RESOLUTION NO. 2015-13

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA FINDING THAT SIGNIFICANT LEGAL RIGHTS WILL BE COMPROMISED IF A COURT PROCEEDING DOES NOT TAKE PLACE PRIOR TO EXHAUSTING THE CONFLICT RESOLUTION PROCEDURES OF F.S. CHAPTER 164 CONFLICT RESOLUTION PROCEEDINGS; AUTHORIZING THE VILLAGE SPECIAL COUNSEL TO PURSUE EMERGENCY INJUNCTIVE RELIEF; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne, Village Council has various objections to certain development activity proposed by the City of Miami (the "City") for a portion of Virginia Key known as "Marine Stadium;" and

WHEREAS, on January 27, 2015 the Village Council passed and adopted Resolution No. 2015-4 authorizing the commencement of legal action against the City to enjoin the proposed development activity by the City; and

WHEREAS, on February 6, 2015 the Village of Key Biscayne filed court proceedings against the City, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, seeking judicial relief related to the proposed development activity by the City; and

WHEREAS, on February 9, 2015 the Village Council passed and adopted Resolution 2015-7 initiating conflict resolution procedures provided for in Chapter 164 of the Florida Statutes ("Conflict Resolution Proceedings") and has engaged special counsel to assist in this effort; and

WHEREAS, the Village Council is currently making a good faith effort to resolve the conflict with the City pursuant to the Conflict Resolution Proceedings; and

WHEREAS, on February 10, 2015 the City held a groundbreaking ceremony at the Marine Stadium, posted construction signs, and commenced construction work at Marine Stadium; and

WHEREAS, despite the City's participation in the Conflict Resolution Proceedings, the City has not ceased development of Marine Stadium pending exhaustion of the statutorily-mandated Conflict Resolution Proceedings and is actively seeking improper development of the Marine Stadium; and

WHEREAS, it is the intent of the Village Council to preserve the *status quo* at the Marine Stadium during the resolution of this conflict; and

WHEREAS, the Village Council finds that significant legal rights will be compromised if a court proceeding does not take place, before the provisions of the Conflict Resolution Proceedings are exhausted, to enjoin the City from further construction at Marine Stadium.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF KEY BISCAYNE, FLORIDA AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the recitals stated above are hereby adopted and confirmed.

Section 2. **Conflict Resolution and Implementation.** The Village Council hereby directs its special counsel to take all appropriate steps to preserve the *status quo* and seek emergency injunctive relief to enjoin development or construction at the Marine Stadium pending the completion of the Conflict Resolution Process provided for in Chapter 164 of the Florida Statutes, while preserving and vesting all of the Village's rights at law and in equity. The Village Manager and special counsel are hereby authorized and directed to take all steps necessary and appropriate to implement the terms of this resolution and to use all appropriate discretion in such implementation, including professional judgment as to timing.

Section 3. **Conflicts.** To the extent that anything herein conflicts with any directions related to Chapter 164 within Resolution No. 2015-7, this resolution shall prevail.

Section 5. **Effective Date.** This resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 19th day of March, 2015.

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MAYOR MAYRA PEÑA LINDSAY

ATTEST:

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CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

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VILLAGE ATTORNEY