

**SMITH  
&  
ASSOCIATES**  
ATTORNEYS AND COUNSELORS AT LAW

JAN 30 2008

January 29, 2008

William G. Collins II  
Indian River County Attorney  
1840 25th Street  
Vero Beach, Florida 32960

*By Facsimile, E-mail and Federal Express*

RE: Ocean Concrete, Inc.  
Pending Appeals  
Confirmation of Hearings

Dear Will:

As you know, our law firm is representing Ocean Concrete, Inc. and Mr. George Maib with respect to all proceedings concerning an application for site development approval. Presently the following two appeals are pending:

1. Appeal #1: Appeal of the January 10, 2008 decision of the Planning and Zoning Commission to deny an appeal of the Community Development Director's denial of a one year extension of the site plan application. Copy of notice of the Planning and Zoning Commission decision and the Appeal being filed with the County by January 31, 2008, is enclosed at **Tab 1**. The appeal dated December 14, 2007, to the Planning and Zoning Commission regarding denial of the site plan extension request is enclosed at **Tab 2**.

2. Appeal #2: Appeal dated January 7, 2008, to the Planning and Zoning Commission of the decision of the Community Development Director dated December 17, 2007, which failed to approve the Site Plan Application and finding that the application is null and void. A copy enclosed at **Tab 3**.

Appeal #2 has not yet been scheduled before the Planning and Zoning Commission. Per our telephone discussion, I will be out of the office from February 13-19. We had discussed scheduling Appeal #2 before the Planning and Zoning Commission on February 28. Please confirm the date for the Planning and Zoning Commission meeting on this appeal.

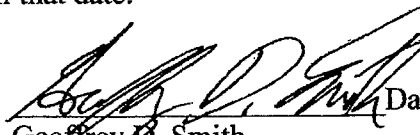
Under Section 914.13(3) of the County Code Appeal #1 to the Board of County Commissioners would need to be scheduled for a meeting within 30 days of January 10, 2008. However, as we discussed, it would make sense from the perspective of administrative economy to schedule Appeal #2 to be held during the same County Commission meeting as Appeal #1.

William G. Collins II  
Indian River County Attorney  
January 29, 2008  
Page 2

The matters would remain separate agenda items, but would be held on the same night to achieve economy. Per our discussion, we would agree to toll the time for holding the appeal hearing before the Board of County Commissioners on Appeal #1 until 30 days after the Planning and Zoning Commission decision on Appeal #2 (assuming that the Planning and Zoning meeting on Appeal #2 is scheduled for late February or early March).

Please confirm to me your agreement to the following by counter-signing below:

- 1) That the appeal of the January 10, 2008 Planning and Zoning decision has been received by the County.
- 2) That the hearing before the Planning and Zoning Commission on the second appeal matter (Appeal # 2 above) is scheduled for February 28, 2008.
- 3) That the County agrees that the hearing on the appeal of the January 10, 2008 Planning and Zoning decision (Appeal #1) above will be scheduled within 30 days of the February 28 P&Z meeting to coincide with any appeal to the Board of County Commissioners on Appeal #2, and that the time for holding the appeal hearing on Appeal #1 before the Board of County Commissioners is tolled until that date.

 Date: 1-29-08  
Geoffrey D. Smith  
Attorney for Ocean Concrete, Inc. and George Maib

Date: \_\_\_\_\_  
William G. Collins II  
County Attorney, Indian River County

S:\506.0 Ocean Concrete\Correspondence\Collins, Will1-29-08.doc