

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TEMPORARY EASEMENT AGREEMENT WITH MIAMI-DADE COUNTY (COUNTY) FOR USE OF THE ACCESS POINT AND SPOIL AREA OF THE 46TH STREET PARKING LOT, FOR A PERIOD OF NINE (9) MONTHS, FROM JULY 29, 2023 THROUGH APRIL 28, 2024, FOR EQUIPMENT STAGING AND ACCESS BY THE COUNTY OR ITS DESIGNEE, IN CONNECTION WITH THE PLACEMENT OF CLEAN SAND ON THE CITY'S BEACHES UNDER A UNITED STATES ARMY CORPS OF ENGINEERS BEACH RENOURISHMENT PROGRAM.

WHEREAS, the City, State of Florida, Miami-Dade County (County) and US Army Corps of Engineers (USACE) have coordinated to provide beach material in four eroded areas of the Miami Beach, Miami-Dade County, Florida, Erosion Control and Hurricane Protection Project; and

WHEREAS, the lands are located seaward of the erosion control line (ECL) at Miami Beach between Florida Department of Environmental Protection (FDEP) reference monuments R-43 and R-46, R-49 and R-51, R-53 and R-56, and between R-60 to R-61; and

WHEREAS, the County, on behalf of the US Army Corps, requires a staging area in order to stage the vehicles and equipment needed to install the fill along the beach; and

WHEREAS, on March 17, 2021, the Mayor and City Commission adopted Resolution No. 2021-31621, authorizing the City Manager to execute a temporary easement with the County for the non-exclusive access and use for staging areas on City property, located at the beachfront parking lots at 46 street, 53 street, and 65 street in order to provide access points to the County or its designee to place clean sand on the City's beaches; and

WHEREAS, on March 24, 2021, the City and the County executed the Temporary Easement Agreement for a period of 28 months, which agreement is set to expire on July 28, 2023; and

WHEREAS, the USACE and the County have requested to continue utilizing the beach access point at 46th Street and the spoil area located at the 46th Street Parking Lot for staging activities (Temporary Easement Areas) for an additional nine (9) months, commencing on July 29, 2023 and expiring on April 28, 2024; and

WHEREAS, the City Manager recommends executing the proposed Temporary Easement Agreement (including sketch and legal description of the Temporary Easement Areas), incorporated herein by reference and attached to the City Commission Memorandum accompanying this Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City commission hereby approve and authorize the City Manager to execute a Temporary Easement Agreement with Miami-Dade County (County) for use of the access point and spoil area of the 46th Street Parking Lot, for a period of nine (9) months, from July 29, 2023 through April 28, 2024, for equipment staging and access by the County or its designee, in connection with the placement of clean sand

staging and access by the County or its designee in connection with the placement of clean sand on the City's beaches under a United States Army Corps of Engineers Beach Renourishment Program.

PASSED and **ADOPTED** this ____ day of April, 2023.

Dan Gelber, Mayor

ATTEST:

Rafael Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3-29-23

Date

