

RESOLUTION: _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CITY DEED ATTACHED TO THIS RESOLUTION AS EXHIBIT "1"; SAID DEED TRANSFERRING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) A TRACT OF LAND DESIGNATED AS "J.H. SNOWDEN", LYING NORTH OF AND ADJOINING LOT 1, BLOCK 40, OF THE "AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5 AT PAGES 7 AND 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN THE DEED (PARCEL 157), CONTAINING 0.344 ACRES (14,993 SQUARE FEET) MORE OR LESS, KNOWN AS COLLINS AVENUE/44TH STREET, WITH THE CITY RETAINING A PERPETUAL, NON-EXCLUSIVE UNDERGROUND UTILITY EASEMENT.

WHEREAS, in 1997, the previous owner of the Fontainebleau Hilton Resort and Towers, Hotelarama Associates Ltd. ("Hotelarama"), proposed to renovate and expand the Fontainebleau, located at 4441 Collins Avenue, which required a portion of Collins Avenue/SR A1A ("Old 44th Street") to be relocated southward on property owned by Hotelarama ("Parcel 157"); and

WHEREAS, on December 1, 1999, the Mayor and City Commission adopted Resolution No. 99-23402; said Resolution approving the vacation of the Old 44th Street between Collins Avenue and Indian Creek Drive, to Hotelarama in exchange for Hotelarama's agreement to convey or dedicate to the City certain property controlled by Hotelarama for the relocation and construction of a "New 44th Street"; said relocation and construction to be undertaken and completed by Hotelarama at no cost to the City; and further granting the City easements for landscaping ("Landscaping Easement") over the surface of other property controlled by Hotelarama; and further authorizing the Mayor and City Clerk to execute a vacation agreement, memorializing the terms and conditions of the transaction; and

WHEREAS, the City and Hotelarama entered into a Vacation Agreement on December 1, 1999; and

WHEREAS, pursuant to the Vacation Agreement, the City agreed to vacate the Old 44th Street, and in exchange, Hotelarama agreed to convey Parcel 157 to the City or, alternatively if directed by the City, to the Florida Department of Transportation ("FDOT"), for the relocation and construction of the New 44th Street upon Parcel 157; and

WHEREAS, pursuant to the Vacation Agreement, the City also received from Hotelarama a Landscaping Easement over separate property controlled by Hotelarama, entered into as of November 16, 2001 and recorded on November 19, 2001 in Official Records Book 20025, at Page 4701 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, as evidenced from a letter provided from counsel for FDOT, a copy of which is attached to the City Commission Memorandum accompanying this Resolution as Exhibit "1", FDOT is asserting that the signed letter was sent to the City, requesting that the City accept title to Parcel 157 in the name of the City, with the understanding that FDOT would subsequently accept a deed for Parcel 157 from the City; however, such transfer never occurred; and

WHEREAS, the City currently holds fee simple title to Parcel 157 pursuant to that certain Special Warranty Deed, dated as of November 16, 2001, and recorded on November 19, 2001 in Official Records Book 20025, at Page 4698, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, as evidenced from that certain FDOT Resolution, dated January 19, 2024, attached to the City Commission Memorandum accompanying this Resolution as Exhibit "2", in accordance with Section 337.29(1), Florida Statutes, FDOT has previously designated the current alignment of 44th Street (Parcel 157) as part of the State Highway System; and

WHEREAS, pursuant to Section 337.29(2), Florida Statutes, the City would now be issuing a deed to FDOT to formally document the transfer that has already occurred by operation of law under Section 337.29(1), Florida Statutes; and

WHEREAS, the City Manager recommends approving and authorizing the Mayor and the City Clerk to execute the City Deed, in the form attached to this Resolution as Exhibit "1"; said deed transferring to FDOT Parcel 157, with the City retaining a perpetual, non-exclusive underground utility easement.

