

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FROM, THE FOLLOWING AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE CONSTRUCTION OF CERTAIN CITY FACILITIES BY FDOT AS PART OF FDOT'S STATE ROAD 907/ALTON ROAD RECONSTRUCTION PROJECT FROM MICHIGAN AVENUE TO SOUTH OF ED SULLIVAN DR/43RD STREET: (1) A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT (UWHCA) FOR THE REPLACEMENT AND UPGRADES OF THE CITY-OWNED WATER AND SEWER SYSTEMS, WITH AN INITIAL ESTIMATED CONSTRUCTION COST OF \$9,267,312.70, TO BE PAID IN ADVANCE TO FDOT; (2) A LOCALLY FUNDED AGREEMENT (LFA) FOR (I) THE CONSTRUCTION OF A SEPARATED PEDESTRIAN AND BICYCLE SHARED USE PATH, ALONG THE EAST SIDE OF ALTON ROAD, FROM MICHIGAN AVENUE TO CHASE AVENUE, ABUTTING THE MIAMI BEACH GOLF COURSE, INCLUDING MODIFICATIONS TO THE GOLF COURSE IRRIGATION SYSTEM AND ADJACENT PARKING LOT CONFIGURATION, FOR A TOTAL ESTIMATED CONSTRUCTION COST OF \$2,115,808.64, TO BE PAID IN ADVANCE TO FDOT; AND (II) THE INSTALLATION OF SAINT AUGUSTINE SOD SEPARATION AND RESPECTIVE IRRIGATION SYSTEM ALONG THE MEDIAN, FOR A TOTAL ESTIMATED CONSTRUCTION COST OF \$200,000.00, TO BE PAID IN ADVANCE TO FDOT; (3) AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE, AGREEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF OFF-SYSTEM ROADWAY AND UNDERGROUND CITY INFRASTRUCTURE IMPROVEMENTS LOCATED OUTSIDE OF FDOT HIGHWAY SYSTEM; AND (4) A THREE PARTY ESCROW AGREEMENT FOR THE PAYMENTS DUE FROM THE CITY TO FDOT PURSUANT TO THE UWHCA AND THE LFA AGREEMENTS, FOR A TOTAL ESTIMATED CONSTRUCTION COST OF \$11,583,121.34, SUBJECT TO RECEIPT OF THE OFFICIAL ESTIMATE FROM FDOT; AND FURTHER AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE AGREEMENTS; PROVIDED, HOWEVER, THAT ANY INCREASE TO THE ESTIMATED CONSTRUCTION COST FOR EACH AGREEMENT IN EXCESS OF \$100,000.00 SHALL REQUIRE THE PRIOR APPROVAL OF THE MAYOR AND CITY COMMISSION.

WHEREAS, the Florida Department of Transportation (FDOT) is planning to perform major roadway and drainage improvements along the south segment of Alton Road/SR 907 from Michigan Avenue to 43rd Street (Project) with the middle and north segments along Alton Road from 43rd Street to 63rd Street to follow; and

WHEREAS, construction for the Project is scheduled to begin in the Spring of 2025 with an estimated construction duration of (36) months; and

WHEREAS, the Project consists of pavement reconstruction, installation of a major drainage system comprised of two new stormwater pump stations and large stormwater pipes, sidewalk reconstruction, new lighting, signalization, signage and pavement markings, etc.; and

WHEREAS, in addition, the City requested that FDOT include the following City improvements as part of the Project:

- construction of new separated pedestrian and bicycle facilities along the east side of Alton Road, from Michigan Avenue to Chase Avenue, abutting the Miami Beach golf course, requiring modifications to the golf course irrigation system and Miami Beach Golf Club parking lot configuration;
- replacement of the City's old and substandard water and sewer systems along Alton Road, from Michigan Avenue to Chase Avenue; and
- installation of Saint Augustine sod and its respective irrigation system along the median of Alton Road, from Michigan Avenue to Chase Avenue; and

WHEREAS, FDOT has agreed to include the above City-requested enhancements as part of the scope of the Project; provided that the City commit to paying FDOT for, and the City enter into the following agreements with FDOT ("Agreement" or "Agreements") relating to, FDOT's performance of these non-standard roadway improvements on behalf of the City as part of this FDOT Project:

- A. **Memorandum of Agreement (MOA)** - On October 26, 2022, the City Commission adopted Resolution No. 2022-32358, authorizing the City to execute a Memorandum of Agreement (MOA) with FDOT and for the design and construction of the City requested improvements as part of the Project, which MOA has been executed by FDOT and the City, a copy of which is attached to the City Commission Memorandum accompanying this Resolution as Exhibit A;
- B. **Utility Work by Highway Contractor Agreement (UWHCA)** - This Agreement, a draft copy of which is attached to the City Commission Memorandum accompanying this Resolution as Exhibit C, is required for the replacement and upgrades to the City-owned water and sewer systems along Alton Road, between Michigan Avenue and Chase Avenue, including the installation of a new sanitary sewer pump station in the vicinity of Alton Road and 27 Street; said City improvements having an estimated construction cost of \$9,267,312.70 to date, to be paid by the City to FDOT in two installments: a 15% down payment, in the amount of \$1,390,096.90, and the remaining 85%, currently estimated to be \$7,877,215.80, will be due when the official estimate for the utility work is available; provided, however, that if the final construction cost, established once FDOT secures the final bids, is more than the current estimated construction cost, the City would be required to pay the additional amount and any overpayment would be refunded to the City;

