

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO THE CITY'S FORM HARMONIZATION AGREEMENT, IRREVOCABLE LICENSE AND AUTHORIZATION USED AS PART OF THE WEST AVENUE NEIGHBORHOOD IMPROVEMENT PROJECTS, PROVIDING THAT IF ANY PROPERTY OWNER IN THE WEST AVENUE NEIGHBORHOOD SECURES FAVORABLE REVISIONS TO ITS HARMONIZATION AGREEMENT WITH THE CITY, THE CITY ADMINISTRATION SHALL EXTEND ANY SUCH FAVORABLE TERMS TO OTHER SIMILARLY SITUATED PROPERTY OWNERS, INCLUDING PROPERTY OWNERS WHO MAY HAVE ALREADY SIGNED THEIR HARMONIZATION AGREEMENTS, IN ORDER TO ENSURE UNIFORMITY IN THE CITY'S APPROACH TO HARMONIZATION, AND TO FURTHER ENSURE THAT EVERY PROPERTY OWNER IN THE NEIGHBORHOOD IS TREATED WITH FAIRNESS, REGARDLESS OF THEIR ABILITY TO RETAIN PROFESSIONAL CONSULTANTS OR LEGAL REPRESENTATION IN CONNECTION WITH THE NEGOTIATION OF HARMONIZATION AGREEMENTS.

WHEREAS, the West Avenue Phase II Improvements Project (the "Project"), represents a comprehensively defined neighborhood improvement program, focused on resolving challenges associated with climate impacts and aged infrastructures; and

WHEREAS, the proposed improvements within the West Avenue neighborhood include many necessary improvements that will be extremely beneficial to the West Avenue neighborhood, such as installation of a new robust storm water drainage collection and pumping system, replacement of the existing water distribution/transmission systems and gravity sanitary sewers, installation of new street lighting, pedestrian lighting, replacement of existing and installation of a new signalized intersection with mast arms, new landscaping, irrigation and construction of a new baywalk segment; and

WHEREAS, the scope of the Project also includes a proposed raising of the paved roadway, which would require harmonization with adjacent properties; and

WHEREAS, the main challenge facing this Project is the need to harmonize between the future elevation of the roadway and the existing elevations of the adjacent private properties to mitigate the impacts of raising the roads on lower-lying adjacent properties in the West Avenue neighborhood; and

WHEREAS, harmonization is a roadway design approach that maintains private property access, stormwater management, and neighborhood aesthetics through adaptable design standards; and

WHEREAS, however, there are several challenges facing harmonization, including financial impacts to the property owners that are difficult to estimate as there are too many variables involved, based on the built environment applicable to each property; and

WHEREAS, in response to the Inspector General's report and recommendations relating to the Palm and Hibiscus Island Neighborhood Improvement Project, the City instituted a policy of designing and reaching consensus and contractual agreements on harmonization details with property owners prior to commencing construction; and

WHEREAS, the breadth of this Project spans across 175 individual, adjacent properties, each presenting its own, unique challenges; and

WHEREAS, per the City's policy, the Project team must develop the harmonization plan, meet with each of these properties, present and describe the intent of the harmonization plan, identify impacts to the properties and finally, deliver and execute an agreement memorializing the plan and authorizing the City to perform the associated work; and

WHEREAS, not every resident of the West Avenue neighborhood will be able to afford a professional management company or legal representation to represent their best interests in connection with the negotiation of terms for their harmonization agreements with the City; and

WHEREAS, in the event that any property owner on the West Avenue neighborhood secures favorable revisions to its harmonization agreement with the City, the City Administration shall extend any such favorable terms to other similarly situated property owners, including property owners who may have already signed their harmonization agreements; and

WHEREAS, such practice of extending favorable terms to other similarly situated parties is not new – from time to time, the City has extended the same terms negotiated by one vendor to other similarly situated vendors; and

WHEREAS, doing so would ensure uniformity in the City's approach to harmonization, and further ensure that every property owner in the neighborhood is treated with fairness, regardless of their ability to retain professional consultants or legal representation in connection with the negotiation of harmonization agreements.

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, relating to the City's form harmonization agreement, irrevocable license and authorization used as part of the West Avenue Neighborhood Improvement Projects, provide that if any property owner in the West Avenue Neighborhood secures favorable revisions to its harmonization agreement with the City, the City Administration shall extend any such favorable terms to other similarly situated property owners,

including property owners who may have already signed their harmonization agreements, in order to ensure uniformity in the City's approach to harmonization, and further ensure that every property owner in the neighborhood is treated with fairness, regardless of their ability to retain professional consultants or legal representation in connection with the negotiation of harmonization agreements.

PASSED AND ADOPTED this _____ day of _____, 2022.

Attest:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Mark Samuelian)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 

3-29-22
Date