

TOWN OF GOLDEN BEACH
RESOLUTION NO. 1239,00

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, AUTHORIZING THE TOWN ATTORNEY TO FILE THAT CERTAIN MEDIATION SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE TOWN OF GOLDEN BEACH, A FLORIDA MUNICIPALITY AND TROPICS NORTH, INC., A FLORIDA CORPORATION.

WHEREAS, Tropics North, Inc., a Florida corporation brought suit against the Town of Golden Beach, alleging that the Town owed Tropics North money for landscaping materials and labor provided to the Town by Tropics North, Inc.; and

WHEREAS, the Town denied certain of the allegations of the complaint; and

WHEREAS, the Town moved to dismiss the complaint; and

WHEREAS, the Town of Golden Beach and Tropics North, Inc., agreed to enter into voluntary mediation before Mediator Laurie L. Riemer, Esquire, who was the Mediator agreed to by the parties; and

WHEREAS, on April 14, 2000, a mediation session was held between representatives of the Town of Golden Beach and representatives of Tropics North, Inc., said mediation being mediated by Laurie L. Riemer, Esquire; and

WHEREAS, the parties agreed to settle the aforementioned law suit on the terms and conditions as contained in the Mediator's Report and Settlement Agreement, and Exhibit "A," attached thereto and incorporated herein. A copy of said Mediation Report and Settlement Agreement and attachment being attached hereto as Exhibit "1."

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF GOLDEN BEACH, AS FOLLOWS:

Section 1. That the Mediator's Report and Settlement Agreement is hereby approved and ratified by the Town Council of the Town of Golden Beach, and the Town of Golden Beach shall abide by and carry out the terms of the Settlement Agreement.

Section 2. That the Town Attorney is authorized to file the Mediator's Report and Settlement Agreement in the case of Tropics North, Inc., a Florida corporation, Plaintiff, vs. the Town of Golden Beach, a Florida municipality, Defendant, presently pending in the Circuit Court of the 11th Judicial Circuit, In And For Dade County, Florida, General Jurisdiction Division, Case No. 99-30041 CA 10.

Section 3. That the Town Manager is authorized and directed to take all actions necessary to complete the remaining portions of the Settlement Agreement.

Section 4. That the Mayor is authorized to sign a General Release, on behalf of the Town of Golden Beach, releasing Tropics North, Inc., from any further responsibility to the Town for the landscaping material and labor, in exchange for a General Release from Tropics North, Inc., to the Town of Golden Beach, releasing the Town of Golden Beach from any responsibility to Tropics North, Inc., for any landscaping services, material and labor provided to the Town.

Section 5. That all Resolutions or parts of Resolutions in conflict in this Resolution are hereby repealed to the extent of such conflict.

Section 6. Severability. Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

Section 7. Effective date. That this Resolution shall become effective upon approval of the Town Council.

The Motion to adopt the foregoing Resolution was offered by Councilman Paruas seconded by Councilwoman Chikovsky and on roll call the following vote ensued:


Mayor Addicott
Vice Mayor Feinman
Councilwoman Chikovsky
Councilman Einstein
Councilman Paruas

absent
aye
aye
aye
aye

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Golden Beach, Florida, this 18th day of April, 2000.


MAYOR MICHAEL ADDICOTT

ATTEST:


ROSEMARY WASCURA
TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


GELLER, BESKIN, et al
TOWN ATTORNEY