



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **VIRTUAL COUNCIL ZONING MEETING** on **Wednesday, June 10, 2020 beginning at 11:30 AM**, to consider an amendment to the official zoning map of the City of Doral from General Use (GU) to Industrial (I). The City Council will consider this item for **FIRST READING**. The meeting will be held with the elected officials, administration and City staff participating via video conferencing.

Governor DeSantis' Executive Order Number 20-69 and Extension 20-112 suspended the requirements of Section 112.286, Florida Statutes and the Florida Sunshine Law, that a quorum to be present in person, and that a local government body meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

Public Comments: members of the public that wish to provide comments may do so by emailing the City Clerk at cityclerk@cityofdoral.com. Comments must be submitted with your name and full address by **Tuesday, June 9, 2020**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

The meeting will be broadcasted live for members of the public to view on the City of Doral's website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2020-13

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF DORAL FROM GENERAL USE (GU) TO INDUSTRIAL DISTRICT (I) FOR A ±18.36 ACRE PARCEL GENERALLY LOCATED SOUTH OF NW 66 STREET AND BETWEEN THEORETICAL NW 99 AVENUE AND NW 97 AVENUE, DORAL, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 20-06-DOR-03

APPLICANT: James R. Williams, Jr., Esq. on behalf of Kelly Tractor Co. (The "Applicant")

PROJECT NAME: Kelly Tractor Co.

PROJECT OWNERS: Kelly Tractor Co.

LOCATION: Generally located South of NW 66th Street and between theoretical NW 99th Avenue and NW 97th Avenue.

FOLIO NUMBER: 35-3017-001-0490 & 35-3017-001-0500

SIZE OF PROPERTY: +/- 18.36 acres

PRESENT FUTURE LAND USE: Industrial (I)

PRESENT ZONING: General Use (GU)

REQUEST: The Applicant is requesting an amendment to the official zoning map of the City of Doral from General Use (GU) to Industrial (I).

LEGAL DESCRIPTION: TRACT 49, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 OF SECTION 17, TOWNSHIP 53 SOUTH, RANGE 40 EAST," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS THE NORTH 35 FEET AND ALSO LESS THE EAST 40 FEET THEREOF. TOGETHER WITH: TRACT 50, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 OF SECTION 17, TOWNSHIP 53 SOUTH, RANGE 40 EAST," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS THE EAST 40 FEET THEREOF.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral

5/27

20-23/0000471579M

FROM THE COURTS

\$1.7M of Malpractice Verdict Revived Against Alston & Bird

by Greg Land

The Georgia Court of Appeals reinstated the bulk a \$2 million legal malpractice verdict against Alston & Bird, ruling the trial judge should not have reduced it to less than \$700,000 to reflect the 60% of fault a jury assigned to a nonparty.

The opinion leaves Alston & Bird on the hook for about \$1.7 million, including post-apportioned damages of more than \$640,000 and \$1.1 million in attorney fees. But the appeals court tossed more than \$340,000 in pre-judgment interest the jury awarded.

The opinion arises in part from an earlier Court of Appeals ruling in which the court allowed the nonparty—a former Alston client—to be added to the jury form over the plaintiffs' objections.

Thursday's ruling was penned by one of the court's newest members, Judge Verda Colvin, a former assistant U.S. attorney in Georgia's Middle District who was appointed to the court by Gov. Brian Kemp last month.

The convoluted dispute began when Maury Hatcher, the former manager of family-owned business Hatcher Management, was accused of looting the company and fleeing to Florida with more than \$1.2 million in ill-gotten gains. The company sued Hatcher and won a \$4 million judgment that remains unpaid.

The company sued Alston & Bird in 2012 for legal malpractice and breach of fiduciary duty, claiming former partner Jack Sawyer knew Hatcher was looting the business, and failed to inform the family members about their right to review and receive company disbursements, among other claims.

Alston filed a notice of nonparty fault seeking to add Hatcher and his siblings, Jerry and Barry Hatcher, to the case. Fulton County Superior Court Judge Craig Schwall refused to do so.

The Court of Appeals reversed Schwall in 2016, citing the Georgia Supreme Court's 2015 decision in *Zaldivar v. Prickett*.

That decision said the 2005 apportionment statute "requires the trier of fact in some cases to divide responsibility for an injury among all of those who 'contributed to' it—parties and nonparties alike—according to their respective shares of the combined 'fault' that produced the injury."

The case went to trial in 2018, and the jury awarded the company more than \$2.1 million, including \$697,614 in damages, attorney fees and expenses of \$1,096,561 and prejudgment interest of \$341,831.

The panel apportioned 60% of the fault to Maury Hatcher, 32% to Alston and 8% to the plaintiff, Hatcher Management.

Alston's lawyers, Robbins Ross Alloy Belinfante Littlefield partners Richard



Georgia Court of Appeals Judge Verda Colvin found the trial judge inappropriately apportioned the award to a nonparty.

Robbins, Jason Alloy and Jeremy Littlefield, told Schwall he should reduce the entire verdict against the firm by 68%, per the jury's apportionment of fault.

Hatcher's lawyers, Harmon Caldwell Jr., Harry MacDougald, Jeremy Moeser and Christine Dial of Caldwell, Propst & DeLoach, argued that only the 8% apportioned to their client should be subtracted and the rest levied against Alston.

After briefings and a hearing, Schwall ultimately sided with Alston, awarding \$683,522 to Hatcher. Both sides appealed.

Colvin's May 21 order, written with the concurrence of Judges Yvette Miller and Clyde Reese, said Schwall erred in allowing the jury to award prejudgment interest.

Relevant Georgia law only allows such interest to be assessed in breach-of-contract claims, Colvin wrote, and Hatcher asserted no such claim against Alston in its complaint.

Thus, "we must conclude that the trial court erred when it authorized the recovery of prejudgment interest here," Colvin said.

But Alston's assertion that it was not responsible for the 60% of the judgment apportioned to Maury Hatcher was also incorrect, she said.

Pointing to the court's earlier opinion in the case, Colvin said the law draws a distinction between the apportionment of fault to a plaintiff and of damages levied against a defendant in a case in which a nonparty is also blamed.

Greg Land covers verdicts and settlements and insurance-related litigation for the Daily Report, an ALM affiliate of the Daily Business Review. Contact him at gland@alm.com.