



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Raul J. Aguila, City Attorney

DATE: July 29, 2020

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 3, 2020 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A BALLOT QUESTION ASKING WHETHER THE CITY SHOULD LEASE 3.51-ACRE PROPERTY AT 300-390 ALTON ROAD, AND 38-ACRE SUBMERGED LANDS IN BISCAYNE BAY SOUTH OF 5TH STREET, TO MB MARINA PARK, LLC, FOR 99 YEARS, REQUIRING, PER RESOLUTION 2020-____: \$40,000,000 IN NEW IMPROVEMENTS FOR MARINA OPERATIONS, DELIVERY OF 1.0 ACRE PUBLIC PARK TO CITY, AND RENT TO CITY, GREATER OF: GUARANTEED RENT (\$16,400,000 IN FIRST TEN YEARS, ADJUSTED THEREAFTER) OR PERCENTAGE OF MARINA'S REVENUES ANNUALLY.**

The attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 3, 2020 for the purpose of submitting to the City's voters the following question pursuant to Section 1.03(b)(1) of the City Charter:

City Charter approval of lease of City property for Marina Park Project

Should City lease 3.51-acre property at 300-390 Alton Road, and 38-acre submerged lands in Biscayne Bay south of 5th Street, to MB Marina Park, LLC, for 99 years, requiring, per Resolution 2020-____:

- \$40,000,000 in new improvements for marina operations,
- delivery of 1.0 acre public park to City, and
- rent to City, greater of: guaranteed rent (\$16,400,000 in first ten years, adjusted thereafter) or percentage of marina's revenues annually?

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Section 1.03(b)(1) of the City Charter provides in pertinent part:

The sale, exchange, conveyance, or lease of ten (10) years or longer (including option periods) of City-owned park, recreation, or waterfront property shall require approval by a majority vote of the voters in a City-wide referendum.

The property that is the subject of the proposed lease is waterfront property, subject to the referendum requirement of Section 1.03(b)(1) of the City Charter. The proposed Lease is the subject of the companion agenda item being considered at the July 29, 2020 City Commission meeting.

Pursuant to directive of the Miami-Dade County Elections Department, the final City Commission meeting at which the City Commission may adopt its Resolution placing a ballot measure on the November 3, 2020 ballot is July 29, 2020. Accordingly, this matter is timely presented to the City Commission and adoption of the attached Resolution may take place at today's meeting.