Davie, Florida 33314

Re: Withdrawal of Proposal to Serve as Special Counsel for the Town  
of Davie, Florida, Regarding Comprehensive Plan and Code Revisions

Dear Ms. Hall:

Please be advised that after further consideration, we have decided to withdraw our proposal, dated September 21, 1999, regarding the Comprehensive Plan and Code revisions.

We very much appreciate the opportunity afforded to us and hope that your office will consider us for other projects in the future.

Your consideration and understanding are greatly appreciated.

Sincerely,

  
Jamie Alan Cole

JAC:bw  
999.991