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Update No. 6 Effective April 11, 2007 5:18 p.m.

The City previously agreed not to take any additional action to cause the few remaining tenants and occupants of the Fashion Mall and Executive Pavilion to leave the premises in view of the Owner's prior contractual commitments to install required life safety upgrades. These contractual commitments also included provisions requiring the Owner to keep its tenants and occupants fully informed of its progress, and of the status of these matters at all times.

On January 25, 2007, the Owner advised the City that it wished to close the Fashion Mall and Executive Pavilion. Notwithstanding this announced intention, the Owner signed an agreement which contained a commitment to complete the fire alarm improvements as appropriate to make the alarm system code compliant by February 28, 2007. Recently, the Owner has advised that it does not wish to complete the required alarm related work.

At this time, the Fashion Mall and Executive Pavilion does not have a code compliant Fire Alarm System, nor does it have a required Smoke Evacuation and Control System. Additionally, all of the work needed to make the Building a Type 1 Compliant Structure has not been finished. These three items were required of the Owner, and agreed to by the Owner, in a Fire Services Agreement made on October 24, 2004, and in a Forbearance Agreement made by the Owner on August 11, 2006.

Since the Owner may propose to substantially rebuild the Mall and Executive Pavilion, and thus may end up demolishing the required life safety upgrades before they begin to serve a useful business life, the City can appreciate the Owner's reluctance to complete the work as the Owner had previously agreed. However, the City has stated that as long as the Mall and Executive Pavilion are open to the public and are being occupied, these improvements will be required. If the Owner does not wish to complete the improvements, the City has advised that the Owner needs to vacate and close the premises. Instead, the Owner wishes to keep the premises open to the public and not complete the work. This has resulted in the City taking action it had hoped to avoid.

The City previously advised that it would allow tenants and occupants a six (6) month period of time within which to vacate the premises if the City decided to take action with respect to this matter. Tenants who wished to renew their occupational licenses were required to sign an acknowledgment recognizing that their licenses could be cancelled by the City at any time.

On April 10, 2007, the City ended the Forbearance Period, and issued notices to tenants having occupational licenses that their licenses were revoked. For those occupants known to the City who did not request occupational licenses, the City advised them that occupancy was no longer considered lawful. Tenants and occupants are being given until October 15, 2007 to leave the Mall and Executive Pavilion, and are being issued citations. If they leave the premises by October 15, 2007 and this is confirmed by the City, then the citations will be dismissed without

penalty. The premises will be closed on November 1, 2007, and no occupant or tenant will be allowed in the Mall and Executive Pavilion after close of business October 31, 2007.

The City views this matter as a code enforcement exercise. In no way will the City's code enforcement action influence or affect how the City will review or evaluate the Owner's redevelopment plans for the property. The City looks forward to being given the opportunity to review the Owner's development proposals, and hopes that the property can be repositioned and returned to productive use as an important focal point of Plantation Midtown as quickly as possible.

Update No. 5 Effective August 11, 2006

US Capital/Fashion Mall, LLC (the Owner of the Fashion Mall) and the City signed today a Forbearance Agreement which has been recorded in Broward County Official Records Book 42578 at Page 1208. A copy of this Agreement may be obtained from the City's website by [clicking here](#), or may be obtained from the Fire Department Battalion Chief Joel Gordon at the Fire Department Administrative Offices, 550 NW 65th Avenue, Plantation, Florida 33317. Chief Gordon may also answer questions you may have about the Forbearance Agreement. His phone number is 954-797-2150. Below is a summary of pertinent provisions of the Forbearance Agreement.

Generally, the Forbearance Agreement establishes a timeline for the Owner to design, obtain permits for, and complete a phased construction of necessary life safety improvements to the Mall and Executive Pavilion. As long as the Owner's obligations are continuously performed, the City has agreed to refrain from initiating administrative code enforcement proceedings related to these life safety matters against occupants of the Mall and Executive Pavilion. At this time, the Owner's phased construction obligations extend to August 30, 2008.

The City will issue Occupational Licenses to existing Mall and Executive Pavilion occupants for the license period commencing October 1, 2006 only if applications are made **in person** at the Office of the Clerk, City Hall 400 NW 73rd Avenue, Plantation, Florida 33317. As an additional condition of the License being issued, the applicant will need to sign a Form Acknowledgement indicating that the License shall remain revocable. If the Owner does not perform its obligations and Occupational Licenses are revoked and administrative Code Enforcement Notices of Violation are issued to occupants of the Mall and Executive Pavilion, the City will give such occupants 180 days from the date of the Notice of Violation to move out of the premises before presenting cases to the City Special Magistrate.

Designing, permitting, and constructing the required life safety improvements will be a major undertaking. The City appreciates the Owner's efforts in reaching this Forbearance Agreement, and the Owner's renewed commitment to perform the required work.

Update No. 4 Effective July 3, 2006

Since the prior update on this matter, the City has received no blueprint plan or engineering specification submissions concerning the Fashion Mall life safety infrastructure requirements. As a result, the City Administration has decided to not mail out any Occupational License Renewals to any current Licensee of the Mall and Executive Pavilion, and will rescind any renewals that might get inadvertently approved prior to September 30, 2006.

In the next update, the City Administration will provide information in a question and answer format concerning, among other topics:

- (1) When will Notices of Violation be served on businesses or persons occupying the premises without Occupational Licenses;
- (2) how much time occupants will be given in Notices of Violation to vacate their premises without fines or penalties before cases are referred to a Code Enforcement Magistrate of Board for consideration; and,
- (3) how the City plans to expedite permitting and inspections for any occupants who are relocating in Plantation so that any needed tenant build-out can occur with minimal delay.

It is the City's continued hope that the Owners of the Mall and Executive Pavilion will decide upon and formally disclose an acceptable and detailed timed action plan so as to avoid the City's planned and announced enforcement actions. On June 30, 2006, the City Attorney was orally advised by Mall and Executive Pavilion representatives that additional legal counsel and life safety consultants for re-development purposes have been engaged. It is too premature, however, to ascertain whether or what might be proposed because the City anticipates that any new consultant will need to undertake suitable structure reviews and evaluations before being able to formulate an intelligent Plan of Action.

Update # 3 effective June 1, 2006

At the request of the attorney representing the Fashion Mall and Executive Pavilion, a meeting was held on May 10, 2006 to review the outline of the "Action Plan" submitted to the City. The outline was the same as that embodied in Update # 2 below.

At the meeting, Mall and Executive Pavilion representatives reviewed the outline. They advised that there was no definitive additional information that could be given to the City concerning when, whether, or how the life safety infrastructure would be implemented other than what was contained in the outline timetables. This was primarily because the Owners were not sure which of various re-development proposals not shared with the City would be financially feasible.

The City has advised that until the Owners of the Mall and Executive Pavilion are better able to define the near and longer term business plan for the Premises, and until blueprint plans and engineering specifications are submitted and evaluated and accepted as part of a more definitive Action Plan, the City will continue to not renew any Occupational Licenses for occupants of the Mall and Executive Pavilion when the Licenses expire on September 30, 2006. If any get inadvertently renewed by mistake, they will be cancelled.

Since the meeting on May 10, 2006, neither the attorney nor any contractor or engineer for the Mall and Executive Pavilion have made any additional submissions to the City concerning the smoke evacuation system or concerning making the Premises "Type 1" for purposes of the applicable fire codes and the Agreement.

Update #2

The City received a preliminary outline of an Action Plan on April 28, 2006 with a request by the Attorney for the Mall and Executive Pavillion Owner to meet with the City in order to flesh out the outline's information. The City is reviewing the outline at this time and intends to grant the Owner's request for a meeting. The outline is set forth below.

The outline seems to indicate that the Mall's redevelopment plans may be submitted to the City on August 30, 2006, and that the design, permitting, and plans submittal of some of the required firesaftey improvements is contingent upon the redevelopment plans. For the time being and until the City receives additional information from the Owner at the requested meeting, the City will continue to not renew occupational licenses after they expire on September 1, 2006 or allow new occupational licenses to be issued for the Mall and Executive Pavillion.

