

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA DIRECTING THE FILING OF AN AMENDED COMPLAINT SEEKING CIVIL PENALTIES PURSUANT TO CITY CODE SECTION 118-532(G)(1)(D). THIS SECTION READS:**

**“CIVIL PENALTIES. VIOLATION OF THIS ARTICLE SHALL BE PUNISHABLE BY A CIVIL PENALTY OF UP TO \$5,000.00 PER DAY, FOR EACH DAY THAT THE REMEDIAL AND CORRECTIVE ACTION IS NOT TAKEN”; AND FURTHER DIRECTING THE FILING OF AN AMENDED COMPLAINT RENEWING THE CITY’S REQUEST, INITIALLY MADE IN FEBRUARY 2019, FOR INJUNCTIVE RELIEF, DAMAGES, APPOINTMENT OF A RECEIVER, AND FOR COMPLIANCE WITH THE COURT’S PRIOR ORDERS AGAINST THE DEAUVILLE.**

**WHEREAS**, the Deauville Beach Resort (the “Deauville”) is a historic crown jewel of North Beach and its shutdown since July 2017 has led to significant economic hardship for the surrounding North Beach area; and

**WHEREAS**, the Deauville was a 538-room oceanfront hotel and is a “contributing” structure located within the North Beach Historic District. The hotel was designed by architect Melvin Grossman and constructed in 1957. The Deauville is well-known for hosting the Beatles performance on The Ed Sullivan Show in February 1964 filmed in the hotel’s Napoleon Ballroom. President John F. Kennedy gave a speech at the Deauville in 1961; and

**WHEREAS**, in February 2019, the City of Miami Beach (the “City”) sued the Deauville for intentionally failing to maintain its historic and economically significant property. Since then, the Deauville has failed to make repairs and has ignored court orders with no adverse consequences. If repairs are not made soon the Deauville may be beyond saving, the very reason we filed the lawsuit twenty-one (21) months ago; and

**WHEREAS**, in July 2017 the Deauville shut down; and

**WHEREAS**, in February 2019, the City sued the Deauville Associates LLC for failing to maintain the property. The City filed its Complaint seeking injunctive relief, damages, and appointment of a receiver. The injunctive relief is to prevent demolition by neglect of the historic Deauville as defined by Section 118-532(g) of the City Code. This code section provides that properties situated within any of the City’s historic districts must meet minimum maintenance standards to prevent deliberate or inadvertent neglect. The Deauville is a contributing structure to the City’s North Beach Historic District; and

**WHEREAS**, in August 2019 the City filed a Renewed Motion for Appointment of Receiver and Temporary Injunction and Motion for Sanctions and Compliance with Court

Orders. The City's Renewed Motion informed the Court that the "Deauville's continuing failures to perform the required repair and remediation work to the Property is resulting in the ongoing deterioration of the structure, which unless resolved, will deteriorate beyond repair requiring the demolition of the historic property, a "Contributing" structure located in the North Beach Resort Local Historic District." The City further alleges that the "Deauville has demonstrated that it has no intention of voluntarily undertaking the repairs necessary to bring the Property into compliance with the City Code and City's Historic Preservation Board, and [the] Deauville is hedging its bets that the City will eventually allow the demolition of the structure." Quoting the owner of the Deauville: "It would be a favor that they demolish the [Property] and I get rid of the nightmare that I have. That's the truth." Unsafe Structures Case Hearing Transcript, Dec. 12, 2018; and

**WHEREAS**, on June 26, 2020 a mediation session was held between the City and the Deauville in an effort to bring the parties together to discuss a viable project ultimately to be approved by the City's Historic Preservation Board; and

**WHEREAS**, between July-November 2020 there has been no meaningful activity; and

**WHEREAS**, justice delayed is justice denied. Since the Deauville's shutdown, the North Beach community has suffered substantial economic damage and the City has lost substantial resort tax income from room rentals and food and beverage sales. The Deauville's continuing failures to perform the required repair and remediation work to the Property is resulting in the ongoing deterioration of the structure, which unless resolved, will deteriorate beyond repair requiring the demolition of the historic property; and

**WHEREAS**, the City should use all legal causes of action to enforce its Ordinances, including its demolition by neglect Ordinance, by amending its Complaint against the Deauville.

**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 directs the filing of an amended complaint seeking civil penalties pursuant to City Code Section 118-532(g)(1)(d). This Section reads:

"Civil penalties. Violation of this article shall be punishable by a civil penalty of up to \$5,000.00 per day, for each day that the remedial and corrective action is not taken."; and further directing the filing of an amended complaint renewing the City's request, initially made in February 2019, for injunctive relief, damages, appointment of a receiver, and for compliance with the Court's prior orders against the Deauville.

**PASSED AND ADOPTED** this 18th day of November, 2020.

**ATTEST:**

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Dan Gelber, Mayor

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Rafael E. Granado, City Clerk

(sponsored by Vice Mayor Steven Meiner)