

RESOLUTION NO: _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A PERPETUAL, NON-REVOCABLE RIGHT-OF-WAY EASEMENT AGREEMENT WITH OCEAN PARK SOUTH BEACH CONDOMINIUM ASSOCIATION, INC. ("GRANTOR"), IN THE FORM ATTACHED TO THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION; SAID AGREEMENT GRANTING THE CITY THE RIGHT TO USE A THREE (3) FOOT EASEMENT AREA, ALONG THE EASTERN PORTION OF GRANTOR'S PROPERTY, LOCATED AT 304 OCEAN DRIVE, FOR SIDEWALK PURPOSES AND TO ACCESS, INSTALL, OPERATE, MAINTAIN, REPAIR, REPLACE AND UPGRADE UTILITIES; SAID EASEMENT AREA HAVING APPROXIMATELY 150 SQUARE FEET AND LYING ON THE NORTHWESTERLY THREE (3) FEET OF THE SOUTHEASTERLY FIFTEEN (15) FEET OF LOT 7, BLOCK 4, OCEAN BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 38, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

WHEREAS, 312 Ocean Park, LLC, a Florida limited liability company, developed the property located at 304 Ocean Drive, Miami Beach as a condominium, as evidenced by that certain Declaration of Ocean Park Condominium, recorded in Official Records Book 33521, at Page 3284, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, Ocean Park Condominium ("Condominium") is governed by Ocean Park South Beach Condominium Association, Inc. (the "Association"); and

WHEREAS, the subject property is comprised of Lot 8, of Block 4, less the Easterly 15.00 feet thereof, and Lot 7, of Block 4, less the Easterly 12.00 feet thereof, of OCEAN BEACH, FLORIDA. according to the Plat thereof, recorded in Plat Book 2, at Page 38, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, there is a three (3) foot strip of land owned by the Association along the eastern boundary of the subject property, which is already currently used and maintained by the City for sidewalk purposes ("Easement Area"); and

WHEREAS, the Association would like to grant the City, at no cost to the City, a perpetual, non-revocable easement, to formalize the current use of the Easement Area as a sidewalk, and to further grant the City the right to access, install, operate, maintain, repair, replace and upgrade utilities within the Easement Area; and

WHEREAS, pursuant to Section 718.111(10), Florida Statutes, the Association has the authority to grant easements on behalf of the Condominium; and

WHEREAS, based upon the foregoing, the City Manager recommends that the Mayor and City Commission approve and authorize the City Manager and City Clerk to execute the Easement Agreement, in the form attached to the City Commission Memorandum accompanying this Resolution, in order to accept the public benefit being proffered by the Association at no additional cost to the City.

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 authorize the City Manager and City Clerk to execute a perpetual, non-revocable right-of-way Easement Agreement with Ocean Park South Beach Condominium Association, Inc. ("Grantor"), in the form attached to the City Commission Memorandum accompanying this Resolution; said Agreement granting the City the right to use a three (3) foot Easement Area, along the eastern portion of Grantor's property, located at 304 Ocean Drive, for sidewalk purposes and to access, install, operate, maintain, repair, replace and upgrade utilities; said Easement Area having approximately 150 square feet and lying on the northwesterly three (3) feet of the southeasterly fifteen (15) feet of lot 7, Block 4, Ocean Beach, Florida, according to the plat thereof, as recorded in Plat Book 2 at Page 38, of the public records of Miami-Dade County, Florida.

PASSED and ADOPTED this _____ day of _____ 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *Stitt*

3-6-23
Date