

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PERPETUAL EASEMENT, IN FAVOR OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") IN CONNECTION WITH THE TRANSFER OF THE RUE VENDOME RIGHT OF WAY (BETWEEN NORMANDY DRIVE AND 71ST STREET) TO THE CITY; SAID EASEMENT CONTAINING THREE EASEMENT AREAS, HAVING A TOTAL CUMULATIVE SIZE OF APPROXIMATELY 610 SQUARE FEET, LOCATED ALONG THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 934/71ST STREET (FORMERLY KNOWN AS STATE ROAD 828), AS MORE PARTICULARLY DESCRIBED IN THE SKETCH AND LEGAL DESCRIPTION, ATTACHED TO THIS RESOLUTION AS EXHIBIT "A", FOR THE PURPOSE OF MAINTAINING EXISTING TRAFFIC SIGNAL DEVICES.

WHEREAS, in 2016, the City adopted The North Beach Master Plan which recommended that the area around the Normandy Isle Fountain be transformed into a vibrant pedestrian oriented plaza, for the purpose of community building and streetscape activation; and

WHEREAS, in 2017, the City commissioned a professional engineering consultant for the design of the permanent closure and pedestrian plaza, which includes the removal of the existing asphalt paving, concrete curb and gutters, adjacent sidewalks and walkways, up to and surrounding the fountain, and raising the area using new white concrete pavement, permeable pavers, oolite stone benches, steps, and ramps have been designed to harmonize the elevated plaza with adjacent commercial properties to the west; and

WHEREAS, the existing landscaping will be supplemented with new shade trees, shrubs and ground cover throughout the space, and new lighting at the plaza is designed, mounted on structural poles, to facilitate decorative lights and future artistic displays; and

WHEREAS, in April, 2018, the City enacted this transformation, with the temporary closure of Rue Vendome, between 71st Street and Normandy Drive (the "Right of Way"), pursuant to Florida Department of Transportation (FDOT) Permit No. FDOT2017-K-691-060, with the painting of an art deco sunburst mural on the asphalt pavement and the placement of planters to restrict traffic from the area; and

WHEREAS, various initiatives to activate the street have been undertaken by the City's Tourism and Culture Department, and with the success of these events, the City has moved forward with the permanent closure of the Right of Way and the creation of a public plaza at the level of the sidewalk; and

WHEREAS, on April 13, 2020, FDOT notified the City that the Right of Way belonged to FDOT, and that the transfer of the Right of Way, from FDOT to the City, would be required as a condition for the required construction; and

WHEREAS, On May 13, 2020, the Mayor and City Commission adopted Resolution No. 2020-31254, approving and authorizing the City Manager to accept the transfer from FDOT of the Right of Way, as reflected on the FDOT Right of Way Map of Section 87080-2503, for State

Road 934 f/k/a State Road No. 828, recorded on April 23, 1965, in Map Book 79, at Page 30, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, there are several traffic signal infrastructure boxes, located above and below ground, within the Right of Way being transferred from FDOT to the City, that control the traffic signals at the intersection of 71st Street and Rue Vendome; and

WHEREAS, the mast arm of the traffic signals that controls north bound traffic on Rue Vendome at 71 Street, also extends into the Right of Way; and

WHEREAS, FDOT is responsible for the maintenance of these traffic signals and therefore requires perpetual access, through an easement for maintenance purposes; and

WHEREAS, in order to finalize the transfer of the Right of Way, FDOT has requested that the City grant FDOT a perpetual easement for three (3) separate easement areas, having a total cumulative size of approximately 610 square feet, located along the North side of the intersection of 71st Street and Rue Vendome, as more particularly described in the sketch and legal description attached hereto as Exhibit "A", for the purpose of maintaining existing traffic signal devices.

NOW, THEREFORE, BE IT DULY 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 Mayor and City Clerk to execute a perpetual easement, in favor of the State of Florida Department of Transportation ("FDOT") in connection with the transfer of the Rue Vendome Right of Way (between Normandy Drive and 71st street) to the City; said easement containing three easement areas, having a total cumulative size of approximately 610 square feet, located along the Northerly Right of Way line of State Road 34/71st street (formerly known as State Road 828), as more particularly described in the sketch and legal description, attached to this Resolution as Exhibit "A", for the purpose of maintaining existing traffic signal devices.

