

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MAINTENANCE MEMORANDUM OF AGREEMENT (“MMOA”) BETWEEN THE CITY OF MIAMI BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”), CONVEYING FULL MAINTENANCE RESPONSIBILITIES TO THE CITY FOR IMPROVEMENTS FROM 6TH STREET TO JUST NORTH OF 7TH STREET, WITHIN FDOT RIGHT-OF-WAY ALONG STATE ROAD 907 (ALTON ROAD); WHICH MMOA IS A REQUIREMENT FOR FDOT TO APPROVE CONSTRUCTION AND INSTALLATION PERMITS FOR WORK PERFORMED IN THE FDOT RIGHT-OF-WAY IN CONNECTION WITH THE TO BE CONSTRUCTED PUBLIC MUNICIPAL PARK LOCATED WITHIN THE 5TH TO 7TH STREET BLOCKS, BETWEEN WEST AVENUE AND ALTON ROAD.

WHEREAS, on December 12, 2018, the Mayor and City Commission adopted Resolution No. 2018-30648, approving the vacation of 6th Street, a 50 feet City owned right-of-way (ROW), west of Alton Road and east of West Avenue in favor of abutting property owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC (Collectively, the "Applicants"); and

WHEREAS, on December 12, 2018, the Mayor and City Commission adopted Resolution No. 2018-30647, approving a 6th Street ROW vacation Development Agreement, between the City and South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, 1220 Sixth, LLC, and KGM Equities, LLC (collectively, the "Developers"), detailing the obligations of both parties as well as standards and conditions to the vacation; and

WHEREAS, among the Development Agreement's conditions, the Developers agreed to:

- (1) Grant the City a 50 feet-wide perpetual non-revocable utility, roadway and pedestrian access easements across the vacated 6th Street ROW;
- (2) Convey the City, in fee simple, a minimum of 3.0 acres within the 5th - 7th Street blocks, between West Avenue and Alton Road for a world class public municipal park, to be designed and constructed at the Developers' expense; and
- (3) Complete Phase 1 of the aforesated park project; and

WHEREAS, the Developers own the property to the south of, and north of, and adjacent to, the 6th Street ROW, and the Developers intend to use the property as a mixed-use residential and commercial development, pursuant to a Florida Statute Chapter 163 Development Agreement; and

WHEREAS, the public municipal park, once constructed, is to be owned and maintained by the City for public purposes; and

WHEREAS, these park improvements extend into the Florida Department of Transportation's (FDOT) jurisdiction along State Road 907, also known as Alton Road; and

WHEREAS, in order for FDOT to approve the issuance of the construction and installation permits for the park project, FDOT is requesting that the City be responsible for the maintenance of the improvements via a Maintenance Memorandum of Agreement (“MMOA”) attached to the Memorandum accompanying this Resolution as Exhibit “A”; and

WHEREAS, the improvements proposed by the Developers include the use of materials that are not typical within the ROW under FDOT jurisdiction, which include but not limited to landscape and pigmented sidewalks; and

WHEREAS, FDOT will approve the permits for the proposed improvements once the City agrees to execute an MMOA with FDOT, accepting full maintenance responsibility for the area. The City of Miami Beach has executed several similar agreements in the past where landscape and nonstandard materials have been being installed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby approves and authorizes the Mayor and City Clerk to execute the Maintenance Memorandum of Agreement (“MMOA”) between the City of Miami Beach and the Florida Department of Transportation (“FDOT”), conveying full maintenance responsibilities to the City for improvements from 6th street to just north of 7th street, within FDOT Right-Of-Way along state road 907 (Alton Road); which MMOA is required for FDOT to approve construction and installation permits for work performed in the FDOT Right-Of-Way in connection with the to be construction public municipal park located within the 6th to 7th street blocks, between West Avenue and Alton Road.

PASSED and ADOPTED this _____ day of _____, 2021.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

 1-7-21

Date