

RESOLUTION NO. _____

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 A RELEASE, TERMINATION AND ABANDONMENT OF EASEMENT, ATTACHED HERETO AS EXHIBIT A, ON BEHALF OF THE CITY AND IN FAVOR OF COLLINS and 72ND DEVELOPERS, LLC, CASA GRANDE SHOPPING CENTER, LLC AND AHM ADVISORS, LLC AS THE OWNERS OF THE PROPERTIES LOCATED AT 7118, 7124, 7134 AND 7140 COLLINS AVENUE, 7121 HARDING AVENUE, AND THREE VACANT LOTS ON HARDING AVENUE WITHOUT ADDRESSES, ADJACENT TO THE OTHER PROPERTIES LISTED HEREIN, IN MIAMI BEACH, FLORIDA.

WHEREAS, Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC and AHM Advisors, LLC (collectively, the "Owners") are the owners of the real property commonly known as 7118, 7124, 7134 and 7140 Collins Avenue, 7121 Harding Avenue, and three vacant lots on Harding Avenue without addresses, in Miami Beach, Florida, bearing the following folio numbers: Folios 02-3211-002-0660 (7140 Collins Avenue), 02-3211-002-0650 (7134 Collins Avenue), 02-3211- 002-0640 (7124 Collins Avenue), 02-3211-002-0600 (7121 Harding Avenue), 02-3211-002-0570 (vacant), 02-3211-002-0580 (vacant) and 02-3211-002-0590 (vacant), consisting of Lots 1-4 and Lots 9-12 of Block 8, Normandy Beach South, according to the plat thereof, recorded in Plat Book 21, Page 54 of the Official Records of Miami-Dade County, Florida (collectively, the "Property"); and

WHEREAS, as shown on the plat of the Property, there is reserved a public utility easement running north-south through the center of the Property, consisting of "[a] strip of land 5 feet wide as indicated by dotted lines . . . reserved in rear of each lot for the use of wire lines, poles, sewer, water mains, etc." (the "City Easement"); and

WHEREAS, the City Easement is composed of the rear five (5) feet of all of the platted lots that comprise the Property, which means that the City Easement is actually a 10-foot easement through the center of the Property because the Owners' lots adjoin at the rear across the width of the platted block; and

WHEREAS, the City Easement is located within an area of the Property on which the Owners intend to build an approximately 179-room hotel with 2,366 square feet of meeting rooms, a 134-seat bar/lounge, and 23,753 square feet of ground floor retail facing Collins Avenue, 72nd Street and Harding Avenue, and with required parking to be provided in an approximately 141-space parking garage located on-site; and

WHEREAS, the Owners have contacted the City and utility companies and the City and utility companies have indicated that there is sufficient surrounding utility infrastructure and, therefore, the City Easement is no longer necessary; and

WHEREAS, the Owners have requested that Florida Power & Light ("FPL") move the transmission lines that run through the City Easement to a different location outside the City Easement, and FPL has agreed to do same; and

WHEREAS, accordingly, the Administration would recommend that the Mayor and City Commission authorize the Mayor and City Clerk to execute the attached Release, Termination and Abandonment of Easement, attached as Exhibit A hereto, thereby releasing, terminating and abandoning all of the City's right, title and interest in and to the City Easement.

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 approve and authorize the Mayor and City Clerk to execute the attached Release, Termination and Abandonment of Easement, attached hereto as Exhibit A, on behalf of the City and in favor of Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC and AHM Advisors, LLC, as the owners of the properties located at 7118, 7124, 7134 and 7140 Collins Avenue, 7121 Harding Avenue, and three vacant lots on Harding Avenue without addresses, adjacent to the other properties listed herein, in Miami Beach, Florida.

PASSED and ADOPTED this ____ day of _____, 2017.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10-4-17

Date

This instrument was prepared by:

Name: Raul Aguila, City Attorney
Address: City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

(Space reserved for Clerk)

RELEASE, TERMINATION AND ABANDONMENT OF EASEMENT

This Release, Termination and Abandonment of Easement is executed this ___ day of _____ 2017, by the City of Miami Beach, Florida, a Municipal Corporation with its address at 1700 Convention Center Drive, Miami Beach, FL 33139 (hereinafter referred to as the "City") its successors and assigns, in favor of Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC and AHM Advisors, LLC (collectively, the "Owners").

