

RESOLUTION NO. 2015-4

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE COMMENCEMENT OF LEGAL PROCEEDINGS AGAINST THE CITY OF MIAMI TO ENJOIN THE COMMERCIAL DEVELOPMENT AND USE OF THAT PORTION OF VIRGINIA KEY PARK KNOWN AS "MARINE STADIUM;" PROVIDING FOR THE INITIATION OF THE DISPUTE RESOLUTION PROCESS PURSUANT TO F.S. CHAPTER 164; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

WHEREAS, Virginia Key consists of over 800 acres of mostly government-owned land used primarily for park and recreation purposes; and

WHEREAS, a 61.8+/- acre portion of Virginia Key located along the Rickenbacker Causeway (the "Site") was transferred by Miami-Dade County (the "County") to the City of Miami (the "City") in 1963 to establish a waterfront amphitheater appropriately named "Marine Stadium;" and

WHEREAS, the deed of conveyance by the County to the City restricts the use of the Site to a "Marine Stadium and allied purposes;" and

WHEREAS, the City constructed the amphitheater and used it as a performing arts and boat racing venue until approximately 1992, when it was abandoned and all uses on the Site ceased; and

WHEREAS, the Site is designated "Park and Recreation" on the Future Land Use Plan Map of the City's Neighborhood Comprehensive Plan and the adopted County Land Use Plan; and

WHEREAS, the Site is zoned CS (Civic Space) on the Zoning Atlas under the City's Miami 21 zoning ordinance; and

WHEREAS, the City's Miami 21 Zoning ordinance prohibits any commercial use of the Site, and, moreover, requires that all uses (with exception of marinas) be approved by "exception" or "warrant;" and

WHEREAS, without the proper exceptions, warrants, or other development approvals, the City has initiated the development process for the construction of over \$16,000,000 of improvements, including the resurfacing of most of the Site with solid impervious surfaces to accommodate nearly 800,000 square feet of commercial event space; and

WHEREAS, the proposed development and change in use by the City is directly inconsistent with and violates the City's Neighborhood Comprehensive Plan, the City's Miami 21 Zoning Code, the City's Code of Ordinances, the County's Comprehensive Master Development Plan, the County's Code of Ordinances, and deed restrictions governing the Site; and

WHEREAS, the proposed development and change in use will have devastating impact upon the citizens of Miami-Dade County and the State of Florida by restricting access to some of the region's most valuable public resources, including Crandon Park and its world class beaches, Bill Baggs State Park and its world class beaches, and Historic Virginia Key Beach Park; and

WHEREAS, the proposed commercial use of the Site will forever adversely change the island community of the Village of Key Biscayne and the lives of its residents who depend upon the limited access Rickenbacker Causeway as the lifeline of their community by overburdening that restricted roadway; and

WHEREAS, the Village Council finds that immediate intervention is necessary to enjoin the imminent, illegal development of the Site; and

WHEREAS, the Village Council believes that the commencement of legal proceedings followed by the immediate initiation of a good faith conflict resolution process, pursuant to F.S., Chapter 164, may result in a negotiated outcome that will be beneficial to all stakeholders.

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. Commencement of Legal Proceedings. The Village Council hereby authorizes the commencement, initiation and filing of all necessary and appropriate legal proceedings (judicial and administrative) to seek an immediate and permanent injunction against the City and all other necessary and/or appropriate parties from developing and using the Site in any manner which is in violation of law, or restrictions limiting the use of the Site.

Section 3. Conflict/Dispute Resolution. Immediately upon the filing of any judicial proceedings, it is the intent of the Village Council to seek a stay of such proceedings and initiate the dispute resolution process as provided for under F.S. Chapter 164.

Section 4. Implementation. The Village Attorney is 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.

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

PASSED AND ADOPTED this 27th day of January, 2015.

Mayra P. Lindsay
MAYOR MAYRA PEÑA LINDSAY

ATTEST:

Conchita H. Alvarez
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[Signature]
VILLAGE ATTORNEY

