

RESOLUTION NO. _____

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, AND APPROVING A FUNDING AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND THE SUNSET ISLANDS PROPERTY OWNERS, INC., A NOT-FOR-PROFIT FLORIDA CORPORATION SERVING AS THE HOMEOWNERS ASSOCIATION FOR THE SUNSET ISLANDS I AND II NEIGHBORHOODS (“HOA”); WITH SUCH FUNDING AGREEMENT PROVIDING THE FRAMEWORK AND TERMS FOR THE HOA TO COVER CONSTRUCTION COSTS IN EXCESS OF THE CITY’S FY14/15 \$200,000 CAPITAL BUDGET APPROPRIATION FOR THE SUNSET ISLANDS I AND II GATE HOUSE PROJECT (“PROJECT”), INCLUDING SPECIFIED IMPROVEMENTS TO THE GATE HOUSE STRUCTURE LOCATED AT 1356 WEST 29TH STREET, MODIFICATIONS TO THE MEDIAN, CONSTRUCTION OF A SECOND GATE HOUSE STRUCTURE ALONG THE 29TH STREET MEDIAN, MODIFICATIONS TO THE SECURITY ARMS, BRICK PAVERS, LANDSCAPING, IRRIGATION AND RELATED IMPROVEMENTS; FURTHER, APPROVING A MAINTENANCE AND USE EASEMENT AGREEMENT TO PROVIDE FOR THE HOA TO OPERATE AND MAINTAIN THE GATE HOUSE FOLLOWING COMPLETION OF THE PROJECT; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL NEGOTIATED AGREEMENTS.

WHEREAS, the City is the owner of the Sunset Island Gate House located at 1356 W 29 Street, Miami Beach Florida 33140-4273 (folio # 9388353583 ROW) (the “Gate House”), as well as the other improvements located in the public right of way along W 29 Street;

WHEREAS, as part of the City’s FY14/15 Capital Budget, the Mayor and City Commission appropriated funding in the amount of \$200,000 (the “City Appropriation”) for the design, permitting and construction of certain improvements to the existing Gate House (“Gate House Improvements”); and

WHEREAS, the amounts appropriated are insufficient to fund the construction of certain additional improvements that the City and the HOA believe would be beneficial in the area, including the construction of a second guardhouse structure in the center median on W 29 Street; modifications to the median, installation of brick pavers, conduits for the HOA’s security system, modification to security arms, landscaping and irrigation (“Additional Improvements”); and

WHEREAS, the Gate House Improvements and the Additional Improvements are depicted in the concept plan attached hereto as Exhibit “A” (the “Project”); and

WHEREAS, the estimated construction cost for the Project, including contingency, is approximately \$462,000; and

WHEREAS, following the City’s payment of expenditures for design and related Project costs, the amount remaining from the City Appropriation, and available for the construction of the Project, is \$104,000, which funds are insufficient to fund the construction of the Project; and

WHEREAS, subject to the terms and conditions of the Agreement, a copy of which is attached as Exhibit “B” to the Commission Memorandum accompanying this Resolution, the HOA agrees to provide funding in excess of the City Appropriation (the “HOA Contribution”), in an effort

to collaborate with the City to facilitate the construction of the Project, for the benefit of the HOA, its residents, and the City; and

WHEREAS, the City and the HOA desire to confirm, in this Agreement, the terms agreed to between the City and the HOA with respect to the HOA Contribution and the City's construction of the Project, which terms provide:

- that the City will competitively bid the Project in accordance with its standard procurement requirements;
- that, prior to award of the construction contract for the Project, the City shall provide the HOA with the opportunity to confirm its agreement to make the HOA Contribution, based upon the final bids the City receives for the Project; and
- that the City and the HOA shall have no obligation to proceed with the Project, until such time as bids are received, and both the City and the HOA mutually agree upon the final pricing for the Project and the HOA Contribution; and

WHEREAS, on June 29, 2018, the Finance and Citywide Projects Committee reviewed the Funding Agreement and Maintenance and Use Easement Agreement, and unanimously recommended approval thereof.

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, and approve a Funding Agreement between the City of Miami Beach, Florida and the Sunset Islands Property Owners, Inc., a not-for-profit Florida corporation ("HOA") serving as the homeowners association for the Sunset Islands I and II neighborhoods; with such Funding Agreement providing the framework and terms for the HOA to cover construction costs in excess of the City's FY14/15 \$200,000 Capital Budget appropriation for the Sunset Islands I and II Gate House Project ("Project"), including specified improvements to the gate house structure located at 1356 west 29th Street, modifications to the median, construction of a second gate house structure along the 29th Street median, modifications to the security arms, brick pavers, landscaping and irrigation; further, approve a Maintenance and Use Easement Agreement to provide for the HOA to operate and maintain the gate houses following completion of the Project; and further, authorize the Mayor and City Clerk to execute the final negotiated agreements.

PASSED AND ADOPTED this _____ day of _____ 2018.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

2/11/18
Date