

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE THE FISHER ISLAND TERMINAL IMPROVEMENTS MAINTENANCE MEMORANDUM OF AGREEMENT, BETWEEN THE CITY OF MIAMI BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, CONVEYING FULL MAINTENANCE RESPONSIBILITIES TO THE CITY FOR THE IMPROVEMENTS ON THE SOUTH SIDE OF STATE ROAD A1A, COMMONLY REFERRED TO AS THE MACARTHUR CAUSEWAY, AND THE ACCESS ROAD EAST OF BRIDGE ROAD TO THE WEST END OF EAST CHANNEL BRIDGE ABUTTING 112 MACARTHUR CAUSEWAY; WHICH MAINTENANCE RESPONSIBILITIES HAVE BEEN TRANSFERRED AND ASSIGNED TO FISHER ISLAND COMMUNITY ASSOCIATION, THE CITY AND THE ASSOCIATION HAVING ALREADY EXECUTED A DECLARATION OF RESTRICTIVE COVENANTS IN FAVOR OF THE CITY TRANSFERRING AND ASSIGNING RESPONSIBILITY TO THE FISHER ISLAND COMMUNITY ASSOCIATION OF THE IMPROVEMENTS, OBLIGATIONS, MAINTENANCE, AND COSTS ASSOCIATED WITH THE MAINTENANCE MEMORANDUM OF AGREEMENT.

WHEREAS, to comply with City Code regulations, Fisher Island Community Association (the "Owner") has requested to install the following described improvements in the public rights-of-way adjacent to the south side of State Road A1A, commonly referred to as the MacArthur Causeway and the Access Road East of the Bridge Road to the West end of East Channel Bridge abutting 112 MacArthur Causeway (the "Property"), which shall include surface paving materials and landscaping (the "Improvements") in accordance with the plans reviewed and approved by the City's staff and Planning Board (PB File No. 2100), Design Review Board (DRB File No. 22974), Board of Adjustment (BOA File No.3677) (collectively the "Conditional Use Approvals"), and FDOT Permit Numbers 2019-A-691-00001, 2018-C-690-013, 2017-D-690-015, and 2019-L-691-00020 (collectively the "FDOT Permits"), entitled "Fisher Island Terminal Prepared for FICA", prepared by Kimley Horn and Associates, Inc. dated December 8, 2016 revised through October 21, 2019, (the "Plan"); and

WHEREAS, the Owner has applied to the Public Works Department for permission to install the Improvements within the public rights-of-way of MacArthur Causeway and the access road east of Bridge Road abutting the Property, according to the Plan; and

WHEREAS, the Florida Department of Transportation ("FDOT") is the owner of the MacArthur Causeway and the access road east of Bridge Road; and

WHEREAS, the City owns certain additional portions of MacArthur Causeway abutting the Property, identified by Miami-Dade County Folio Nos. 02-4204-000-0045 and 02-4204-000-030; and

WHEREAS, to install the Improvements in accordance with the Conditional Use Approvals under the Conditional Use Approvals and FDOT Permits along MacArthur Causeway, FDOT policy requires that the City enter into the Maintenance Memorandum of Agreement ("MMOA"), which would convey maintenance responsibilities for the enhanced features installed along the right-of-way to the City after the project is installed by the Owners; and

WHEREAS, in turn, the City, in approving the enhanced right-of-way landscaping and sidewalk features, required the Owner to execute a declaration of restrictive covenants (the "Declaration") to require the Owner to take over the obligations and maintenance responsibilities established in the MMOA and reimburse the City of any costs incurred pursuant to the MMOA; and

WHEREAS, in anticipation of construction, the City approved and the Owner will record the Declaration, and as such the City's execution of the MMOA is the process by which to implement the Improvements, and the Declaration is the City's assurance that the Owner will be responsible for the maintenance obligations pursuant to the MMOA together with any costs the City may incur to maintain the south side of the MacArthur Causeway and the access road east of Bridge Road to the west end of the East Channel bridge; and

WHEREAS, the Declaration is consistent with the requirements of Section 98-166, of the City Code, for the Owner to maintain the sidewalks and landscaping fronting the above referenced Property;

WHEREAS, the Administration recommends executing the attached Maintenance Memorandum of Agreement with FDOT.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the Mayor and City Clerk to execute the Fisher Island Terminal Improvements Maintenance Memorandum of Agreement, Between the City of Miami Beach and the Florida Department of Transportation, conveying full maintenance responsibilities to the City for the improvements on the south side of state road A1A, commonly referred to as the Macarthur Causeway, and the access road east of the bridge road to the west end of east channel bridge abutting 112 Macarthur Causeway; which maintenance responsibilities have been transferred and assigned to Fisher Island Community Association, the City and the Association having already executed a declaration of restrictive covenants in favor of the City transferring and assigning responsibility to the Fisher Island Community Assertion of the improvements, obligations, maintenance, and costs associated with the Maintenance Memorandum of Agreement.

PASSED AND ADOPTED this ___ **day of** ___ **2020.**

ATTEST:

Rafael Granado, City Clerk

Dan Gelber, Mayor

City Attorney

Date

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael Granado

City Attorney

1-2-20

Date