

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, A TEN (10) FOOT WIDE UNDERGROUND UTILITY EASEMENT, HAVING APPROXIMATELY 813 SQUARE FEET, IN FAVOR OF CROWN CASTLE FIBER LLC (CROWN CASTLE); SAID EASEMENT LYING IN A PORTION OF LOT 1, BLOCK 3, OF SECOND OCEAN FRONT SUBDIVISION, RECORDED IN PLAT BOOK 28, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, HAVING A STREET ADDRESS OF 6444 INDIAN CREEK DRIVE, FOR A TERM OF NINE (9) YEARS AND 364 DAYS, PROVIDING FOR THE PAYMENT TO THE CITY OF AN INITIAL ANNUAL USE FEE OF \$5,945 PER YEAR, SUBJECT TO ESCALATIONS OF 3% PER YEAR, FOR THE INSTALLATION AND MAINTENANCE OF TELECOMMUNICATIONS EQUIPMENT; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL EASEMENT AGREEMENT.

WHEREAS, The City of Miami Beach owns the Property located at 6444 Indian Creek Drive, Miami Beach Florida, commonly known as Brittany Bay Park (the "Property"); and

WHEREAS, Crown Castle Fiber LLC ("Crown Castle") has requested that the City grant them a ten (10) foot wide underground easement, having approximately 813 square feet (the "Easement Area"); and

WHEREAS, Crown Castle intends to install four (4) 1.5 inch conduits utilizing directional boring within the Easement Area, in order to develop a small cell wireless facility telecommunication infrastructure, which can accommodate "5G" telecommunication equipment; and

WHEREAS, pursuant to the terms of the Easement ("Agreement"), the City would convey to Crown Castle a non-exclusive underground utility easement in, on, over, across and under the Property (the "Easement Area"), including ingress and egress over the Property to permit Crown Castle to install improvements within the Easement Area for utility purposes only; and

WHEREAS, the City will retain the right to construct and maintain other improvements within the Easement Area so long as such improvements do not unreasonably impede Crown Castle's authorized use of the Easement Area; and

WHEREAS, the City had secured an appraisal from The Urban Group Real Estate Consultants ("Appraiser"), dated December 3, 2019, for an initial proposed underground utility easement, having 435 square feet, which appraised the annual use fee for the easement at \$3,180.00; and

WHEREAS, after securing the appraisal, the City requested that Crown Castle use a standard ten foot wide easement size, increasing the square footage of the proposed easement to 813 square feet; and

WHEREAS, by using the same valuation methodology used by the Appraiser for the first easement, the use fee for the initial year for the proposed 813 square foot easement was calculated to be \$5,945.06; and

WHEREAS, pursuant to the terms of the proposed Easement Agreement, the use fee will be increased every year by 3% over the use fee paid in the prior year; and

WHEREAS, this utility easement for Crown Castle will satisfy the needs of Crown Castle to maintain their fiber service within the City of Miami Beach, to provide the residents of Miami Beach with more efficient telecommunication services; and

WHEREAS, the City Manager recommends approving, in substantial form, the Easement Agreement incorporated herein by reference and attached hereto as Exhibit "1", which Agreement provides for the payment to the City of a fair market use fee.

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 in substantial form, a ten (10) foot underground utility easement, having approximately 813 square feet, in favor of Crown Castle Fiber LLC (Crown Castle); said easement lying in a portion of lot 1, block 3, of second ocean front subdivision, recorded in Plat Book 28, at Page 28, of the Public Records of Miami-Dade County, Florida, having a street address of 6444 Indian Creek Drive, for a term of nine (9) years and 364 days, providing for the payment to the City of an initial annual use fee of \$5,945 per year, subject to escalations of 3% per year, for the installation and maintenance of telecommunications equipment; and further authorize the Mayor and City Clerk to execute the final Easement Agreement.

PASSED AND ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *Art* 4-8-20
Date