

RESOLUTION NO. 17-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING AND RATIFYING THE TERMS AND CONDITIONS OF A SETTLEMENT AGREEMENT AND RELEASE PERTAINING TO THE FOLLOWING MATTERS: F71-1, LLC AND F69-1, LLC V. TOWN OF MIAMI LAKES (CASE NO.: 2016-015279-CA-01); F71-1, LLC V. CEASAR MESTRE (CASE NO.: 2017-006866-CA-01); F71- 1, LLC V. MANNY CID (CASE NO.: 2017-006887-CA-01); F71-1, LLC V. TIM DAUBERT (CASE NO.: 2017- 006885-CA-01); F71-1, LLC V. TONY LAMA (CASE NO.: 2017-006891-CA-01); F71-1, LLC V. FRANK MINGO (CASE NO.: 2017-006892-CA-01; AND F71-1, LLC V. NELSON RODRIGUEZ (CASE NO.: 2017-006900- CA-01); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 28, 2011, the Town Council of the Town of Miami Lakes (the “Town”) adopted Resolution No. 11-883, approving a Development Agreement (the “Development Agreement”) concerning the future development of certain Property more particularly defined therein as “Parcel A,” “Parcel B,” and “Parcel C,” pursuant to Chapter 163, Florida Statutes; and

WHEREAS, pursuant to Sections 9 and 10 of the Development Agreement, the first developer (“First Developer”) of any of the three parcels identified in the Development Agreement is required to complete certain roadway infrastructure improvements (“Roadway Improvements”); and

WHEREAS, a dispute has arisen between F71-1, LLC and F69-1, LLC (“F71-1, LLC” and “F69-1, LLC”) and the Town concerning F71-1, LLC and F69-1, LLC’s remaining obligations regarding the Roadway Improvements, which dispute is pending in Miami-Dade Circuit Court and styled *F71-1, LLC and F69-1, LLC v. Town of Miami Lakes* (Case No.: 2016-015279-CA-01) (the “Breach of Contract Lawsuit”); and

WHEREAS, disputes have also arisen between F71-1, LLC and the Town Councilmembers and the Town concerning alleged violations of Chapter 119, Florida Statutes (“Florida’s Public Records Act”), which disputes are pending in Miami-Dade Circuit Court and are styled as follows (collectively, the “Public Records Lawsuits”): *F71-1, LLC v. Ceasar Mestre* (Case No.: 2017-006866-CA-01); *F71- 1, LLC v. Manny Cid* (Case No.: 2017-006887-CA-01);

F71-1, LLC v. Tim Daubert (Case No.: 2017- 006885-CA-01); *F71-1, LLC v. Tony Lama* (Case No.: 2017-006891-CA-01); *F71-1, LLC v. Frank Mingo* (Case No.: 2017-006892-CA-01); and *F71-1, LLC v. Nelson Rodriguez* (Case No.: 2017-006900-CA-01); and

WHEREAS, the Town, F71-1, LLC, and F69-1, LLC have agreed to settle the Breach of Contract Lawsuit and the Public Records Lawsuits; and

WHEREAS, on July 25, 2017, the Town Council adopted Resolution No. 17-1467 approving and ratifying the terms and conditions of a settlement agreement in the Breach of Contract Lawsuit and the Public Records Lawsuits; and

WHEREAS, subsequent to the adoption of Resolution No. 17-1467, the Town, F71-1, LLC, and F69-1, LLC engaged in further settlement discussions and agreed to revise their agreement, which, although approved by the Town Council, had not been executed by any of the parties; and

WHEREAS, the Town seeks to avoid the expense, delay, and uncertainty of continued litigation, and wishes to resolve the Breach of Contract Lawsuit and the Public Records Lawsuits under the terms of a Settlement Agreement and Release, attached hereto as Exhibit “A” (the “Settlement Agreement”); and

WHEREAS, the Town Council desires to approve and ratify the Settlement Agreement; and

WHEREAS, the Town Council finds that settlement of the Breach of Contract Lawsuit and the Public Records Lawsuits and approval and ratification of the Settlement Agreement is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AS FOLLOWS:

Section 1. Recitals. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Approval and Ratification. The Settlement Agreement attached hereto as Exhibit “A” is hereby approved and ratified.

Section 3. Authorization. The Town Manager, the Town Attorney, and litigation counsel at Weiss Serota Helfman Cole & Bierman, P.L. are authorized to take all actions necessary to implement the terms and conditions of the Settlement Agreement.

Section 4. Execution. The Town Manager is authorized to execute the Settlement Agreement in substantially the same form as Exhibit “A,” and any required agreements and/or documents to implement the terms and conditions of the Settlement Agreement on behalf of the Town, subject to approval by the Town Attorney as to form, content, and legality.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 18th day of October, 2017.

The foregoing Resolution was moved for adoption by _____ and seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A
(Settlement Agreement and Release)