

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING A: (1) PRIVATE PROPERTY HARMONIZATION POLICY; AND (2) RESIDENTIAL/COMMERCIAL PROPERTY RUNOFF AND PUBLIC DRAINAGE INFRASTRUCTURE POLICY FOR THE WEST AVENUE NEIGHBORHOOD, AS SET FORTH IN THIS RESOLUTION.

WHEREAS, on March 22, 2017, the Mayor and City Commission passed Resolution Nos. 2017-29799 and 2017-29800, awarding design/build service contracts to Ric-Man Construction Florida, Inc. (Ric-Man), for West Avenue South of 14th Street Improvements and West Avenue North of 14th Street Improvements, Phase II, pursuant to RFP Nos. 2016-090-KB and 2016-091-KB (collectively, the "Projects"), respectively; and

WHEREAS, the Projects are currently in the design phase; and

WHEREAS, the water distribution system and sanitary sewer system designs are complete; roadway and landscaping plans are 90% complete; and the stormwater pump station design is 90% complete; and

WHEREAS, the Miami Dade County Department of Regulatory and Economic Resources (DERM) has requested additional water quality treatment for the stormwater design; and

WHEREAS, in order to effectively finalize the designs and develop the additional water quality measures, the project team has proposed certain harmonization and drainage policies for the West Avenue Neighborhood Improvement Project, as set forth in this Resolution; and

WHEREAS, generally, the elevation of roadways requires that the City's rights-of-way be harmonized with adjacent private properties; and

WHEREAS, there are certain encroachments within the City's rights-of-way that may be impaired by harmonization, and therefore, may require the private property owner (who installed or is responsible for the encroachment) to pay for the removal and replacement of the encroachment; and

WHEREAS, there are also several other features which may be impacted by harmonization including, but not limited to, fences, walls, gates, railings, and landscaping; and

WHEREAS, if the City requires the removal, re-installation, or modification of these features or components, it should be performed at the private property owner's expense; and

WHEREAS, in addition to the challenges posed by harmonization, certain properties, where required, will also need to address drainage requirements; and

WHEREAS, the City operates a Citywide stormwater management system that collects, conveys, and disposes of stormwater runoff from public rights-of-way; and

WHEREAS, the Administration, through the Public Works Department, has developed the following policies to address private property concerns within the West Avenue Neighborhood, while aligning with the City's overall stormwater management strategy.

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 adopt and establish a: (1) private property harmonization policy; and (2) residential/commercial property runoff and public drainage infrastructure policy for the West Avenue Neighborhood:

(1) Private Property Harmonization Policy for the West Avenue Neighborhood:

1. Encroachments within the City's rights-of-way may require the private property owner (who installed or is responsible for them) to pay for the removal and replacement of the encroachment.
2. Other features impacted by harmonization including, but not limited to, fences, walls, gates, railings, and landscaping shall be removed, re-installed, or modified at the private property owner's sole cost and expenses, if required by the City for harmonization.

(2) Residential/Commercial Property Runoff and Public Drainage Infrastructure Policy for the West Avenue Neighborhood:

Definitions

1. Design Storm Event: a 10 year/24-hour storm, as defined within City Resolution No. 2017-30039.
2. Habitable Space: the building livable area, as defined in the Miami-Dade County Property Appraiser's Glossary of Terms. The livable area represents the space used for habitation purposes. Typically, livable area will have access to electricity, plumbing and oftentimes air conditioning. It may include hallways, closets, bathrooms, storage and other areas outside the main living structure. It does not include garages, carports, and patios.
3. Predevelopment Model. A model of the existing stormwater drainage system, representing its performance during the design storm event.
4. Post Development Model. A model of the proposed stormwater drainage system, representing its performance during the design storm event.

Policy

1. Public drainage improvements will not subject private properties to additional flooding. Consequently, the finished floor elevations of habitable spaces will not have an increased risk of flooding during the design storm event. This will be demonstrated by comparing a predevelopment and post development model.
2. In order to maximize water quality treatment, private properties should retain the first 1-½ inches of rainfall on their premises.
3. Properties must accommodate the percolation of all staged water within a 24-hour period.
4. In cases where the finished floor elevation of habitable spaces within private properties is located below the future crown of the adjacent roadway and the private property owner's consent is obtained, drainage will be provided within the private property and connected to the City's stormwater system. The private property drainage system, when possible, will be placed at an elevation to retain the first 1-½ inches of rainfall on the premises and public infrastructure will be sized to address water quantity.
5. When the retention of the first 1-½ inches of rainfall will flood habitable spaces, the private property drainage system will be placed at an elevation below the elevation of the finished

floor of habitable spaces and public infrastructure will be designed to accommodate water quantity from the private property. Water quality treatment will remain the responsibility of the private property owner and the private property drainage system will be placed at an elevation that maximizes the percolation of staged water.

6. In cases where the finished floor elevation of habitable spaces is located above the future crown of the adjacent roadway and the grade elevation of the private property is substantially low, thereby not allowing water to percolate on site, drainage may be provided within the private property and connected to the City' stormwater system at the discretion of the City Engineer. The private property drainage should be designed to maximize the water retained on site and public infrastructure will be sized to accommodate water quantity. Water quality treatment will remain the responsibility of the private property owner.
7. The intent of this policy is to provide a functional direct drainage connection to private property owners. Any restoration work on private property associated with the construction of the drainage connections will be limited to the materials determined by the City Engineer for harmonization work. As such, no specialty materials or features will be restored by the City, and the costs of restoring the private property beyond utilizing concrete, asphalt, or sod will remain the sole responsibility of the private property owner.
8. All water quality treatment requirements, stipulated by DERM or any entity with jurisdiction, will remain the sole responsibility of the private property owner. These include, but are not limited to, the retention of the first 1-½ inches of rainfall, the sequestering of contaminants, and the sequestering of nutrients.
9. Any direct private property connections to the City's stormwater system are intended as a temporary condition. The direct connections will be removed, and no new direct connections will be allowed, once the private properties are redeveloped.

PASSED AND ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Ralph Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Rand Corp 7/10/20
City Attorney *ff* Date