PASSED and ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado 9/8/20
City Attorney Date

EXHIBIT "A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(THIS DOCUMENT CONTAINS 3 SHEETS AND SHALL NOT BE CONSIDERED FULL AND COMPLETE
WITHOUT THE LEGAL DESCRIPTION SHEET 1, SKETCH SHEET 2, NOTES AND LEGEND SHEET 3)

LEGAL DESCRIPTION:

Parcel No. 6842

Being a portion of a right of way as shown on the Florida Department of Transportation Right of Way Map of Section 87080-2503, for State Road No. 828 (Now known as State Road 934) as recorded Map Book 79 page 30, Sheet 2 and as shown on the Subdivision Plat of the Ocean Side Section of the Isle of Normandy Beach Properties Corporation as recorded in Plat Book 25, Page 60 of the public records of Miami Dade County Florida and lying in a portion of Fractional Section 10 in Township 53 South, Range 42 East, Miami-Dade County, City of Miami Beach, Florida being more particularly described as follows:

Begin at the point of curve on the southerly right of way line of said State Road 934/Normandy Drive (Formerly known as State Road 828) said point of curve also being on the northerly line of Lots 40-44, Block 10 of said Ocean Side Section of the Isle of Normandy; Thence N 86°03'19" E (FDOT reference bearing base) along the easterly extension of the said southerly right of way line, a distance of 197.86 feet to the beginning of a curve concave to the southeast having a radius of 25.00 feet, a chord which bears S 27°04'21" W; Thence southwesterly along the arc of said curve, through a central angle of 117°57'56" a distance of 51.47 feet; Thence S 31°54'37" E a distance of 30.33 feet to the beginning of a curve concave to the north having a radius of 25.00 feet, a chord which bears S 79°24'59" E; Thence southeasterly along the arc of said curve, through a central angle of 95°00'45" a distance of 41.46 feet to point the intersection with the northerly right of way line of said State Road 934/71st Street (Formerly known as State Road 828) to a point hereinafter referred to as Point "A"; Thence S 53°04'38" W, along the southwesterly extension of the said northerly right of way line a distance of 204.15 feet, to the beginning of a curve concave to the west having a radius of 100.00 feet, a chord which bears N 20°26'01" W; Thence northeasterly and northwesterly along the arc of said curve, through a central angle of 147°01'19" a distance of 256.60 feet to the Point of Beginning.

Containing 13,560 Square Feet or 0.3 Acres more or less.

Subject to the following described easement areas.

Easement 1:

Commence at Point "A"; Thence S 53°04'38" W, along the southwesterly extension of the northerly right of way line of said State Road 934/71st Street (Formerly known as State Road 828) a distance of 29.15 feet to the Point of Beginning. Thence S 53°04'38" W continue along said southwesterly extension a distance of 10.00 feet to a point hereinafter referred to as Point "B"; Thence N 36°55'22" W a distance of 19.00 feet; Thence N 53°04'38" E a distance of 10.00 feet; Thence S 36°55'22" E, to the intersection with said southwesterly extension of the northerly right of way line of State Road 934/71st Street (Formerly known as State Road 828), a distance of 19.00 feet to the Point of Beginning.

Containing 190 Square feet more or less.

Easement 2:

Commence at Point "B"; Thence S 53°04'38" W, along the southwesterly extension of the northerly right of way line of said State Road 934/71st Street (Formerly known as State Road 828) a distance of 17.19 feet to the Point of Beginning. Thence S 53°04'38" W continue along said southwesterly extension a distance of 33.58 feet to a point hereinafter referred to as Point "C"; Thence N 36°55'22" W a distance of 7.50 feet; Thence N 53°04'38" E a distance of 11.00 feet; Thence N 59°23'42" E a distance of 22.72 feet; Thence S 36°55'22" E, to the intersection with said southwesterly extension of the northerly right of way line of State Road 934/71st Street (Formerly known as State Road 828), a distance of 5.00 feet to the Point of Beginning.

Containing 224 square feet more or less.

