

RESOLUTION: _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, A MAINTENANCE MEMORANDUM OF AGREEMENT (MMOA) BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN CONNECTION WITH THE INSTALLATION OF LANDSCAPE, IRRIGATION, BONDED AGGREGATE SURFACES, SILVA CELLS, PIGMENTED SIDEWALKS, AND ASSOCIATED FEATURES (IMPROVEMENTS) ALONG FDOT'S SR-A1A (ABBOTT AVENUE) FROM 71ST STREET TO 72ND STREET; SAID MMOA ASSIGNING THE MAINTENANCE REPOSIBILITIES FOR THE IMPROVEMENTS TO THE CITY; AND FURTHER AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE MMOA.

WHEREAS, Abbott Avenue Partners, LLC, a Delaware limited liability company; Pumps at 71, LLC, a Delaware limited liability company; and 7433 Collins Ave. Corp., a Florida corporation limited liability company (collectively, "the Developer") are the owners of certain parcels located from State Road (SR) A1A (Abbott Avenue) from 71st Street to 72nd Street, which are located within the limits of the City; and

WHEREAS, the Developer intends to develop the property as a mixed-use residential and commercial development; and

WHEREAS, the Developer has obtained certain approvals from the City in connection with the redevelopment of the property located at 7140 Abbott Avenue specifically; and

WHEREAS, the City, under permit number 2022-L-691-00019, has requested that the Developer install landscape, irrigation, bonded aggregate surfaces, silva cells, and pigmented sidewalks along SR-A1A, in accordance with the design plans (the "Improvements"); and

WHEREAS, in addition to adherence to the approved site plans, the City will require the Developer to execute a Declaration of Restrictive Covenants ("Declaration"), which will set forth the Developer's responsibility to adequately maintain the Improvements required by the development approvals and as required by FDOT, 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) A1A (Abbott Avenue) from 71st Street to 72nd Street; and

WHEREAS, in order for FDOT to approve the issuance of the required permits for the project, FDOT is requesting that the City be responsible for the maintenance of the Improvements via a Maintenance Memorandum of Agreement (MMOA); and

WHEREAS, FDOT will approve the permits for the proposed Improvements, so long as the City agrees to execute an MMOA with FDOT, accepting full maintenance responsibility for the area, and the City will then rely upon the Declaration to assign the maintenance responsibility to the Developer; and

WHEREAS, the City has executed several similar agreements in the past where landscape and nonstandard materials have been installed by private property owners on the public right-of-way; and

WHEREAS, the Declaration is consistent with the requirements of Section 98-166, of the City Code, which requires property owners and tenants to maintain the sidewalks and landscaping fronting the adjacent private property; and

WHEREAS, based upon the foregoing, the City Manager recommends approving, in substantial form, the MMOA, a draft copy of which is attached to the City Commission Memorandum accompanying this Resolution; and further authorizing the City Manager to finalize and execute the MMOA.

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, in substantial form, a Maintenance Memorandum of Agreement (MMOA) between the City and the Florida Department of Transportation (FDOT) in connection with the installation of landscape, irrigation, bonded aggregate surfaces, silva cells, pigmented sidewalks, and associated features ("Improvements") along FDOT's SR-A1A (Abbott Avenue) from 71st Street to 72nd Street; said MMOA assigning the maintenance responsibilities for the Improvements to the City; and further authorizing the City Manager to finalize and execute the MMOA.

PASSED and ADOPTED this 31st day of January, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1-8-24
Date