RESOLUTION NO. 2014-R-85

A RESOLUTION OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE A SETTLEMENT AGREEMENT IN THE LITIGATION MATTER OF COASTLAND CONSTRUCTION, INC. V. CITY OF NORTH MIAMI, CASE NO. 13-12127 CA 01, UPON THE EXECUTION OF A GENERAL RELEASE, DISCHARGING THE CITY OF NORTH MIAMI, ITS OFFICERS, AGENTS AND SERVANTS AGAINST ANY AND ALL CLAIMS AND DEMANDS IN CONNECTION WITH THIS ACTION; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on August 1, 2011, the City of North Miami ("City") and Coastland Construction, Inc. ("Coastland") entered into a contract for construction improvements to Northwest 131st Street from Northwest 7th Avenue to Northwest 17th Avenue; and

WHEREAS, on April 3, 2013, Coastland filed a complaint for alleged delay damages for Coastland's "extended general conditions" of approximately One Hundred One Thousand Dollars ($101,000.00), claiming that the portion of the road work project which Coastland performed was placed on hold due to the City's concern over availability of funds; and

WHEREAS, the City has denied the allegations and contends that any work stoppage or delay was caused by Coastland and not the City; and

WHEREAS, a trial judge has ruled that a jury will ultimately need to determine which party caused the delay and therefore liable for any damages; and

WHEREAS, the costs to defend and litigate this action up to and including a jury trial could easily exceed the costs claimed by Coastland, over One Hundred Thousand Dollars ($100,000.00); and

WHEREAS, the Risk Management Committee has investigated this claim, and has recommended that the claim and lawsuit be settled for a sum not to exceed Fifty-Five Thousand Dollars ($55,000.00); and

WHEREAS, the Vice Mayor as Acting Mayor and City Council believe that it is in the best economic interest of the City to authorize the settlement of the claim with Coastland Construction, Inc.

NOW THEREFORE, BE IT RESOLVED BY THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Authority of City Manager and City Attorney.** The Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager and City Attorney to execute a settlement agreement to settle the claim of COASTLAND CONSTRUCTION, INC. V. CITY OF NORTH MIAMI, CASE NO. 13-12127 CA 01, upon the execution of a general release discharging the City of North Miami, its officers, agents and servants against any and all claims and demands, in connection with this action.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 3-1 vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, this 23rd day of September, 2014.

PHILIPPE BIEN-AIME
VICE MAYOR AS ACTING MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Keys

Seconded by: Bien-Aime

Vote:

Vice Mayor as Acting Mayor Philippe Bien-Aime	X (Yes)	(No)
Councilperson Scott Galvin	(Yes)	X (No)
Councilperson Carol Keys, Esq.	X (Yes)	(No)
Councilperson Marie Erlande Steril	X (Yes)	(No)