Easement 3:

Commence at Point "C"; Thence S 53°04'38" W, along the southwesterly extension of the northerly right of way line of said State Road 934/71st Street (Formerly known as State Road 828) a distance of 8.55 feet to the Point of Beginning. Thence S 53°04'38" W continue along said southwesterly extension a distance of 30.00 feet; Thence N 36°55'22" W a distance of 5.00 feet; Thence N 53°04'38" E a distance of 13.30 feet; Thence N 36°55'22" W a distance of 3.30 feet; Thence N 53°04'38" E a distance of 10.00 feet; Thence S 36°55'22" W a distance of 1.30 feet Thence N 59°23'42" E a distance of 6.70 feet; Thence S 36°55'22" E, to the intersection with said southwesterly extension of the northerly right of way line of said State Road 934/71st Street (Formerly known as State Road 828) a distance of 7.00 feet to the Point of Beginning.

Containing 196 square feet more or less

THIS IS NOT A SURVEY

Prepared by:

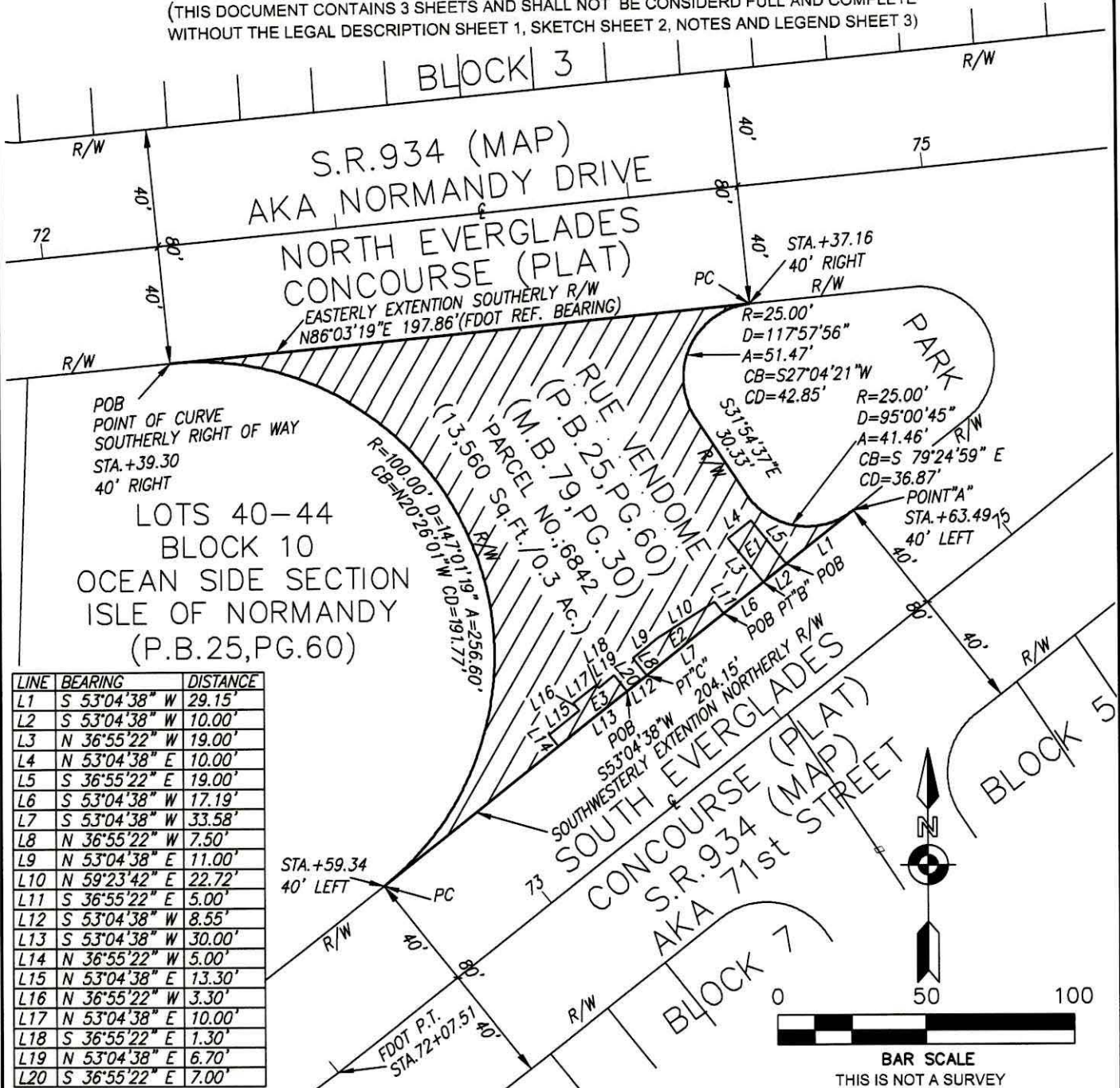
MIAMI BEACH
PUBLIC WORKS DEPARTMENT
1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL.33139