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 Clerk hereby approve and authorize the Mayor and City Clerk to execute the City Deed attached to this Resolution as Exhibit "1"; said Deed transferring to the Florida Department of Transportation (FDOT) a portion of that certain tract of land designated as "J.H. Snowden", lying north of and adjoining Lot 1, Block 40, of the "Amended Map of the Ocean Front Property of the Miami Beach Improvement Company", according to the plat thereof, as recorded in Plat Book 5 at Pages 7 and 6, of the Public Records of Miami-Dade County, Florida, as more particularly described in the Deed (Parcel 157), containing 0.344 acres (14,993 square feet) more or less, known as Collins Avenue/44th Street, with the City retaining a perpetual, non-exclusive underground utility easement.

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



Date

1-22-24

EXHIBIT "1"

03-BSD.05

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
157.1(8/22/2023)MN
Miami, Florida 33172
August 10, 2023 - RTB

Parcel No. :
Item/Segment No. : 406486-1
Managing District : 6
Parcel Folio : N/A

CITY DEED

WITH RESERVATION OF UTILITY EASEMENT

THIS DEED, made this _____ day of _____, 20____, by the **CITY OF MIAMI BEACH**, a municipality of the State of Florida ("Grantor" or "City"), to the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION** ("Grantee" or "Department"). Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors, and assigns of organizations.

WITNESSETH

WHEREAS, in 1997, the previous owner of the Fontainebleau Hilton Resort and Towers, Hotelarama Associates Ltd. ("Hotelarama"), proposed to renovate and expand the Fontainebleau;

WHEREAS, Hotelarama's renovation and expansion project required a portion of Collins Avenue/
SR A1A ("Old 44th Street") to be relocated southward on property owned by Hotelarama, which is described below and depicted in Exhibit "A" attached hereto and made a part hereof ("Parcel 157");

WHEREAS, in connection with the relocation of Old 44th Street, Hotelarama and the City of Miami Beach (the "City") entered into a Vacation Agreement on December 1, 1999;

WHEREAS, the City agreed to vacate Old 44th Street, and in exchange, Hotelarama agreed to convey Parcel 157 to the City or, alternatively if directed by the City, to the Department as the owner of Old 44th Street for the relocation and construction of a "new" 44th Street upon Parcel 157;

WHEREAS, at the time of the transfer, the Department requested that the City accept title to Parcel 157 in the name of the City with the understanding that the Department would subsequently accept a deed for Parcel 157; however, such transfer never occurred;

WHEREAS, in accordance with Section 337.29(1), Florida Statutes, , the Department has previously designated the current alignment of 44th Street (Parcel 157) as part of the State Highway System and thereby vesting title to Parcel 157 in the Department pursuant to Section 337.29(1), Florida Statutes;

WHEREAS, pursuant to Section 337.29(2), Florida Statutes, the City is now issuing this Deed to the Department to formally document the transfer that has already occurred by operation of law under Section 337.29(1), Florida Statutes; and

WHEREAS, the Grantor, for and in consideration of the sum of \$1.00 and other valuable consideration, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, alienates, remises, releases, conveys, and confirms unto the Grantee Parcel 157:.

Parcel 157

F.P. No. 406486-1

A portion of that certain tract of land designated as “J.H. Snowden” lying north of and adjoining Lot 1, Block 40, of “Amended Map of the Ocean Front Property of the Miami Beach Improvement Company”; according to the plat thereof; as recorded in plat book 5 at pages 7 and 6, of the public records of Miami-Dade County, Florida; and a portion of said Lot 1, Block 40; being more particularly described as follows:

