

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO TERMINATE THE MANAGEMENT AGREEMENT FOR MAINTENANCE OF 1100 BLOCK OF LINCOLN ROAD, WITH UIA MANAGEMENT, LLC (MANAGER), FOR CONVENIENCE, UPON PROVIDING MANAGER WITH NINETY (90) DAYS NOTICE, AS PERMITTED PURSUANT TO PARAGRAPH 11 OF THE AGREEMENT, WITH THE CITY ASSUMING THE MAINTENANCE RESPONSIBILITIES THEREAFTER; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE ANY DOCUMENTED TERMINATION EXPENSES AUTHORIZED UNDER THE AGREEMENT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED IN CONNECTION WITH THIS SEPARATION, SUBJECT TO APPROVAL BY THE CITY ATTORNEY.**

**WHEREAS**, the City is owner of certain land located on Lincoln Road between Lenox Avenue, and Alton Road in, in Miami Beach, Florida ("City Property"); and

**WHEREAS**, On March 14, 2007, the City Commission adopted Resolution No. 2007-26494, approving a Development Agreement between the City and UIA Management, LLC ("Manager"), for the design, development, and construction of certain improvements to the 1100 Block of Lincoln Road ("Project Site"), in conjunction with the project being developed by MBeach1, LLLP ("MBeach1"), an affiliate of Manager, at 1111 Lincoln Road, Miami Beach, Florida (the "MBeach1 Property"); and

**WHEREAS**, On April 11, 2007, the City and Manager entered into a Development Agreement (the "Original Development Agreement"); and

**WHEREAS**, On June 3, 2009, the City and Manager entered into the First Amendment to Development Agreement (the "First Amendment", and together with the Original Development Agreement, the "Development Agreement"); and

**WHEREAS**, the improvements to be installed by the Developer included, without limitation, pavers, street furniture, ponds, decorative fountains/water features, irrigation and drainage systems, indigenous plants and trees and special lighting; and

**WHEREAS**, In accordance with Section 52.6 of the Development Agreement, on January 11, 2010, the City and Manager entered into a Management Agreement for Maintenance of the Project Site; and

**WHEREAS**, the costs in connection with the maintenance program increase yearly; and

**WHEREAS**, for the past fiscal year, the regular maintenance program costs were approximately \$170,000 plus insurance costs of approximately \$60,500 (with policy expiring on March 23, 2019), with the insurance costs for the new policy being estimated to cost approximately \$80,000; and

**WHEREAS**, the Administration is not satisfied with the management and maintenance services being performed by the Manager; and

**WHEREAS**, the Administration recommends terminating the Agreement, for convenience, pursuant to paragraph 11 of the Agreement, thereby transferring the maintenance responsibilities for the Project Site to the City; and

**WHEREAS**, the Administration recommends authorizing the City Manager to negotiate and pay all documented termination expenses which in his reasonable discretion may be owed to the Manager as a result of the separation and execute any required documentation in connection therewith.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the City Manager to terminate the Management Agreement for Maintenance of 1100 Block Of Lincoln Road, with UIA Management, LLC (Manager), for convenience, upon providing Manager with ninety (90) days notice, as permitted pursuant to paragraph 11 of the Agreement, with the City assuming the maintenance responsibilities thereafter; and authorize the City Manager to negotiate any documented termination expenses authorized under the Agreement; and further authorize the City Manager to execute any and all documents required in connection with this separation, subject to approval by the City Attorney.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

2205  
City Attorney

3/4/19  
Date