

IN THE CIRCUIT COURT OF
THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE
COUNTY FLORIDA

CASE NO. 19-003653-CA-43

THE CITY OF MIAMI BEACH,

Plaintiff,

vs.

DEAUVILLE ASSOCIATES, LLC,
DEAUVILLE HOTEL PROPERTY, LLC,
DEAUVILLE HOTEL HOLDINGS, LLC,

Defendants.

MOTION TO INTERVENE BY THE MIAMI DESIGN PRESERVATION LEAGUE

The Miami Design Preservation League, by and through undersigned counsel and Florida Rule of Civil Procedure 1.230, hereby moves to intervene in the above-styled action as a party plaintiff. In support of this motion, Movant state as follows:

INTRODUCTION

1. Founded in 1976, the Miami Design Preservation League is a non-profit resource for historic preservation and enhancement of Miami Beach's unique architectural and cultural identity.¹ The organization is probably best known for leading the movement to preserve Miami Beach's Art Deco buildings. Their mission, however, is expansive and ongoing with robust programming and resources for visitors and locals alike.

¹ www.mdpl.org

- On January 19, 2022, ANA M. SALGUEIRO, P.E., Building Official/Director at the City of Miami Beach, issued an Order of Demolition.

Manage Permit BC2116167 Address 6701 COLLINS AVE 1000

Permit Details

Permit Type: Building - Commercial
 Work Class: Demolition
 Permit Status: Applied
 Description: US2017-01686/ US2018-02859 Tota
 IVR Number: 160064

Project: [Search]
 District: RM-3
 Assigned To: [Select]
 Square Feet: 595,788
 Valuation: \$2,364,000.00

Application Date: 04/23/2021
 Issue Date: Enter date
 Expiration Date: Enter date
 Last Inspection Date: Enter date
 Finaled Date: Enter date

Parcels (1) | Addresses (2) | Zones (2) | Contacts (5) | Notes (4) | Activities | Fees (6) | Holds (4) | Review Team | Inspection Cases | Impact

Text	Created By	Date Created
> The 1st submittal was not complete set as per Ar	Blatch, RaShonda	12/07/2021 3:21:49 PM
> There are several permits because of a configura	Tormo Calatayud, Joana	12/10/2021 1:58:12 PM
> Unsafe per B.O. Review of report by Heather Ane	Salgueiro, Ana	12/15/2021 4:48:33 PM
> Building Official Order to demolish. Unsafe struc	Salgueiro, Ana	01/19/2022 7:51:07 PM

Version: 2020.1.2.53
 Last changed by Salgueiro, Ana on Wednesday, January 19, 2022 7:51 PM

ARGUMENT

1. Movant should be allowed to Intervene.

The Miami Design Preservation League is recognized as one of two entities with appellate standing to review decisions regarding historic properties in Miami Beach, which rights are set forth in the Miami Beach Municipal Code. (Sec. 118-9. - Rehearing and appeal procedures).

The Miami Design Preservation League has a substantial interest in these proceedings. *O'Connell v. Rabin*, 596 So. 2d 1299 (Fla. 3d DCA 1992) (if a party has demonstrated sufficient equities or other special reasons to justify their participation in the proceedings, intervention should be permitted); *Highwoods DLF EOLA, LLC v. Condo Developer, LLC*, 51 So. 3d 570 (Fla. 5th DCA 2010) (an intervenor that will either “gain or lose” by the outcome of the certiorari proceeding has sufficient interest for intervention). The demolition of this historic building without a careful review of all alternatives for saving this important property would be an immeasurable loss to Miami Design Preservation League’s mission to preserve, protect, and promote our historical assets.

Although allowing intervention is discretionary with the Court, it is generally freely granted to parties with a substantial interest in the proceedings, and Florida courts have held that the failure to allow intervention by a materially interested party constitutes an abuse of discretion. *Florida Wildlife Federation, Inc. v. Board of Trustees of Internal Imp.*, 707 So. 2d 841 (Fla. 5th DCA 1998); *O'Connell v. Rabin*, 596 So. 2d 1299 (Fla. 3d DCA 1992).

2. Intervention will not cause any delay.

Intervenor has no intent to relitigate matters that have been previously litigated or to raise any claims unrelated to the issues already before the Court. As a result, intervention will not delay or disrupt the pending proceedings. Movant seeks to intervene in this action to obtain a full and timely resolution of this matter without disruption and hereby represents that they will file all pleadings in accordance with the timelines established by this Court.

Where, as here, “the intervenors assure the court that their participation will not delay or disrupt the proceedings, it is an abuse of discretion to deny the motion to intervene.” *Hartford Fire Insurance Co. v. Sch. Bd. Of Dade County*, 661 So. 2d 111, 112 (Fla. 3d DCA 1995).

3. Agreement of Counsel.

Undersigned counsel has conferred with counsel for Plaintiff City of Miami Beach and is authorized to represent that the City has no objection to the requested intervention. Undersigned counsel has also consulted with counsel for Defendants who does object.

CONCLUSION

For the foregoing reasons, undersigned counsel respectfully requests that the Court allow Miami Beach Preservation League to intervene in this matter.

Respectfully submitted,

/djw/

David J. Winker, Esq., B.C.S

Fla. Bar. No. 73148

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Intervene as a Party Respondent was filed with the Clerk of Court, using the Florida Courts E-Filing Portal, and that a true and correct copy was furnished via Electronic Mail this 9th day of February, 2022 to all parties listed as counsel on the E-Filing Portal.

/djw/

David J. Winker, Esq., B.C.S

Fla. Bar. No. 73148