

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-72

A RESOLUTION OF THE CITY OF CORAL GABLES INSTRUCTING THE CITY ATTORNEY TO PROCEED WITH FILING A COUNTERCLAIM AND THIRD PARTY CLAIM IN THE ACTION ENTITLED GRANADA L.L.C. VS. CITY OF CORAL GABLES, CASE NO. 07-23410 CA 40; THE COUNTERCLAIM WOULD BE AGAINST THE GRANADA L.L.C. FOR FAILURE TO FULFILL ITS OBLIGATIONS UNDER THE OPERATIVE AGREEMENT AND FOR BREACH OF THE SETTLEMENT AGREEMENT ENTERED INTO WITH COURTELIS CONSTRUCTION COMPANY, AND A THIRD PARTY COMPLAINT AGAINST STUART BORNSTEIN, INDIVIDUALLY, AND BREACH OF THE OPERATIVE AGREEMENTS, AND BREACH OF THE SETTLEMENT AGREEMENT ENTERED INTO WITH COURTELIS CONSTRUCTION COMPANY.

BE IT RESOLVED BY THE CITY COMMISSION OF CORAL GABLES:

SECTION 1. That the City Attorney is hereby instructed to proceed with filing a counterclaim and third party claim in the action entitled Granada L.L.C. vs. City of Coral Gables, Case No. 07-23410 CA 40; to proceed with the counterclaim against Granada L.L.C. for failure to fulfill its obligations under the operative agreement and for breach of the settlement agreement entered into with Courtelis Construction Company, and a third party complaint against Stuart Bornstein, individually, for breach of the operative agreements, and breach of the settlement agreement entered into with Courtelis Construction Company; and further, as to each party, is hereby authorized to take all action necessary to represent the interests of the City.

SECTION 2. That said Resolution shall become effective upon the date of its adoption and passage herein.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF MAY, A.D., 2008.

(Moved: Kerdyk / Seconded: Anderson)

(Yea: Anderson, Kerdyk, Slesnick)

(Absent: Cabrera, Withers)

(Majority: 3-0 Vote)

(Agenda Item: NA-I-1.2)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY