

RESOLUTION 2005-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA ADOPTED PURSUANT TO CHAPTER 164, FLORIDA STATUTES INITIATING, IN GOOD FAITH, THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT (“THE CONFLICT RESOLUTION ACT”) TO SEEK RESOLUTION OF A CONFLICT WITH MIAMI-DADE COUNTY; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING DIRECTION AND AUTHORIZATION TO THE CITY MANAGER TO TRANSMIT A LETTER AND A CERTIFIED COPY OF THIS RESOLUTION TO THE COUNTY MANAGER OF MIAMI-DADE COUNTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Doral, pursuant to Chapter 164, Florida Statutes, desires to abate a lawsuit styled City of Doral, Florida vs. Miami-Dade County and Flagler Development Company, Case No. 05-01867 CA4 in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida until the procedural options of Chapter 164 have been exhausted relating to the validity of Miami-Dade County Resolution No. Z45-04 approving Flagler Development Company's rezoning and non-use variances and relating to a disagreement as to the validity of Section 33-311(A)(4)(b) of the Miami-Dade County Code resulting in height variances being granted; and

WHEREAS, the City Council of the City of Doral, having considered this matter, adopts this Resolution and directs that the City seek to abate the above described action and directs the City Administration of the City of Doral to initiate the Florida Governmental Conflict Resolution Act as defined in Chapter 164, Florida Statutes and to commence the intergovernmental coordination imposed on all governmental agencies in an attempt to resolve, to the greatest extent possible, the controversies described in this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA THAT:

Section 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution upon adoption hereof.

Section 2. The City Council of the City of Doral hereby authorizes and directs the City Administration of the City of Doral to move to abate the above described action and to initiate the Florida Governmental Conflict Resolution Act as defined in Chapter 164, Florida Statutes, and to commence the intergovernmental coordination imposed on all governmental agencies to resolve, to the greatest extent possible the controversy described in this Resolution.

Section 3. The City Council of the City of Doral hereby authorizes the City Manager to transmit a letter and certified copy of this Resolution to the County Manager of Miami-Dade County.

Section 4. All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 5. If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

Section 6. This resolution shall become effective upon its passage and adoption by the City Commission.

WHEREAS, a motion to approve the Resolution was offered by Vice Mayor Cabrera, who moved its adoption. The motion was seconded by Councilwoman Ruiz and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilmember Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilmember Robert Van Name	yes

PASSED AND ADOPTED this 26th day of January, 2005.



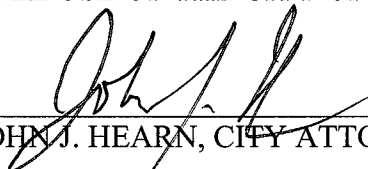
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



SHEILA PAUL, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE CITY OF DORAL:



JOHN J. HEARN, CITY ATTORNEY