COMMENCE at the northwest corner of that certain tract of land designated as “R.P. Van Camp” as shown on said “Amended Map of the Ocean Front Property of the Miami Beach Improvement Company” plat; thence S 07°25'11” W; along the west line of said “R.P. Van Camp” tract; and the west line of Lot 1, Block 39, of said “Amended Map of the Ocean Front Property of the Miami Beach Improvement Company” plat; said line also being the east right-of-way line of Collins Avenue, for a distance of 220.45 feet; thence N 82°34'49” W; for distance of 60.00 feet to a point on the east line of said Lot 1, Block 40, said line also being the west right-of-way line of Collins Avenue; and said point also being the POINT OF BEGINNING, thence N 37°35'00” W; for a distance of 35.36 feet; thence N 82°34'49” W, along a line parallel with and 4.55 feet north of; as measured at right angles to the south line of said “J.H. Snowden” tract; for a distance of 200.22 feet to a point on the west line of said “J.H. Snowden” track; said line also being the east right-of-way line of Indian Creek Drive; thence N 04°33'25” E; along the last described line; for a distance of 83.06 feet to a point of curvature of a circular curve to the right; thence along the arc of said curve; having a radius of 50.00 feet; a central angle of 27°21'20”; for a distance of 23.87 feet to a point on the arc of a circular curve to the left being non-tangent with the last described curve and whose radius point bears N 74°49'14” E; thence along the arc of said curve having a radius of 75.00 feet; a central angle of 67°24'03”; for a distance of 88.23 feet to the point of tangency; thence S 82°34'49” E; along a line parallel with and 64.55 feet north of; as measured at right angles to the south line of said “J.H. Snowden” tract; for a distance of 148.91 feet; thence N 47°19'52” E; for a distance of 10.57 feet; thence S 07°25'11” W; along the east line of said “J.H. Snowden” tract and the east line of said Lot 1, Block 40; said line also being the west right-of-way line of Collins Avenue, for a distance of 93.11 feet to the POINT OF BEGINNING:

Containing 0.344 acres (14,993 square feet) more or less, said lands situated, lying and being in the city of Miami Beach, Miami-Dade.

[SIGNATURE PAGE FOLLOWS]

Reservation of Utility Easement. The Grantor reserves for itself, its employees, licensees, agents, successors and assigns, a perpetual, non-exclusive underground utility easement for the construction, installation, operation, maintenance and removal of pipes, meters, conduits and all manner of utilities, telecommunication equipment, and/or such other related purposes and activities as the Grantor may in its discretion deem necessary within Parcel 157.

Grantor shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the Department's current minimum standards for such facilities as required by the Department, Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the Department. Should the Department fail to approve any new construction or relocation of facilities by Grantor or require Grantor to alter, adjust, or relocate its facilities located within said lands, the Department hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

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.

Signed, sealed, and delivered in the presence of:

CITY OF MIAMI BEACH

Name: _____
Address: _____

Name: _____
Address: _____

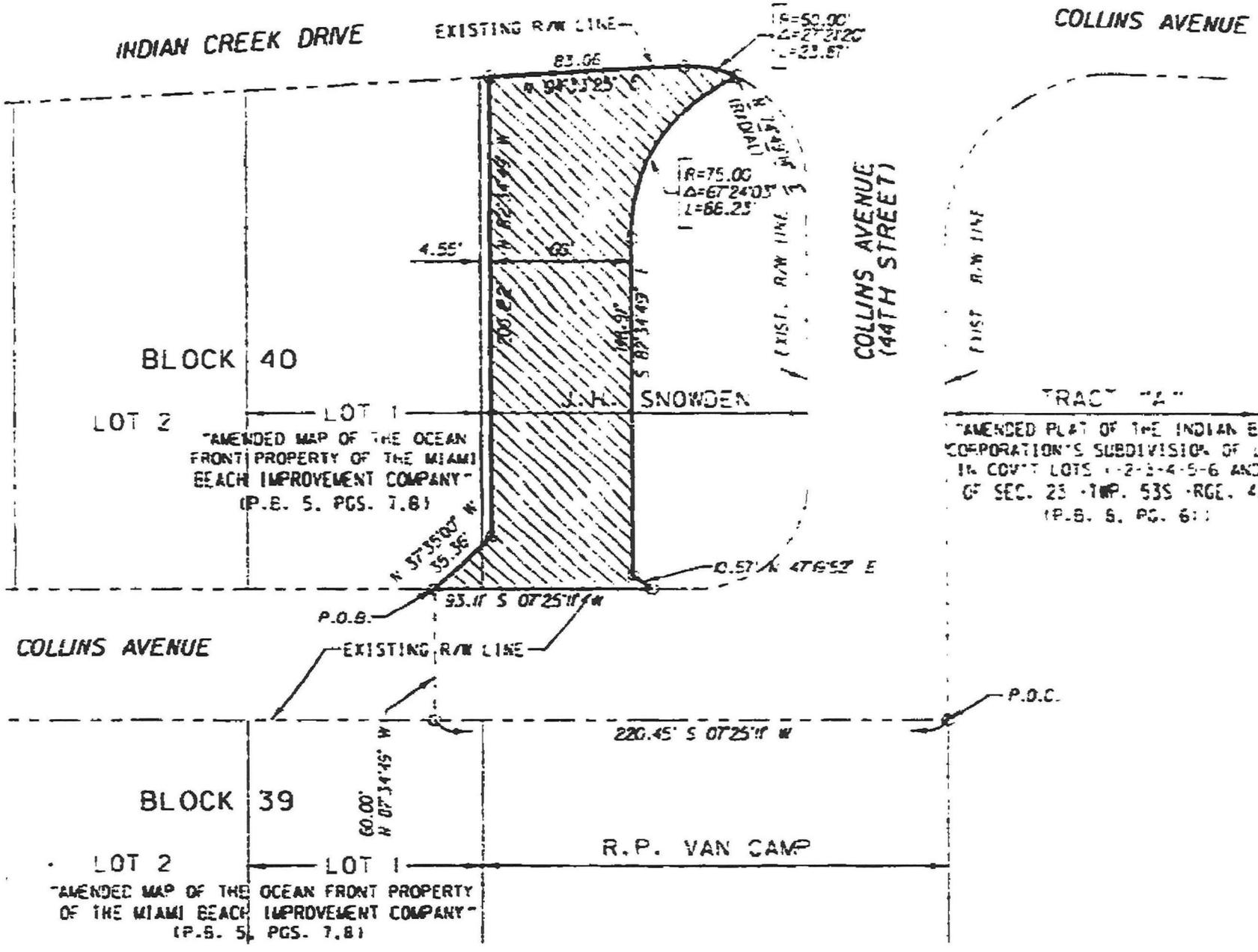
Name: _____
Address: _____

STATE OF _____
COUNTY OF MIAMI-DADE _____

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

(Affix Seal)

Name: _____



COLLINS AVENUE

INDIAN CREEK DRIVE

EXISTING R/W LINE

R=50.00
Δ=27°31'20"
L=33.57

83.06

R=75.00
Δ=67°24'05"
L=66.25

COLLINS AVENUE
(144TH STREET)

BLOCK 40

LOT 2

LOT 1

"AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY" (P.B. 5, PGS. 7,8)

L.H. SNOWDEN

TRACT "A"

"AMENDED PLAT OF THE INDIAN BEACH CORPORATION'S SUBDIVISION OF LANDS IN COV'T LOTS 1-2-3-4-5-6 AND 7 OF SEC. 23 TWP. 53S RGE. 42E" (P.B. 5, PG. 6)

COLLINS AVENUE

P.O.B.

EXISTING R/W LINE

0.57' N 47°52' E

93.11' S 07°25'11" W

P.O.C.

220.45' S 07°25'11" W

BLOCK 39

LOT 2

LOT 1

"AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY" (P.B. 5, PGS. 7,8)

R.P. VAN CAMP

60.00' N 07°34'45" W

EXHIBIT "A"
PARCEL 157