

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE A USE AND OCCUPANCY AGREEMENT AND LEASE OF AIRSPACE OVER STATE ROAD A1A/MACARTHUR CAUSEWAY WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") IN CONNECTION WITH THE 5TH STREET PEDESTRIAN BRIDGE PROJECT; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE FINALIZED USE AND OCCUPANCY AGREEMENT.

WHEREAS, on November 6, 2018, Miami Beach residents approved three ballot questions authorizing the City to issue General Obligation Bonds ("G.O. Bonds") to fund capital projects within the City. ; and

WHEREAS, among other City projects, an allocation was made towards the creation of a 5th Street Pedestrian Bridge Project, to provide for a pedestrian bridge over and across 5th Street and West Avenue, to connect the Baywalk south of 5th Street with the area north of 5th Street (the "Pedestrian Bridge Project"); and

WHEREAS, the location of the proposed Pedestrian Bridge Project falls within Florida Department of Transportation's (FDOT's) jurisdiction, which necessitates obtaining a permit to construct the pedestrian bridge; and

WHEREAS, additionally, the United States Department of Transportation, Federal Highway Administration (FHWA), requires any use of airspace above and/or below the highway's established gradeline, lying within the approved right of way limits on a Federal Aid System, to be accomplished pursuant to a Right-of-way Use and Occupancy Agreement and lease of airspace in accordance with 23 CFR, Part 710 ("Use and Occupancy Agreement"); and

WHEREAS, the Administration desires to request authorization to negotiate with the FDOT a Use and Occupancy Agreement, a template of which is attached as Attachment A to the Commission Memorandum accompanying this Resolution, which Use and Occupancy Agreement will solely encompass the footprint of the Pedestrian Bridge Project over State Road A1A/MacArthur Causeway; and

WHEREAS, the Administration further requests authorization for the City Manager to execute such Use and Occupancy Agreement after the same is finalized; and

WHEREAS, for the foregoing reasons, the Administration recommends that the Mayor and City Commission adopt this Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the Administration to negotiate a Use and Occupancy Agreement and Lease of Airspace over State Road A1A/MacCarthur Causeway with the Florida Department of Transportation in connection with the 5th Street Pedestrian Bridge Project (the "Use and Occupancy Agreement"); and further, authorize the City Manager and City Clerk to execute the finalized Use and Occupancy Agreement.

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

Date

10-13-23