

RESOLUTION NO. 2026-3531

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH 9528 BAY DRIVE, LLC; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 20, 2025, the Town of Surfside (“Town”) filed an action in the Eleventh Judicial Circuit Court in and for Miami-Dade County, Case No. 2025-023081-CA-01, requesting a declaratory judgment and injunctive relief, naming 9528 Bay Drive, LLC (“Defendant”) and several other property owners as defendants that had claimed by letters to the Town that certain ordinances adopted by the Town in 2024 violated §28 SB 180 (§28, Ch. 2025-190, Laws of Florida) and/or the Bert J. Harris, Jr. Private Property Rights Protection Act (the “Litigation”); and

WHEREAS, on December 30, 2025, Defendant filed a counterclaim against the Town in the Litigation seeking declaratory and injunctive relief against the Town, and relief pursuant to SB 180; and

WHEREAS, in an effort to avoid the uncertainty and expense of continued and protracted litigation, the Town finds that it is in the best interest and welfare of the public to enter into a Settlement Agreement, in substantially the form attached hereto as Exhibit “A” (the “Settlement Agreement”), with the intent to resolve all claims or potential claims between the Town and Defendant; and

WHEREAS, the Town Commission wishes to authorize the Town Manager to execute the Settlement Agreement, in substantially the form attached hereto as Exhibit “A”, and to take all action necessary to effectuate the settlement of the Litigation; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents 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. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Approving Settlement Agreement. The Town Commission hereby approves the Settlement Agreement, in substantially the form attached hereto as Exhibit "A."

Section 3. Authorization. The Town Manager is authorized to execute the Settlement Agreement, in substantially the form attached hereto as Exhibit "A," and all documents deemed necessary to implement the intent of this Resolution, subject to approval by the Town Attorney as to form, content, and legal sufficiency, and to take such other action as may be necessary and appropriate to implement the terms of the Settlement Agreement and this Resolution.

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

PASSED AND ADOPTED on this 9th day of June, 2026.

Motion By: Commissioner Weingot

Second By: Mayor Danzinger

FINAL VOTE ON ADOPTION:

Commissioner Andrea Travani	<u>Yes</u>
Commissioner Gerardo Vildostegui	<u>Yes</u>
Commissioner Dovid Weingot	<u>Yes</u>
Vice Mayor Dayana Benmergui	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>

Shlomo Danzinger

Shlomo Danzinger, Mayor

Attest:

Sandra N. McCready

Sandra N. McCready, MMC
Town Clerk



Approved as to Form and Legal Sufficiency:

[Signature]
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney