

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, TO RESCIND CITY RESOLUTION NO. 2015-28920, WHICH WOULD RESCIND THE CITY COMMISSION ACTION VACATING THE RIGHT OF WAY KNOWN AS LIBERTY AVENUE (PALM AVENUE) BETWEEN 22ND STREET (OCEAN AVENUE) AND 23RD STREET (ATLANTIC AVENUE), WHICH IS A 50 FOOT IN WIDTH RIGHT-OF-WAY, CONTAINING APPROXIMATELY 12,500 SQUARE FEET IN TOTAL AREA, AS SHOWN ON THE PLAT OF AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, RECORDED IN PLAT BOOK 5 AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY.

WHEREAS, the City of Miami Beach holds a right-of-way dedication to a street and sidewalks along Liberty Avenue (Palm Avenue) between 22nd Street (Ocean Avenue) and 23rd Street (Atlantic Avenue), of a 50 foot in width right-of-way, consisting of 12,500 feet, as set forth in the sketch attached as Exhibit "A" hereto, recorded in the plat of the "Amended Map of the Ocean Front Property of the Miami Beach Improvement Company" (City Right-of-Way or "City ROW"); and

WHEREAS, the City of Miami Beach is the owner of the adjacent properties to the City ROW, which properties bear the following addresses: 227 22nd Street, 340 23rd Street, 2200 Liberty Avenue, 224 23 Street, 245 22nd Street, 211 22nd Street; and

WHEREAS, the City adopted Resolution No. 2012-27869 authorizing the construction of the five-story parking garage with first floor retail, to be known as the "Collins Park Garage" between Liberty Avenue and Park Avenue along 23rd Street, utilizing the design by the renowned architect Zaha Hadid, which design intruded into the right-of-way along the first floor; and

WHEREAS, without vacating the right-of-way, the City could not complete construction of the parking garage, as the Building Official could not issue permits for habitable construction within a right-of-way; and,

WHEREAS, on February 11, 2011, pursuant to Resolution No. 2015-28920, the City Commission authorized the vacation of Liberty Avenue in order to realize the Zaha Hadid design; and

WHEREAS, ultimately the City abandoned said design due to cost of construction, and issued a new Request for Proposal for a parking garage to be constructed within the property boundaries, and not within Liberty Avenue; and

WHEREAS, although the City had vacated Liberty Avenue there were outstanding issues due to a number of utilities that need to remain in their current location, within the City ROW; and

WHEREAS, the City has not recorded the vacation of Liberty Avenue, and due to the design change the City no longer requires said vacation, and would rather continue to utilize and recognize Liberty Avenue as a public right-of-way, particularly for utility access purposes; and

WHEREAS, as the City owns the land on either side of Liberty Avenue, the City of Miami Beach is the only affected party (vacated right-of-way requires title to vest in the adjacent property owners along the centerline of the road and the only property owner along Liberty Avenue is the City); and

WHEREAS, the Mayor and City Commission seek to rescind the vacation of Liberty Avenue.

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 rescind City Resolution No. 2015-28920, in which the City Commission vacated the right of way known as Liberty Avenue (Palm Avenue) between 22nd Street (Ocean Avenue) and 23rd street (Atlantic Avenue), which is a 50 foot in width right-of-way, containing approximately 12,500 square feet in total area, as shown on the plat of amended map of the Ocean Front Property of the Miami Beach Improvement Company, recorded in Plat Book 5 at Page 7, of the public records of Miami-Dade County.

PASSED AND ADOPTED this 6th day of June, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael G. Granado, City Clerk

F:\ATTO\BOUE\RESOLUTIONS\Rescinding Vacate Liberty Avenue ROW.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

5/25/18

Date

Exhibit A

AREA NOT TO BE VACATED:

LIBERTY AVENUE (PALM AVENUE) RIGHT-OF-WAY BETWEEN 22ND STREET (OCEAN AVENUE) AND 23RD STREET (ATLANTIC AVENUE):

BEING A RIGHT OF WAY 50 FEET IN WIDTH KNOWN AS LIBERTY AVENUE LABELED ON THE PLAT AS "PALM AVENUE" ACCORDING TO THE PLAT OF "AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY" AS RECORDED IN PLAT BOOK 5, PAGE 7, OF THE PUBLIC RECORDS OF DADE COUNTY , FLORIDA SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE WEST BY THE EASTERLY LINE OF BLOCK 1; BOUNDED ON THE EAST BY THE WESTERLY LINE OF BLOCK 2;

BOUNDED ON THE NORTH BY THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 1 AND THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 2;

BOUNDED ON THE SOUTH BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF BLOCK 1 AND THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF BLOCK 2.

CONTAINING 12,500 SQUARE FEET MORE OR LESS.

RESOLUTION NO. 2015-28920

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AT ITS FEBRUARY 2, 2015 MEETING, TO APPROVE THE VACATION OF THE RIGHT OF WAY KNOWN AS LIBERTY AVENUE (PALM AVENUE) BETWEEN 22ND STREET (OCEAN AVENUE) AND 23RD STREET(ATLANTIC AVENUE), WHICH IS A 50 FOOT IN WIDTH RIGHT-OF-WAY, CONTAINING APPROXIMATELY 12,500 SQUARE FEET IN TOTAL AREA, AS SHOWN ON THE PLAT OF AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, RECORDED IN PLAT BOOK 5 AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, IN FAVOR OF THE CITY OF MIAMI BEACH, (THE APPLICANT); WAIVING BY 5/7TH VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS PURSUANT TO SECTION 82-39(A) AND (B) OF THE CITY CODE, FINDING THAT THE PUBLIC INTEREST WOULD BE SERVED BY WAIVING SUCH CONDITIONS.

WHEREAS, the City of Miami Beach holds a right-of-way dedication to a street and sidewalks along Liberty Avenue (Palm Avenue) between 22nd Street (Ocean Avenue) and 23rd Street (Atlantic Avenue), of a 50 foot in width right-of-way, consisting of 12,500 feet, as set forth in the sketch attached as Exhibit "A" hereto, recorded in the plat of the "Amended Map of the Ocean Front Property of the Miami Beach Improvement Company" ("City Right-of-Way or "City ROW"); and

WHEREAS, the City of Miami Beach is the owner of the adjacent properties to the City ROW, which properties bear the following addresses: 227 22nd Street, 340 23rd Street, 2200 Liberty Avenue, 224 23 Street, 245 22nd Street, 211 22nd Street; and

WHEREAS, the City adopted Resolution No. 2012-27869 authorizing the construction of the five story parking garage with first floor retail, to be known as the "Collins Park Garage" on 22nd Street and 23rd Street, abutting Liberty Avenue; and,

WHEREAS, on November 20, 2012, the Historic Preservation Board approved File No.: 7329, authorizing a Certificate of Appropriateness for the Collins Park Garage" and associated pedestrian plaza for Liberty Avenue; and

WHEREAS, renowned architect Zaha Hadid has designed the Collins Park Garage, which garage structure encroaches into Liberty Avenue, along the first floor in order to provide pedestrian access to the proposed first floor commercial units, and

WHEREAS, the air rights over Liberty Avenue are proposed to be used to extend the parking garage structure across Liberty Avenue;

WHEREAS, the City plans to create a pedestrian plaza within the area to be vacated, and use some of the area towards the Collins Park Garage; and

WHEREAS, during the February 2, 2015 Finance and Citywide Projects Committee meeting, the Committee supported the vacation, due to pedestrian safety concerns, the desire to create a pedestrian plaza, and to ensure the complete construction of the parking garage; and

WHEREAS, without vacating the right-of-way, the City cannot complete construction of the parking garage, as the Building Official cannot issue permits for habitable construction within a right-of-way; and,

WHEREAS, upon vacation of the City right-of-way, the City will record a unity of title for all the properties, and join the properties in ownership, thus ensuring that the properties are tied to a Unified Development Site, consistent with the City's land development regulations, and

WHEREAS, the proposed parking garage structure should have a building permit, however, in order to obtain a building permit, the structure cannot encroach on the right-of-way, and would need to be re-designed, or the right-of-way needs to be vacated; and

WHEREAS, as Liberty Avenue has been contemplated to be a pedestrian public plaza, with no vehicles, and as the City owns all the parcels adjacent to Liberty Avenue between 22nd and 23rd Streets [the City owns lots 1-10 on Block 1 and owns lots 7, 9, 11, 4, 6, 8, 10 and 12 of Block 2], should Liberty Avenue be vacated, title to the vacated right-of-way would transfer to the adjacent property owners, which would be the City of Miami Beach; and

WHEREAS, pursuant to the City's existing Administrative policies and procedures to consider the vacation of the City streets, alleys, and/or rights-of-way, which also require compliance with Article II, Sections 82-36 through 82-40 of the City Code, which establish procedures governing the sale or lease of public property, in addition to the previously mentioned application, prior to considering a request for vacation, the following requirements must be satisfied:

- 1) The title of the Resolution approving the proposed vacation shall be heard by the City Commission on two separate meeting dates, with the second reading to be accompanied by a duly noticed public hearing, in order to obtain citizen input into the proposed vacation;
- 2) The proposed vacation shall be transmitted to the Finance and Citywide Projects Committee ("Committee") for its review (the item was heard during the Finance and Citywide Projects Committee meeting of February 2, 2015, and which Committee recommended to the City Commission to proceed with the vacation);
- 3) In order for the City Commission and the public to be fully appraised of all conditions relating to the proposed vacation, the City's Planning Department shall prepare a written planning analysis, to be submitted to the City Commission concurrent with its consideration of the proposed vacation; and,

4) The City shall obtain an independent appraisal of the fair market value of the property proposed to be vacated, which shall include a definition of the property based on the proposed and possible issues, including, without limitation, the highest and best use of the property by the Applicant (this provision to be waived by the City Commission); and,

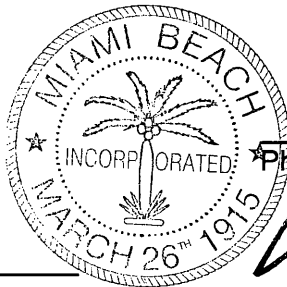
WHEREAS, although the City's procedures for the lease of sale or sale of public property also require an advertised public bidding process, and an appraisal, the requirements may be waived by 5/7th vote; in this case, and due to the nature of the law pertaining to the vacation of rights-of-way, the City Administration recommends that the Mayor and City Commission waive the competitive bidding requirement, and require for appraisal, finding that the public interest is served by waiving such conditions.

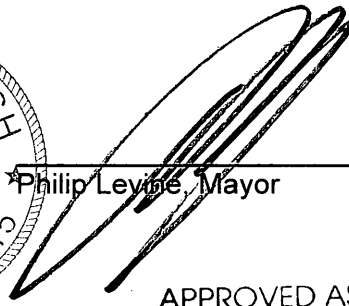
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby accept the recommendation of the Finance and Citywide Projects Committee at its February 2, 2015 meeting, to approve the vacation of the right of way known as Liberty Avenue (Palm Avenue) between 22nd Street (Ocean Avenue) and 23rd Street (Atlantic Avenue), which is a 50 foot in width right-of-way, containing approximately 12,500 square feet in total area, as shown on the Plat of Amended Map of the Ocean Front Property of the Miami Beach Improvement Company, recorded in Plat Book 5 at Page 7, of the public records of Miami-Dade County, in favor of the City of Miami Beach, (the applicant); waiving by 5/7th vote, the competitive bidding and appraisal requirements pursuant to Section 82-39(a) and (b) of the City Code, finding that the public interest would be served by waiving such conditions.

