

December 7, 2009

John Fernandez  
Interim Building Official  
Town of Longboat Key Building Inspector  
610 General Harris  
Longboat Key, FL 34228-3196

**RE:    *The Colony Beach and Tennis Resort*  
         *1620 Gulf of Mexico Drive, Longboat Key, FL*  
         *KEG File # 08RS-0032*  
         *Report of Unsafe Condition***

Dear John:

Karins Engineering Group, Inc. (KEG) has been retained by various parties at the Colony Beach and Tennis Resort since January of 2005. KEG is currently retained by the Colony Beach & Tennis Club Association, Inc.

**It is our professional obligation to notify you that a potentially unsafe condition exists.**


Based on current observations and testing, it is our professional opinion that the villa buildings and beachfront residential buildings are not safe for occupancy as a result of deterioration, insect infestation and contamination. Work contemplated by the documents currently in permit review only partially addresses these conditions.

The buildings are not currently occupied because the resort is closed and the condominium owners' access has been restricted. However, a motion has been filed in the currently ongoing litigation that indicates an intent to re-open a portion of the resort in mid-December.

Please take appropriate notice of this report. Should questions arise, please do not hesitate to call.

Sincerely,

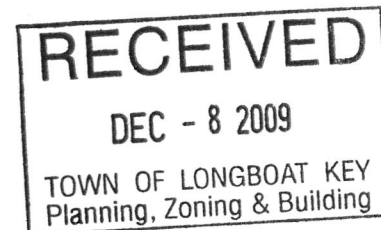
**Karins Engineering Group, Inc.**



12/7/2009

David G. Karins, P.E.  
President  
Florida Registration # 52677

CC:    Jeffrey W. Warren, Bush-Ross Attorneys at Law  
         Dean Feltham, Colony Beach & Tennis Club Association, Inc  
         Herb Lipton, Colony Beach & Tennis Club Association, Inc.





17 Fiesta Drive  
Sarasota, Florida 34231  
Toll Free: (866) 927-8525  
Tel: (941) 927-8525  
Fax: (941) 927-8075  
dk@keg-engineering.com

November 15, 2009

Herb Lipton  
Colony Beach & Tennis Association  
233 South 6th Street, Apt 1209  
Philadelphia, PA 19106

**RE: Colony Beach & Tennis Resort**  
**KEG File # 08RS-0032**  
**Quarterly Safety Inspection**

Dear Mr. Lipton:

As requested, Karins Engineering Group, Inc. (KEG) performed an observation of the accessible visible structural components of the villa and beach front buildings on November 6, 2009 and November 11, 2009.

The purpose of our observation was to gather data that would enable KEG to render our professional opinion regarding the safety of the Colony Beach & Tennis Resort villa buildings for continued occupancy. Our opinion is relative to the building structures' ability to resist normal gravity loads and wind loads up to 55 mph.

Ongoing deterioration of the building structures is present. The resort closed in September 2009 and daily common area cleanup ceased. Consequently, evidence of termite/insect infestation not previously visible was observed at every building and consisted of termite feces ("frass"). Based on the quantity and locations observed, it is apparent that infestation is widespread.

**KEG must therefore withdraw its certification of safety for continued occupancy until destructive investigation can be performed at each building to verify the condition of concealed structural components and until evidence of ongoing pest control is provided to KEG.**

In addition to the above-referenced termite/insect infestation concerns, repairs of isolated deteriorated structural components shall be completed prior to the next quarterly inspection. Work identified in the June 1, 2009 and August 11, 2009 quarterly inspection reports had not yet been completed, though the contract had been awarded and documents submitted for permit at the time of this report. This work shall be commenced without further delay.

In addition to the items identified in the current repair Project Manual and previously reported, required repair items were identified in our current observations. These include the following: reinforced concrete piers at villa building 17; and framing and siding at villa buildings 2, 4, 5, 6, 8, 9, 10, 12, and 13. These items will be appended to the current repair project scope, along with a protocol for destructive investigation for insect damage.

Once it can be determined that continued safe occupancy may resume, ongoing deterioration shall be monitored by the undersigned no less frequently than once per calendar quarter to determine if or when the buildings become no longer safe for occupancy.

We trust this information is helpful. Should questions arise, please do not hesitate to call.

Sincerely,

**Karins Engineering Group, Inc.**

A handwritten signature in dark ink, appearing to read 'DK', followed by the date '11/15/09' written in a similar style.

David G. Karins, P.E.  
President  
Florida Registration # 52677

Florida Certificate of Authorization Number 8371

**EXHIBIT "A"**

## John Fernandez

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**From:** David Karins [dk@keg-engineering.com]  
**Sent:** Tuesday, December 08, 2009 3:18 PM  
**To:** John Fernandez  
**Cc:** Jeff Warren; Jay Yablon; Dean Feltham  
**Subject:** FW: Colony Beach & Tennis Resort  
**Attachments:** image001.gif; image002.jpg; 2009-12-07 Final Report to Building Official.pdf

Mr. Fernandez,

I have been informed by my client that you may consider the issues contained in the attached report as applicable the Health Department and not the Building Department. While it is true that there are medical hazards identified by other consultants on the project, our primary concern in contacting you is structural. Deterioration due to exposure to the coastal environment, deterioration due to moisture infiltration and damage to wood frame structural elements resulting from widespread infestation by termites are all pervasive at the villa and beach front buildings. These buildings are wood frame and marginally designed in some respects to begin with.

**As the Interim Building Official, I believe that it is your role and duty to investigate this hazard to the public safety resulting from compromised structural integrity of the buildings.**

Within 24 hours, I will provide a supplemental report to this effect to your office under my signature and seal. If you have any questions or comments, please call me on my mobile phone at 724-3283 or my office phone at 927-8525

Thank you,  
David G. Karins, PE  
President  
Karins Engineering Group, Inc.

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**From:** David Karins  
**Sent:** Monday, December 07, 2009 3:09 PM  
**To:** 'jfernandez@longboatkey.org'  
**Cc:** 'Colony Board- Herb Lipton'; 'Dean Feltham'; 'Jeff Warren'  
**Subject:** Colony Beach & Tennis Resort

Mr. Fernandez:

Please refer to the attached letter regarding public safety at the Colony Beach & Tennis Resort. A signed and sealed original will be hand delivered first thing in the morning.

Feel free to call me with questions.

Regards,

David G. Karins, PE  
President

## John Fernandez

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**From:** David Karins [dk@keg-engineering.com]  
**Sent:** Wednesday, December 09, 2009 11:38 AM  
**To:** John Fernandez  
**Subject:** RE: Colony Beach & Tennis Resort  
**Attachments:** image001.gif; image002.jpg

Further to your conversation with my office on December 8, 2009, we understand you acknowledge the structural nature of our initial report and are considering the appropriate action. As such, we'll wait to hear from you before generating a supplemental report as stated below.

Please consider me a resource in your deliberation and don't hesitate to call.

Regards,  
David G. Karins, PE  
President  
Karins Engineering Group, Inc.

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[dk@keg-engineering.com](mailto:dk@keg-engineering.com)