

**RESOLUTION NO. 13-1058**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING TENTATIVE SETTLEMENT TERMS BETWEEN THE TOWN OF MIAMI LAKES AND FX FARREY, JR. AND MARIANNE FARREY IN CONNECTION WITH CODE ENFORCEMENT CIVIL PENALTIES PROCEEDINGS (CITATION NO. C2012-0523); DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on May 31, 2012, the Town of Miami Lakes entered an order imposing Civil Penalties against property owners FX Farrey, Jr. and Marianne Farrey in reference to Citation No. C2012-0523; and

**WHEREAS**, the Town alleged the Farreys owed a balance of \$11,281 for fines, plus \$208.65 in staff time and \$16,995 in attorneys' fees; and

**WHEREAS**, the Farreys filed an Appeal regarding the Town's Order imposing civil penalties; and

**WHEREAS**, the Town and the Farreys are parties to litigation regarding the civil penalties, and the parties desire to settle and resolve all alleged claims, counterclaims, defenses and disputes to avoid further expense of continued litigation, and accordingly, both parties wish to enter into a Settlement Agreement; and

**WHEREAS**, the Town Council has approved and agreed to reduce the fine, and the Farreys agreed to pay the sum of Two Thousand Dollars (\$2,000) as settlement, within 10 business days after execution of the Settlement Agreement, subject to approval of the Town Council; and

**WHEREAS**, the Appeal will be held in abeyance after execution of the Settlement Agreement by the Town Manager and the Farreys; and

**WHEREAS**, upon Town Council approval of the Settlement Agreement between the Town and FX Farrey, Jr., and Marianne Farrey and payment as set forth herein, the Town shall execute a discharge of the lien and Order imposing Civil Penalties, the Farreys will release the Town from all claims and will dismiss the Appeal, and the case will be settled.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Reduction of Fine.** The civil penalty/fine for Code Compliance is reduced to \$2,000, subject to the execution of the Settlement Agreement, and Release, in the manner set forth above.

**Section 3. Approval of the Settlement.** The Town Council hereby approves the Settlement Agreement between the Town of Miami Lakes and FX Farrey, Jr. and Marianne Farrey.

**Section 4. Execution of Settlement.** The Town Manager and/or his designee and the Town Attorney are authorized to execute appropriate documents, including a release and waiver by the Farreys for any and all claims relating to the civil penalties and this reduction.

**Section 5. Conditions.** In the event the reduced fine is not paid as set forth herein, the original fine shall be reinstated and continue to accrue interest as if this Resolution had not existed.


**Effective date.** This Resolution shall become effective immediately upon adoption hereof.

**PASSED AND ADOPTED** this 12 day of February 2013.

Motion to adopt by Michael Pizzi, second by Cesar Mestre.

**FINAL VOTE AT ADOPTION**

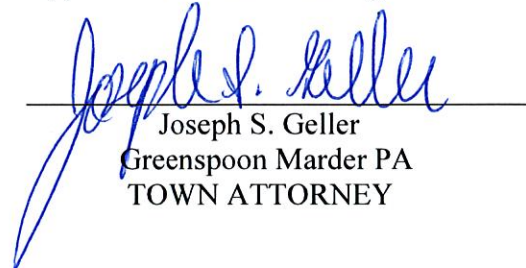
Mayor Michael Pizzi	<u>YES</u>
Vice Mayor Cesar Mestre	<u>YES</u>
Councilmember Manny Cid	<u>YES</u>
Councilmember Tim Daubert	<u>YES</u>
Councilmember Nelson Hernandez	<u>YES</u>
Councilmember Tony Lama	<u>YES</u>
Councilmember Nelson Rodriguez	<u>YES</u>

  
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Michael Pizzi  
MAYOR

Attest:

  
\_\_\_\_\_  
Marjorie Tejada  
TOWN CLERK

Approve as to Form and Legal Sufficiency

  
\_\_\_\_\_  
Joseph S. Geller  
Greenspoon Marder PA  
TOWN ATTORNEY