

RESOLUTION NO. 2019-R-42

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE EXECUTION OF A SETTLEMENT AGREEMENT AND LEASE, RELATIVE TO PENDING FORECLOSURE LITIGATION FOR THE PROPERTIES LOCATED AT 12351 NW 7 AVENUE, 635 NW 123 STREET AND 645 NW 123 STREET; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, on December 8, 2015, the Mayor and City Council of the City of North Miami (“City”) authorized the City Attorney to take all legal action necessary to abate the public nuisances existing at the properties located at 12351 NW 7 Avenue, 635 NW 123 Street and 645 NW 123 Street (the “Denmark Properties”) in accordance with Resolution No. 2015-R-134; and

WHEREAS, after exhausting all available administrative remedies to address the public, health, life safety violations which exist at the Denmark Properties, the City filed foreclosure lawsuits against the properties due to the numerous code enforcement and special assessment liens which are attached to the properties; and

WHEREAS, on or about October 26, 2018, the parties participated in mediation in an attempt to resolve the underlying foreclosure litigation and to come up with an acceptable resolution that will address the blighted conditions which exist at the Denmark Properties; and

WHEREAS, in an effort to address the underlying condition of the property, the City will enter into a lease agreement for the Denmark Properties which will entail debris removal and clean-up of the vacant lots; and

WHEREAS, the Parties desire to enter into a Settlement Agreement to settle all disputes between the Parties related to the Denmark Properties including, but not limited to, the pending code compliance violations; and

WHEREAS, the Mayor and City Council approve of the execution of a Settlement Agreement and Lease in order to avoid the uncertainties and expense of litigation and disputes.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Recitals. The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

Section 2. Approval. The Mayor and City Council of the City of North Miami, Florida, hereby approve the execution of a Settlement Agreement and Lease, relative to pending foreclosure litigation for the properties located at 12351 NW 7 Avenue, 635 NW 123 Street and 645 NW 123 Street

Section 3. Authority of City Manager. The City Manager is authorized to take all action necessary to execute a Settlement Agreement and Lease as resolution of the pending litigation.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 9th day of April, 2019.

DR. SMITH JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Keys

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Philippe Bien-Aime
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Alix Desulme

 X (Yes) (No)
 X (Yes) (No)
 X (Yes) (No)
 X (Yes) (No)
 X (Yes) (No)