PASSED and ADOPTED this 11 day of February, 2015.

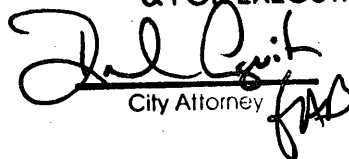
ATTEST:


Rafael G. Granado, City Clerk




Philip Levine, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

2-4-15
Date

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its February 2, 2015 Meeting, To Approve The Vacation Of The Right Of Way Known As Liberty Avenue (Palm Avenue) Between 22nd Street (Ocean Avenue) And 23rd Street (Atlantic Avenue), Which Is A 50 Foot In Width Right-Of-Way, Containing Approximately 12,500 Square Feet In Total Area, As Shown On The Plat Of Amended Map Of The Ocean Front Property Of The Miami Beach Improvement Company, Recorded In Plat Book 5 At Page 7, Of The Public Records Of Miami-Dade County, In Favor Of The City Of Miami Beach, (The Applicant); Waiving By 5/7th Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Section 82-39(A) And (B) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions.

Key Intended Outcome Supported:

Build and maintain priority infrastructure with full accountability.
Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

On May 3, 2012, the City of Miami Beach entered into an architectural design contract with premier architect Zaha Hadid Limited and Berenblum Busch Architecture Inc., for these firms to design the proposed Collins Park Garage. The Garage has been designed with retail on the first floor, and upper levels with public parking spaces. The City owns the properties upon which the garage will be built, including lots 7, 9, and 11 of Block 2 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7); and Lots 1, 3, 5, 7 and 9 of Block 1 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7). Between blocks 1 and 2 is Liberty Avenue, a 50 foot wide public right-of-way consisting of approximately 12,500 square feet, see attached Property Legal Description and Sketch (Exhibit A) and Adjacent Properties Survey (Exhibit B).

The City's Capital Improvement Projects Office reviewed the proposed architectural plans with planning, public works, the fire department, and the building department. The architectural design includes the development of a pedestrian plaza within Liberty Avenue between 22nd Street and 23rd Street. The parking garage structure also encroaches into Liberty Avenue and the air rights above Liberty Avenue are being utilized by the parking structure to cross over from Block 1 onto Block 2, see Proposed Collins Park Place Ground Floor Plan (Exhibit C). In order for the proposed parking garage structure be able to obtain a building permit, the right-of-way needs to be vacated. As Liberty Avenue has been contemplated to be a pedestrian public plaza, with no vehicular access, and as the City owns all the parcels adjacent to Liberty Avenue between 22nd and 23rd Streets (the City owns lots 1-10 on Block 1 and owns lots 7, 9, 11, 4, 6, 8, 10 and 12 of Block 2), should Liberty Avenue be vacated, title to the vacated right-of-way would transfer to the adjacent property owners, which would be the City of Miami Beach, therefore there would be no financial impact to the City. Also, utility easements will be granted, as required.

The City must comply with the requirements of Chapter 82-36 through 82-40, of the City Code, which requires certain actions prior to effectuating a vacation. The City Commission is to hold two separate meeting dates, one of which, scheduled for February 11, 2015, is to be accompanied with a duly noticed public hearing in order to obtain citizen input into the proposed vacation, and also requires the review of the Finance and Citywide Projects Committee (FCWPC), which item was heard during the FCWPC meeting of February 2, 2015, and which Committee recommended to the City Commission to proceed with the vacation. Section 82-38 requires the Planning Department to prepare an analysis of the vacation. The Planning Department prepared the analysis of the vacation (Exhibit D) on February 11, 2015. The Planning Department reviewed the six (6) criteria elements for vacating Liberty Avenue and found these criteria to have been satisfied. The second required meeting is scheduled for March 11, 2015.

The Administration recommends approval of the resolution.

Advisory Board Recommendation:


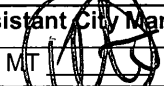
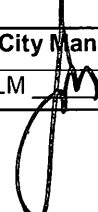
Financial Information:	Amount	Account
OBPI	Total	

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

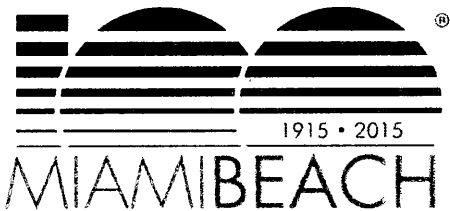
David Martinez, Ext. 6972

Sign-Offs:

Department Director	Assistant City Manager	City Manager
DM 	MT 	JLM 

T:\AGENDA\2015\February\CP\Liberty Avenue - ROW Vacation\COMMISSION ITEM SUMMARY.docx





COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: February 11, 2015

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AT ITS FEBRUARY 2, 2015 MEETING, TO APPROVE THE VACATION OF THE RIGHT OF WAY KNOWN AS LIBERTY AVENUE (PALM AVENUE) BETWEEN 22ND STREET (OCEAN AVENUE) AND 23RD STREET (ATLANTIC AVENUE), WHICH IS A 50 FOOT IN WIDTH RIGHT-OF-WAY, CONTAINING APPROXIMATELY 12,500 SQUARE FEET IN TOTAL AREA, AS SHOWN ON THE PLAT OF AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, RECORDED IN PLAT BOOK 5 AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, IN FAVOR OF THE CITY OF MIAMI BEACH, (THE APPLICANT); WAIVING BY 5/7TH VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS PURSUANT TO SECTION 82-39(A) AND (B) OF THE CITY CODE, FINDING THAT THE PUBLIC INTEREST WOULD BE SERVED BY WAIVING SUCH CONDITIONS.

