

**RESOLUTION NO. 2019-R-24**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE EXECUTION OF A SETTLEMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BY AND BETWEEN THE CITY OF NORTH MIAMI AND NORTH MIAMI HOUSES, LLC RELATIVE TO ANTICIPATED LITIGATION; PROVIDING FOR REPEAL, AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, North Miami Houses is the owner of the residential property located at 12459 Keystone Road, North Miami, Florida 33181 (“Property”); and

**WHEREAS**, on or about October 26, 2009, the City of North Miami (“City”) sent a letter to North Miami Houses stating that it had passed Ordinance No. 1255 banning short-term rentals within the City but that the Property would retain “grandfather” status for short-term rental use; and

**WHEREAS**, on or about August 31, 2018, the City sent a letter to North Miami Houses, advising of alleged “unlawful activities” at the Property, including an incident involving the firing of gunshots during a party hosted by a short term rental tenant and of the City’s intention to revoke the nonconforming use status for short-term rental of the Property at a public hearing scheduled for September 12, 2018 (the “Public Hearing”); and

**WHEREAS**, at the Public Hearing, the City passed Resolution No. 2018-R-109, authorizing the City Manager and the City Attorney to revoke short-term rental status for the Property; and

**WHEREAS**, the Parties desire to enter into this Settlement Agreement to settle all disputes or potential disputes between the Parties related to the Property including, but not limited to, the Property’s short-term rental use and code compliance violations.

**WHEREAS**, the Mayor and City Council have reviewed and approve the Settlement Agreement attached hereto as Exhibit “A” and by this reference made a part hereof in order to avoid the uncertainties and expense of litigation and disputes.

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

**Section 1. Recitals.** The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

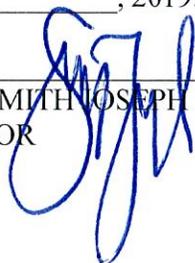
**Section 2. Approval.** The Mayor and City Council of the City of North Miami, Florida, hereby approve the Settlement Agreement between the City of North Miami and North Miami Houses, LLC in the form attached hereto as Exhibit "A".

**Section 3. Authority of City Manager.** The City Manager is authorized to execute the Settlement Agreement.

**Section 4. Conflicts.** All resolutions or parts of resolutions in conflict or inconsistent herewith are repealed.

**Section 5. 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 12th day of March, 2019.

  
\_\_\_\_\_  
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.

X (Yes) \_\_\_\_\_ (No)

Vice Mayor Philippe Bien-Aime

X (Yes) \_\_\_\_\_ (No)

Councilman Scott Galvin

X (Yes) \_\_\_\_\_ (No)

Councilwoman Carol Keys, Esq.

X (Yes) \_\_\_\_\_ (No)

Councilman Alix Desulme

X (Yes) \_\_\_\_\_ (No)