PLANTATION FASHION MALL ACTION PLAN

TENANTS RECEIVE LETTER FROM CITY OF PLANTATION, DATED 3/31/06

MALL DELIVERS LETTER TO TENANTS ADDRESSING CITY LETTER, 4/14/06

ANNUAL BACK FLOW PREVENTION DEVICES CERTIFICATION SUBMITTED TO
CITY
4/20/06

ACTION PLAN SUBMITTED TO CITY ATTORNEY FOR INITIAL REVIEW
4/28/06

RESOLVE CODE ENFORCEMENT ISSUES RELATING TO POND & PARKING LOT
DEBRIS 4/28/06

HIRE ELECTRICAL CONTRACTOR TO RESOLVE REMAINING VIOLATIONS FROM
THE ANNUAL FIRE INSPECTION.
5/15/06

OTIS ELEVATOR CONTRACT RENEWED, OPERATIONAL PROBLEMS
ADDRESSED 5/20/06

COMPLETE ELECTRICAL VIOLATION REPAIRS RELATING TO ANNUAL FIRE
INSPECTION
6/15/06

RESUME CONSTRUCTION ON SOCIAL SECURITY SPACE.
7/1/06

REPAIR AND REPLACEMENT OF DAMAGED SKYLIGHTS FROM HURRICANE.
7/15/06

OWNER ESTABLISHES ESCROW ACCOUNT FOR HIRING OF DESIGN TEAM FOR
COMPLETION OF SITE PLAN FOR SUBMISSION TO CITY FOR REDEVELOPMENT
OF THE PROPERTY.
7/15/06

COMMENCEMENT OF FINAL FIRE ALARM UPGRADES , OFFICE TOWER, TO BE
REINSTATED, WHICH WILL COMPLETE THE UPGRADE OF THE ENTIRE
PROPERTY.
8/1/06

COMPLETE SOCIAL SECURITY SPACE BUILD OUT
8/15/06

SUBMISSION OF REDEVELOPMENT PLAN TO CITY FOR ITS REVIEW
8/30/06

ESTIMATED DATE OF FULL GOVERNMENTAL APPROVALS
12/31/07

COMPLETE THE FIRE ALARM UPGRADES
9/15/06

IF REDEVELOPMENT PLAN IS NOT SUBMITTED SMOKE EVACUATION SYSTEM
WILL BE FULLY DESIGNED AND SUBMITTED BY
9/30/06

IF REDEVELOPMENT PLAN IS NOT SUBMITTED THE LANDSCAPE VIOLATIONS
WILL BE RESOLVED BY
12/31/06

IF REDEVELOPMENT PLAN IS NOT SUBMITTED BY 8/30/06 THE SMOKE
EVACUATION SYSTEM WILL BE FULLY INSTALLED BY
12/31/07

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Update #1

The first update concerning occupational license renewals for the Fashion Mall and Executive Pavilion will be posted on April 30, 2006. In the interim, the City has prepared some answers to questions that can be anticipated concerning this topic.

- 1. What is happening?** *The City Attorney has advised persons holding an Occupational License for a business location within the Fashion Mall and Executive Pavilion that these locations will likely not get renewed Occupational Licenses when the current Licenses expire on September 30, 2006. This is because the Mall and Executive Pavilion do not have certain required fire safety systems, and the current Owner has not performed an Agreement with the City to install them.*
- 2. What fire safety systems are being required?** *These are detailed in an Agreement with the current Owner. Mainly, the Agreement requires that a Smoke Evacuation System be installed, that the fire alarm system be upgraded, and that other fire safety improvements be completed (some of these relate to structure fire resistiveness and fire separations).*
- 3. What caused the Premises to become non-compliant?** *The Mall and Executive Pavilion have been significantly remodeled. These changes resulted in different life safety requirements being applicable to the Premises. On November 11, 2003, the prior Owner agreed in plan submittals to do the Work needed. It sold the Premises to the current Owner without having completed the Work. The City and current Owner then signed the Agreement to allow the Work to be completed over time.*
- 4. Why didn't I know about the Fire Services Agreement before now?** *The Mall and Executive Pavilion Owner signed an Agreement to do the Work on October 29, 2004. The Agreement states that the Owner was to advise all tenants of the Agreement. Nevertheless, the City recorded the Agreement in the public records on November 18, 2004 (i.e. Broward County Official Records Book 38563 at Page 529). The City has also recorded a Notice of Non-Compliance with Fire Services Agreement in Broward County Official Records Book 41742 at Page 341. The Fire Department has a copy of the Agreement and the Notice of Non-Compliance should you wish to pick these up.*
- 5. Are the premises unsafe?** *The premises do not comply with all of the applicable life safety requirements; however, the City does not believe you are in imminent danger.*
- 6. Am I in imminent danger?** *No. The Agreement states that the Premises does not create an immediate threat to life safety. Currently, the Premises is not close*

to its maximum capacity, and the reason why the Agreement requires the Owner to maintain security details trained in the Premises' fire safety evacuation plans and procedures is to assist in early detection of fire, to help notify the Fire Department, and to help people evacuate. The City suggests that you re-acquaint yourself with the fire exits near your area and how to quickly leave the premises in case of fire.