BACKGROUND

On May 3, 2012, the City of Miami Beach entered into an architectural design contract with premier architect Zaha Hadid Limited and Berenblum Busch Architecture Inc., for these firms to design the proposed Collins Park Garage. The Garage has been designed with retail on the first floor, and upper levels with public parking spaces. The City owns the properties upon which the garage will be built, including lots 7, 9, and 11 of Block 2 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7); and Lots 1, 3, 5, 7 and 9 of Block 1 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7). Between blocks 1 and 2 is Liberty Avenue, a 50 foot wide public right-of-way consisting of approximately 12,500 square feet, see attached Property Legal Description and Sketch (Exhibit A) and Adjacent Properties Survey (Exhibit B).

ANALYSIS

The City's Capital Improvement Projects Office reviewed the proposed architectural plans with planning, public works, the fire department, and the building department. The architectural design includes the development of a pedestrian plaza within Liberty Avenue between 22nd Street and 23rd Street. The parking garage structure also encroaches into Liberty Avenue and the air rights above Liberty Avenue are being utilized by the parking structure to cross over from Block 1 onto Block 2, see Proposed Collins Park Place Ground Floor Plan (Exhibit C). In order for the proposed parking garage structure be able to obtain a building permit, the right-of-way needs to be vacated. As Liberty Avenue has been contemplated to be a pedestrian public plaza, with no vehicular access, and as the City owns all the parcels adjacent to Liberty Avenue between 22nd and 23rd Streets (the City owns lots 1-10 on Block 1 and owns lots 7, 9, 11, 4, 6, 8, 10 and 12 of Block 2), should Liberty Avenue be vacated, title to the vacated right-of-way would transfer to the adjacent property owners, which would be the City of

Miami Beach, therefore there would be no financial impact to the City. Also, utility easements will be granted, as required.

COMPLIANCE WITH CHAPTER 82 OF THE CITY’S CODE

The City must comply with the requirements of Chapter 82-36 through 82-40, of the City Code, which requires certain actions prior to effectuating a vacation. The City Commission is to hold two separate meeting dates, one of which, scheduled for February 11, 2015, is to be accompanied with a duly noticed public hearing in order to obtain citizen input into the proposed vacation, and also requires the review of the Finance and Citywide Projects Committee (FCWPC), which item was heard during the FCWPC meeting of February 2, 2015, and which Committee recommended to the City Commission to proceed with the vacation. Section 82-38 requires the Planning Department to prepare an analysis of the vacation. The Planning Department prepared the analysis of the vacation (Exhibit D) on February 11, 2015. The Planning Department reviewed the six (6) criteria elements for vacating Liberty Avenue and found these criteria to have been satisfied. The second required meeting is scheduled for March 11, 2015.

CONCLUSION

The Administration recommends the approval of a resolution accepting the recommendation of the Finance and Citywide Projects Committee at its February 2, 2015 meeting, to approve the vacation of the right of way known as Liberty Avenue (Palm Avenue) between 22nd Street (Ocean Avenue) and 23rd Street (Atlantic Avenue), which is a 50 foot in width right-of-way, containing approximately 12,500 square feet in total area, as shown on the plat of amended map of the Ocean Front Property of the Miami Beach Improvement Company, recorded in Plat Book 5 at Page 7, of the Public Records of Miami-Dade County, in favor of the City of Miami Beach, (The Applicant); waiving by 5/7th vote, the competitive bidding and appraisal requirements pursuant to Section 82-39(a) and (b) of the City Code, finding that the Public Interest would be served by waiving such conditions.

Exhibit A – Legal Description and Sketch of Legal Description of ROW Vacation

Exhibit B – Adjacent Properties Survey

Exhibit C – Proposed Collins Park Place Ground Floor Plan

Exhibit D – Planning Analysis of Proposed ROW Vacation

JLM/MT/DM

Exhibit A

AREA TO BE VACATED:

LIBERTY AVENUE (PALM AVENUE) RIGHT-OF-WAY BETWEEN 22ND STREET (OCEAN AVENUE) AND 23RD STREET (ATLANTIC AVENUE):

