

**RESOLUTION 17 - \_\_\_\_**

**A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE THE TERMS AND CONDITIONS OF THE PROPOSED SETTLEMENT AGREEMENT TO RESOLVE THE PENDING LEGAL ACTION BY COMAR VENTURES CORPORATION V. THE TOWN OF MIAMI LAKES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on November 3, 2015, the Town Council adopted Resolution 15-1338 approving Comar Ventures Corporation (the “Applicant”) preliminary plat and included a condition that prior to approval of the final plat, the Applicant submit and have approved by the Town Council, after a public hearing, a site plan application; and

**WHEREAS**, on September 6, 2016, at a properly noticed quasi-judicial hearing held by the Town Council of the Town of Miami Lakes, after hearing testimony from staff, Applicant, the public, and other testimony, the Town Council determined that Applicant’s request for site plan and final plat approval did not meet the criteria set forth in the Town Code; and

**WHEREAS**, in response to the Town’s denial, the Applicant filed a Writ of Certiorari styled *Comar Ventures Corporation v. Town of Miami Lakes* Case number 2016 368 AP seeking review of the Town’s September 6, 2017 decision, and a request for relief pursuant to Section 70.51 of the Florida Statutes title Florida Land Use and Environmental Dispute Resolution Act; and

**WHEREAS**, on March 24, 2017, the Applicant submitted a proposed settlement agreement to the Town for consideration regarding the legal actions; and

**WHEREAS**, on March 27, 2017, during a publicly noticed meeting, the Town Council, after taking into account public comments, directed the Town Manager and Town Attorney to prepare and draft a proposed settlement agreement for consideration by the Town Council; and

**WHEREAS**, the proposed settlement (Exhibit "A"), outlines the terms of the agreement between the Applicant and the Town; and

**WHEREAS**, the proposed settlement agreement shall be subject to approval of Applicant's amended site plan and final plat approval; and both the site plan and final plat shall be subject to a quasi-judicial hearing that will take place subsequent to the execution of the agreement; and

**WHEREAS**, should the Town deny the application, the settlement agreement shall be null and void; and

**WHEREAS**, the Town Council desires to approve the terms and conditions of the proposed Settlement Agreement as substantially outlined in Exhibit "A".

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

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this resolution by this reference.

**Section 2. Approval of Settlement Agreement.** The proposed settlement agreement between Comar Ventures Corporation and the Town of Miami Lakes, as may be

acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved, in substantially the form attached hereto as Exhibit "A".

**Section 3. Authorization of Town Officials.** The Town Manager and Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the proposed Settlement Agreement.

**Section 4. Execution of the Settlement Agreement.** The Town Mayor is authorized to execute the proposed Settlement Agreement on behalf of the Town.

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

\*\*\*\*\* This Portion has intentionally been left blank \*\*\*\*\*

Passed and adopted this \_\_\_\_\_ day of May 2017.

The foregoing resolution was offered by \_\_\_\_\_ who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid.	_____
Vice Mayor Tony Lama	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

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Manny Cid  
MAYOR

Attest:

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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

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

