

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1443.03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA INITIATING THE CONFLICT RESOLUTION PROCEDURES OF CHAPTER 164, FLORIDA STATUTES, AND AUTHORIZING ALL REQUIRED ACTION AGAINST THE CITY OF SUNNY ISLES BEACH, FLORIDA, REGARDING THE ENACTMENT OF LAND DEVELOPMENT REGULATIONS; AUTHORIZING AN AGREEMENT FOR LEGAL SERVICES WITH SHUBIN & BASS, P.A.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Town Council of the Town of Golden Beach ("Town") intend to initiate the conflict resolution procedures provided by Chapter 164, Florida Statutes, prior to initiating court proceedings or prosecuting any action against the City of Sunny Isles Beach; and

WHEREAS, the Mayor and Town Council wish to authorize all required action to challenge the enactment of comprehensive land development regulations enacted by the City of Sunny Isles Beach.

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

Section 1. That pursuant to Section 164.1052, Florida Statutes, the following reflects the specific issues of conflict and the governmental entities with which the Town has a conflict:

The enactment of comprehensive land development regulations by the City of Sunny Isles Beach, which were enacted without compliance with appropriate legal requirements governing Intergovernmental Coordination and which permit development in a manner that is both contrary to law and to the interests of the Town.

Section 2. That all procedures required by Chapter 164, Florida Statutes shall be followed in regard to the conflict.

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Section 3. A certified copy of this Resolution shall be mailed, return receipt requested, to all chief administrators of the entity with which the Town has a conflict, including but not limited to the Mayor of Sunny Isles Beach and the City Manager of Sunny Isles Beach, within five (5) days after passage, providing all information required by Chapter 164, Florida Statutes.

Section 4. The Mayor and Town Manager be, and they are hereby authorized to enter into an agreement for legal services with Shubin & Bass, P.A.

Section 5. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 6. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

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

Sponsored by Administration.


The Motion to adopt the foregoing resolution was offered by Mayor Addicott, seconded by Councilmember Singer and on roll call the following vote ensued:

Mayor Addicott	<u>AYE</u>
Vice Mayor Einstein	<u>AYE</u>
Councilmember Feinman	<u>ABSENT</u>
Councilmember Paruas	<u>AYE</u>
Councilmember Singer	<u>AYE</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 11th day of December, 2002.


MAYOR MICHAEL ADDICOTT

ATTEST:


CATHY SZABO
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


EDWARD PAUL KREILING
TOWN ATTORNEY