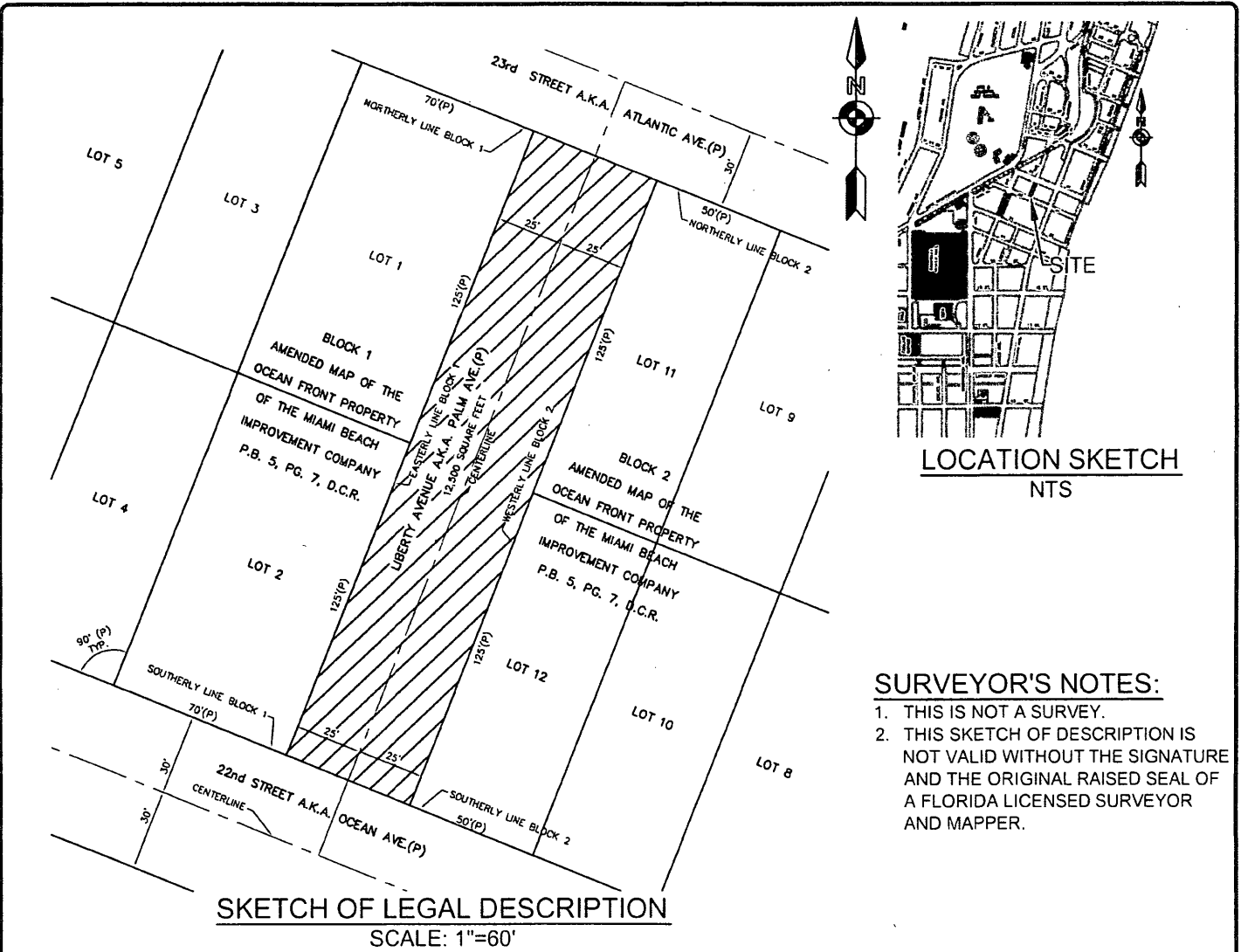
BEING A RIGHT OF WAY 50 FEET IN WIDTH KNOWN AS LIBERTY AVENUE LABELED ON THE PLAT AS "PALM AVENUE" ACCORDING TO THE PLAT OF "AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY" AS RECORDED IN PLAT BOOK 5, PAGE 7, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE WEST BY THE EASTERLY LINE OF BLOCK 1; BOUNDED ON THE EAST BY THE WESTERLY LINE OF BLOCK 2;

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BOUNDED ON THE SOUTH BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF BLOCK 1 AND THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF BLOCK 2.

CONTAINING 12,500 SQUARE FEET MORE OR LESS.



LEGAL DESCRIPTION:

BEING A RIGHT OF WAY 50 FEET IN WIDTH KNOWN AS LIBERTY AVENUE LABELED ON THE PLAT AS "PALM AVENUE" ACCORDING TO THE PLAT OF "AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY" AS RECORDED IN PLAT BOOK 5, PAGE 7, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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- CONTAINING 12,500 SQUARE FEET MORE OR LESS.

LEGEND & ABBREVIATIONS:

ORB.	OFFICIAL RECORD BOOK	DB.	DEED BOOK
(C)	CALCULATED DIMENSION	TYP.	TYPICAL
NTS	NOT TO SCALE	PG.	PAGE
(P)	PLAT DIMENSION	DCR	DADE COUNTY RECORDS
R/W	RIGHT-OF-WAY	PB.	PLAT BOOK

