

RESOLUTION NO. 2010-

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE MEDIATED SETTLEMENT AGREEMENT WITH ALBERTO AND OLGA BEECK; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE MEDIATED SETTLEMENT AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 1, 2010, the Village of Key Biscayne (“Village”) issued Civil Violation Notice No. 7439 to Alberto and Olga Beeck (the “Beecks”) for docking a vessel at their property located at 6 Harbor Point, Key Biscayne, Florida, in violation of Village Code Section 30-30(4), entitled “Nonconforming Use of Land,” and Section 30-100(f)(3)(a)(3), entitled “Docks and Mooring Piles”; and

WHEREAS, the Beecks timely appealed the Civil Notice of Violation and the Village’s Code Enforcement Board, which conducted a hearing on June 11, 2010 and affirmed the Civil Violation Notice; and

WHEREAS, the Beecks timely filed a Request for Relief concerning the enforcement action under the Florida Land Use Environmental Dispute Resolution Act (“FLUEDRA”), and in addition, filed other proceedings against the Village in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida; and

WHEREAS, the FLUEDRA matter was heard before a Special Magistrate on October 4, 2010 and the proceedings consisted of a mediation between the Village and the Beecks; and

WHEREAS, the Village Council desires to enter into a mutually acceptable resolution to the dispute between the Village and the Beecks, memorialized in the Mediated Settlement Agreement, a copy of which is attached hereto as Exhibit “A,” which will avoid the expense and delay of further

FLUEDRA and judicial proceedings and allow the Village to resolve the dispute.

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

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

Section 2. Approval of the Mediated Settlement Agreement. The Village Council hereby approves the Mediated Settlement Agreement attached as Exhibit "A".

Section 3. Authorization. The appropriate Village officials including the Village Manager and Village Attorney are authorized to execute and deliver the Mediated Settlement Agreement, and to take all actions necessary to implement the terms and conditions of the Mediated Settlement Agreement.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 26th day of October, 2010.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

EXHIBIT "A"

MEDIATED SETTLEMENT AGREEMENT TO BE ATTACHED AFTER THE OCTOBER 26, 2010, CONFIDENTIAL VILLAGE COUNCIL EXECUTIVE SESSION.