

**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 22<sup>ND</sup> STREET (OCEAN AVENUE) AND 23<sup>RD</sup> 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 5/7<sup>TH</sup> 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 22<sup>nd</sup> Street (Ocean Avenue) and 23<sup>rd</sup> 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 22<sup>nd</sup> Street, 340 23<sup>rd</sup> Street, 2200 Liberty Avenue, 224 23 Street, 245 22<sup>nd</sup> Street, 211 22<sup>nd</sup> 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 22<sup>nd</sup> Street and 23<sup>rd</sup> 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 22<sup>nd</sup> and 23<sup>rd</sup> 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,

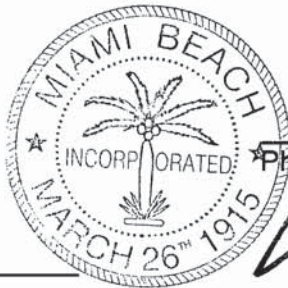
**WHEREAS**, although the City's procedures for the lease of sale or sale of public property also require an advertised public bidding process, and an appraisal, the requirements may be waived by 5/7<sup>th</sup> vote; in this case, and due to the nature of the law pertaining to the vacation of rights-of-way, 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 22<sup>nd</sup> Street (Ocean Avenue) and 23<sup>rd</sup> 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 5/7<sup>th</sup> 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.

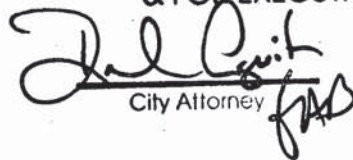
ATTEST:

  
Rafael G. Granado, City Clerk



  
Philip Levine, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
City Attorney

2-4-15  
Date