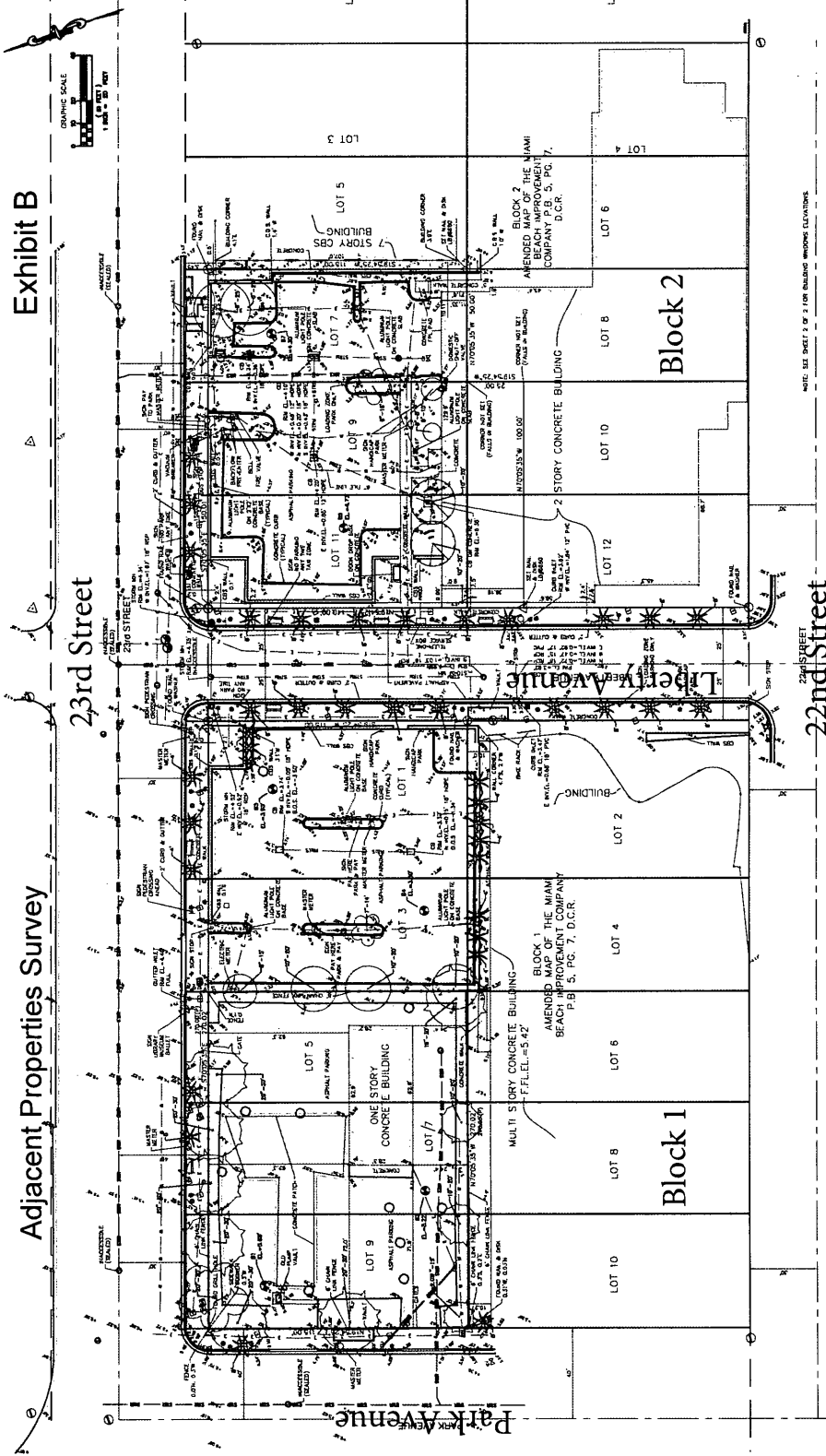
B. T. Bellino 12-19-14
 BRIAN T. BELLINO DATE
 CITY SURVEYOR
 STATE OF FLORIDA
 PROFESSIONAL SURVEYOR AND MAPPER NO.4973

<p>1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL 33139</p>	DRAWN BY: L.F. CHECKED: B.T.B. SCALE: AS SHOWN	REVISED: _____ _____ _____	TITLE: LIBERTY AVENUE, 22ND TO 23RD STREET	SM-2014M SHEET 1 OF 1
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\\WORKS\ALLCAD-DWG\PROJECTS\SM-2014M (Liberty Ave Sketch of Description RW Vacation)

