

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA, APPROVING, IN SUBSTANTIAL FORM, A SUBORDINATION AGREEMENT ATTACHED TO THIS RESOLUTION AS EXHIBIT "1" RELATING TO THE CITY'S INTEREST IN AN EASEMENT LOCATED WITHIN THE MOUNT SINAI MEDICAL CENTER PROPERTY, HAVING AN EASEMENT AREA OF APPROXIMATELY 1,291 SQUARE FEET, PURSUANT TO THAT CERTAIN UTILITY EASEMENT AGREEMENT FROM MOUNT SINAI MEDICAL CENTER OF FLORIDA, INC. TO THE CITY, RECORDED IN OFFICIAL RECORDS BOOK 32516, PAGE 1906, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SAID SUBORDINATION AGREEMENT GRANTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) A SUPERIOR INTEREST IN THE USE OF APPROXIMATELY 163 SQUARE FEET OF THE EASEMENT AREA (SUBORDINATE EASEMENT AREA) IN THE EVENT OF A CONFLICT BETWEEN THE CITY AND FDOT FACILITIES; SAID SUBORDINATE EASEMENT AREA DESCRIBED AS PARCEL 803.9, LOCATED WITHIN THE MOUNT SINAI MEDICAL CENTER PROPERTY, IN A PORTION OF LOT 41, BLOCK 1, OF NAUTILUS SUBDIVISION OF THE MIAMI BEACH BAY SHORE CO. MIAMI BEACH, FLA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 95, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 22, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS MORE PARTICULARLY DESCRIBED IN THE SUBORDINATION AGREEMENT, TO BE USED BY FDOT FOR THE PURPOSE OF INSTALLING AND MAINTAINING PART OF A CHANNELIZATION ISLAND; AND FURTHER AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE SUBORDINATION AGREEMENT.

WHEREAS, the Florida Department of Transportation (FDOT) is planning to reconstruct Alton Road from 43rd Street to 48th Street, including but not limited to raising the elevation of the road, installing major drainage improvements; and providing above ground enhancement such as lighting, signing and markings, etc.; and

WHEREAS, on October 26, 2022, the City Commission adopted Resolution No. 2022-32358, approving a Memorandum of Agreement (MOA) with FDOT, memorializing FDOT's undertaking to design and construct certain City-owned utility and transportation facilities along FDOT's State Road 907/Alton Road, from Michigan Avenue to 43rd Street, as part of the Alton Road Reconstruction Project; and

WHEREAS, it is expected that a similar MOA will be approved for the Alton Road segment from 43rd Street to 48th Street; and

WHEREAS, FDOT is expecting to begin construction of the Alton Road Reconstruction project from 43rd Street to 48th Street in the year 2027; and

WHEREAS, FDOT is proposing to install and maintain part of a channelization island on land that is owned by Mount Sinai Medical Center of Florida, Inc. ("Mount Sinai") and encumbered by a City-owned utility easement located within the Mount Sinai Medical Center property, having an Easement Area of approximately 1,291 square feet, previously secured by the City pursuant to that certain Utility Easement Agreement from Mount Sinai to the City, recorded in Official Records Book 32516, Page 1906, of the Public Records of Miami-Dade County, Florida (the "Easement Agreement"),

and identified as Easement "B" to the Easement Agreement, a copy of which is attached to the City Commission Memorandum accompanying this Resolution; and

WHEREAS, FDOT is requesting that the City approve the subordination of a portion of the Easement Area of the Easement Agreement, containing approximately 163 square feet ("Subordinate Easement Area"), in the event of a conflict between the City and FDOT facilities; said Subordinate Easement Area described as parcel 803.9 in the proposed subordination document, entitled "City Subordination of Utility Interests" ("Subordination Agreement"), and lying in a portion of Lot 41, Block 1, of NAUTILUS SUBDIVISION OF MIAMI BEACH BAY SHORE CO. MIAMI BEACH, FLA., according to the Plat thereof, as recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida, lying in Section 22, Township 53 South, Range 42 East, as more particularly described in the proposed Subordination Agreement; and

