

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN CONCEPT, RESTRICTIONS ON THE USE OF THE THREE CITY-OWNED WATERFRONT PARCELS DIRECTLY EAST OF THE NORTH SHORE BRANCH LIBRARY SITE LOCATED AT 7505 COLLINS AVENUE AND 7515 COLLINS AVENUE (THE "LIBRARY SITE"), TO ENSURE THE USE OF THE WATERFRONT PARCELS FOR OPEN SPACE AND RECREATION PURPOSES FOR THE BENEFIT OF THE PUBLIC, AS GENERALLY DEPICTED IN THE SKETCH ATTACHED TO THIS RESOLUTION, WITH (1) THE NORTHEASTERN SECTION OF THE WATERFRONT PARCELS (AREA "A") TO SOLELY BE USED FOR OPEN SPACE PURPOSES, RECREATIONAL USES, BEACH ACCESS, AND/OR BEACHWALK CONNECTIVITY BETWEEN ALTOS DEL MARK PARK AND THE FUTURE OCEAN TERRACE PARK/STREETSCAPE PROJECT; AND (2) THE SOUTHWESTERN SECTION OF THE WATERFRONT PARCELS (AREA "B") TO BE USED SOLELY IN FURTHERANCE OF PARK PURPOSES OR RELATED FOOD SERVICE CONCESSIONS, WITH ANY BUILDING THEREON TO BE LIMITED TO UP TO TWO STORIES, WITH A MAXIMUM HEIGHT OF UP TO THIRTY (30) FEET (INCLUDING ROOFTOP STRUCTURES); FURTHER, AUTHORIZING THE ADMINISTRATION AND CITY ATTORNEY TO DRAFT A DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT TO IMPLEMENT THIS RESOLUTION, WITH THE WATERFRONT PARCELS TO CONTINUE TO BE USED AS A PARKING LOT UNTIL THE RELOCATION OF THE NORTH SHORE BRANCH LIBRARY AND THE OPENING OF THE PARKING GARAGE AT THE 72ND STREET COMMUNITY COMPLEX.

WHEREAS, the City is the owner of the property located at 7505 and 7515 Collins Ave, Miami Beach, which is currently the home of the Miami-Dade County Branch North Shore Public Library (the "Library Site"), pursuant to an Interlocal Agreement between the City and Miami-Dade County ("Interlocal Agreement"); and

WHEREAS, in accordance with the Interlocal Agreement, the library will be relocated to the City's 72nd Street Community Complex, once that project is completed; and

WHEREAS, at the September 17, 2021 City Commission meeting, the Mayor and City Commission will consider whether to issue a Request for Proposals for the future development of the Library Site, following its relocation to the 72nd Street Community Complex (the "RFP"); and

WHEREAS, the waterfront parking lot located directly east of the Library Site is comprised of three (3) separate parcels, (Folio Numbers 02-3202-004-0360, 02-3202-004-0370, and 02-3202-004-0380) (the "Waterfront Parcels"); and

WHEREAS, currently, the Waterfront Parcels cannot be sold, leased, or otherwise disposed without an approval by a majority vote of the voters in a City-wide referendum in accordance with Section 1.03(b)(1) of the City Charter, which provides that 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; and

WHEREAS, several of the RFP development options would only be feasible, and would likely generate greater proceeds to the City for the sale of the Library Site, if the City restricted the use of the Waterfront Parcels via a Declaration of Restrictive Covenants and Grant of Easement, to benefit the Library Site (and make the property more valuable) while also ensuring that the Waterfront Parcels are only used for open space or recreational purposes; and

WHEREAS, restrictions on the use of the Waterfront Parcels would serve the public interest, particularly to limit development thereon and provide for greater green space and beachwalk connectivity, as set forth below; and

WHEREAS, the Mayor and City Commission desire to approve, in concept, the restrictions on the use of the Waterfront Parcels, and direct the City Administration and City Attorney to draft a Declaration of Restrictive Covenants and Easement to restrict the use of the Waterfront Parcels as follows:

- The northeastern section of the Waterfront Parcels, depicted as "Area A" in the exhibit attached to this Resolution, shall be dedicated for open space purposes, passive recreation use, and to provide continued access to the beach and connectivity between the Altos Del Mark Park to the North, and the future Ocean Terrace Park/Streetscape Project to the South; and
- The southwestern section of the Waterfront Parcels, depicted as "Area B" in the exhibit attached to this Resolution, shall be used solely in furtherance of either recreational/park purposes or related food service concessions, with any building constructed thereon to be limited to up to two stories, with a maximum height of thirty (30) feet (including rooftop structures); and
- The final configuration of Area A and Area B, as depicted in the sketch set forth in the exhibit attached to this Resolution, shall be adjusted, as necessary, to align with the final approved setbacks for the adjacent Ocean Terrace Development Project.

WHEREAS, the purpose of this Resolution is to provide the certainty that as the City proceeds with the RFP, the restrictions on the use of the Waterfront Parcels would

facilitate the future development of the Library Site, while also serving the public purposes of recreation and beach access; and

WHEREAS, in view of the significant current need for parking in the area, the Waterfront Parcels shall continue to be used as a parking lot until the relocation of the North Shore Branch Library and the opening of the parking garage at the 72nd Street Community Complex.

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 approve, in concept, restrictions on the use of the three City-owned waterfront parcels east of the North Shore Branch Library located at 7505 Collins Avenue and 7515 Collins Avenue (the "Library Site"), to ensure the use of the waterfront parcels for open space and recreation purposes for the benefit of the public, as generally depicted in Exhibit "A" of this Resolution, with (1) the northeastern section of the Waterfront Parcels (Area "A") to solely be used for open space purposes, recreational uses, beach access, and/or beachwalk connectivity between Altos Del Mark Park and the future Ocean Terrace Park/Streetscape Project; and (2) the southwestern section of the Waterfront Parcels (Area "B") to be used solely in furtherance of park purposes or related food service concessions, with any building thereon to be limited to a two-story building with a maximum height of 30 feet (including rooftop structures); further, authorize the Administration and City Attorney to draft a declaration of restrictive covenants and grant of easement to implement this Resolution, with the Waterfront Parcels to continue to be used as a parking lot until the relocation of the North Shore Branch Library and the opening of the parking garage at the 72nd Street Community Complex.

PASSED AND ADOPTED this ____ day of _____ 2021.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Richardson)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 8-8-21
Date