

RESOLUTION NO. 2025-3431

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SETTLEMENT OFFER TO BE PRESENTED TO 1429 BISCAYA LLC; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 1429 Biscaya Drive LLC served a Claim Letter dated May 30, 2025 ("Claim Letter") on the Town of Surfside ("Town") pursuant to section 70.001(4)(a) of the Bert Harris Act (the "Act"); and

WHEREAS, the Town of Surfside ("Town") has retained outside counsel through FMIT to represent it with respect to the Claim Letter; and

WHEREAS, outside counsel has recommended the settlement offer described in Exhibit "A" ("Settlement Offer"); and

WHEREAS, the Town Commission finds that this Settlement Offer is in the best interest and welfare of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above-stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Approval and Authorization. The Town Commission hereby approves the Settlement Offer, in substantially the form attached hereto as Exhibit "A." The Town Manager is hereby authorized to execute and present the Settlement Offer to 1429 Biscaya Drive LLC in substantially the form attached hereto as Exhibit "A."

Section 3. Implementation. The Town Manager and/or designee are hereby authorized to take any and all action necessary to implement the purposes of this Resolution and the Settlement Offer.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED on this 20th day of August, 2025.

Motion By: Commissioner Coto

Second By: Vice Mayor Paul

FINAL VOTE ON ADOPTION:


Commissioner Ruben A. Coto
Commissioner Nelly Velasquez
Commissioner Gerardo Vildostegui
Vice Mayor Tina Paul
Mayor Charles W. Burkett

Yes
Absent
No
Yes
Yes

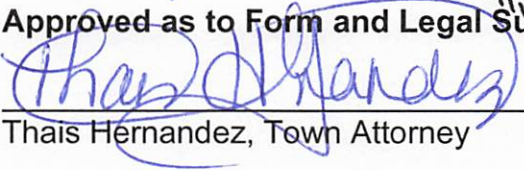
Attest:


Sandra N. McGready, MMC
Town Clerk




Charles W. Burkett, Mayor

Approved as to Form and Legal Sufficiency:


Thais Hernandez, Town Attorney

By Certified U.S. Mail
and email: trobertson@brzoninglaw.com
Thomas H. Robertson, Esq.
BERCOW RADELL, ET AL
Southeast Financial Center
200 S. Biscayne Boulevard
Suite 300
Miami, FL 33131

**Re: Bert Harris Claim Letter dated May 30, 2025 (“Claim Letter”)
issued on behalf of 1429 Biscaya Drive, LLC (“Claimant”)**

Dear Mr. Robertson:

This letter serves as a written settlement offer (“Settlement Offer”) issued by the Town of Surfside (“Town”) under section 70.001(4)(c) of the Bert J. Harris, Jr., Private Property Rights Protection Act (“Bert Harris Act”). This Settlement Offer responds to the May 30, 2025, Claim Letter issued by your office under section 70.001(4)(a) of the Bert Harris Act on behalf of the Claimant, 1429 Biscaya Drive, LLC.

The Claim Letter asserts that application of the floor area ratio (“FAR”) provisions contained in Town Ordinance 24-1785 to the Claimant will impose an inordinate burden on the Claimant’s existing use of its residential real property located at 1429 Biscaya Drive, Surfside, Florida, Folio No. 14-2235-005-3840 (“Property”). Specifically, the Claim Letter states: “[T]he 2024 FAR regulations have directly restricted or limited the use of the Property such that the Owner is permanently unable to attain its reasonable, investment-backed expectation for the existing use of the Property.” While the Town will not address the merits of the Claim Letter, it does wish to resolve this dispute as contemplated under section 70.001(4)(c) of the Bert Harris Act. Accordingly, the Town hereby confirms that the Town will not enforce the FAR provisions of Town Ordinance 2024-1785 against a new structure to be developed on the Property, for which no development application is currently pending. Instead, any new structure to be developed on the Property will be governed by the FAR provisions of Town Ordinance 2023-1752.

If the Town adopts new legislation after the issuance of this Settlement Offer affecting development of the Property, such development will be subject to the Town’s new legislation.

Please call me if you have any questions.

Sincerely,

Mark Blumstein
Town Manager