

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2018-70

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, RATIFYING A SETTLEMENT AGREEMENT TO RESOLVE THE PENDING NUISANCE ABATEMENT ACTION RELATING TO 747 AND 760 PONCE DE LEON BOULEVARD AND NEIGHBORING RESIDENTS, INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 14, 2017, the City Attorney referred a public nuisance relating to the properties at 747 Ponce de Leon Boulevard and 760 Ponce de Leon Boulevard to the City Commission sitting as the Nuisance Abatement Board; and

WHEREAS, on September 6, 2017, the Parties participated in an initial settlement conference; and

WHEREAS, on October 25, 2017, the Parties participated in a second settlement conference, and

WHEREAS, on January 26, 2018, the Parties participated in a final settlement conference; and

WHEREAS, at the conclusion of the January 26, 2018 settlement conference, the Parties agreed to enter into a formal Settlement Agreement setting out the agreed-upon terms to fully and finally resolve the Nuisance Abatement matter; and

WHEREAS, in order to provide notice of the proposed settlement agreement to all potentially affected residents, the property was posted and courtesy notice was sent to all residents within 1,500 feet of 760 Ponce de Leon Boulevard; and

WHEREAS, a public hearing on the proposed settlement agreement was held at the February 27, 2018 City Commission meeting where all individuals present were given an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are made a specific part of the Resolution upon adoption hereof.

SECTION 2. That the City Commission does hereby ratify the settlement agreement attached hereto as Exhibit A in substantial form, with the City Attorney and Assistant City Manager/Building Official authorized to make modifications consistent with the Commission's will.

SECTION 3. That the City Commission, in ratifying the settlement agreement, does hereby allow the two residential lots located at 112 and 120 Avila to be designed and used as surface parking, in accordance with the conceptual renderings in Exhibit A to the settlement agreement, as a conditional use in accordance with Art. 3, Div. 4 of the City of Coral Gables Zoning Code, and in accordance with the conditions set forth in the settlement agreement.

SECTION 4. If any section, part of section, paragraph, clause, phrase, or word of the settlement agreement is declared invalid, the remaining provisions of the settlement agreement shall not be affected.

SECTION 5. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SEVENTH DAY OF FEBRUARY, A.D., 2018.

(Moved: Keon / Seconded: Mena)
(Yeas: Keon, Lago, Mena, Quesada, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: K-1)

APPROVED:


RAUL VALDÉS-FAULI
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


MIRIAM SOLER RAMOS
CITY ATTORNEY