**RESOLUTION NO. _____**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A UTILITY EASEMENT AGREEMENT IN FAVOR OF FLORIDA POWER & LIGHT, FOR THE PERPETUAL, NON-EXCLUSIVE USE OF AN EASEMENT AREA HAVING APPROXIMATELY 18,381 SQUARE FEET, ALONG A PORTION OF THE PROPERTIES LOCATED AT 1701 CONVENTION CENTER DRIVE AND 1700 WASHINGTON AVENUE, LYING IN A PORTION OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 42 EAST, FOR THE OPERATION AND MAINTENANCE OF TWO ABOVE GROUND VAULT ROOMS, ASSOCIATED EQUIPMENT AND UNDERGROUND UTILITY FACILITIES, NECESSARY TO SERVE THE ANTICIPATED CONVENTION CENTER HOTEL PROJECT.**

**WHEREAS,** On July 25, 2018, the Mayor and City Commission adopted Resolution No. 2018-30425, approving a Development and Ground Lease Agreement between the City and MB Mixed Use Investment, LLC for the development of an 800 room convention hotel and related facilities (the "Convention Center Hotel Project"); and

**WHEREAS**, the proposed Convention Center Hotel Project is set to break ground on an approximate 2.6-acre site on the northeast corner of 17th Street and Convention Center Drive, bounded roughly by the Miami Beach Convention Center to the North, 17th Street to the South, The Fillmore Miami Beach at the Jackie Gleason Theater to the East and Convention Center Drive to the West; and

**WHEREAS**, as part of the construction phase, Florida Power and Light ("FPL") will be installing two (2) above ground electrical vault rooms, with corresponding underground electrical lines (the "FPL Facilities"), which will be required to provide service to the proposed Convention Center Hotel Project; and

**WHEREAS,** it is customary for FPL to seek legal authority, pursuant to a perpetual, non-exclusive Easement, in order to access the Easement Area to install, maintain and repair the FPL Facilities; and

**WHEREAS**, based upon the foregoing, the City Manager recommends the approval of a perpetual, non-exclusive Easement Agreement in favor of FPL, in the form attached to the City Commission Memorandum accompanying this Resolution, which includes a sketch and legal description of the Easement Area.

**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 City Manager and City Clerk to execute a utility Easement Agreement in favor of Florida Power & Light, for the perpetual, non-exclusive use of an Easement Area having approximately 18,381 square feet, along a portion of the properties located at 1701 Convention Center Drive and 1700 Washington Avenue, lying in a portion of section 35, Township 53 South, Range 42 East, for the operation and maintenance of two above ground vault rooms, associated equipment and underground utility facilities, necessary to serve the anticipated Convention Center

Hotel Project.

**PASSED** and **ADOPTED** this _____ day of _____, 2022

**ATTEST**:

_____ _____

CITY CLERK MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney GMT 8-15-22
Date