WHEREAS, pursuant to the terms of the Subordination Agreement, FDOT will agree to pay the cost for any modifications to, or relocations of, the City's facilities requested by FDOT; and

WHEREAS, the City has reviewed all documents provided by FDOT and has determined the City's property interests are not adversely affected; and

WHEREAS, the City Manager recommends approving, in substantial form, the draft Subordination Agreement in favor of FDOT, a copy of which is attached to this Resolution as Exhibit "1", authorizing FDOT to utilize the Subordinate Easement Area for the purpose of installing and maintaining a part of a channelization island; and further authorizing the City Manager to finalize and execute the Subordination Agreement.

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, in substantial form, a Subordination Agreement attached to this Resolution as Exhibit "1", relating to the City's interest in an Easement located within the Mount Sinai Medical Center property, having an Easement Area of approximately 1,291 square feet, pursuant to that certain Utility Easement Agreement from Mount Sinai Medical Center of Florida, Inc. to the City, recorded in Official Records Book 32516, Page 1906, of the Public Records of Miami-Dade County, Florida; said Subordination Agreement granting the Florida Department of Transportation (FDOT) a superior interest in the use of approximately 163 square feet of the Easement Area (Subordinate Easement Area) in the event of a conflict between the City and FDOT facilities; said Subordinate Easement Area described as Parcel 803.9, lying in a portion of Lot 41, Block 1, of NAUTILUS SUBDIVISION OF THE MIAMI BEACH BAY SHORE CO. MIAMI BEACH, FLA, according to the Plat thereof, as recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida, lying in Section 22, Township 53 South, Range 42 East, as more particularly described in the Subordination Agreement, to be used by FDOT for the purpose of installing and maintaining a part of a channelization island; and further authorize the City Manager to finalize and execute the Subordination Agreement.

PASSED and ADOPTED THIS ____ day of _____, 2023.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney *SM*

1-19-24
Date

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq.
District Six Chief Counsel
State of Florida
Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172
August 30, 2023 - MN

Parcel No. : 803.9
Item/Segment No. : 430444-1
Managing District : 6
Parcel Folio : 02-3222-011-0360

CITY SUBORDINATION OF UTILITY INTERESTS

THIS AGREEMENT ("Agreement"), entered into this _____ day of _____, 20_____, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter called the "FDOT", and **CITY OF MIAMI BEACH**, a municipal corporation of the State of Florida, hereinafter called the "CITY".

WITNESSETH:

WHEREAS, FDOT is acquiring a perpetual easement interest known as "Parcel 803," from Mt. Sinai Medical Center of Florida, Inc. for the purpose of constructing and maintaining a channelization island as part of FDOT's Project FM # 430444-1; and

WHEREAS, the CITY presently has an interest in Parcel 803 ("Subordinate Easement Area"), which Subordinate Easement Area is included within the Easement Area of that certain Utility Easement Agreement from Mount Sinai Medical Center of Florida, Inc. ("Owner") to the CITY, recorded in Official Records Book 32516, at Page 1906, of the Public Records of Miami-Dade County, Florida (the "Easement Agreement"); said Easement Area having approximately 1,291 square feet and described as Easement "B" in the Easement Agreement; and

WHEREAS, the proposed use of the Subordinate Easement Area for the installation and maintenance of part of a channelization island will require subordination of the easement interest claimed in such Subordinate Easement Area by the CITY to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the CITY's facilities relocated if necessary to prevent conflict between the CITY facilities and the FDOT facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, CITY and FDOT agree as follows:

CITY hereby subordinates to the interest of FDOT, its successors, or assigns, as more particularly set forth herein, any and all of its interest in the Subordinate Easement Area depicted in the attached Sketch and more particularly described as follows, to-wit:

Parcel 803

F.P. No.: 430444-1

A portion of Lot 41, Block 1 of NAUTILUS SUBDIVISION OF THE MIAMI BEACH BAY SHORE CO. MIAMI BEACH, FLA., according to the plat thereof, as recorded in Plat Book 8, Page 95, of the Public Records of Miami-

Dade County, Florida, lying in Section 22, Township 53 South, Range 42 East, Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the intersection of the Baseline of Survey for State Road 907 / Alton Road (South Bound Ramp) with the Centerline of North Bay Road, at Baseline Station 34+30.26, as shown on the Florida Department of Transportation Right of Way Monumentation Map for said State Road 907, Section 87037, as recorded in Road Plat Book 154 at Page 57 of the Public Records of Miami-Dade County, Florida; said intersection also being a point on a circular curve concave to the Northwest, having a radius of 701.58 feet; thence southwesterly along the arc of said curve to the right and said Baseline of Survey for State Road 907 / Alton Road (South Bound Ramp), through a central angle of 04°57'46", for an arc distance of 60.77 feet, having a chord bearing of S 26°35'13"W and a chord distance of 60.75 feet to a point of tangency; thence S 29°04'06" W, along said Baseline of Survey, for a distance of 273.25 feet; thence N 60°55'54" W, departing said Baseline of Survey at a right angle, for a distance of 34.11 feet to a point on the existing northwesterly right of way line of said State Road 907 and the POINT OF BEGINNING of the hereinafter described parcel:

Thence S 29°06'37"W, along said northwesterly right of way line of State Road 907, for a distance of 15.00 feet; thence N 60°53'23" W, for a distance of 5.01 feet; thence N 29°04'42" E, for a distance of 3.33 feet; thence N 45°26'47" W, for a distance of 8.26 feet; thence N 00°10'58" W, for a distance of 6.00 feet; thence N 89°49'02" E, for a distance of 8.64 feet; thence S 60°53'23" E, for a distance of 8.38 feet to the POINT OF BEGINNING.

Said Subordinate Easement Area containing 163 square feet, more or less.

Denis Denis, PSM
 License No. 7017, State of Florida
 Colliers Engineering & Design, Inc.
 Date: 08/11/2023

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Utility Easement Agreement	5/19/2021	MOUNT SINAI MEDICAL CENTER OF FLORIDA, INC., a Florida not for profit corporation	City of Miami Beach, a municipal corporation of the State of Florida	32516-1906

PROVIDED that the CITY has the following rights:

1. The CITY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the Subordinate Easement Area described herein in accordance with the FDOT's current minimum standards for such facilities as required by the FDOT Utility Accommodation Manual in effect at the time the Agreement is executed; however, any new construction or relocation of CITY facilities within the Subordinate Easement Area will be subject to prior approval by the FDOT. Should the FDOT fail to approve any new construction or relocation of facilities by the CITY or require the CITY to alter, adjust, or relocate its facilities located within said Subordinate Easement Area, the FDOT hereby agrees to pay for the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. An action to enforce the terms and conditions of this Agreement may be brought by the CITY or the FDOT, and may be brought in equity or at law. This Agreement shall be governed by the laws of the State of

Florida. Each party shall bear their own attorney's fees.

3. Notwithstanding any provisions set forth herein, the terms of the utility permits issued by FDOT to the CITY for new construction or relocation of CITY facilities within the Subordinated Easement Area shall supersede any contrary provisions of this Agreement, with the exception of the provision herein regarding reimbursement rights.
4. The CITY shall have a reasonable right to enter upon the Subordinate Easement Area described herein for the purposes outlined in Paragraph 1 above, provided that such rights do not interfere with the operation and safety of the FDOT's facilities.
5. Subject to the provisions of Paragraph 1 above, the CITY agrees to repair any damages to FDOT facilities caused by the act or omission of the CITY. Additionally, the FDOT agrees to repair any damages to CITY facilities caused by the act or omission of the FDOT.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

DRAFT

IN WITNESS WHEREOF, the FDOT hereto has executed this Agreement on the day and year first above written.

