

RESOLUTION _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT (MMOA), ATTACHED AS EXHIBIT 1, BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), WHICH WOULD CONVEY FULL LANDSCAPE MAINTENANCE RESPONSIBILITIES TO THE CITY, FOR THE ENHANCED LANDSCAPING ON THE EAST SIDE OF ALTON ROAD, BETWEEN 7TH STREET AND 8TH STREETS; AND REQUIRE ALTON ROAD DEVELOPMENT, LLC (THE "PROPERTY OWNER") OF 709 ALTON ROAD, TO EXECUTE A DECLARATION OF RESTRICTIONS, ATTACHED HERETO AS EXHIBIT 2, WHICH RESTRICTIONS WOULD ENSURE REIMBURSEMENT TO THE CITY OF THE LANDSCAPING IMPROVEMENTS AND MAINTENANCE COSTS ASSOCIATED WITH THE MMOA.

WHEREAS, Alton Road Development, LLC (the "Property Owner"), is the property owner of 709 Alton Road; and

WHEREAS, the City of Miami Beach (the "City") requested that the proposed development at 709 Alton Road improve the area between the back of curb and the edge of the Alton Road right-of-way with landscaping; and

WHEREAS, the landscaping includes eleven live Oak trees with White Fountain Grass as understory plantings; and

WHEREAS, pursuant to this request, FDOT has approved the development's request for work within the Alton Road right-of-way; and

WHEREAS, FDOT will allow the private development to install minimal landscaping along urban corridors as part of a private development project, as long as the municipality involved agrees to execute a Landscape Maintenance Memorandum of Agreement (MMA) with FDOT, accepting full maintenance responsibility over the landscaped area (Exhibit 1); and

WHEREAS, there have been similar requests approved by the City, where minimum landscaping was installed. Most recently, the City Commission approved an agreement for maintenance of landscaping, irrigation and bonded aggregate along Alton Road from 5th Street to Michigan Avenue via Resolution No. 2012-27899; and

WHEREAS, additionally, the current City Ordinance requires that the adjacent property owner maintain all items to the back of curb. To adherence to approved site plans, and clarify that level of maintenance, the City will have the property owner record a covenant regarding their responsibility to adequately maintain these items (Exhibit 2).

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 and authorize the Mayor and the City Clerk to execute a Landscape Maintenance Memorandum of Agreement (MMA), attached as Exhibit 1, between the City and the Florida Department Of Transportation (FDOT), which would convey full

landscape maintenance responsibilities to the City, for the enhanced landscaping on the east side of Alton Road, between 7th Street and 8th Streets; and require Alton Road Development, LLC (the "Property Owner") of 709 Alton Road, to execute a Declaration of Restrictions, attached hereto as Exhibit 2, which restrictions would ensure reimbursement to the City of the landscaping improvements and maintenance costs associated with the MMOA.

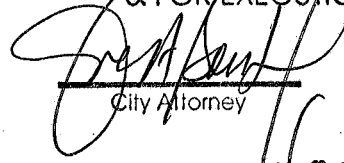
PASSED and ADOPTED this ____ day of _____ 2017.

ATTEST:

Philip Levine, Mayor

Rafael Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10/10/17

Date

for