

**RESOLUTION NO. 2006-52**

1           **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**  
2           **DORAL, FLORIDA, ADOPTED PURSUANT TO SECTION 164.1052,**  
3           **FLORIDA STATUTES, DECLARING THE INTENT OF THE CITY**  
4           **COUNCIL TO INITIATE THE CONFLICT RESOLUTION**  
5           **PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA**  
6           **STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE**  
7           **TOWN OF MEDLEY, ARISING FROM THE TOWN’S ACTIONS**  
8           **PERMITTING THE EXPANSION OF THE LANDFILL OWNED AND**  
9           **OPERATED BY WASTE MANAGEMENT OF FLORIDA, INC.,**  
10          **LOCATED NEAR THE TOWN’S BORDER WITH THE CITY OF**  
11          **DORAL; DIRECTING THE CITY MANAGER TO PREPARE AND**  
12          **FORWARD A CERTIFIED COPY OF THIS RESOLUTION AND THE**  
13          **REQUIRED CERTIFIED LETTER TO THE MAYOR OF THE**  
14          **TOWN OF MEDLEY PURSUANT TO SECTION 164.1052, FLORIDA**  
15          **STATUTES; AUTHORIZING THE APPROPRIATE CITY**  
16          **OFFICIALS TO TAKE ALL STEPS NECESSARY TO EFFECTUATE**  
17          **THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING**  
18          **FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**  
19

20           **WHEREAS,** the City of Doral has a common border with the Town of Medley,  
21          along which a landfill exists; and,

22           **WHEREAS,** the Town of Medley’s Comprehensive Plan has historically considered  
23          the landfill as a non-conforming use and has provided that it was to be phased out; and,

24           **WHEREAS,** the Town of Medley, consistent with its Comprehensive Plan and  
25          historical treatment of the landfill as a non-conforming use, initiated litigation against  
26          Waste Management of Florida Inc. (“WM”) to prevent the expansion of the landfill,  
27          admitting in such lawsuit that the expansion would violate its Comprehensive Plan; and,

28           **WHEREAS,** notwithstanding its interpretation of its own Comprehensive Plan as it  
29          relates to the landfill and its status as a non-conforming use, the Town of Medley entered into  
30          a Development Agreement with WM to permit the expansion of the landfill, and also

**RESOLUTION NO. 2006-52**

1 amended its land development regulations to create exceptions under its Code that would  
2 permit the expansion of non-conforming uses; and,

3 **WHEREAS**, the actions taken by the Town of Medley to allow the expansion of the  
4 landfill will adversely affect the City and its residents; and,

5 **WHEREAS**, the City has attempted to resolve this matter amicably with the Town of  
6 Medley, including attempting to meet with Town officials after discussion at a Medley Town  
7 Council meeting suggesting that the Town desired to meet with the City; and,

8 **WHEREAS**, Chapter 164, Florida Statutes, entitled the "Florida Governmental  
9 Conflict Resolution Act," ("Act") provides that governmental entities in dispute must attempt  
10 to negotiate their differences pursuant to the procedures outlined in the Act prior to  
11 commencing litigation regarding the conflict; and,

12 **WHEREAS**, section 164.1052, Florida Statutes, requires the governing body of the  
13 government entity initiating the conflict resolution procedures to adopt a resolution  
14 expressing its intent to initiate such procedure.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF**  
16 **DORAL, FLORIDA:**

17 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed  
18 as being true and correct and hereby incorporated herein.

19 **Section 2.** The City Council of the City of Doral, Florida, hereby expresses its  
20 intent to initiate the conflict resolution procedure pursuant to section 164.1052, Florida

**RESOLUTION NO. 2006-52**

1 Statutes, with the Town of Medley (“Town”) concerning the Town’s actions permitting the  
2 expansion of the landfill, owned and operated by WM, within the Town near and along the  
3 Town’s border with the City of Doral.

4 **Section 3.** The City Council of the City of Doral finds that it has a conflict with  
5 the Town. The issues in conflict include but are not limited to ordinances and resolutions  
6 permitting the expansion of the landfill, and the Development Agreement entered into by the  
7 Town and WM.

8 **Section 4.** The City Council of the City of Doral, Florida, hereby directs the City  
9 Manager to forward a certified copy of this Resolution, as well as the required Conflict  
10 Resolution Letter, to the Mayor of the Town of Medley, within five (5) days of adoption of  
11 this Resolution, by certified mail, return receipt requested, pursuant to section 164.1052(1),  
12 Florida Statutes. The Conflict Resolution Letter shall include all items required by section  
13 164.1052(1), Florida Statutes, including without limitation:

- 14 a. Description of the conflict between the City of Doral and the Town of  
15 Medley;
- 16 b. List of the governmental entities with which the City of Doral has a  
17 conflict;
- 18 b. The City of Doral’s justification for initiating the conflict resolution  
19 procures of the Act;

**RESOLUTION NO. 2006-52**

1                   c.       A proposed date and place for the Conflict Assessment Meeting  
2 required by section 164.1053, Florida Statutes; and,

3                   d.       Suggestions as to which individuals should be in attendance at the  
4 Conflict Assessment Meeting.

5  
6       The City Manager is directed to also send a copy of the letter to any other state, county or  
7 other local governmental entity that may have a role in implementing any terms of any  
8 settlement arising out of the Conflict Assessment Meeting, or whose interests may be  
9 substantially affected by the resolution of the conflict, or any other governmental unit the City  
10 Manager deems appropriate.

11                   **Section 5.**       The appropriate City officials are hereby authorized and directed to  
12 take all steps necessary to effectuate this Resolution.

13                   **Section 6.**       All Resolutions or parts of Resolutions in conflict herewith, be and the  
14 same are repealed to the extent of such conflict.

15                   **Section 7.**       If any clause, section or other part of this Resolution shall be held by  
16 any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or  
17 invalid part shall be considered as eliminated and in no way affecting the validity of the other  
18 provisions of this Resolution.

19                   **Section 8.**       This Resolution shall become effective immediately upon its passage  
20 and adoption.

RESOLUTION NO. 2006-~~43~~52

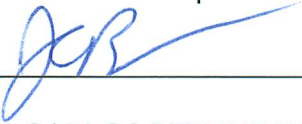
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The foregoing Ordinance was offered by Councilwoman Ruiz, who moved its adoption.

The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilmember Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED upon first reading the 14<sup>th</sup> day of September , 2006.



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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



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BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE OF THE CITY OF DORAL:



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JOHN J. HEARN, CITY ATTORNEY