



Reply to
Richard B. Akin
Direct Fax Number 239.344.1554
Direct Dial Number 239.344.1182
E-Mail: Richard.akin@henlaw.com

January 4, 2023

VIA EMAIL

Dolores Menendez, Esq.
City Attorney
City of Cape Coral
P.O. Box 150027
Cape Coral, FL 33915-0027

Re: Waiver of Conflict of Interest regarding representation of Cape Coral Dunamis Storage, LLC, a Florida limited liability company regarding land commonly referred to as 3215 Tropicana Pkwy W. Cape Coral, FL 33993 and Permit Number SDP22-000112

Dear Ms. Menendez:

My firm has been asked to provide land use representation to Cape Coral Dunamis Storage, LLC ("Dunamis") with regard to Permit Number SDP22-000112 and related entitlements for self storage located at 3215 Tropicana Pkwy W. Cape Coral, FL 33993.

As you are aware, Henderson Franklin has represented the City for a number of years in various matters. Historically, irrespective of that representation, my firm has received waivers from the City allowing us to represent third parties in matters which also involve the City so long as we agree that in no event will my firm represent these third parties in litigation against the City. While the matter for which we have been requested to represent Dunamis is not related to work that our firm is performing for the City, our representation of Dunamis in this matter may technically represent a potential conflict of interest pursuant to the rules of professional conduct for practicing attorneys in the State of Florida.

As you know, the rules of professional conduct in Florida allow attorneys within my firm to provide legal representation and counsel to third parties in matters involving the City so long as we advise both parties of the potential conflict and receive both parties' permission to do so. Therefore, I am requesting that the City of Cape Coral waive the conflict of interest or potential conflict by signing the attached waiver, where indicated, and returning it to me via email.

Henderson, Franklin, Starnes & Holt, P.A.

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Please contact me if you have any questions or concerns with regard to this waiver.

Sincerely,

/s/ Richard Akin

Richard Akin

RBA
Enclosure

WAIVER OF CONFLICT OF INTEREST

RE: Cape Coral Dunamis Storage, LLC Permit Number SDP22-000112

THE UNDERSIGNED hereby acknowledges that it has been advised of the above-described conflict or potential conflict of interest and hereby waives any conflict or potential conflict of interest arising as a result of the attorneys within the law firm of Henderson, Franklin, Starnes and Holt, P.A. representing Cape Coral Dunamis Storage, LLC and/or its affiliated entities while the firm is also providing unrelated legal services to the City of Cape Coral.

This waiver does not extend to any dispute or litigation with regard to the representation that may arise between the City and Cape Coral Dumas Storage, LLC, or its affiliates, and in the event of litigation arising out of this representation, the Firm agrees that it will not represent either party therein.

City of Cape Coral, Florida

By: _____

Print Name: _____

Title: _____

Date: _____