

RESOLUTION NO. 19-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH JUAN CARLOS GIL IN THE MATTER OF *JUAN CARLOS GIL V. TOWN OF CUTLER BAY, FLORIDA* (CASE NO.: 1:19-CV-21840-DPG); PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 31, 2019, the Town of Cutler Bay (the “Town”) was served with a lawsuit filed by Juan Carlos Gil (the “Plaintiff”) in the United States District Court for the Southern District of Florida styled *Juan Carlos Gil v. Town of Cutler Bay, Florida* (Case No.: 1:19-cv-21840-DPG) alleging that the Town violated the Americans with Disabilities Act; and

WHEREAS, the Town denies any wrongdoing or liability relating to the allegations made in the lawsuit, but desires to enter into the Settlement Agreement with the Plaintiff, attached hereto as Exhibit “A,” in order to avoid the uncertainty and expense of litigation; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

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

Section 2. **Approval.** The Town Council hereby approves the Settlement Agreement with the Plaintiff attached hereto as Exhibit “A.”

Section 3. **Authorization.** The Town Council hereby authorizes the Town Manager to execute the Settlement Agreement attached hereto as Exhibit “A” and to take all actions necessary to implement the intent and purpose of this Resolution.

Section 4. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED on this ____ day of November, 2019.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____