

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) AND SR-A1A (MACARTHUR CAUSEWAY) (5TH STREET), IN CONNECTION WITH THE REDEVELOPMENT OF THE PROPERTY LOCATED AT 500 ALTON PARK.**

**WHEREAS**, TCH 500 Alton, LLC (the "Developer"), as successor-in-interest to South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, 1220 Sixth, LLC, and KGM Equities, LLC, is the owner of the property located at 500 Alton Road. The Developer intends to develop the property with a mixed-use residential and commercial development as part of an overall redevelopment plan that also included the construction and dedication of the City's Canopy Park and the development of a new pedestrian bridge crossing SR-A1A (MacArthur Causeway) (5th Street) at West Avenue; and

**WHEREAS**, the Developer has obtained certain approvals from the City in connection with the redevelopment of the property located at 500 Alton Road; and

**WHEREAS**, the City, under permit numbers 2022-L-691-00015, 2021-A-691-00003, 2021-D-691-00002 and 2021-K-691-00004, requested that the owners install and maintain landscape, irrigation, bonded aggregate surfaces, pavers, and pigmented sidewalks on the property and along a portion of State Road (SR) 907 (Alton Road) and SR-A1A (MacArthur Causeway) (5th Street) (the "Improvements"), in accordance with all applicable department guidelines, standards, and procedures, and the "Maintenance Rating Program" of the International Society of Arboriculture standards, guidelines and procedures; and

**WHEREAS**, in addition to adherence to the approved site plans, the City will require the Developer to execute a Declaration of Restrictive Covenants and Maintenance Agreement, regarding its responsibility to adequately maintain the Improvements required by the development approvals and as required by FDOT pursuant to the MMOA (as described below), at no cost to the City; and

**WHEREAS**, the Developer has applied to the City for permission to install the Improvements within the right-of-way, which extend into the Florida Department of

Transportation's (FDOT) jurisdiction along a portion of State Road (SR) 907 (Alton Road) and SR-A1A (MacArthur Causeway) (5th Street); and

**WHEREAS**, in order for FDOT to approve the issuance of the required permits for the project, FDOT is requiring that the City execute a Maintenance Memorandum of Agreement (MMA), pursuant to which the City assumes responsibility for maintaining the Improvements (a copy of the MMA 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 MMA; and

WHEREAS, the Improvements will enhance the aesthetic appeal of the Northwest quadrant of the intersection of Alton Road (SR-907) and the MacArthur Causeway/5<sup>th</sup> Street (SR-A1A).

**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 (MMA), 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) and SR-A1A (MacArthur Causeway) (5<sup>th</sup> Street), in connection with the redevelopment of the property located at 500 Alton Park, provided that the City transfers all responsibilities to TCH 500 Alton, LLC, pursuant to a Declaration of Restrictive Covenants and Maintenance Agreement.

**PASSED and ADOPTED THIS** \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
Date