- 7. Why is the City doing this?** *The City has tried to avoid taking drastic action. The fire safety concerns have been present since November 11, 2003, and the City has been trying to achieve compliance for many years. The City was willing to allow persons to remain in the Premises so long as a formal Agreement to make the Premises compliant was in place and being performed. Unfortunately, the Agreement has not been performed. At this point, the City has determined to demand an Action Plan to address this matter, or an Action Plan to evacuate the Premises. If an Action Plan is not approved, the City will not renew Occupational Licenses for the Premises when they expire on September 30, 2006.*
- 8. Will I be able to stay in my leased space if a satisfactory Action Plan is not approved?** *If a business owner conducts business without an Occupational License for the location, the City will issue the owner a Notice of Violation and prosecute the violation before the City Special Magistrate. This process may result in fines and liens. The City may enforce its laws in a different manner, but hopes to avoid doing so.*
- 9. I am a tenant. Why didn't I get a copy of the City Attorney's letter?** *The City Attorney sent the letter on March 31, 2006 to one person as shown on the City's Occupational License records. If there was more than one addressee on the Occupational License, the letter may have been sent to some other addressee that was listed. If your business is not the Licensee, you would not have received a copy. We have a sample copy of the letter at the Fire Department if you would like to pick one up.*
- 10. Should I stop paying rent? Can I get evicted? Will my insurance be affected? What action should I take under my lease?** *You should seek legal advice from your attorney about any questions you may have.*
- 11. My lease says that the Mall Owner is responsible for this? Why is the City taking action which may make me leave?** *The City is addressing a life safety concern. People should not be allowed to remain in buildings that do not comply with life safety requirements where efforts to make the Premises compliant have not been satisfactory.*
- 12. Can I get permits or Certificates of Occupancy for my renovations?** *The City will not at this time process any further building construction permits or Certificates of Occupancy. This may change.*

13. Will the City on October 1, 2006 revoke all Certificates of Occupancy, order the premises to be disconnected from electric power, and turn off water and sewer service? *No. The City will begin prosecuting violations for operating a business without an occupational license using the Special Magistrate process. The City hopes that further enforcement measures such as those described above will never be needed.*

14. How much time will I get after September 30, 2006? *This depends on what may be proposed by the Mall and Executive Pavilion Owner.*

15. If I relocate prior to my Occupational License's expiration on September 30, 2006, will I need to pay the transfer fee for my new location? *The City's Ordinance normally requires a transfer fee to be paid when a business relocates within Plantation (the transfer fee is equal to ten percent (10%) of the annual tax), and if inspections are needed for the new location as a condition of issuing a new license at the new location, the inspection fee for all inspections is \$270. Under the circumstances, the City is waiving the transfer fee so that your License will be good through its September 30th expiration at your new location, and if the new location's license requires inspections, the inspection fee will be charged and collected for the next fiscal year (commencing October 1, 2006).*

16. Will I be able to find out the current status of this matter from time to time? *You should stay in contact with the Mall and Executive Pavilion Owner concerning this matter because it will have the most up to date information.*

17. Will I be able to get updates from the City? *The City has implemented a uniform information delivery system for this matter. The City will post updates monthly concerning this matter on the City internet website, commencing April 30, 2006. To access the update, go to the City's internet Home Page at www.plantation.org. On the left menu bar, click "Business" which will cause the "Useful Business Information and Links" Page to be displayed. Under the "Useful Business Resources" bar on this Page, click the "Occupational Licenses" hyperlink, which will cause the "Occupational Licenses" Page to be displayed. Navigate to the bottom of this Page, and click on the "Fashion Mall/Executive Pavilion Occupational Licenses" hyperlink to receive the monthly update.*

Is there anyone whom I can call at the City? *The City spokesperson for this matter is Fire Department Battalion Chief Joel Gordon. His telephone number is 954-797-2150.*