

RESOLUTION NO. 2016-R-60

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, RATIFYING THE CITY MANAGER'S EMERGENCY PROCUREMENT AND ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF SEVENTY-FOUR THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$74,750.00) TO WESTBROOK TOWING, INC., FOR THE REMOVAL OF A PARTIALLY SUBMERGED DERELICT VESSEL FROM PUBLIC WATERS, PURSUANT TO SECTION 823.11, FLORIDA STATUTES (2015) AND SECTION 7-144 OF THE NORTH MIAMI CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on April 6, 2016, the City of North Miami ("City") Code Compliance Unit issued a citation requesting the removal of a derelict vessel, partially submerged on City public waters ("Vessel"), directly behind the property located at 1977 NE 119th Road ("Subject Property"); and

WHEREAS, under Section 823.11, Florida Statutes (2015), it is unlawful for a person, firm, or corporation to store, leave, or abandon any derelict vessel upon any public waters of the state; and

WHEREAS, the North Miami Police Department ("NMPD") determined that the Vessel obstructed or threatened to obstruct navigation, and constituted a danger to the environment, public and private property, or to persons using the public waterway; and

WHEREAS, on April 14, 2016, the NMPD issued and posted a notice on the Vessel and Subject Property, advising the property owner to remove the Vessel and abate the violation; and

WHEREAS, on April 26, 2016, the NMPD issued yet another notice to the Subject Property advising the property owner to remove the Vessel within three (3) days, to no avail; and

WHEREAS, despite the requests and reasonable opportunities given to cure the violation cited in the notices, the owner failed to comply with removal of the Vessel, continuing an obvious threat to property, the environment and public safety; and

WHEREAS, in accordance with Section 823.11, Florida Statutes (2015), the NMPD is allowed to relocate, remove, or cause to be relocated or removed a derelict vessel from public

waters and be held harmless for all damages to the derelict vessel resulting from such relocation or removal; and

WHEREAS, Section 7-144, City Code of Ordinances, allows the City Manager to make emergency procurements when there exists an immediate threat to public health, welfare, or safety or to prevent or minimize serious disruption of government services; and

WHEREAS, on April 25, 2016, the City Manager initiated the emergency procurement process due to the potential hazards arising from the position of the Vessel on a City public waterway; and

WHEREAS, to avoid imminent detrimental impacts, City administration determined that the most expeditious course of action was to procure, on an emergency basis, the services of Westbrook Towing, Inc., in the amount of Seventy-Four Thousand Seven Hundred Fifty Dollars (\$74,750.00); and

WHEREAS, Section 823.11, Florida Statutes (2015), allows all costs, including the costs owed to a third party incurred in the relocation or removal of a derelict vessel, to be recoverable against the owner of the Vessel; and

WHEREAS, the City administration respectfully request that the Mayor and City Council ratify the emergency procurement and issuance of a purchase order to Westbrook Towing, Inc., in the amount of Seventy-Four Thousand Seven Hundred Fifty Dollars (\$74,750.00), incurred for the removal of the Vessel; and

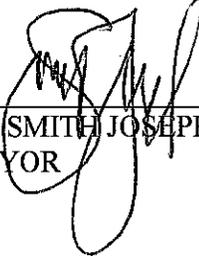
WHEREAS, the Mayor and City Council find that the emergency removal of the Vessel is warranted when the preservation of private/public property, and the public health, safety, and welfare is threatened to be diminished or jeopardized.

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

Section 1. Ratification of City Manager's Emergency Procurement. The Mayor and City Council of the City of North Miami, Florida, hereby ratify the City Manager's emergency procurement and issuance of a purchase order to Westbrook Towing, Inc., in the amount of Seventy-Four Thousand Seven Hundred Fifty Dollars (\$74,750.00), for the removal of a partially submerged derelict vessel from public waters, pursuant to Section 823.11, Florida Statutes (2015) and Section 7-144 of the North Miami Code of Ordinances.

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 24th day of May, 2016.



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: Keys

Seconded by: Galvin

Vote:

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

<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)