Florida Department of Transportation, District VI
Item/Seg. No.:
Sect/Job No.:87080-2503
F.A.P. No.:N/A
S R No.:934, (Normandy Drive - 71st Street)
County: Miami-Dade
Parcel No.:6842

Sheet 1 of 3

EXHIBIT "A" **SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

(THIS DOCUMENT CONTAINS 3 SHEETS AND SHALL NOT BE CONSIDERED FULL AND COMPLETE
 WITHOUT THE LEGAL DESCRIPTION SHEET 1, SKETCH SHEET 2, NOTES AND LEGEND SHEET 3)



Prepared by:

MIAMI BEACH
PUBLIC WORKS DEPARTMENT

1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL.33139

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 Sect/Job No.:87080-2503
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Sheet 2 of 3

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LEGEND & ABBREVIATIONS:

POB	POINT OF BEGINNING	R=	RADIUS
FDOT	FL. DEPT. OF TRANSPORTATION	D=	CENTRAL ANGLE
PC	POINT OF CURVE	A=	ARC DISTANCE
N=	NORTHING COORDINATE	CB=	CHORD BEARING
E=	EASTING COORDINATE	CD=	CHORD DISTANCE
MP	MAP BOOK	(P)	PLAT DIMENSION OR CALL
PB	PLAT BOOK	PT	POINT
PG	PAGE	STA	STATION
S.R.	STATE ROAD	REF.	REFERENCE
R/W	RIGHT-OF-WAY	AKA	ALSO KNOWN AS
CL	CENTER LINE	PSM	PROFESSIONAL SURVEYOR & MAPPER

SURVEYOR'S NOTES:

1. Bearings shown hereon are referenced to the southerly right of way of S.R.934 F/K/A S.R.828 a.k.a Normandy Drive per FDOT Right of Way Map of Section No.87080-2503, Map Book 79, Page 30, Sheet 2, which bears N86°03'19"E.
1. Exhibit "A" contains three Sheets (1.) Legal Description/Certification, (2.) Sketch of Legal Description (3.) Notes/Legend and is not full and complete without all sheets.
2. The purpose of this Exhibit "A" was to prepare a Legal Description and Sketch of the subject right of way area and is subject to three easements areas as described hereon and labeled as E1, E2 and E3. This document is not valid without the signature of the Surveyor and an authorized seal by the Surveyor.
3. Ownership is subject to OPINION OF TITLE.
4. The subject right property shown hereon is located in Fractional Section 10, Township 53 South, Range 42 East

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT: in the professional opinion of the undersigned Professional Surveyor and Mapper in the State of Florida the following SKETCH TO ACCOMPANY LEGAL DESCRIPTION is in compliance and meets the requirements of the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mapper in Rule 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Copies of the Sketch to Accompany Legal Description is not valid without the signature and seal of a Florida Licensed Surveyor and Mapper.

The seal appearing on this document was authorized by Brian T. Bellino, PSM No.4973 on September 1, 2020.

BRIAN T. BELLINO, PSM
City Surveyor Manager
Professional Surveyor and Mapper
State of Florida Reg. No.4973
Date: 09/01/2020

THIS IS NOT A SURVEY

Prepared by:

MIAMI BEACH
PUBLIC WORKS DEPARTMENT
1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL.33139

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Sheet 3 of 3