

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT BETWEEN 3098 ALTON ROAD, LLC AND THE CITY OF MIAMI BEACH, FLORIDA, IN THE AMOUNT OF \$250,000, AND WAIVER OF CODE ENFORCEMENT AND OTHER APPLICABLE FINES; AND AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO TAKE THE NECESSARY AND APPROPRIATE STEPS FOR THE IMPLEMENTATION OF THE FINAL EXECUTION OF THE SETTLEMENT AGREEMENT AND RELEASE; AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE THOSE DOCUMENTS AND/OR AGREEMENTS NECESSARY TO EFFECTUATE THE FULL AND FINAL SETTLEMENT OF THE LITIGATION, ON TERMS AND CONDITIONS THAT ARE CONSISTENT WITH THIS RESOLUTION AND ACCEPTABLE TO THE CITY MANAGER AND ATTORNEY.**

**WHEREAS**, on November 26, 2018, 3098 Alton Road, LLC (the "Plaintiff"), initiated litigation against the City of Miami Beach, Florida (the "City") in the Circuit Court of the Eleventh Judicial Circuit of Florida, Case No. 2018-039378-CA-01, and set forth in the Second Amended Complaint allegations that the City's conduct was an Excessive Punishments and Forfeitures of Estate, Preemption, Negligence, Inverse Condemnation, Breach of Contract, and has requested that the Circuit Court issue a Writ of Mandamus against the City; and

**WHEREAS**, the parties desire to avoid incurring further costs of litigation, and seeks to resolve all matters in controversy, disputes, and causes of action between the parties in an amicable fashion; and

**WHEREAS**, the parties have reached a full and final compromise and settlement of all matters, causes of action, claims and contentions between them, which is contingent upon approval of the Mayor and City Commission, and

**WHEREAS**, the proposed Settlement Agreement and General Release to be executed by the parties, contingent upon approval of the Mayor and City Commission, will be finalized to reflect the monetary payment to fully resolve this lawsuit; and

**WHEREAS**, the City Manager and the City Attorney recommended that the Mayor and City Commission approve and ratify the attached Settlement Agreement and General Release and authorize the settlement payment in the amount of \$250,000 from the City's Risk Management Fund.

**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 the settlement agreement between 3098 Alton Road, LLC and the City Of Miami Beach, Florida, in the amount of \$250,000 and waiver of code enforcement fines and other applicable fine; and authorize the City Manager and the City Attorney to take the necessary and appropriate steps for the implementation of the final execution of the settlement agreement and release; and further authorize the Mayor and the City Clerk to execute those documents and/or agreements necessary to effectuate the full and final settlement of the litigation, on terms and conditions that are consistent with this resolution and acceptable to the City Manager and Attorney.

**PASSED and ADOPTED** this 17<sup>th</sup> day of March, 2021.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

3-12-21  
\_\_\_\_\_  
Date