



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

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul J. Aguila, Interim City Manager

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Raul Aguila
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DATE: February 24, 2021

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO 1 TO THE LICENSE AND USE AGREEMENT WITH THE GREATER MIAMI HEBREW ACADEMY (ACADEMY), WHICH AUTHORIZES THE ACADEMY TO USE APPROXIMATELY 10,500 SQUARE FEET OF THE BAYSHORE PARK PROPERTY, LOCATED AT 2300 PINE TREE DRIVE, FOR CONSTRUCTION STAGING PURPOSES, ALONG THE NORTHERLY BOUNDARY OF THE ACADEMY'S PROPERTY, LOCATED AT 2400 PINE TREE DRIVE; SAID AMENDMENT EXTENDING THE TERM OF THE AGREEMENT THROUGH FEBRUARY 26, 2022 AND MODIFYING OTHER MISCELLANEOUS PROVISIONS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE FINAL AMENDMENT.**

ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution.

ANALYSIS

The Bayshore Park is being developed as a passive community park. The project scope includes a central lake, open meadows and informal open play field areas, site grading, pavilion, six (6) tennis courts with restroom facilities, children's playground, dog park, boardwalk and pathways, security lighting, vita course and fitness cluster, butterfly garden, linear water feature and parking lot. The passive park will preserve landmark specimen trees and pastoral spaces. The project is in the Miami Dade County DERM and Building permitting phase, with an anticipated project construction commencement in the first quarter of 2022.

The Greater Miami Hebrew Academy (Academy) is the property located at 2400 Pine Tree Drive and their northern property boundary abuts the Bayshore Park. The Academy is in the process of redevelopment and has begun new construction within their facility. In early 2019 the Academy requested to utilize a portion (approximately 10,500 square feet) of the Bayshore Park property for staging and storage during their construction.

On April 2019, the Mayor and City Commission adopted Resolution No. 2019-30765 granting a License and Use Agreement to the Academy with an expiration date of June 21, 2020 or 15 months from the effective date, whichever is earliest (Attachment A).

After significant delays to their project, the Academy has now commenced the construction of their new facility and is requesting an amendment to the original Agreement to allow for the use of this portion of the Bayshore Park property until February 26, 2022.

The Hebrew Academy accepts the staging site in "As Is" condition, is aware that the park property is subject to environmental and soil remediation and shall comply with the

requirements and terms stipulated in the original Agreement and this Amendment No. 1 (Attachment B), some of which are listed below:

- The City may, through its City Manager, for its convenience and without cause, terminate the agreement at any time during the term by giving written notice;
- Indemnify and forever save and keep harmless the City, its officials, employees, contractors, and agents relating to the use of the site;
- Secure any necessary permits from all the government agencies including the State of Florida, Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resource Management (DERM) and the City of Miami Beach;
- Cover the ground of the entire staging area with the approved clean gravel or fill material from an approved source, to the necessary thickness for the duration of the use of this property;
- Furnish to the City a payment and performance bond, or its equivalent, in the sum of Fifty Thousand (\$50,000) Dollars, to guarantee the terms and conditions of this Agreement;
- Obtain all the necessary insurance policies prior to use of the staging area and during the term of the Agreement;
- Implement good housekeeping techniques to eliminate any site contamination;
- Implement waste management, sediment and erosion control best management practices; and
- Maintain the site and return the site to the City in as good as or better than the previously existing condition.

The use of this area by the Hebrew Academy does not interfere with any City activities or uses at this time.

CONCLUSION

The Administration recommends approval of the resolution.

ATTACHMENTS:

Attachment A – License and Use Agreement

Attachment B – Amendment No. 1 to License and Use Agreement