- C. **Locally Funded Agreement (LFA)** - This Agreement, a draft copy of which is attached to the City Commission Memorandum accompanying this Resolution as Exhibit B, is required to fund the construction of separated bicycle and pedestrian shared use path (SUP) and related facilities along the east side of Alton Road abutting the Miami Beach Golf Course, requiring the reconfiguration of the existing parking lot, with no loss of parking spaces, and due to a difference in the elevation of the parking lot with respect to the proposed elevation of the Alton Road pavement, construction of a new drainage system is required to effectively manage the parking lot's stormwater run-off; said SUP improvements having a total estimated construction cost of \$2,115,808.64 to date; The City also requested the installation of Saint Augustine sod including its respective irrigation system on the median and east swale areas along Alton Road, between Michigan Avenue and Chase Avenue, with a total estimated construction cost of \$200,000.00 to date, for a total of estimated construction cost to date for the foregoing enhancements, in the amount of \$2,315,808.64, to be paid by the City to FDOT in two installments: a 15% down payment, in the amount of \$347,371.30, no later than December 1, 2023, and the remaining 85%, currently estimated to be \$1,968,437.34 to be paid no later than April 1, 2024; provided, however, that if the final construction cost, established once FDOT secures the final bids, is more than the current estimated construction cost, the City would be required to pay the additional amount and any overpayment would be refunded to the City;
- D. **Off-System Construction and Maintenance Agreement** - This Agreement, a draft copy of which is attached to the City Commission Memorandum accompanying this Resolution as Exhibit D, is a license agreement, necessary to allow FDOT to conduct the design, construction, construction inspection, maintenance, and other tasks needed to implement the proposed improvements on non-FDOT roads (e.g., local streets under the jurisdiction of the City); and
- E. **Three Party Escrow Agreement** - This Agreement among FDOT, the City, and the State of Florida Department of Financial Services (Escrow Agent), a draft copy of which is attached to the City Commission Memorandum accompanying this Resolution as Exhibit E, is required to establish an escrow account for the deposit of all proceeds required by the LFA and UWHCA to be made by the City to FDOT, to be deposited into an interest-bearing escrow account until such time as FDOT withdraws the funds to pay for the incurred costs related to the City's requested enhancements; and

WHEREAS, additional FDOT agreements related to the maintenance of the two (2) proposed stormwater pump stations; lighting; and landscaping will be presented to the City Commission for consideration at a future date; and

WHEREAS, The Administration has determined that incorporating the City's improvements as part of FDOT's Alton Road Improvement Project is in the best interest of the City, as it will address resiliency efforts; enhances the quality of life for area residents; and implements needed improvements to the City's underground infrastructure in

an efficient manner; and, as such, the Administration recommends approving and authorizing the City Manager to finalize and execute the required Agreements with FDOT.

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 in substantial form, the following Agreements with the Florida Department of Transportation (FDOT) for the construction of certain City facilities by FDOT as part of FDOT's State Road 907/Alton Road Reconstruction Project from Michigan Avenue to South of Ed Sullivan Dr/43rd Street: (1) a Utility Work By Highway Contractor Agreement (UWHCA) for the replacement and upgrades of the City-owned water and sewer systems, with an initial estimated construction cost of \$9,267,312.70, to be paid in advance to FDOT; (2) a Locally Funded Agreement (LFA) for (i) the construction of a separated pedestrian and bicycle shared use path, along the east side of Alton Road, from Michigan Avenue to Chase Avenue, abutting the Miami Beach Golf Course, including modifications to the golf course irrigation system and adjacent parking lot configuration, for a total estimated construction cost of \$2,115,808.64, to be paid in advance to FDOT; and (ii) the installation of Saint Augustine sod separation and respective irrigation system along the median, for a total estimated construction cost of \$200,000.00, to be paid in advance to FDOT; (3) an Off-System Construction and Maintenance Agreement for the construction and maintenance of off-system roadway and underground City infrastructure improvements located outside of the FDOT highway system; and (4) a Three Party Escrow Agreement for the payments due from the City to FDOT pursuant to the UWHCA and the LFA Agreements, for a total estimated construction cost of \$11,583,121.34, subject to receipt of the official estimate from FDOT; and further authorize the City Manager to finalize and execute the Agreements; provided, however, that any increase to the estimated construction cost for each Agreement in excess of \$100,000.00 shall require the prior approval of the Mayor and City Commission.

PASSED and ADOPTED this ____ day of _____, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *AMT*

10-12-23
Date