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 MAINTENANCE MEMORANDUM OF AGREEMENT (MMOA), BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), ASSIGNING TO THE CITY THE FULL MAINTENANCE RESPONSIBILITIES FOR CERTAIN LANDSCAPING AND ARCHITECTURAL FEATURES AND IMPROVEMENTS ALONG A PORTION OF STATE ROAD (SR) 907 (ALTON ROAD) AT LINCOLN ROAD, IN CONNECTION WITH THE REDEVELOPMENT OF THE PROPERTY LOCATED AT 1628-1634 ALTON ROAD.

WHEREAS, OSIB MIAMI BEACH PROPERTIES, LLC, (the "Owner") owns the property located at 1628-1634 Alton Road, as identified by Miami-Dade County Folio Nos. 02-3234-018-0170 and 02-3234-018-0180 (the "Property"); and

WHEREAS, the Owner has obtained certain approvals from the City in connection with the redevelopment of the Property; and

WHEREAS, SR 907, also known as "Alton Road," is a roadway maintained by the state of Florida, pursuant to the Florida Statutes and through the authority of the FDOT; and

WHEREAS, the City, under permit 2020-L-691-00010, requested that the Owner install certain landscaping and architectural features and improvements (the "Improvements") on the Property and along a portion of Alton Road at Lincoln Road in accordance with the Hardscape Plan, Planting Plan, Plant List and Specifications, Irrigation Plan, Irrigation Specifications, and Lighting Plan (collectively, the "Site Plans"); and

WHEREAS, in addition to adherence to the installation of the Improvements in accordance with the approved Site Plans, the City will require the Owner to execute a Declaration of Restrictive Covenants (the "Declaration") concerning the Improvements which Restrictive Covenants include provisions delineating Owner's responsibility to adequately maintain the Improvements as required by the development approvals and as required by the FDOT, at no cost to the City; and

WHEREAS, the Owner has applied to the City for permission to install the Improvements within the ROW, which extend into the FDOT's jurisdiction along a portion of Alton Road at Lincoln Road; and

WHEREAS, as a condition to approving the issuance of the required permits for the project, the FDOT is requiring that the City execute a Maintenance Memorandum of Agreement (MMOA), pursuant to which the City assumes responsibility for the maintenance of such portions of the Improvements as are located on Alton Road (the MMOA is attached to the Memorandum accompanying this Resolution); and

WHEREAS, pursuant to the Declaration, the City will transfer to Owner all maintenance obligations imposed upon the City under the MMOA; and

WHEREAS, the Improvements will enhance the aesthetic appeal of the intersection of Alton Road and Lincoln Road.

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 Maintenance Memorandum of Agreement (MMOA), between the City and the Florida Department of Transportation (FDOT), assigning to the City the full maintenance responsibilities for the landscaping and architectural feature and improvements within a portion of State Road (SR) 907 (Alton Road) at Lincoln Road, in connection with the redevelopment of the property located at 1628 -1634 Alton Road, provided that the City transfers all responsibilities to the owner of such property pursuant to a Declaration of Restrictive Covenants.

PASSED and ADOPTED THIS _____ day of _____, 2022

_____, 2022.

ATTEST:

_____ _____

CITY CLERK MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

For City Attorney 9/8/2022 Date