

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A SETTLEMENT AND RELEASE AGREEMENT, BETWEEN THE CITY AND MME FLORIDA, LLC, ("MME") REGARDING *MME FLORIDA, LLC V. CITY OF MIAMI BEACH*, CASE NO. 2019-008157-CA-27, WHICH CHALLENGED THE ENACTMENT OF CITY ORDINANCE NO. 2019-4247, PERTAINING TO THE PROPERTY LOCATED AT 1428 ALTON ROAD, MIAMI BEACH, FLORIDA.

WHEREAS, on September 25, 2017, the Mayor and the City Commission of the City of Miami Beach (the "City Commission") enacted Ordinance No. 2017-4133 (the "2017 Dispensary Ordinance"), which established specific regulations for medical cannabis treatment centers (dispensaries) and pharmacy stores set forth in Sections 142-1500 through 142-1505 of the City of Miami Beach Code of Laws and Ordinances (the "City Code"); and

WHEREAS, on August 22, 2018, in reliance on the City's 2017 Dispensary Ordinance, Plaintiff executed a ten (10) year lease contract with the current owner of the structure located at 1428 Alton Road (the "Premises"), with the intent to utilize it as a medical marijuana dispensary; and

WHEREAS, on December 18, 2018, the City's Planning Board proposed and favorably recommended the enactment of a new ordinance, under file No. PB 18-0249 (the "Proposed Ordinance") that would prohibit the development and operation of pharmacies and dispensaries within three hundred (300) feet of another pharmacy or dispensary; and

WHEREAS, the Planning Board's favorable recommendation of the Proposed Ordinance created a moratorium under Section 118-168 of the City Code, precluding Plaintiff with moving forward with its incomplete application for a building permit for its medical marijuana dispensary; and

WHEREAS, the City's Building Department notified Plaintiff that its final building permit would not be granted because the City had already approved another dispensary's building permit for a location less than three-hundred (300) feet of the Premises; and

WHEREAS, the City Commission adopted the Proposed Ordinance (Ordinance No. 2019-4247) on February 13, 2019. The Proposed Ordinance became effective on February 23, 2019; and

WHEREAS, Plaintiff served the City with a four-count Complaint (the "Complaint") on March 27, 2019, alleging equitable estoppel, and seeking declaratory or injunctive relief based on alleged violations of Sections 166.041 and 381.986 of the Florida Statutes; and

WHEREAS, the City denied all the allegations of the Lawsuit and specifically denied that it has any liability based on the allegations set forth in the Lawsuit, and Plaintiff has any vested right in the Premises; and

WHEREAS, the Parties have reached an agreement as to the Lawsuit and desire to fully and finally resolve any and all claims and/or disputes against each other and their respective agents, employees, officers, independent contractors, servants, and representatives concerning, relating to, or in any way arising out of the Lawsuit; and

WHEREAS, the Parties believe it would be in their best interests and the best interests of the City to agree to the provisions of this Agreement.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and the City Clerk to execute a Settlement and Release Agreement, between the City and MME Florida, LLC ("MME") regarding *MME Florida, LLC v. City of Miami Beach*, Case No. 2019-008157-CA-27, which challenged the enactment of City Ordinance No. 2019-4247, pertaining to the Property located at 1428 Alton Road, Miami Beach, Florida.

PASSED and ADOPTED this ____ day of _____, 2021.

ATTEST:

MAYOR DAN GELBER

RAFAEL GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3/8/21
Date