Signed, sealed, and delivered
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

(Signature of Witness)

By: _____

STACY L. MILLER, P.E.
Title: District Secretary
District Secretary for District VI
1000 N.W. 111th Avenue
Miami, Florida 33172

(Signature of Witness)

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this _____ day of _____, 20 _____ by **STACY L. MILLER, P.E., District Six Secretary, of the State of Florida Department of Transportation**, who is personally known to me or who has produced _____ as identification.

(NOTARY STAMP BELOW)

(Signature of person taking acknowledgment)

(Type, print or stamp name under signature)

Title or rank and serial number, if any _____

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

ATTEST:

City of Miami Beach

Rafael E. Granado, its City Clerk

By: Alina T. Hudak, its City Manager

City of Miami Beach

1700 Convention Center Drive

Miami Beach, Florida 33139

Address

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ___ day of _____ 20__, by _____, City Manager, who is personally known to me or who has produced _____ as identification.

(Signature of person taking acknowledgment)

(Type, print or stamp name under signature)
Title or rank and serial number, if any: _____

SKETCH_19000365G-48.DWG

EXHIBIT "A"

LEGAL DESCRIPTION PARCEL 803:

A portion of Lot 41, Block 1 of NAUTILUS SUBDIVISION OF THE MIAMI BEACH BAY SHORE CO. MIAMI BEACH, FLA., according to the plat thereof, as recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida, lying in Section 22, Township 53 South, Range 42 East, Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the intersection of the Baseline of Survey for State Road 907 / Alton Road (South Bound Ramp) with the Centerline of North Bay Road, at Baseline Station 34+30.26, as shown on the Florida Department of Transportation Right of Way Monumentation Map for said State Road 907, Section 87037, as recorded in Road Plat Book 154 at Page 57 of the Public Records of Miami-Dade County, Florida; said intersection also being a point on a circular curve concave to the Northwest, having a radius of 701.58 feet; thence southwesterly along the arc of said curve to the right and said Baseline of Survey for State Road 907 / Alton Road (South Bound Ramp), through a central angle of 04°57'46", for an arc distance of 60.77 feet, having a chord bearing of S 26°35'13"W and a chord distance of 60.75 feet to a point of tangency; thence S 29°04'06" W, along said Baseline of Survey, for a distance of 273.25 feet; thence N 60°55'54" W, departing said Baseline of Survey at a right angle, for a distance of 34.11 feet to a point on the existing northwesterly right of way line of said State Road 907 and the POINT OF BEGINNING of the hereinafter described parcel:

Thence S 29°06'37"W, along said northwesterly right of way line of State Road 907, for a distance of 15.00 feet; thence N 60°53'23" W, for a distance of 5.01 feet; thence N 29°04'42" E, for a distance of 3.33 feet; thence N 45°26'47" W, for a distance of 8.26 feet; thence N 00°10'58" W, for a distance of 6.00 feet; thence N 89°49'02" E, for a distance of 8.64 feet; thence S 60°53'23" E, for a distance of 8.38 feet to the POINT OF BEGINNING.

Said lands containing 163 square feet, more or less.