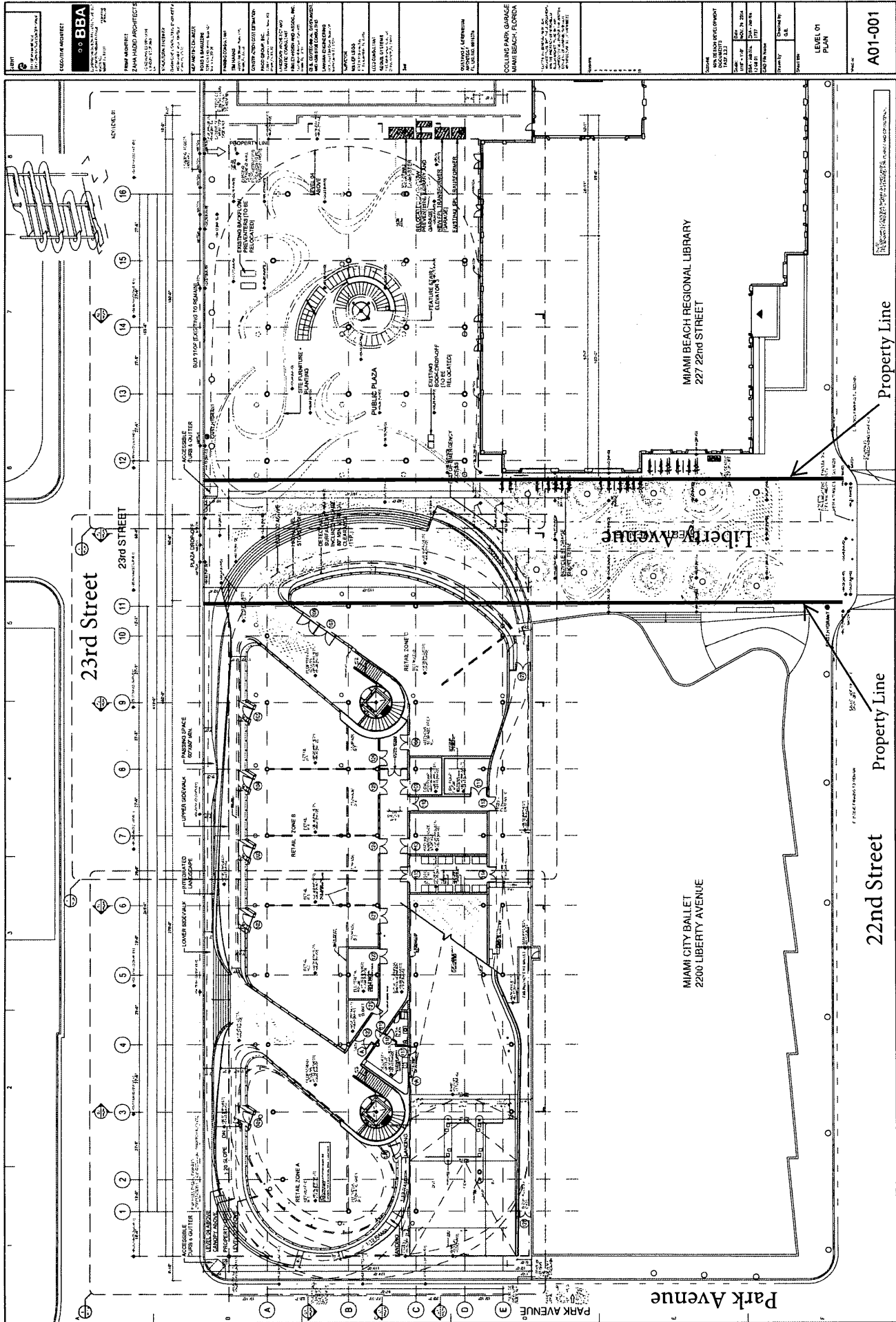
Adjacent Properties Survey

Exhibit B



Proposed Collins Park Place Ground Floor Plan

Exhibit C



<p>DESIGNER ARCHITECT</p> <p>BBA</p> <p>1100 BROADWAY, SUITE 2000 MIAMI, FL 33139</p>	<p>PROJECT ARCHITECT</p> <p>ZAHARA HANID ARCHITECTS</p> <p>1100 BROADWAY, SUITE 2000 MIAMI, FL 33139</p>	<p>DATE</p> <p>08/11/2011</p>	<p>PROJECT</p> <p>PROPOSED COLLINS PARK PLACE</p>	<p>SCALE</p> <p>AS SHOWN</p>	<p>PROJECT NO.</p> <p>08-11-001</p>	<p>DATE</p> <p>08/11/2011</p>	<p>PROJECT NO.</p> <p>08-11-001</p>	<p>DATE</p> <p>08/11/2011</p>	<p>PROJECT NO.</p> <p>08-11-001</p>	<p>DATE</p> <p>08/11/2011</p>	<p>PROJECT NO.</p> <p>08-11-001</p>
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A01-001


LEVEL 01
PLAN

MIAMI BEACH

PLANNING DEPARTMENT

COMMISSION MEMORANDUM

TO: Jimmy L. Morales, City Manager

FROM: Thomas R. Mooney, AICP 
Planning Director

DATE: February 11, 2015

SUBJECT: **Analysis of Proposed Right of Way (ROW) Vacation –
Liberty Avenue between 22nd Street and 23rd Street.**

BACKGROUND

Section 82-38 of the Code of the City of Miami Beach requires that any proposed sale or lease of City-owned land be analyzed from a planning perspective so that the City Commission and the public are fully apprised of all conditions relating to the proposed sale or lease.

The proposal herein is to vacate Liberty Avenue (Palm Avenue) between 22nd Street (Ocean Avenue) and 23rd Street (Atlantic Avenue). The right of way is 50 feet wide and contains approximately 12,500 square feet in area. It will be utilized for the construction of a main use parking garage which will be owned by the City. The ground level of the garage will include a public plaza, as well as enclosed retail spaces, which may be leased or sold to tenants. The following is an analysis based on the criteria delineated in the Code.

ANALYSIS

1. **Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city comprehensive plan.**

Consistent – The vacation of the ROW will allow for the construction of a City-owned public parking garage with retail on the first floor to service the surrounding community. This is consistent with Goals, Objectives, and Policies of the City's Comprehensive Plan, including:

OBJECTIVE 8: PARKING

The City shall provide clean, safe, and affordable parking, by continuing to explore and implement creative and technologically advanced methods of parking provision and management to satisfy the need.

Policy 8.1: Continued Development of Parking

The City shall continue with the acquisition, construction and improvements to municipal parking facilities as may be needed.

Policy 8.2: Public Private Partnerships

The City shall continue to seek public-private partnerships in the development

of its parking facilities and intermodal centers.

Policy 8.4: Context Sensitive Parking Development

Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian and bicycle activity, such as to the side or rear of buildings.

- 2. The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the city shall determine the potential impact of the project on city utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.**

Consistent – No negative impacts are anticipated by the proposal. The property being vacated by the City is for the purpose of developing a main use parking garage to service a neighborhood that has a lack of public parking. The project is located in the Museum Historic District, where the 'contributing' historic structures lack a parking requirement. The proposal will include a pedestrian passage through Liberty Avenue, which ensures that connectivity for pedestrians will not be negatively impacted by the project. The proposal will include ground level retail which will ensure that garage is compatible with and services the surrounding neighborhood.

- 3. A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the city's revenue base, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.**

Consistent - This proposed use is in keeping with a public purpose and community needs and will improve the community's overall quality of life. The ROW will be utilized for a main use parking garage that will be owned by the City in an area where it is needed. It will include ground level retail, which will create additional jobs.

- 4. A determination as to whether or not the development is in keeping with the surrounding neighborhood, will block views or create environmental intrusions, and evaluation of the design and aesthetic considerations of the project.**

Consistent – The development will keep with the surrounding neighborhood and will not significantly block views or create environmental intrusions. The project is being designed by world renowned firms and will be undergoing a design review process that is required of such developments.

- 5. The impact on adjacent properties, whether or not there is adequate parking,**

street and infrastructure needs.

Consistent – The primary intent of the vacation of this ROW is intended to address the parking, street, and infrastructure needs of adjacent properties.

6. **Such other issues as the city manager or his authorized designee, who shall be the city's planning director, may deem appropriate in analysis of the proposed disposition.**

Not applicable - The Planning Department has no other issues it deems appropriate to analyze for this proposal.

CONCLUSION

Vacation of the public ROW is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan. The vacation of Liberty Avenue between 22nd Street and 23rd Street will generate no negative impacts for the surrounding area.

