

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE TRANSFER FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) OF THE PUBLIC RIGHT OF WAY OF RUE VENDOME, LOCATED BETWEEN NORMANDY DRIVE AND 71ST STREET, AS REFLECTED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF SECTION 87080-2503, FOR STATE ROAD 934 F/K/A STATE ROAD NO. 828, RECORDED ON APRIL 23, 1965, IN MAP BOOK 79, AT PAGE 30; SAID RIGHT OF WAY ORIGINALLY DEDICATED FOR PUBLIC USE (TO THE CITY) ON THE SUBDIVISION PLAT OF THE OCEAN SIDE SECTION OF THE ISLE OF NORMANDY BEACH PROPERTIES CORPORATION, RECORDED ON JUNE 6, 1928, IN PLAT BOOK 25, AT PAGE 60, ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; AND FURTHER AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS AND EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTUATE THE TRANSFER OF THE RUE VENDOME RIGHT OF WAY TO THE CITY.

WHEREAS, in 2016, the City adopted The North Beach Master Plan, which recommended that the area around the Normandy Isle Fountain be transformed into a vibrant pedestrian oriented plaza, for community building and streetscape activation; and

WHEREAS, in 2017, the City commissioned a professional engineering consultant for the design of the permanent closure and pedestrian plaza, which includes the removal of the existing asphalt paving, concrete curb and gutters, adjacent sidewalks and walkways, up to and surrounding the fountain, and raising the area using new white concrete pavement, and permeable pavers; and

WHEREAS, oolite stone benches, steps, and ramps have been designed to harmonize the elevated plaza with adjacent commercial properties to the west; and

WHEREAS, the existing landscaping will be supplemented with new shade trees, shrubs and ground cover throughout the space; and

WHEREAS, new lighting at the plaza is designed, mounted on structural poles, to facilitate decorative lights and future artistic displays; and

WHEREAS, landscape furniture (benches, trash and recycle receptacles) is also included; and

WHEREAS, in April, 2018, the City enacted this transformation, with the temporary closure of Rue Vendome, bounded between 71st Street and Normandy Drive to the north and south, ("Rue Vendome Right of Way") through Florida Department of Transportation (FDOT) permit, FDOT2017-K-691-060, with the painting of an art deco sunburst mural on the asphalt paving and the placement of planters to restrict traffic from the area; and

WHEREAS, various initiatives to activate the street have been undertaken by the Tourism and Culture department; and

WHEREAS, with the success of these events, the City is moving forward with the permanent closure of the Rue Vendome Right of Way and the creation of a public plaza, at the level of the sidewalk; and

WHEREAS, on March 5, 2020, upon receipt of Permit Numbers FDOT2019-C-691-00002 and FDOT2019-H-610-01334 from FDOT; Permit Number 2019-DTM-MISC-00026 from Miami-Dade County DERM; Permit Number RWP0220-5422 from the City's Public Works Department; Permit Number UF2019-0472 from the City's Urban Forestry Division; and Permit Number ELC19-05895 from the City's Building Department, construction for the new public plaza began; and

WHEREAS, on April 13, 2020, FDOT notified the City that the Rue Vendome Right of Way, as more particularly described in the sketch and legal description, incorporated herein by reference and attached as Exhibit "A" to the City Commission Memorandum accompanying this Resolution, is part of the State Highway system; and

WHEREAS, as part of its investigation to confirm ownership of the Rue Vendome Right of Way, City staff reviewed the following information:

- (1) historically, the City has improved, maintained and repaired the Rue Vendome Right of Way, to the exclusion of the signage provided by the State of Florida;
- (2) the Rue Vendome Right of Way is part of the original plat for the neighborhood, the Ocean Side Section of the Isle of Normandy, Normandy Beach Properties Corporation Plat, recorded on June 6, 1928, in O.R. Book 25, at Page 60, of the Public Records of Miami-Dade County (the "1928 Plat");
- (3) in the Dedication section, the 1928 Plat dedicates the highways, whether designated streets, drives, concourses, Esplanades or otherwise, to the perpetual use of the public, thereby dedicating the right of way to the City of Miami Beach;
- (4) on April 23, 1965, the State of Florida Department of Transportation recorded a Right of Way Map, in Map Book 79, at Page 30, of the Public Records of Miami-Dade County ("State Right of Way Map") for State Road 828, identifying the two way pairs, Normandy Drive and 71st Street as part of the State of Florida road system;
- (5) on October 12, 1967, the State of Florida annexed the roads in question as part of the State primary roadway system (two-way pairs);
- (6) on March 16, 1983, pursuant to a Florida Road Numbering Plan, the easterly artery of the Normandy Drive and 71st Street was renamed State Road 934 (one-way pairs); and
- (7) the Normandy Road and 79th/81st/71st Street corridors are referred to as SR 934 by FDOT references on for FDOT projects; however, no reference to any portion of the Rue Vendome Right of Way as SR 934 have been found by staff; and

WHEREAS, in recent review of the drafting lines of the State Right of Way Map by the City's Surveyor and legal research conducted by the City Attorney's Office, City staff has determined that the Rue Vendome Right of Way could reasonably be interpreted as being part of the State system, whether or not by accident; and

WHEREAS, Florida Statutes Section 335.0415(5) (Public road jurisdiction and transfer process), states that "effective as of July 1, 1995, in order to take effect, all transfers of public roads to or from the State Highway System must be by mutual agreement of the affected governmental entities and approved by the Secretary of the Florida Department of Transportation"; and

WHEREAS, Additionally, pursuant to Section 335.02(1), Florida Statutes, this process would also require the State of Florida to conduct a public hearing in Miami-Dade County, as the affected county; and

WHEREAS, Section 335.0415(5) fixed the designation of the state, county, and municipal road systems as they were on June 10, 1995, and as of such date, pursuant to the State Right of Way Map, FDOT claims that Rue Vendome Right of Way was part of the State Highway System; and

WHEREAS, FDOT therefore requires the transfer of the Rue Vendome Right of Way to the City as a condition of the permits for the Rue Vendome project; and

WHEREAS, the City Manager seeks authority to execute any documents and pursue the statutory requirements for acceptance of the transfer of the Rue Vendome Right of Way on behalf of the City.

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 approve and authorize the City Manager to accept the transfer from the Florida Department of Transportation (FDOT) of the public right of way of Rue Vendome, located between Normandy Drive and 71st Street, as reflected on the Florida Department of Transportation Right of Way Map of Section 87080-2503, for State Road 934 f/k/a State Road No. 828, recorded on April 23, 1965, in Map Book 79, at Page 30; said right of way originally dedicated for public use (to the City) on the subdivision plat of the Ocean Side Section of the Isle of Normandy Beach Properties Corporation, recorded on June 6, 1928, in Plat Book 25, at Page 60, all of the Public Records of Miami-Dade County; and further authorize the City Manager to take all necessary steps and execute all necessary documents to effectuate the transfer of the Rue Vendome Right of Way to the City.

PASSED and ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael Granado

City Attorney

5-6-20

Date