LEGEND:

- B - Baseline
- C - Centerline
- Δ - Curve Delta Angle
- C.B. - Chord Bearing
- C.D. - Chord Distance
- D - Degrees
- EXIST. - Existing
- FDOT - Florida Department of Transportation
- F.P. - Financial Project
- GOV'T - Government
- L - Arc Length
- L.A. - Limited Access
- LB - Licensed Business
- LT - Left
- N/A - Not Applicable
- O.R.B. - Official Records Book
- (P) - Per Plat
- P.B. - Plat Book
- P.C. - Point of Curvature
- PG. - Page
- P.I. - Point of Intersection
- P.O.B. - Point of Beginning
- P.O.C. - Point of Commencement
- P.T. - Point of Tangency
- R - Radius
- RGE. - Range
- R.P.B. - Road Plat Book
- RT - Right
- R/W - Right of Way
- SEC. - Section
- S.F. - Square Feet
- S.R. - State Road
- STA. - Station
- T - Tangent
- TWP. - Township
- (803) - Parcel number

GENERAL NOTES:

- Bearings are based on the Baseline of Survey of State Road 907 (Alton Road South Bound Ramp), having a bearing of S 29°04'06" W from P.T. Sta. 30+22.30 to P.C. Sta. 33+69.49, as shown on the Florida Department of Transportation (FDOT) Right of Way Monumentation Map for said State Road 907, Section 87037, as recorded in Road Plat Book 154 at Page 57 of the Public Records of Miami-Dade County, Florida.
- This sketch and legal description is based on Right of Way Control Survey for said State Road 907, Section 87037-001, F.P. No. 430444-1 and said Right of Way Monumentation Map for State Road 907.
- Station and offsets shown hereon are relative to the Baseline of Survey of State Road 907 (Alton Road South Bound Ramp).
- Parcel geometry was provided by FDOT in CADD file "430444-3 PerpetualEasementSketch_REV.dgn" on August 3, 2023.
- Lands shown hereon were abstracted for right-of-way, easement of record, ownership, abandonments, deed restrictions, and Murphy Act Deeds. Title Search prepared by National Title and Abstract Company, Search No. 16-57867, certified through August 23, 2016 at 11:00pm, as updated through August 2, 2023 at 11:00pm.
- Reproductions of this map are not valid without the original signature and seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
- This Sketch to Accompany Legal Description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors and Mappers, referenced in Rule 5J-17 Florida Administrative code pursuant to Section 472.027, Florida Statutes.

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Denis Denis

4/18/2023

DENIS DENIS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. 7017

DATE

This document consists of two (2) sheets and neither shall be considered full, valid, and complete without the other.

THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 907

MIAMI-DADE COUNTY

BY	DATE	PREPARED BY:	COLLIERS ENGINEERING & DESIGN, INC. 7400 Corporate Center Drive, Suite C MIAMI, FL 33126 (LR1388)	DATA SOURCE:	SEE GENERAL NOTES
DRAWN	ICF	08/10/23			
CHECKED	DD	08/11/23	F.P. NO. 430444-1	SECTION 87037	SHEET 1 OF 2

8/18/2023 2:12:06 PM DDcnls

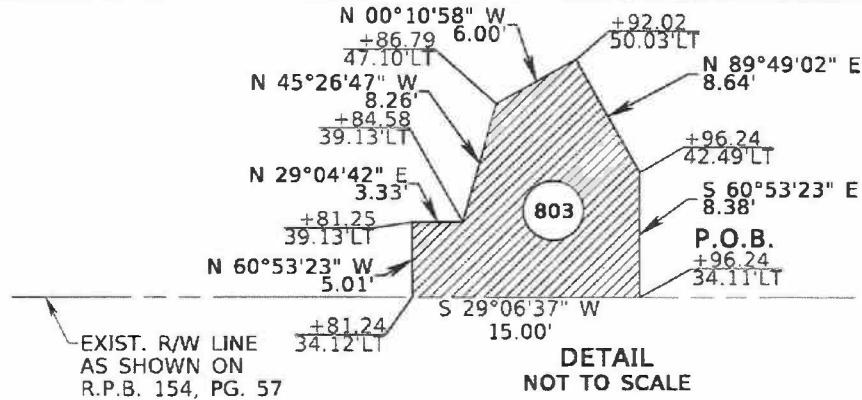
SKETCH 19000365C-48.02

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Page 7 of 7

PARCEL #	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
803	MOUNT SINAI MEDICAL CENTER OF FLORIDA, INC.	163 S.F.	N/A	

