

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A TERMINATION AND RELEASE OF A CITY STORMWATER UTILITY EASEMENT IN THE FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "1"; SAID EASEMENT RECORDED IN DEED BOOK 3106, AT PAGE 355, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, LYING IN THE EASTERLY FIVE (5) FEET OF LOT 29, BLOCK 3, HIBISCUS ISLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 75, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, CONTAINING APPROXIMATELY 875 SQUARE FEET; SAID RELEASE BENEFITING IBRAHIM AL-RASHID AND RYANN AL-RASHID, THE OWNERS OF THE PROPERTY ENCUMBERED BY THE EASEMENT, LOCATED AT 218 SOUTH HIBISCUS DRIVE.

WHEREAS, Ibrahim Al-Rashid and Ryann al-Rashid, are the owners of the Property located at 218 South Hibiscus Drive, Miami Beach, bearing Miami-Dade County Folio No. 02-3232-006-0880 (the "Property"); and

WHEREAS, the Property is located on Hibiscus Island at the southeast corner of the intersection of Fountain Street and South Hibiscus Drive; and

WHEREAS, the Property fronts Biscayne Bay at the rear and is surrounded at the sides and across the streets by similar single-family homes; and

WHEREAS, the Property is platted and encompasses Lots 29 and 30, of Block 3 of the HIBISCUS ISLAND plat, as recorded in Plat Book 8, at Page 75 of the Public Records of Miami-Dade County; and

WHEREAS, the Property is approximately 31,500 square feet in size and is located within the RS-3, Single Family Residential Zoning District; and

WHEREAS, the Property is encumbered by a 5-foot easement running along the easterly five (5) feet of the Property (the "Easement"); and

WHEREAS, the Easement was created on January 18, 1949, in favor of the City and recorded in Deed Book 3106, at Page 355, of the Public Records of Miami-Dade County, Florida, with the stated purpose of laying and maintaining underground storm sewers, and more particularly described as follows:

lying in the easterly five (5) feet of Lot 29, Block 3, HIBISCUS ISLAND, according to the Plat thereof, recorded in Plat Book 8, Page 75, of the Public Records of Miami-Dade County, Florida, containing approximately 875 square feet; and

WHEREAS, a review of existing conditions and public records reveals, that due to recent work by the City on the stormwater system for the nearby area, there is no current existing use of the Easement by the City for storm sewer purposes; and

WHEREAS, since the City is not currently using the Easement, the owners have requested that the City abandon the Easement; and

WHEREAS, the City's Public Works Department does not anticipate the need to use the Easement in the future; and

WHEREAS, since the Easement is not currently being used by the City and the City does not anticipate needing the Easement in the future, the Easement may be abandoned; and

WHEREAS, based upon the foregoing, the City Manager recommends terminating and releasing the Easement.

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 and City Clerk to execute a Termination and Release of a City stormwater utility easement ("Easement") in the form attached to this Resolution as Exhibit "1"; said Easement recorded in Deed Book 3106, at Page 355, of the Public Records of Miami-Dade County, lying in the easterly five (5) feet of Lot 29, Block 3, HIBISCUS ISLAND, according to the Plat thereof, recorded in Plat Book 8, Page 75, of the Public Records of Miami-Dade County, Florida, containing approximately 875 square feet; said release benefiting Ibrahim Al-Rashid and Ryann Al-Rashid, the owners of the Property encumbered by the Easement, located at 218 South Hibiscus Drive.

PASSED and **ADOPTED** this ____ day of _____, 2023.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *glt*

9-28-23

Date