

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE VACATION OF THAT PORTION OF THE RIGHT-OF-WAY, THAT IS MERIDIAN COURT, LYING BETWEEN LOTS 6, 7, 8, 9, 10 AND 11, OF BLOCK 73, OF "OCEAN BEACH, FLA ADDITION NO. 3", RECORDED IN PLAT BOOK 2, PAGE 81, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA (THE "PLAT"), BOUNDED ON THE NORTH BY A LINE RUNNING FROM THE NORTHEAST CORNER OF SAID LOT 11, TO THE NORTHWEST CORNER OF SAID LOT 6, AND BOUNDED ON THE SOUTH BY A LINE RUNNING FROM THE SOUTHEAST CORNER OF SAID LOT 9, TO THE SOUTHWEST CORNER OF SAID LOT 8, CONTAINING APPROXIMATELY 3,001 SQUARE FEET (THE "ALLEY"); AND AUTHORIZING THE CITY MANAGER TO GRANT NON-EXCLUSIVE UTILITY EASEMENTS TO CURRENT UTILITY PROVIDERS AND FUTURE UTILITY PROVIDERS, AS NEEDED, FOR USE OF AN EASEMENT AREA LYING IN A PORTION OF THE ALLEY AND LOT 6, OF BLOCK 73, OF THE PLAT, HAVING APPROXIMATELY 4,132 SQUARE FEET, TO PROVIDE UTILITY SERVICES FOR THE NEW FIRE STATION NO. 1 AND SURROUNDING PROPERTIES; AND AUTHORIZING THE CITY MANAGER TO GRANT FLORIDA POWER & LIGHT (FPL) AN EXCLUSIVE UTILITY EASEMENT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A VAULT ROOM, WITHIN AN EASEMENT AREA LYING IN A PORTION OF THE ALLEY AND LOTS 6 AND 7, OF BLOCK 73, OF THE PLAT, HAVING APPROXIMATELY 318 SQUARE FEET, AS A REPLACEMENT FOR THE VAULT ROOM CURRENTLY LOCATED ON THE PROJECT SITE; AND FURTHER AUTHORIZING THE CITY MANAGER TO RECORD AN INGRESS/EGRESS EASEMENT, FOR USE OF AN EASEMENT AREA LYING IN A PORTION OF THE ALLEY AND LOT 6, OF BLOCK 73, OF THE PLAT, HAVING APPROXIMATELY 3,993 SQUARE FEET, FOR USE BY THE PUBLIC TO ACCESS MERIDIAN COURT FROM MERIDIAN AVENUE, ALONG THE NORTHERN PORTION OF THE PROJECT SITE; SAID EASEMENT AGREEMENTS BEING SUBJECT TO APPROVAL BY THE CITY ATTORNEY.

WHEREAS, on July 31, 2019, pursuant to Request for Qualifications (RFQ) No. 2019-208-ND, the Mayor and City Commission adopted Resolution No. 2019-30913 approving and authorizing the Mayor and City Clerk to execute an Agreement with Wannemacher Jensen Architects, Inc. (WJA), for Architectural and Engineering Design Services, for the new Fire Station No. 1 facility ("Fire Station Project" or "Project"); and

WHEREAS, in January 2021, after several rounds of conceptual design, WJA submitted 30% construction documents for the new Fire Station No.1 at the site of the South Shore Community Center, located at 833 6th Street, in the Flamingo Park Neighborhood (the "Project Site"); and

WHEREAS, the proposed 29,369 square foot facility will provide four drive-thru apparatus bays, living spaces, offices, a kitchen, a gym, support facilities and 34 parking spaces, and vehicular access is maintained to surface Parking Lot P-11, which is located on site, and to Meridian Court right-of-way (the "Alley"); and

WHEREAS, in July 2021, the Project was submitted to the Planning department for Historic Preservation Board (HPB) review, and on December 8, 2021, the Mayor and City

Commission adopted Resolution No. 2021-31949, approving the waiver of the Development Regulations, pursuant to Section 142-425 (d) of the Land Development Regulations, after a duly noticed public hearing, as required for the Project design; and

WHEREAS, on the March 8, 2022, after two presentations to the HPB, the updated design incorporating all design modifications was approved; and

WHEREAS, conditions to the approval by the HPB include preparation of a Unity of Title for the parcels of land that comprise the Project Site and will require vacation of the existing Alley, located between the two existing parcels which comprise the Project Site; and

WHEREAS, the existing building on the Project Site currently encroaches on a portion of the Alley, as such building was constructed without a vacation of the Alley, which vacation should have been accomplished at the time; and

WHEREAS, during the development of the 60% and 90% Construction Documents, the consultants coordinated with several utility providers that exist on site, and determined that Florida Power and Light (FPL) and AT&T have utilities that run under the existing building, which will need to be relocated to continue to serve the rest of the surrounding area during construction of the Project; and

WHEREAS, the relocation of the utilities will be addressed as a part of the Fire Station Project; and

WHEREAS, on October 9, 2022, the Mayor and City Commission adopted Resolution No. 2023-32520, amending the contract with WJA to include the services necessary to address the vacation of the Alley, dedication of required easements, and preparation and recording of the Unity of Title as required by HPB; and

WHEREAS, the portion of the Alley, which exists between the two parcels of land, will have to be vacated, combining the two parcels into one contiguous parcel, so that the Unity of Title, required by HPB, can be recorded; and

WHEREAS, the Administration recommends vacating the portion of the Alley lying between Lots 6, 7, 8, 9, 10 and 11, of Block 73, of "Ocean Beach, Fla Addition No. 3", recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida (the "Plat"), bounded on the north by a line running from the northeast corner of said Lot 11, to the northwest corner of said Lot 6, and bounded on the south by a line running from the southeast corner of said Lot 9, to the southwest corner of said Lot 8, containing approximately 3,001 square feet, as more particularly described in the sketch and legal description, entitled "20 Feet Public Alley Vacation," attached to the City Commission Memorandum accompanying this Resolution ("City Commission Memorandum") as Exhibit A; and

