

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

July 29, 2020 – Virtual Commission Meeting

NOTICE IS HEREBY given that a Second Reading/Public Hearing will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, via teleconference and webinar on **Wednesday, July 29, 2020 at 10:05 a.m.**, or as soon thereafter as the matter can be heard to consider the below referenced sale of City property. To participate or provide comments, the public may join the virtual meeting at: <https://us02web.zoom.us/j/85224811868> or via telephone at: **1.312.626.6799** (U.S.) or **888.475.4499** (Toll Free). The Webinar ID is: **85224811868#**. Members of the public wanting to speak on an item during the Virtual Commission Meeting, must click the “raise hand” icon if using the Zoom app or press *9 on the telephone to raise their hand.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, FOLLOWING SECOND READING/PUBLIC HEARING, PURSUANT TO SECTION 82-37(A)(2) OF THE CITY CODE, A PURCHASE AND SALE AGREEMENT (“PSA”) BETWEEN THE CITY OF MIAMI BEACH (“CITY”) AND MARINA PARK RESIDENTIAL, LLC (THE “PURCHASER”) IN CONNECTION WITH THE PROPOSED DEVELOPMENT OF THE MARINA PARK PROJECT ON THE CITY-OWNED PROPERTIES LOCATED AT 300-400 ALTON ROAD, THE CURRENT UPLAND SITE OF THE MIAMI BEACH MARINA (FOLIO NOS. 02-4203-009-9210, 02-4203-000-0010, AND 02-4203-009-9250) (COLLECTIVELY, THE “DEVELOPMENT SITE”), WHICH PSA MEMORIALIZES THE TERMS FOR THE CITY’S SALE TO THE PURCHASER OF A PORTION OF THE DEVELOPMENT SITE AND A PARCEL OF AIR LOCATED ABOVE THE GRADE SURFACE OF THE DEVELOPMENT SITE (THE “RESIDENTIAL PARCEL”), FOR THE CONSTRUCTION OF THE APPROXIMATELY 275,000 SQUARE FOOT RESIDENTIAL PORTION OF THE MARINA PARK PROJECT, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT BY AND AMONG THE CITY, MARINA PARK RESIDENTIAL, LLC AND MARINA PARK COMMERCIAL, LLC, APPROVED PURSUANT TO CITY COMMISSION RESOLUTION NO. 2020-____; WITH SUCH PSA AND/OR RELATED AGREEMENTS PROVIDING, AMONG OTHER TERMS, FOR (1) A PURCHASE PRICE IN THE AMOUNT OF \$55,000,000.00, OF WHICH \$5,000,000 IS PAYABLE TO THE CITY AT CLOSING AND THE BALANCE OF WHICH IS PAYABLE IN SPECIFIED INSTALLMENTS, EVIDENCED BY A PROMISSORY NOTE AND SECURED BY A FIRST MORTGAGE ON THE RESIDENTIAL PARCEL, IN FAVOR OF THE CITY; (2) ADDITIONAL NON-CASH CONSIDERATION TO THE CITY IN THE AMOUNT OF \$15,000,000, FOR SPECIFIED CAPITAL IMPROVEMENTS TO BE CONSTRUCTED ON THE DEVELOPMENT SITE, WHICH ADDITIONAL NON-CASH CONSIDERATION IS TO BE SET FORTH IN THE DEVELOPMENT AGREEMENT AND/OR THE LEASE AGREEMENT BETWEEN THE CITY AND MB MARINA PARK, LLC, AN AFFILIATE OF SUNTEX MARINA INVESTORS, LLC, APPROVED PURSUANT TO CITY COMMISSION RESOLUTION NO. 2020-____; AND (3) A RECIPROCAL EASEMENT AGREEMENT, IN SUBSTANTIAL FORM, TO SEPARATE THE PURCHASER’S FEE INTEREST IN THE RESIDENTIAL PARCEL FROM THE CITY’S FEE INTEREST IN THE UNDERLYING DEVELOPMENT SITE, VIA A VERTICAL SUBDIVISION THEREOF; FURTHER, WAIVING, BY 5/7TH VOTE, THE COMPETITIVE BIDDING REQUIREMENT OF SECTION 82-39 OF THE CITY CODE, FINDING THAT THE PUBLIC INTEREST WOULD BE SERVED BY WAIVING SUCH CONDITION; AND FURTHER, PROVIDING THAT THE SALE OF THE RESIDENTIAL PARCEL SHALL BE SUBJECT TO AND CONTINGENT UPON APPROVAL BY A MAJORITY OF THE VOTERS VOTING IN A CITY-WIDE REFERENDUM, PURSUANT TO SECTION 1.03(B)(1) OF THE CITY CHARTER.

This Resolution is being heard pursuant to Section 82-37 of the City of Miami Beach Code.

A copy of the proposed Development Agreement that is related to this item is available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This item is available for public inspection during normal business hours in the City Clerk’s Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided. Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach