

Town of Miami Lakes, Florida

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AGENDA
Special Meeting
March 27, 2017
6:30 PM
Government Center
6601 Main Street

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Moment of Silence**
5. **Public Comments**

All comments or questions from the attending public to the Council shall be directed to the Mayor, in a courteous tone. No person other than the Council and the person recognized by the Mayor as having the floor, shall be permitted to enter into discussion without the permission of the Mayor. To ensure the orderly conduct and efficiency of the meeting, public comments shall be limited to three (3) minutes maximum per person; however, the Mayor may authorize the extension of the aforesaid time frame, and any extension shall apply to other individuals speaking on the same subject.

No clapping, applauding, heckling, verbal outburst in support of, or in opposition to a speaker or his/her remarks shall be permitted. Should a member of the audience become unruly, or behave in any manner that disrupts the orderly and efficient conduct of the meeting, the Mayor is given the right and the authority to require such person to leave the Council Chambers.

As a courtesy to others, all electronic devices must be set to silent mode to avoid disruption of the proceedings.

6. **Items for Discussion and Action**
 - A. **Comar Ventures Corporation vs. Town of Miami Lakes**

7. **Adjournment**

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at www.miamilakes-fl.gov and is available at Town Hall, 6601 Main Street, Miami Lakes 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.

Anyone wishing to appeal any decision made by the Miami Lakes Town Council with respect to any matter considered at this meeting or hearing 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.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 12 copies.



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers

From: Town Attorney, Raul Gastesi

Subject: Comar Ventures Corporation vs. Town of Miami Lakes

Date: March 27, 2017

Recommendation:

The Town Attorney will discuss action to be taken by the Town of Miami Lakes regarding the following matter: Comar Ventures Corporation vs. Town of Miami Lakes, Florida [Appellate Court Case No.: 16-368 AP Lower Court Case No.: 16-1404.

Attachments:

[Miami Lakes Letter 3-24-2017](#)

W. TUCKER GIBBS, P.A.

ATTORNEY AT LAW

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March 24, 2017

VIA EMAIL

Raul Gastesi, Jr.
Miami Lakes Town Attorney
8105 NW 155th St
Miami Lakes, FL 33016-5872

Re: Comar Ventures Corporation v. Town of Miami Lakes
Case No. 2016-368-AP

Dear Mr. Gastesi:

I have been retained by Comar Ventures Corporation in relation to the referenced matter. The purpose of this letter is to propose a settlement to the Town of Miami Lakes as follows:

1. The Town will approve the final plat that was given preliminary approval as the Loch Ness Gardens plat through Resolution 15-1338.
2. Comar Ventures through a unity of title (that may be dissolved only after approval by the Town Council of the Town of Miami Lakes) shall combine lots 3 and 4 of the Loch Ness Gardens plat. The unity of title shall be filed within 30 days of the final non-appealable approval of the Loch Ness Gardens plat.
3. In furtherance of this settlement, Comar Ventures has submitted a site plan that shows:
 - a. Four single-family houses as follows: one house on lot one, one house on lot two, one house on lot five and one house on the combined lots three and four.
 - b. That none of the four houses shall face Loch Ness Drive.
 - c. That none of the four houses will be more than one story in height.
4. The town will approve a site plan that shows:
 - a. Four houses as follows: one house on lot one, one house on lot two, one house on lot five and one house on the combined lots three and four.

- b. None of the four houses shall face Loch Ness Drive.
- c. None of the four houses will be more than one story in height.

5. Within 30 days of the latter of the non-appealable plat approval or the non-appealable site plan approval Comar Ventures shall file a voluntary dismissal with prejudice of the referenced action and the related request for relief pursuant to the Florida Land Use and Environmental Dispute Resolution Act.

This offer is for settlement purposes only and is not an admission that the plat or site plan presented is inconsistent with or in violation of the law. Furthermore, this letter reserves all of Comar Ventures' rights, without limitation and/or reservation.

Sincerely,



W. Tucker Gibbs