

RESOLUTION NO. 2025 - _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 1 (AMENDMENT) TO THAT CERTAIN SETTLEMENT AGREEMENT DATED MAY 15, 2025 BETWEEN, ON THE ONE HAND, TMG 67 COMMUNITIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DEAUVILLE ASSOCIATES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, DEAUVILLE HOTEL PROPERTY, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND DEAUVILLE HOTEL HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND, ON THE OTHER HAND, THE CITY OF MIAMI BEACH; AND AUTHORIZING THE CITY MANAGER TO FINALIZE THE AMENDMENT; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AMENDMENT.

WHEREAS, on April 23, 2025, the Mayor and City Commission adopted Resolution No. 2025-33634 approving a settlement agreement (the "Agreement") between, on the one hand, the City of Miami Beach, and on the other hand, the Deauville Parties, consisting of TMG 67 Communities, LLC, a Delaware limited liability company, Deauville Associates, LLC, a Florida limited liability company, Deauville Hotel Property, LLC, a Florida limited liability company, and Deauville Hotel Holdings, LLC, a Florida limited liability company, pursuant to which (1) the Deauville Parties agreed to pay to the City all amounts then due in respect of certain violations against the properties located at 6701 Collins Avenue (the "Hotel Property") and 6625 Indian Creek Drive (the "Garage Property") as specified in the Settlement Agreement, (2) the City and the Deauville parties agreed to dismiss their respective claims in the lawsuit styled City of Miami Beach vs. Deauville Associates, LLC, et al., Case No. 2019-003653, and (3) the Deauville Parties agreed to file a Notice of Voluntary Dismissal of the appeal styled Deauville Associates, LLC vs. the City of Miami Beach, Case No. 2024-66-AP-01; and

WHEREAS, at the April 23, 2025 meeting, Commissioner David Suarez made a motion to direct the Administration to negotiate an amendment to the Agreement to require that the date for compliance by the Deauville Parties with the violations of Section 7.5.1.6 of the Resiliency Code and Section 14.501 of the City Code (the "Failure to Install Sod Violations") be cured prior to the compliance date of December 31, 2025 included in the approved Settlement Agreement; and

WHEREAS, Commissioner Suarez's motion also directed that the amendment to the Agreement require the Hotel Property to be brought into a park-like appearance and that the public be allowed access to the Hotel Property before the commencement of construction; and

WHEREAS, Commissioner Suarez's April 23, 2025 motion, which was adopted by the Mayor and City Commission, required the approval of the Amendment prior to

adoption of the contemplated Comprehensive Plan and Land Development Regulation amendments related to the Hotel Property; and

WHEREAS, the City Administration and the Deauville Parties have negotiated an amendment to the Agreement for the approval of the City Commission ("Amendment No. 1"), a copy of which is attached to this Resolution; and

WHEREAS, the Deauville Parties have agreed, in Amendment No. 1, to a compliance date of October 1, 2025 for the Failure to Install Sod Violations and further, have agreed to provide for a temporary public open space use on a portion of the Hotel Property, consistent with the site plan attached as Exhibit C to Amendment 1, for the time period during which the Owners seek the required development approvals for development of the Hotel Property and terminating upon issuance of a building permit in furtherance of development of the Hotel Property; and

WHEREAS, the Mayor and City Commission desire to approve Amendment No. 1 substantially in the form attached to this Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve, in substantial form, Amendment No. 1 (the "Amendment") to that certain Settlement Agreement dated May 15, 2025 between, on the one hand, TMG 67 Communities, LLC, a Delaware limited liability company, Deauville Associates, LLC, a Florida limited liability company, Deauville Hotel Property, LLC, a Florida limited liability company, and Deauville Hotel Holdings, LLC, a Florida limited liability company, and, on the other hand, the City of Miami Beach; and authorize the City Manager to finalize the Amendment; and further, authorize the City Manager and City Clerk to execute the Amendment.

PASSED and ADOPTED this ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6/18/2025

Date