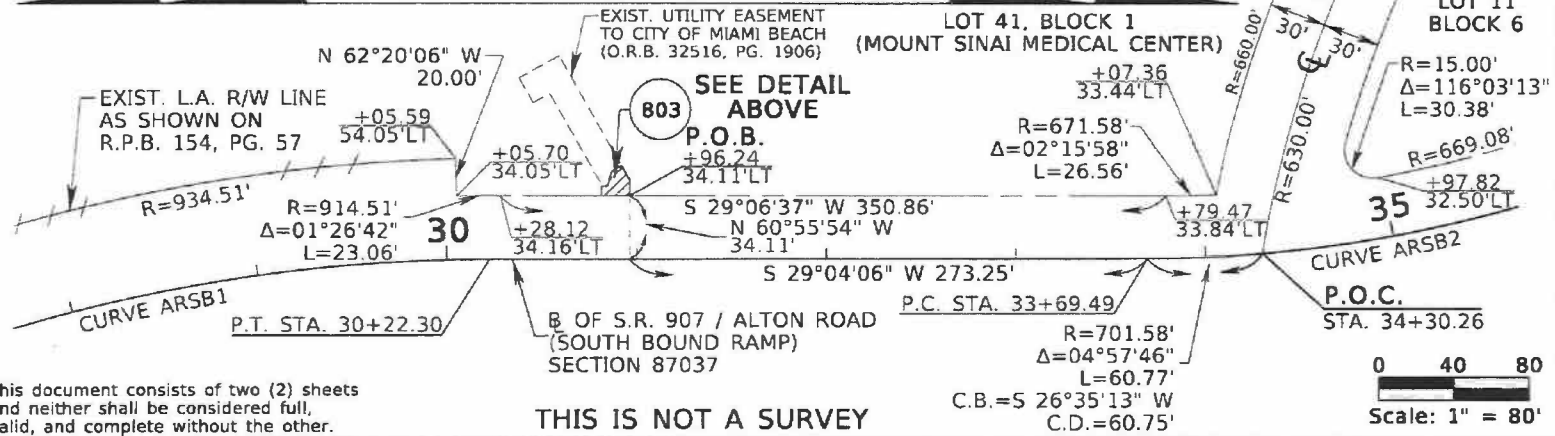
EXHIBIT "A"



GOV'T LOT 4, SEC. 22, TWP. 53S., RGE. 42E.
CITY OF MIAMI BEACH, FLORIDA

CURVE ARSB1	CURVE ARSB2
R = 884.51'	R = 701.58'
$\Delta = 27^{\circ}00'02"$ (RT)	$\Delta = 25^{\circ}37'26"$ (LT)
D = $06^{\circ}28'40"$	D = $08^{\circ}10'00"$
T = 212.36'	T = 159.55'
L = 416.82'	L = 313.76'
P.I. STA. 28+17.84	P.I. STA. 35+29.04
P.C. STA. 26+05.48	P.C. STA. 33+69.49
P.T. STA. 30+22.30	P.T. STA. 36+83.25

NAUTILUS SUBDIVISION OF THE MIAMI BEACH BAY
SHORE CO. MIAMI BEACH, FLA.
P.B. 8, PG. 95



This document consists of two (2) sheets and neither shall be considered full, valid, and complete without the other.

FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 907				MIAMI-DADE COUNTY				
REVISION	BY	DATE	CHECKED	DD	08/11/23	F.P. NO. 430444-1	SECTION 87037	SHEET 2 OF 2

8/18/2023 11:49:19 AM

PREPARED BY: COLLIER ENGINEERING & DESIGN, INC.
7400 Corporate Center Drive, Suite C
MIAMI, FL 33126 (L87388)

DATA SOURCE:
SEE GENERAL NOTES ON SHEET 1