TRM/RAM

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**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY given that the following public hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, February 11, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:05 a.m.
A Resolution Adopting The Second Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2014/15. *Inquiries may be directed to the Office of Budget & Performance Improvement at 305.673.7510.*

10:10 a.m.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation"; By Amending Section 70-67, Entitled "Prohibited Activities," By Prohibiting Bicycling, Roller Skating, In-Line Skating, And Traffic Skateboarding On The East Side Of Ocean Drive From 3rd To 15th Streets; By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; By Amending Section 70-71, Entitled "Enforcement And Penalty Provisions Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Transportation Department at 305.673.7514.*

10:15 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Florida By Amending Chapter 118, "Administrative And Review Procedures," Article IX, "Nonconformances," By Amending Section 118-995, "Repair And/OR Rehabilitation Of Nonconforming Buildings And Uses," By Modifying And Clarifying Allowable Additions To Non-Conforming Buildings; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:20 a.m.
An Ordinance Amending Subpart A – General Ordinances, Chapter 106 "Traffic And Vehicles," At Article I, Division 1 Entitled "Generally," To Clarify That A Parking Enforcement Specialist May Issue Code Compliance Violations Under Section 106-116 Through 106-126, With Enforcement Through The Special Master; And At Article II Entitled "Metered Parking; Creating Division 3 Entitled "Construction Parking And Traffic Management Plan"; And Creating Sections 106-130; Providing For Legislative Intent; Definitions; Creating A Requirement That All Contractors Provide Traffic Plan To The Building And Parking Department(s) Prior To Obtaining A Building Or Grading And Shoring Permit For All Projects Over A Certain Construction Threshold; To Ensure That All Employees, Contractors, And Subcontractors Are Part Of A Traffic Management And Parking Plan For Parking Of Vehicles; Providing For Penalties, Enforcement Procedures And Appeals; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Parking Department at 305.673.7505.*

10:25 a.m.
An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92 Thereof, Entitled "Litter; Definitions; Prohibitions On Litter; Penalties For Litter And Commercial Handbill Violations; Commercial Handbill Regulations, Fines, And Rebuttable Presumptions; Seizure And Removal Of Litter By The City; Enforcement; Appeals; Liens" To Amend Subsection (a) To Define The Terms "Polystyrene" And "Expanded Polystyrene" And To Amend Subsection (c) To Prohibit Any Person From Carrying Any Expanded Polystyrene Product Onto Any City Marina, Pier, Dock, Or Boat Ramp; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article I, Entitled "In General," By Amending Section 82-7 Thereof, Entitled "Prohibitions Regarding Sale Or Use Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees," To Define The Term "Polystyrene" And To Amend The Definition Of "City Facility," To Include City Marinas, Piers, Docks, And Boat Ramps And To Amend The Definitions Of "City Facility" And "City Property," To Include Property Leased To The City And Clarifying The Effective Date Of Section 82-7; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5, Entitled "Sidewalk Cales," By Amending Subdivision 1, Entitled "Generally," By Amending Section 82-366 Thereof, Entitled "Definitions," To Define The Terms "Polystyrene," "Expanded Polystyrene," And "Expanded Polystyrene Food Service Articles"; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470 and the Environment and Sustainability Division at 305.673.7010.*

10:30 a.m.
An Ordinance Amending The City Code, Chapter 104, "Telecommunications," Article I, "Communications Rights Of Way," By Amending And Providing Definitions; Amending The Registration Process; Amending The Permit Application Process To Require The Issuance Of Permits; To Require Design And Appropriateness Review And Approval By The Design Review Board And Historic Preservation Board; Creating Standards For Communications Facilities Design, Location And Collocation; Adding Standards For Site Improvements, Use Of And Restoration Of Sites And Rights-Of-Way, Including Distance Separation Between Communications Facilities And Between Such Facilities And Residential Uses; And Contributing Buildings In Historic Districts; To Provide For Compensation To The City For The Use Of Public Rights-Of-Way For These Purposes; And Amending Such Other Sections As Are Appropriate To Protect The Public Health, Safety And Welfare; And Amending The Land Development Regulations Of The City Code, Chapter 118, Article II, "Boards," Divisions 3 And 4, "Design Review Board" And "Historic Preservation Board," Sections 118-71 And 118-102, "Powers And Duties," To Add Review And Approval Of Improvements In The Rights-Of-Way As Being Within The Jurisdiction Of The Design Review Board And Historic Preservation Board Respectively; And Chapter 118, Article VI, "Design Review Procedures," Section 118-251, "Design Review Criteria," And Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/ Certificate To Dig/Certificate Of Appropriateness For Demolition," Section 118-564, "Decisions On Certificates Of Appropriateness," Adding Criteria For Such Review For Telecommunications Equipment And Facilities; Providing For Codification; Repealer; Severability And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:35 a.m.
A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its February 2, 2015 Meeting, To Approve The Vacation Of The Right Of Way Known As Liberty Avenue (Palm Avenue) Between 2nd Street (Ocean Avenue) And 2nd Street (Atlantic Avenue), Which Is A 50 Foot In Width Right-Of-Way, Containing Approximately 12,500 Square Feet In Total Area, As Shown On The Plat Of Amended Map Of The Ocean Front Property Of The Miami Beach Improvement Company, Recorded In Plat Book 5 At Page 7, Of The Public Records Of Miami-Dade County, In Favor Of The City Of Miami Beach, (The Applicant); Waiving By 57th Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Section 82-39(g) And (h) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions. *Inquiries may be directed to the Capital Improvement Projects Department at 305.673.7071.*

Dr. Stanley Sutinick Citizen's Forum – Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutinick Citizen's Forum are 8:30 a.m. and 1:00 p.m., or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach

