

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

MEMO #

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael A. Paz, Acting City Attorney

DATE: April 21, 2021



SUBJECT: **City Attorney's Status Report**

LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT:

1. **DEEP POCKETS, LLC vs. URIEL MARRACHE, 520 LAKEVIEW CT. LLC, ET AL** (Case No. 2020-017231-01 Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 520 Lakeview Ct, Miami Beach. The Summons and Complaint were served on the City on March 19, 2021. The City is a party to the case because it may claim an interest in the subject property by virtue of code violations issued to the property owner of record.

The City's Answer and Affirmative Defenses have been timely filed.

2. **SANCTUARY SOUTH BEACH, INC. a Florida Corporation vs. 1745 JAMES LLC and CITY OF MIAMI BEACH, ET AL** (Case No. 2021-007102-CA-01 Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 1745 James Ave, Miami Beach. The Summons and Complaint were served on the City on March 25, 2021. The City is a party to the case because it may claim an interest in the subject property by virtue of a building violation issued to the property owner of record.

The City's Answer and Affirmative Defenses will be timely filed.

3. **KEARNS CONSTRUCTION, CO., a Florida Corporation vs. CITY OF MIAMI BEACH** (Case No. 2021-5773 CA-01 Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for breach of contract stemming from a construction project at Maurice Gibb Memorial Park. Specifically, the Plaintiff (Kearns Construction Co.) has alleged unjust enrichment, quantum meruit and breach of contract allegations against the City surrounding the construction of the floating dock at the Park.

The City's Answer and Affirmative Defenses will be timely filed.

4. **NINE ISLAND AVENUE CONDOMINIUM ASSOCIATION, INC. vs. CITY OF MIAMI BEACH** (Case No. 2021-001945-CA-01 Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

A consortium of commercial and mixed-use properties located within the City have initiated a lawsuit against the City of Miami Beach seeking declaratory relief from the Circuit Court. The Plaintiffs are attempting to establish that the City's stormwater utility fee, which is set forth in Chapter 110, Article III of the Miami Beach City Code, should be invalidated by the Circuit Court. The Plaintiffs are also seeking an award from the Court which would entitle them to obtain restitution for those alleged stormwater utility fees that had previously been paid to the City.

The City will timely file its response to the Complaint, and will explore all possible avenues to recover its attorney's fees and costs.