WHEREAS, once the Unity of Title is recorded, the Project Site will be combined into one large parcel of land, with one folio number, having approximately 45,021 square feet, lying in all of Lots 6, 7, 8, 9, 10 and 11, of Block 73 of the Plat, together with the Alley, as more particularly described in the Sketch and Legal Description, entitled "Fire Station, Miami Beach", attached to the City Commission Memorandum as Exhibit A-1 (the "Contiguous Parcel"); and

WHEREAS, several meetings have been held with representatives of FPL to coordinate the scope of work required for the relocation of the electrical service; and

WHEREAS, the relocated electrical service will run east on 6th Street, north on Meridian Avenue and then west across the P-11 Parking Lot; and

WHEREAS, where the electrical service crosses the P-11 Parking Lot, a utility easement will be required to allow FPL to cross the private Contiguous Parcel; and

WHEREAS, the relocation work associated with the FPL facilities will also include the relocation of existing duct bank, abandonment of existing vault room, and the installation of temporary power during construction; and

WHEREAS, in connection with the development of the new Fire Station Project, FPL will need to construct a new vault room on the Contiguous Parcel in order to continue to serve the Fire Station Project and the surrounding properties; and

WHEREAS, similarly, meetings were held with representatives of AT&T, to coordinate the scope required to reroute their lines and facilities which conflict with the construction of the new fire station; and

WHEREAS, AT&T proposes to reroute their lines east on 6th Street, north on Meridian Avenue, west across the P-11 Parking Lot, and north on the Alley, to an existing manhole on 7th Street; and

WHEREAS, where the AT&T service crosses P-11, a Utility Easement will also be required to allow AT&T to cross the Contiguous Parcel; and

WHEREAS, in a companion City Commission agenda item, the Administration is seeking approval to pay for the costs associated with the relocation of the FPL & AT&T utility facilities which conflict with the Fire Station Project Site, including design and engineering services, and construction costs associated with the relocation of the FPL and AT&T utility; and

WHEREAS, the relocated FPL and AT&T utilities will require a Utility Easement to cross the Contiguous Parcel; and

WHEREAS, other utility providers, TECO gas, Comcast and City of Miami Beach Public Works Department (water distribution lines), also cross P-11 to provide service from the Alley, north of the Project Site; and

WHEREAS, the Administration is requesting authority to grant Non-Exclusive Utility Easements to the current utility providers and future utility providers, as needed, for use of an Easement Area located on a portion of the Contiguous Parcel, lying in a portion of the Alley and Lot 6, of Block 73, of the Plat, having approximately 4,132 square feet, as more particularly described in the Sketch and Legal Description, entitled "Non-Exclusive Utility Easement", attached to the City Commission Memorandum as Exhibit B; and

WHEREAS, an Exclusive Utility Easement will be required by FPL for the installation, operation and maintenance of a vault room, extending south from the Non-Exclusive Utility Easement Area, having approximately 318 square feet, lying in a portion of the Alley and Lots 6 and 7, of Block 73, of the Plat, as more particularly described in the Sketch and Legal Description, entitled "Florida Power and Light Company Utility Easement," attached to the City Commission Memorandum as Exhibit B-1; and

WHEREAS, residents, utility providers, sanitation contractors and others will need to access to the Alley by crossing the northern portion of the Contiguous Parcel, including the drive aisle of Parking Lot P-11, between the Alley and Meridian Avenue; as such, an Ingress/Egress Easement will be required, having an Easement Area of approximately 3,993 square feet, lying in a portion of the Alley and Lot 6, of Block 73, of the Plat, as more particularly described in the Sketch and Legal Description, entitled "Ingress/Egress Easement," attached to the City Commission Memorandum as Exhibit C; and

WHEREAS, the City Manager recommends approving the vacation of the 20 foot Alley to accommodate the Fire Station Project, particularly since the existing building is already encroaching on the Alley; and further approving and authorizing the City Manager to grant the easements referenced herein.

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 the vacation of that portion of the Right-of-Way, that is Meridian Court, lying between Lots 6, 7, 8, 9, 10 and 11, of Block 73, of "Ocean Beach, Fla Addition No. 3", recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida (the "Plat"), bounded on the north by a line running from the northeast corner of said Lot 11, to the northwest corner of said Lot 6, and bounded on the south by a line running from the southeast corner of said Lot 9, to the southwest corner of said Lot 8, containing approximately 3,001 square feet (the "Alley"); and authorize the City Manager to grant Non-Exclusive Utility Easements to current utility providers and future utility providers, as needed, for use of an Easement Area lying in a portion of the Alley and Lot 6, of Block 73, of the Plat, having approximately 4,132 square feet, to provide utility services for the new Fire Station No. 1 and surrounding properties; and authorize the City Manager to grant Florida Power & Light (FPL) an Exclusive Utility Easement for the installation, operation and maintenance of a vault room, within an Easement Area lying in a portion of the Alley and Lots 6 and 7, of Block 73, of the Plat, having approximately 318 square feet, as a replacement for the vault room currently located on the Project Site; and further authorize the City Manager to record an Ingress/Egress Easement, for use of an Easement Area lying in a portion of the Alley and Lot 6, of Block 73, of the Plat, having approximately 3,993 square feet, for use by the public to access Meridian Court from Meridian Avenue, along the northern portion of the Project Site; said Easement Agreements being subject to approval by the City Attorney.

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

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

7-12-23
Date