

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE FOLLOWING PERPETUAL, NON-EXCLUSIVE UTILITY EASEMENT AGREEMENTS FROM 1212 LINCOLN ROAD COMMERCIAL CONDOMINIUM ASSOCIATION, INC, FOR THAT CERTAIN PROPERTY LOCATED AT 1614-1624 ALTON ROAD A/K/A 1212 LINCOLN ROAD COMMERCIAL CONDOMINIUM, IN CONNECTION WITH THE DEVELOPMENT OF THE PROPERTY; TO WIT: (1) AN EASEMENT AGREEMENT GRANTING THE CITY A 10' WIDE EASEMENT FOR THE OPERATION AND MAINTENANCE OF A WATER METER AND RELATED METER BOX, LYING IN A PORTION OF LOT 3, BLOCK 45 OF COMMERCIAL SUBDIVISION, ALTON BEACH REALTY COMPANY, PLAT BOOK 6, PAGE 5 (PLAT) OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND (2) AN EASEMENT AGREEMENT GRANTING THE CITY (2) 10' WIDE EASEMENTS FOR THE OPERATION AND MAINTENANCE OF TWO (2) SANITARY SEWER CLEAN-OUTS, LYING IN A PORTION OF LOTS 3, 4, AND 7, OF BLOCK 45 OF THE PLAT.**

**WHEREAS**, the property located at 1614-1624 Alton Road (Folio Nos. 02-3234-018-0130, 0140, 0150, and 0160) (the "Grantor's Property"), was submitted to the condominium form of ownership, by 1212 Lincoln, LLC, a Florida limited liability company ("Developer") and ARRP 1600 Alton, LLC, a Florida limited liability company ("ARRP") (collectively, "Grantor's predecessors in interest"), pursuant to that certain Declaration of 1212 Lincoln Road Commercial Condominium, recorded on January 21, 2020, in Official Records Book 31787, at Page 3233, of the Public Records of Miami-Dade County, Florida; and

**WHEREAS**, Grantor's predecessors in interest obtained approval by the City's Design Review Board ("DRB") (DRB File No. 0416-0015) for the construction of a new five-story mixed-use building with accessory parking to replace five (5) one and two-story buildings on the Grantor's Property; and

**WHEREAS**, pursuant to DRB File No. 0416-0015, the DRB also approved the demolition of one (1) two-story bank building located at 1628-1634 Alton Road (Folio Nos. 02-3234-018-0170 and 0180), owned by Developer; and

**WHEREAS**, During the installation process, the contractor discovered issues with the service and sanitary laterals; and

**WHEREAS**, The 4-inch domestic service line had an existing 6-inch gas line, which restricted the installation of a 4-inch gate valve, that instead needed to be relocated closer to the right of way line, and an existing communication duct bank was located within five feet of the right of way line, thereby eliminating any potential available space for the meter to be installed between the duct bank and private property, resulting in the 4-inch water meter and its accompanying meter box being installed on Grantor's property; and

**WHEREAS**, similar to the domestic service line, sanitary sewer clean-outs are required to be installed within one (1) foot of the right of way line to prevent any damage from vehicular traffic; however, the communication duct bank was located within a foot of the right of way line, which resulted in the contractor installing the sanitary sewer clean-outs within Grantor's Property; and

**WHEREAS**, Clean-outs are essential facilities used by the City's Public Works Department Operations Division to unblock any clogs or backups that may occur from the property line and the point of connection of the sanitary sewer main; and

**WHEREAS**, in order to address these development issues, Grantor offered to convey to the City a perpetual, non-exclusive utility easement on the Grantor's Property for the City to access, construct, install, operate, maintain, repair replace and upgrade one (1) water meter and related water meter box and two (2) sanitary sewer clean-outs; and

**WHEREAS**, the City Manager recommends approving the Utility Easement Agreement for Water Meter and Related Meter Box, incorporated herein by reference and attached hereto as Exhibit "1", and the Utility Easement Agreement for Sanitary Sewer Clean-Outs, incorporated herein by reference and attached hereto as Exhibit "2".

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the City Manager to accept the following perpetual, non-exclusive Utility Easement Agreements from 1212 Lincoln Road Commercial Condominium Association, Inc. for that certain property located at 1614-1624 Alton Road a/k/a 1212 Lincoln Road Commercial Condominium, in connection with the development of the property; to wit: (1) An Easement Agreement granting the City a 10' wide easement for the operation and maintenance of a water meter and related meter box, lying in a portion of Lot 3, Block 45 of COMMERCIAL SUBDIVISION, ALTON BEACH REALTY COMPANY, Plat Book 6, Page 5 (Plat) of the Public Records of Miami-Dade County, Florida; and (2) an Easement Agreement granting the City two (2) 10' wide easements for the operation and maintenance of two (2) sanitary sewer clean-outs, lying in a portion of Lots 3, 4, and 7, of Block 45 of the Plat.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date