

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR, PLANNING DIRECTOR, AND CITY CLERK TO EXECUTE, IN A FORM APPROVED BY THE CITY ATTORNEY, THE SETTLEMENT AGREEMENT BETWEEN OCEAN TERRACE HOLDINGS, LLC; 7450 OCEAN TERRACE, LLC; 7436 OCEAN TERRACE, LLC; 7420 OCEAN TERRACE INVESTMENT, LLC; 7410 OCEAN TERRACE LLC; 7400 OCEAN TERRACE, LLC; 7409 COLLINS AVE INVESTMENT, LLC; 7421 COLLINS AVE INVESTMENT, LLC; 7433 COLLINS AVE INVESTMENT, LLC; 7439 COLLINS AVE INVESTMENT LLC; AND 7441 COLLINS AVE INVESTMENT, LLC (COLLECTIVELY, "OCEAN TERRACE"); AND THE CITY OF MIAMI BEACH, FLORIDA, AND THOMAS R. MOONEY, IN HIS OFFICIAL CAPACITY AS PLANNING DIRECTOR FOR THE CITY OF MIAMI BEACH, FLORIDA, IN ORDER TO SETTLE THE DISPUTE UNDERLYING FLORIDA ELEVENTH JUDICIAL CIRCUIT COURT CASE NO. 2020-17802-CA-43; AND AUTHORIZING THE CITY MANAGER, PLANNING DIRECTOR, AND CITY ATTORNEY TO TAKE ALL NECESSARY STEPS AND EXECUTE ALL DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF THE SETTLEMENT AGREEMENT.

WHEREAS, on August 20, 2020, Ocean Terrace Holdings, LLC, and its related entities ("Ocean Terrace"), filed a complaint in Circuit Court against the City of Miami Beach and Thomas R. Mooney, in his official capacity as the City's Planning Director, relating to the Floor Area Ratio calculations for Ocean Terrace's proposed development generally located along Ocean Terrace and Collins Avenue, between 74th Street and 75th Street (the "Project") (Eleventh Judicial Circuit Court Case No. 2020-17802 CA 43) (altogether, the "Litigation"); and

WHEREAS, the complaint includes four counts: (1) declaratory and injunctive relief, (2) specific performance, (3) breach of contract under the Development Agreement between Ocean Terrace and the City, and (4) an equal protection claim under the Florida Constitution; and

WHEREAS, following multiple mediation sessions, and attorney-client sessions on February 24, 2021 and March 17, 2021, the attached Settlement Agreement was negotiated and drafted for approval by the City Commission.

NOW, THEREFORE, BE IT 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, Planning Director, and City Clerk to execute, in a form approved by the City Attorney, the Settlement Agreement between Ocean Terrace Holdings, LLC; 7450 Ocean Terrace, LLC; 7436 Ocean Terrace, LLC; 7420 Ocean Terrace Investment, LLC; 7410 Ocean Terrace LLC; 7400 Ocean Terrace, LLC; 7409 Collins Ave Investment, LLC; 7421 Collins Ave Investment, LLC; 7433 Collins Ave Investment, LLC; 7439 Collins Ave Investment, LLC; and 7441 Collins Ave Investment, LLC (collectively, "Ocean Terrace"); and the City of Miami Beach, Florida, and Thomas R. Mooney, in his official capacity as Planning Director for the City of Miami Beach, Florida, in order to settle the dispute underlying Florida Eleventh Judicial Circuit Court Case No. 2020-17802-CA-43; and authorizing the City Manager, Planning Director, and City Attorney to

take all necessary steps and execute all documents necessary to implement the terms of the Settlement Agreement.


PASSED and **ADOPTED** this _____ day of _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney NK 4-20-21
Date