

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE, IN A FORM APPROVED BY THE CITY ATTORNEY, A DECLARATION OF RESTRICTIVE COVENANTS AND MAINTENANCE AGREEMENT (“DECLARATION”) REGARDING IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY, BY SHORE CLUB PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY (“OWNER”), IN FAVOR OF THE CITY OF MIAMI BEACH (THE “CITY”), TO DESIGN, CONSTRUCT, AND INSTALL LANDSCAPING AND ASSOCIATED IMPROVEMENTS (“IMPROVEMENTS”) ON THE OWNER’S PROPERTY AND IN CERTAIN PORTIONS OF THE PUBLIC RIGHT-OF-WAY ABUTTING THE PROPERTY LOCATED AT 1901 COLLINS AVENUE (“PROPERTY”) AND REQUIRING OWNER, AT ITS SOLE COST, TO MAINTAIN THE IMPROVEMENTS.

WHEREAS, Owner holds fee simple title to that certain property known as 1901 Collins Avenue, Miami Beach, Florida (the “Property”), identified by Miami-Dade County Folio No. 02-3226-001-0020; and

WHEREAS, Owner seeks to develop a temporary sales center on the Property with improved landscaping along 20th Street and along the City Beach Walk; (the “Project”); and

WHEREAS, Owner intends to renovate and restore portions of the Property, at which time Owner will install new landscaping and improvements on the Property and within the City Beach Walk and 20TH Street rights-of-way adjacent to the Property, subject to the review and approval of City staff and/or the Historic Preservation Board, as may be applicable (the “Future Improvements”); and

WHEREAS, the City of Miami Beach (“City”) requires that the owner design, construct, and install the Improvements, and any Future Improvements, on the Property and in certain portions along the City Beach Walk and 20th Street adjacent to the Property, substantially in accordance with the plans reviewed and approved by the City (the “Plans”); and

WHEREAS, the Owner has applied to the City for permission to install the Improvements along the right-of-way, according to the Plans; and

WHEREAS, the City has jurisdiction over 20th Street and the City Beach Walk rights-of-way; and

WHEREAS, the City has requested the Owner execute this Declaration to ensure that Owner will maintain or cause to be maintained the Improvements, and the Future Improvements, in a good state of repair as required below, without liability or cost to the City; and

WHEREAS, the Administration recommends the Mayor and City Commission approve the Declaration.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby approve and authorize the Public Works Director to execute, in a form approved by the City Attorney, a Declaration of Restrictive Covenants and Maintenance Agreement Regarding Improvements in the Public Right of Way, by Owner Shore Club Property Owner, LLC, a Delaware limited liability company, in favor of the City, to design, construct, and install, at Owner's sole cost and expense, landscaping and associated improvements ("Improvements") on the Owner's property and along certain portions of the public rights-of-way abutting the property, located at 1901 Collins Avenue ("Property"), and requiring Owner, at its sole cost, to maintain the Improvements, in connection with the construction of a sales center and redevelopment of the Property.

PASSED and ADOPTED this _____ day of _____, 2022.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney NK 7-15-22
Date