

RESOLUTION NO. _____

A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY APPROVING THE SETTLEMENT BETWEEN THE MIAMI BEACH REDEVELOPMENT AGENCY AND THE YACHT CLUB AT PORTOFINO CONDOMINIUM ASSOCIATION, INC., MIAMI BEACH MARINA ASSOCIATES, LTD., AND THE CITY OF MIAMI BEACH, FLORIDA, AND AUTHORIZING THE EXECUTIVE DIRECTOR AND GENERAL COUNSEL TO TAKE THE NECESSARY AND APPROPRIATE STEPS FOR THE IMPLEMENTATION THEREOF; AND FURTHER AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS, AS REQUIRED, TO EFFECTUATE THE TERMS OF THE SETTLEMENT; AND FURTHER APPROVING AND AUTHORIZING THE CHAIRPERSON AND THE SECRETARY TO EXECUTE, AS PART OF SUCH SETTLEMENT, A FIRST AMENDMENT TO THE LEASE AGREEMENT AMONG THE CITY OF MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT AGENCY, AND THE YACHT CLUB AT PORTOFINO CONDOMINIUM ASSOCIATION, INC.

WHEREAS, the Yacht Club at Portofino Condominium is a condominium located at 90 Alton Rd, Miami Beach, FL 33139, and was developed by Yacht Club at Portofino, Ltd., as evidenced in the Declaration Condominium, recorded in Official Records Book 18784 at Page 2578 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, on or about November 30, 1998, the Yacht Club at Portofino, Ltd., the City of Miami Beach, and the Miami Beach Redevelopment Agency (the "RDA") entered into a 101-year lease agreement (the "Yacht Club Lease") for the leasing of parking spaces and permanent laundry, lavatory and shower facilities located within the "City Unit", as set forth in the Yacht Club Lease, and intended for use by third party beneficiary, Miami Beach Marina Associates, Ltd. (the "Marina"); and

WHEREAS, on September 16, 1999, the Yacht Club at Portofino Condominium Association was formed pursuant to the Yacht Club at Portofino Condominium Association's Declaration of Condominium, and the Yacht Club at Portofino Condominium Association Inc. is the successor in interest to the Yacht Club at Portofino, Ltd. for the Yacht Club Lease; and

WHEREAS, on July 28, 2017, the Yacht Club at Portofino Condominium Association Inc. filed a lawsuit for damages and eviction under the Yacht Club Lease against the City, the RDA, and the Marina in *Yacht Club at Portofino Condominium Association, Inc. v. The City of Miami Beach et. al.*, Case No. 2017-18335 CA 05, in the Eleventh Judicial Circuit in and for Miami-Dade County (the "Lawsuit"); and

WHEREAS, the City and the RDA filed a counterclaim in the Lawsuit seeking declaratory relief pursuant to the Declaratory Judgment Act, 86.111, Fla. Stat.; and

WHEREAS, on April 10, 2019, the Mayor and City Commission held an Executive

Session to discuss the settlement agreement regarding the Yacht Club Lease and pending litigation with the Yacht Club at Portofino Condominium Association Inc.; and

WHEREAS, the Mayor and City Commission directed the City Attorney's Office to prepare the settlement agreement and lease amendment in accordance with the direction provided at the Executive Session; and

WHEREAS, the Administration recommends in favor of approving the settlement agreement and executing the lease amendment pursuant to the direction of the Mayor and City Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY, that the Chairperson and Members of the Miami Beach Redevelopment Agency hereby approve the settlement between the Miami Beach Redevelopment Agency and the Yacht Club Condominium Association, Inc., Miami Beach Marina Associates, Ltd., and the City of Miami Beach, Florida, and authorize the Executive Director and General Counsel to take the necessary and appropriate steps for the implementation thereof; and further authorize the Chairperson and Secretary to execute any documents and/or agreements, as required, to effectuate the terms of the settlement; and further approve and authorize the Chairperson and Secretary to execute, as part of such settlement, a first amendment to the lease agreement among the City of Miami Beach, the Miami Beach Redevelopment Agency, and the Yacht Club at Portofino Condominium Association, Inc.

PASSED and ADOPTED THIS ___ day of _____ 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

 4/9/19
Date