WHEREAS, the Owners are the owners of the real property commonly known as 7118, 7124, 7134 and 7140 Collins Avenue, 7121 Harding Avenue, and three vacant lots on Harding Avenue without addresses, in Miami Beach, Florida, bearing the following folio numbers: Folios 02-3211-002-0660 (7140 Collins Avenue), 02-3211-002-0650 (7134 Collins Avenue), 02-3211-002-0640 (7124 Collins Avenue), 02-3211-002-0630 (7118 Collins Avenue), 02-3211-002-0600 (7121 Harding Avenue), 02-3211-002-0570 (vacant), 02-3211-002-0580 (vacant) and 02-3211-002-0590 (vacant), consisting of Lots 1-4 and Lots 9-12 of Block 8, Normandy Beach South, according to the plat thereof, recorded in Plat Book 21, Page 54 of the Official Records of Miami-Dade County, Florida (collectively, the "Property"); and

WHEREAS, as shown on the plat of the Property, there is reserved a public utility easement running north-south through the center of the Property, consisting of "[a] strip of land 5 feet wide as indicated by dotted lines . . . reserved in rear of each lot for the use of wire lines, poles, sewer, water mains, etc." (as legally described on Exhibit A hereto, the "City Easement"); and

WHEREAS, the City Easement is composed of the rear five (5) feet of all of the platted lots that comprise the Property, which means that the City Easement is actually a 10-foot easement through the center of the Property because the Owners' lots adjoin at the rear across the width of the platted block; and

WHEREAS, the City Easement is located within an area of the Property on which the Owners intend to build an approximately 179-room hotel with 2,366 square feet of meeting rooms, a 134-seat bar/lounge, and 23,753 square feet of ground floor retail facing Collins Avenue, 72nd Street and Harding Avenue, and with required parking to be provided in an approximately 141-space parking garage located on-site; and

WHEREAS, the Owners have contacted the City and utility companies and the City and utility companies have indicated that there is sufficient surrounding utility infrastructure and, therefore, the City Easement is no longer necessary; and

WHEREAS, the Owners have requested that Florida Power & Light ("FPL") move the transmission lines that run through the City Easement to a different location outside of the City Easement, and FPL has agreed to do same; and

WHEREAS, the City wishes to release, terminate and abandon all of its right, title and interest in and to the City Easement.

NOW, THEREFORE, in consideration of the sum of TEN AND NO (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City agrees as follows:

- 1. That the above-captioned recitals are incorporated herein by this reference.
- 2. That the City Easement and all terms, conditions and provisions set forth therein are hereby released, terminated, and abandoned from the Property, and shall have no further force or effect.

IN WITNESS WHEREOF, the City has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witnesses:

City of Miami Beach

By: _____
Print Name

Philip Levine, Mayor

By: _____
Print Name

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]

City Attorney

10/4/17

Date

The foregoing instrument was acknowledged before me this ___ day of _____, 2017 by Philip Levine, as Mayor of the City of Miami Beach, who is personally known to me or who has produced _____ as identification and did (did not) take an oath.

Notary Public, State of Florida

City of Miami Beach

Rafael E. Granado, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION:

A ten (10) foot wide Utility Easement to be vacated, being the East five (5) feet of Lots 1, 2, 3, 4 and the West five (5) feet of Lots 9, 10, 11, 12, Block 8, NORMANDY BEACH SOUTH, according to the plat thereof as recorded in Plat Book 21 at Page 54 of the Public Records of Miami-Dade County, Florida and being more particularly described as follows:

Begin the hereinafter described centerline of a ten (10) foot wide Utility Easement to be vacated, being five (5) feet on each side of and contiguous with the following described centerline at the Northeast corner of said Lot 1; thence S 02°26'41" E for 200.00 feet to the Southeast corner of said Lot 4, also being the Point of Termination.

SURVEYOR'S NOTES:

- This site lies in Section 11, Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of N 87°33'20" E for the centerline of 72nd Street.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2016-100-NGVD.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on September 21, 2017, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By: 

Daniel C. Fortin, Jr., For The Firm
Surveyor and Mapper, LS6435
State of Florida.

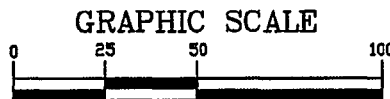
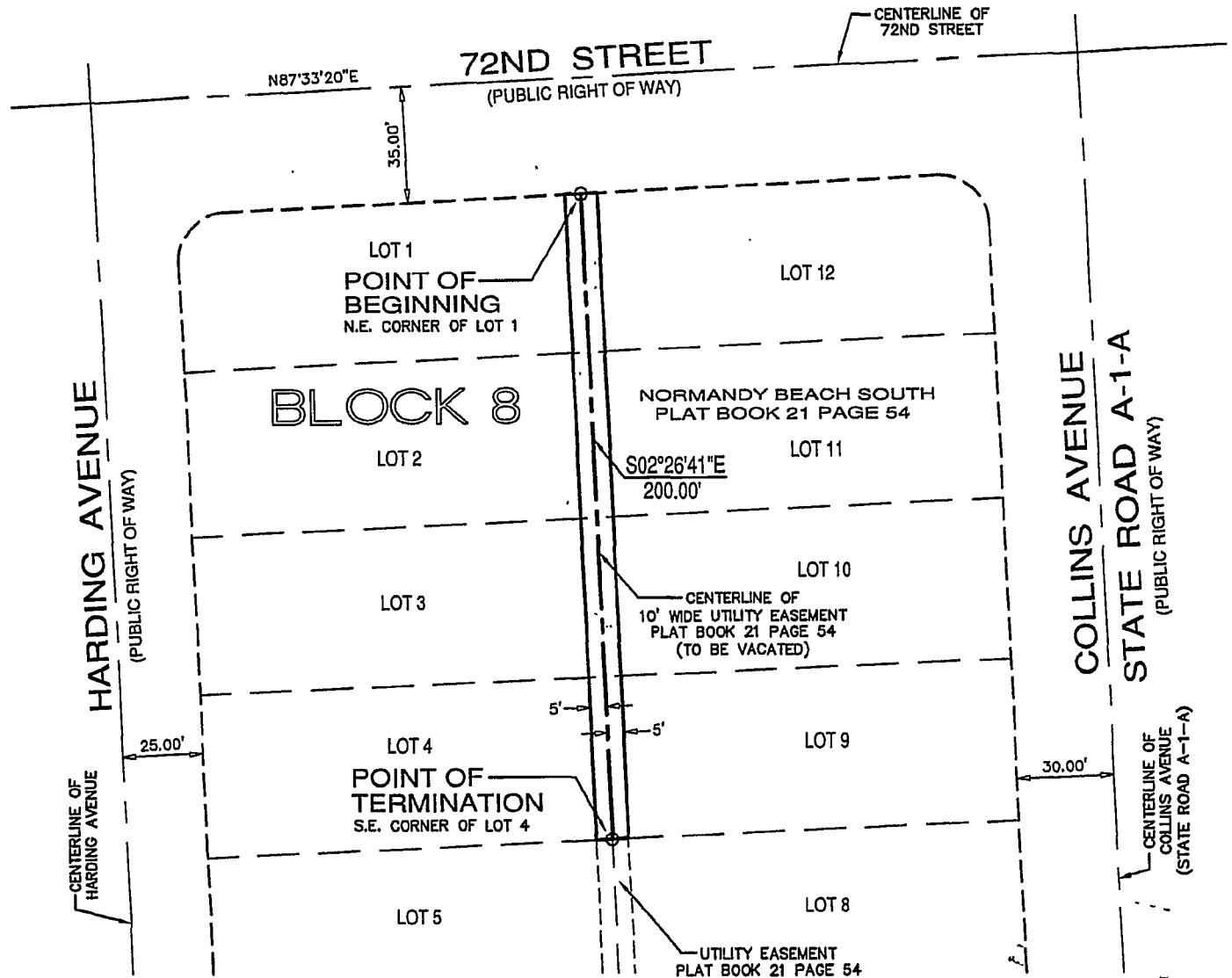
Drawn By	MAP
Cad. No.	171012
Ref. Dwg.	2016-100
Plotted:	9/21/17 5:57a

LEGAL DESCRIPTION, NOTES & CERTIFICATION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	9/21/17
Scale	NOT TO SCALE
Job. No.	171012
Dwg. No.	1017-047
Sheet	1 of 2

EXHIBIT "A"



(IN FEET)
1 inch = 50 ft.

W.A.

Drawn By	MAP
Cad. No.	171012
Ref. Dwg.	2016-100
Plotted:	9/21/17 5:57a

SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	9/21/17
Scale	1"=50'
Job. No.	171012
Dwg. No.	1017-047
Sheet	2 of 2