

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A PERPETUAL, IRREVOCABLE AND EXCLUSIVE WATER MAIN UTILITY EASEMENT AGREEMENT WITH 3900 ALTON ROAD OWNER, LLC ("GRANTOR"), IN THE FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "1"; SAID AGREEMENT GRANTING THE CITY THE RIGHT TO USE AN EASEMENT AREA CONTAINING APPROXIMATELY 4,989 SQUARE FEET, ALONG THE NORTHERN PORTION OF GRANTOR'S PROPERTY, LOCATED AT 3900-4000 ALTON ROAD, WHICH PROPERTY IS UNIQUELY LOCATED DIRECTLY TO THE NORTHWEST OF THE INTERSECTION OF ALTON ROAD AND 41ST STREET/JULIA TUTTLE CAUSEWAY, CONSISTING OF THE PARCEL IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NO. 02-3222-011-0432, LYING IN SECTION 27, TOWNSHIP 53 SOUTH, RANGE 42 EAST, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR ACCESS, CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, RELOCATION, EXPANSION AND REMOVAL AND/OR ABANDONMENT ACTIVITIES RELATED TO A CITY-OWNED WATER MAIN INFRASTRUCTURE.

WHEREAS, 3900 Alton Road Owner LLC (the "Owner"), is the owner the property located at 3900-4000 Alton Road (the "Property"), which Property is uniquely located directly to the southeast of the intersection of Alton Road (SR 907) and 41st Street/Julia Tuttle Causeway; and

WHEREAS, the Property, bearing Miami-Dade County Folio No. 02-3222-011-0432 is composed of the following two parcels:

(1) all of Lot 53 and a portion of Lots 52, 54, and 55, of Block 1, of "Nautilus Subdivision", according to the Plat thereof as recorded in Plat Book 8, Page 95; and a portion of Lot D, of "Re-Subdivision of Lot 48, 49, 50 & 51, Block 1, "Nautilus Subdivision", according to the Plat thereof, as recorded in Plat Book 35, Page 46 of the Public Records of Miami-Dade County, Florida; and including an unsubdivided section of the Property lying in a portion of Sections 22 and 27 in Township 53 South, Range 42 East, lying and being in the City of Miami Beach, Miami-Dade County, Florida, and more particularly described in the final Plat (Collectively, "Parcel 1"); and

(2) and an unsubdivided portion of Section 27 in Township 53 South, Range 42 East, lying and being in the City of Miami Beach, Miami-Dade County, Florida, and more particularly described in the final Plat ("Parcel 2"); and

WHEREAS, on May 14, 2021, Owner purchased Parcel 1 from M-4000 Alton Owner, LLC., and on August 19, 2021, Owner purchased Parcel 2 on from the Florida Department of Transportation (FDOT); and

WHEREAS, on December 2021, the City's Design Review Board approved plans for a nine-story, 176-unit apartment complex on the Property (File No. DRB21-0664) (the "Project"); and

WHEREAS, on February 2023, Owner commenced construction of the Project, which is set to be completed in the Fall of 2024; and

WHEREAS, the Owner desires to plat the Property under the name of "Alton 3900" (the "Plat") and include Parcels 1 and 2 in the Plat, which approval is subject of a separate, companion City Commission agenda item; and

WHEREAS, the City owns a 36-inch (36") transmission water main (the "Water Main"), located along the south side of the 41st Street/Julia Tuttle Causeway and a portion of the Water Main falls within the northern portion of Parcel 2 and Owner has agreed to grant a perpetual, irrevocable, exclusive Utility Easement Agreement for Water Main ("Water Main Easement"), having an easement area containing approximately 4,989 square feet ("Easement Area"), along the northwesterly portion of Grantor's Property, for the City to construct, install, operate, maintain, repair, replace, upgrade, relocate, expand, remove and/or abandon all or a portion of the Water Main, together with the non-exclusive right of ingress, egress and regress on, over and through the Grantor's property for access to the Easement Area; and

WHEREAS, the City needs the Water Main Easement in order to access and make necessary repairs and/or replacements to the Water Main; and

WHEREAS, the City Manager recommends that the Mayor and City Commission authorize the City Manager to accept and execute the perpetual, irrevocable, exclusive Utility Easement Agreement for Water Main, a copy of which is attached to this Resolution as Exhibit "1", so that the City has access and use of the Easement Area where the Water Main infrastructure is located.

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 authorize the City Manager and City Clerk to execute a perpetual, irrevocable and exclusive Utility Easement Agreement for Water Main with 3900 Alton Road Owner LLC ("Grantor"), in the form attached to this Resolution as Exhibit "1"; said agreement granting the City the right to use an Easement Area containing approximately 4,989 square feet, along the northern portion of Grantor's property, located at 3900-4000 Alton Road, which property is uniquely located directly to the northwest of the intersection of Alton Road and 41st street/Julia Tuttle Causeway, consisting of the parcel identified by Miami-Dade County Folio No. 02-3222-011-0432, lying in Section 27, Township 53 South, Range 42 East, of the Public Records of Miami-Dade County, Florida, for access, construction, installation, operation, maintenance, repair, replacement, upgrade, relocation, expansion and removal and/or abandonment activities related to a City-owned water main infrastructure.

PASSED and ADOPTED THIS ____ day of ____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

2-11-24

Date