

RESOLUTION NO. 2015-R-74

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH OLETA PARTNERS, LLC, IN SUBSTANTIALLY THE ATTACHED FORM, TO AMONG OTHER THINGS, TRANSFER THE GROUND WATER REMEDIATION SYSTEM ASSETS, ALONG WITH THE OBLIGATION AND RESPONSIBILITY TO OPERATE, MAINTAIN, MODIFY AND MONITOR THE GROUNDWATER REMEDIATION SYSTEM FROM THE CITY OF NORTH MIAMI TO OLETA PARTNERS, LLC; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, in May 29, 2012, in accordance with Resolution No. R-2012-67, the City of North Miami (“City”) and Oleta Partners, LLC (“Oleta”), entered into a Lease Agreement, as subsequently amended (collectively referred to herein as the “Lease”), for a parcel of land approximately 183.6 acres in size, commonly known as SoLe Mia and generally located on the east-side of Biscayne Boulevard, between N.E. 137<sup>th</sup> Street and N.E. 151<sup>st</sup> Street (“Leased Premises”), which Leased Premises is to be developed by Oleta as a mixed use development (“Project”); and

**WHEREAS**, the Leased Premises, together with that certain approximately 9.7 acres of land located immediately adjacent to the Leased Premises and presently being leased by the City to One Fifty One at Biscayne Landing Condominium Association, Inc. (“Adjacent Land” and, together with the Leased Premises, being hereinafter collectively referred to as the “Development”) is subject to the requirements of the Florida Department of Environmental Protection (“FDEP”) Landfill Closure Permit No. 0219514-013-SF, as previously amended from time to time (“Permit”); and

**WHEREAS**, the Lease sets forth that Oleta, as tenant, must perform all remedial action as defined in the Lease (“Remedial Action”) for Landfill Closure, including capping, storm water management system, groundwater monitoring - methane gas control plan, and other requirements set forth in the Comprehensive Landfill Closure Plan, the Permit, and any approved remedial action plan and related documents, as more fully delineated in the attached, proposed Transfer of Ground Water Remediation Systems Assets Agreement (“Agreement”); and

**WHEREAS**, the City desires to transfer to Oleta all of the existing and later added Ground Water Remediation System's equipment and components including, but not limited to, all pipes, wells, pumps, electrical equipment, conduits, valves, gauges, control devices, regulators, and any other mechanical, electrical, structural, and plumbing components ("GWR System") in exchange for Oleta's assumption of all responsibility to operate, maintain, modify and monitor the GWR System; and

**WHEREAS**, as conditions to Oleta assuming such obligations during the term of the Lease, the City has agreed to assign to Oleta all of the City's warranties and guaranties for work, materials and/or equipment accrued and/or accruing in favor of the City, and to approve and disburse to Oleta all Grant Funds allocable to Landfill Closure, in accordance with the proposed Agreement; and

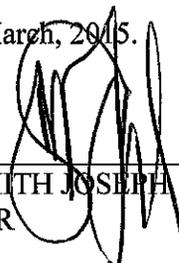
**WHEREAS**, the Mayor and City Council find that entering into the proposed Transfer of Ground Water Remediation Systems Assets Agreement, in substantially the attached form, is in the best interest of the City.

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

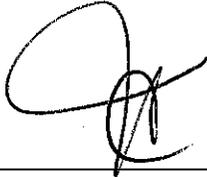
**Section 1.**     **Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to execute an agreement with Oleta Partners, LLC, in substantially the attached form, to among other things, transfer the Ground Water Remediation System Assets, along with the obligation and responsibility to operate, maintain, modify and monitor the Groundwater Remediation System from the City of North Miami to Oleta Partners, LLC.

**Section 2.**     **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   14th   day of March, 2015.

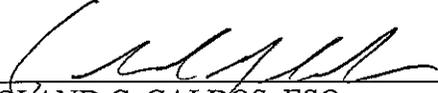
  
\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:



\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



\_\_\_\_\_  
ROLAND C. GALDOS, ESQ.  
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Keys

**Vote:**

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

- |          |       |       |      |
|----------|-------|-------|------|
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |
| <u>x</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |