RESOLUTION NO. 2013-28343

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, VACATING AN ALLEY LOCATED IN THE 500 BLOCK OF ALTON ROAD, CONTAINING APPROXIMATELY 6,005 SQUARE FEET, IN FAVOR OF THE ADJACENT PROPERTY OWNERS, SOUTH BEACH HEIGHTS I, LLC, 500 ALTON ROAD VENTURES, LLC, AND 1220 SIXTH, LLC; RATIFYING THE CLOSURE OF THE LINEAR ALLEY PREVIOUSLY APPROVED BY RESOLUTION 2005-25869; WAIVING BY 5/7^{THS} VOTE THE COMPETITIVE BIDDING REQUIREMENTS AS REQUIRED BY SECTION 82-39 OF THE CITY CODE; IMPOSING CONDITIONS FOR SUCH VACATION AS ARE APPROPRIATE UNDER THE CIRCUMSTANCES; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CLOSURE DOCUMENTS, AND TO ACCEPT THE GRANT OF EASEMENT AND AGREEMENT FOR STORM WATER AND TRANSPORTATION IMPROVEMENTS, SUBJECT TO FINAL APPROVAL OF SUCH DOCUMENTS BY THE CITY MANAGER AND CITY ATTORNEY.

WHEREAS, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC (collectively the Applicant) own several lots of the Amended Plat of Aquarium Site Resubdivision, which comprise the 500 block of Alton Road; and

WHEREAS, the Applicant proposes to construct the "Waves" Project (Project), a mixeduse development over the entirety of the block; and

WHEREAS, the Applicant is requesting that the City vacate a 6,005-square foot, "L"-shaped alley (Alley) in the 500 block of Alton Road with the dimensions of 20 feet x 125 feet and 29.21 feet x 120 feet, running from West Avenue to 6^{th} Street, so that this area can be incorporated into the Project; and

WHEREAS, the Applicant has previously requested that the City vacate a linear alley extending from 5th Street to 6th Street, which vacation was approved by the City Commission on April 20, 2005, by Resolution 2005-25869, and in an abundance of caution such prior vacation is ratified in this approval; and

WHEREAS, per City Code Section 82-37 a. (2), the City Commission shall have read the title of the Resolution approving the sale, lease or vacation of public property for a term of more than ten (10) years on two separate dates, with the Second Reading to be accompanied by a Public Hearing, which may be set by the City Manager and shall be advertised not less than seven (7) days prior to such hearing, in order to obtain citizen input into the proposed sale or lease; and

WHEREAS, a first reading by the City Commission was held on July 17, 2013, at which time the vacation was referred to the Finance and Citywide Projects Committee, and a Second Reading and Public Hearing is scheduled for the September 11, 2013 Commission meeting; and

WHEREAS, the Finance and Citywide Projects Committee heard and passed the item at its July 25, 2013 meeting; and

WHEREAS, in return for vacating the alley, the developer has proffered extraordinary public benefits through certain infrastructure improvements including but not limited to an easement to the City over, across, under and through the Property for purposes of the installation, operation, maintenance and repair of transportation improvements, including but not limited to a footprint for the northern connection for a pedestrian overpass across 5th Street (including the installation of any subterranean infrastructure), and the design and installation of storm water improvements consisting of subterranean storage tanks providing storage for at least 287,980 gallons of public stormwater on the Property, which agreement between the Developer and the City to be set forth in a document entitled, Grant of Easement and Agreement for Storm Water and Transportation Improvements.

WHEREAS, the Administration, through its Public Works Department, hereby represents that the Developer has complied with the application requirements and submittals in accordance with the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way, and pursuant to Section 82-36 through 82-40 of the City Code (Ordinance 92-2783); and

WHEREAS, pursuant to City Code Section 82-38, a Planning Department Analysis has been prepared, and is attached as an exhibit to the Commission memo, and the Planning Department has reviewed the seven criteria elements for vacating City Property and has found these to be satisfied; and

WHEREAS, additionally as permitted by City Code Section 82-39, the Administration would recommend that the Mayor and City Commission waive, by 5/7th vote, the competitive bidding requirement; finding that the public interest would be served by that waiver; and

WHEREAS, the Administration would recommend that the Mayor and City Commission approve the requested Alley vacation, in favor of the Applicant, subject to and contingent upon the Applicant's satisfaction of the following conditions:

- The Applicant shall obtain no-objection letters and/or agreements from all utility companies franchised within the City for the vacation of the Alley and shall be solely responsible for any and all costs and work associated with relocation of any existing utilities.
- 2. The Applicant shall prepare and execute all documents to effectuate the vacation of the Alley, including quit claim deeds, subject to final review and approval of such documents by the City Manager and City Attorney. The Applicant shall be responsible for recording said documents effectuating the vacation of the Alley, as well as all costs associated with same.
- 3. The vacation is subject to execution and recording of the Grant of Easement and Agreement for Storm Water and Transportation Improvements, subject to final review and approval of such document by the City Manager and City Attorney.
- 4. The Applicant shall ensure proper and safe access of vehicles at all Project ingress/egress locations, such as vehicles that would normally have used the Alley to service the properties comprising the 500 Block of Alton Road.

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, following a duly noticed public hearing to hear public comment on the application, hereby approve the closure of the alley located in the 500 block of Alton Road, containing approximately 6,005 square feet, in favor of the adjacent property owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC.; and ratify the prior closure of the linear alley from 5th Street to 6th Street previously approved by the City Commission on April 20, 2005, by resolution 2005-25869; waiving by 5/7^{ths} vote the competitive bidding requirements as required by section 82-39 of the City Code, finding such waiver to be in the best interest of the City; imposing such other conditions as are appropriate under the circumstances, and authorizing for execution by the Mayor and City Clerk such documents as are appropriate to record in the public records for the closure, and to accept the Grant of Easement and Agreement for Storm Water and Transportation Improvements, subject to the final approval of such documents by the City Manager and City Attorney.

ATTEST: Matti Herrera Bower. ORATED. Rafael Granado, City Cler INCORF APPROVED AS TO FORMAND LANGUAGE AND FOR EXEC Date

PASSED AND ADOPTED this 11th day of September, 2013.

COMMISSION ITEM SUMMARY

Date 9-11-13

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Vacating An Alley Located In The 500 Block Of Alton Road, Containing Approximately 6,005 Square Feet, In Favor Of The Adjacent Property Owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, And 1220 Sixth, LLC; Ratifying The Closure Of The Linear Alley Previously Approved By Resolution 2005-25869; Waiving By 5/7ths Vote The Competitive Bidding Requirements As Required By Section 82-39 Of The City Code; Imposing Conditions For Such Vacation As Are Appropriate Under The Circumstances; And Authorizing The Mayor And City Clerk To Execute The Closure Documents, And To Accept The Grant Of Easement And Agreement For Storm Water And Transportation Improvements, Subject To Final Approval Of Such Documents By The City Manager And City Attorney.

Key Intended Outcomes Supported:

Maintain strong growth management policies.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:

South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC (collectively the Applicant) own several lots of the Amended Plat of Aquarium Site Resubdivision, which comprise the 500 block of Alton Road. The Applicant proposes to construct the "Waves" Project (Project), a mixeduse development over the entirety of the block.

The Applicant is requesting that the City vacate a 6,005-square foot, "L"-shaped alley (Alley) in the 500 block of Alton Road, running from West Avenue to 6th Street. This vacation is required in order for the Applicant to proceed with the development review process.

The Applicant has previously requested that the City vacate a linear alley extending from 5th Street to 6th Street, which vacation was approved by the City Commission on April 20, 2005, by Resolution 2005-25869, and in an abundance of caution such prior vacation is confirmed in this approval.

Per City Code Section 82-37 a. (2), the City Commission shall have read the title of the Resolution approving the sale, lease or vacation of public property for a term of more than ten (10) years on two separate dates, with the Second Reading to be accompanied by a Public Hearing. A First reading by the City Commission was held on July 17, 2013, and referred to the Finance and Citywide Projects Committee (FCWPC). The FCWPC heard and passed the item at its July 25, 2013 meeting. A Second Reading and Public Hearing is scheduled for the September 11, 2013.

In return for vacating the alley, the developer has proffered certain infrastructure improvements including but not limited to an easement to the City over, across, under and through the Property for purposes of the installation, operation, maintenance and repair of transportation improvements, including but not limited to a pedestrian overpass (including the installation of any subterranean infrastructure). In addition, the project includes the design and installation of storm water improvements consisting of subterranean storage tanks providing storage for at least 287,980 gallons of public stormwater on the Property, which agreement between the Developer and the City will be agreed to in a document entitled, Grant of Easement and Agreement for Storm Water and Transportation Improvements.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION ON SECOND READING PUBLIC HEARING.

Advisory Board Recommendation:

N/A Financial Inform	ation:	· · · · · · · · · · · · · · · · · · ·				
Source of funds	#	Amount	Account		Approved	
Financial Impact						
City Clerk's Office Douglas Seaman,					· · · · · · · · · · · · · · · · · · ·	
Sign-Offs:					•	
Department	Directo	r Assişta	et City Manager		City Manager	•
<u></u> E1			ТОмт		M_JLM	
			HMM.docx	Agenda	Item <u>R7M</u>	2 -



MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

- TO: Mayor Matti Herrera Bower and Members of the City Commission
 FROM: Jimmy L. Morales, City Manager
 DATE: September 11, 2013
- SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, VACATING AN ALLEY LOCATED IN THE 500 BLOCK OF ALTON ROAD, CONTAINING APPROXIMATELY 6,005 SQUARE FEET, IN FAVOR OF THE ADJACENT PROPERTY OWNERS, SOUTH BEACH HEIGHTS I, LLC, 500 ALTON ROAD VENTURES, LLC, AND 1220 SIXTH, LLC; RATIFYING THE CLOSURE OF THE LINEAR ALLEY PREVIOUSLY APPROVED BY RESOLUTION 2005-25869; WAIVING BY 5/7THS VOTE THE **COMPETITIVE BIDDING REQUIREMENTS AS REQUIRED BY SECTION 82-**39 OF THE CITY CODE; IMPOSING CONDITIONS FOR SUCH VACATION APPROPRIATE UNDER THE CIRCUMSTANCES; AS ARE AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CLOSURE DOCUMENTS, AND TO ACCEPT THE GRANT OF EASEMENT AND AGREEMENT FOR STORM WATER AND TRANSPORTATION IMPROVEMENTS. SUBJECT то FINAL APPROVAL OF SUCH DOCUMENTS BY THE CITY MANAGER AND CITY ATTORNEY.

ADMINISTRATION RECOMMENDATION

The Administration recommends approving the Resolution on Second Reading Public Hearing.

BACKGROUND

South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC (collectively the Applicant) own several lots of the Amended Plat of Aquarium Site Resubdivision, which comprise the 500 block of Alton Road (Attachment A). The Applicant proposes to construct the "Waves" Project (Project), a mixed-use development over the entirety of the block.

The Applicant is requesting that the City vacate a 6,005-square foot, "L"-shaped alley (Alley) in the 500 block of Alton Road with the dimensions of 20 feet x 125 feet and 29.21 feet x 120 feet, running from West Avenue to 6th Street (Attachments B, C & D), so that this area can be incorporated into the Project. This vacation is required in order for the Applicant to proceed with the development review process.

The Applicant has previously requested that the City vacate a linear alley extending from 5th Street to 6th Street, which vacation was approved by the City Commission on April 20, 2005, by Resolution 2005-25869, and in an abundance of caution such prior vacation is confirmed in this approval.

500 Alton Road Alley - Memo September 11, 2013 Page 2 of 3

Per City Code Section 82-37 a. (2), the City Commission shall have read the title of the Resolution approving the sale, lease or vacation of public property for a term of more than ten (10) years on two separate dates, with the Second Reading to be accompanied by a Public Hearing, which may be set by the City Manager and shall be advertised not less than seven (7) days prior to such hearing, in order to obtain citizen input into the proposed sale or lease; and

A First reading by the City Commission was held on July 17, 2013, at which time the vacation was referred to the Finance and Citywide Projects Committee, and a Second Reading and Public Hearing is scheduled for the September 11, 2013 Commission meeting. The Finance and Citywide Projects Committee heard and passed the item at its July 25, 2013 meeting.

In return for vacating the alley, the developer has proffered certain infrastructure improvements including but not limited to an easement to the City over, across, under and through the Property for purposes of the installation, operation, maintenance and repair of transportation improvements, including but not limited to a pedestrian overpass (including the installation of any subterranean infrastructure) (Attachment G). In addition, the project includes the design and installation of storm water improvements consisting of subterranean storage tanks providing storage for at least 287,980 gallons of public stormwater on the Property, which agreement between the Developer and the City will be agreed to in a document entitled, Grant of Easement and Agreement for Storm Water and Transportation Improvements.

ANALYSIS

Staff believes that the City no longer has a need for this Alley. It has never been developed or utilized for public access. The Alley has one 3-inch water main, which only serves the Applicant and would be abandoned when the Project begins construction.

Staff also believes that there is a public interest in abandoning the Alley. In addition to the tax revenue the proposed Project will generate for the City, the Applicant, through the Project, is proposing multiple infrastructure improvements. These include significant infrastructure improvements including raising the elevation of 6th Street and West Avenue adjacent to the project and the addition of a bike lane on West Avenue, construction of a stormwater storage basin on site and provision of an easement for public use that could include a future landing of a Fifth Street pedestrian bridge for continuation of the Baywalk project.

Pursuant to the criteria established under Section 82-38 of the City of Miami Beach Code of Ordinances for the granting/denying of "Sale or Lease of Public Property", the City Planning Department has analyzed the criteria (Attachment E).

In accordance with Section 82-39 of the Code of the City of Miami Beach, the Public Works Department has obtained an independent appraisal of the fair market or rental value of the alley to be vacated, (Attachment F). The independent appraisal was done by Bondarenko Associates, Inc. who was selected from five bidders. Bondarenko Associates, Inc. is experienced in determining a reasonable return for projects of a public/private joint venture nature. The appraisal has determined the value of the property based on proposed and possible uses including, without limitation, the highest and best use(s) of the property thereof by a proposed purchaser or lessee. Since this alley is totally within the proposed development the vacation is for the benefit of the proposed development. The City believes that the consideration to be 500 Alton Road Alley - Memo September 11, 2013 Page 3 of 3

received by the City for vacating this alley, as set forth herein, provides fair market value to the City.

The vacation of the alley is for the internal improvements per a Development Agreement and should not be open to a public bid. As a result a waiver by 5/7^{ths} vote of the competitive bidding requirements as required by Section 82-39 of the City Code is required in order for the Mayor and City Clerk to execute the easement vacation agreement.

CONCLUSION

The Administration recommends approving the Resolution on Second Reading Public Hearing.

Attachments:

- A. Opinion of Title
- B. Survey of 500 Block
- C. Legal Description and Sketch of Alley
- D. Request for Alley Closure by Bercow, Radell and Fernandez
- E. Planning Analysis of Proposed Vacation of Alley-500 Block of Alton Road
- F. Appraisal Report of Alley
- G. Draft Grant of Easement and Agreement for Stormwater and Transportation Improvements.

JF/RWS

T:\AGENDA\2013\September 11\500 of Alton Road- MEMO.docx

Attachment A

OPINION OF TITLE

To: City of Miami Beach

With the understanding that this Opinion of Title is furnished to the City of Miami Beach, as inducement for acceptance of a Declaration of Use, Unity of Title, Declaration of Restrictions, Development Agreement or as an inducement for acceptance of a subdivision plat or tentative plat, covering the real property, or other land use approval hereinafter described, it is hereby certified that I have examined a complete Abstract of Title or Title Commitment covering the period from the beginning to the 24th day of December, 2012 at the hour of 11:40 p.m., inclusive, of the following described property:

See Exhibit "A" attached hereto

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

500 ALTON ROAD VENTURES, LLC, a Delaware limited liability company (as to Parcels 1-3)

Sole Member is 500 Alton Road Holdings, LLC, a Delaware limited liability company Authorized Signatories: Sharon Christenbury and Chaim Elkoby

SOUTH BEACH HEIGHTS I, LLC, a Delaware limited liability company (as to Parcels 4 and 5)

Sole Members are SBH Holdings 1, LLC, a Delaware limited liability company, and SBH Management Company, LLC, a Delaware limited liability company Authorized Signatories: Sharon Christenbury and Chaim Elkoby

<u>1220 SIXTH, LLC</u>, a Delaware limited liability company (as to Parcels 5 and 6)

Sole Member is SBH Holdings 1, LLC, a Delaware limited liability company Authorized Signatories: Sharon Christenbury and Chaim Elkoby

Subject to the following encumbrances, (If "none" please indicate):

1. <u>RECORDED MORTGAGES</u>:

Mortgage and Security Agreement executed by 1220 Sixth, LLC, a Delaware limited liability company, Mortgagor, in favor of MAU-MAU Corporation, a Florida corporation, Mortgagee, dated December 1, 2011, recorded December 5, 2011 in Official Records Book 27915, Page 3697, of the Public Records of Miami-Dade County, Florida.

Opinion of Title Page 2

Therefore, it is my opinion that the following party(ies) must join in the proffered document in order to make it valid and binding on the lands described herein.

Name	Interest
500 ALTON ROAD VENTURES, LLC	Owner
SOUTH BEACH HEIGHTS I, LLC, a Delaware limited liability company	Owner
1220 SIXTH, LLC, a Delaware limited liability company	Öwner
MAU-MAU CORPORATION, a Florida corporation	Mortgagee

[THIS SPACE IS INTENTIONALLY LEFT BLANK]

Opinion of Title Page 3

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable document.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this day of February, 20

Signed Name Printed Name -- Steven E. Goldman Florida Bar No. 0259543 <u>Address:</u> Greenberg Traurig, P.A. 333 S.E. 2nd Avenue, Suite 4400 Miami, Florida 33131

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of February, 2013, by STEVEN E. GOLDMAN, who is personally known to me or has produced ______ , as identification.

Public

My Commission Expires:

Print Name



EXHIBIT "A"

Legal Description

PARCEL 1:

LOTS 2 THROUGH 10, INCLUSIVE, AND LOT 15, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

LOTS 1, 16, 17, 18 AND 19, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCELS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 19 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN NORTH ALONG THE WEST LINE OF SAID LOT 19 FOR A DISTANCE OF 25.15 FEET TO THE POINT OF INTERSECTION WITH THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A: THENCE DEFLECTING 87°01'19" TO THE RIGHT, RUN ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A FOR A DISTANCE OF 37.88 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT: THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET AND A CENTRAL ANGLE OF 87°00'49", FOR AN ARC DISTANCE OF 99.47 FEET TO THE POINT OF TANGENCY WITH THE EAST LINE OF SAID LOT 1, SAID POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH ALONG THE EAST LINE OF LOT 1. FOR A DISTANCE OF 28.72 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT: THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 63.80 FEET AND A CENTRAL ANGLE OF 89°59'30", FOR AN ARC DISTANCE OF 100.21 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF LOT 1, AT A DISTANCE OF 11.20 FEET FROM THE SOUTHWEST CORNER OF LOT 1; THENCE RUN WEST ALONG SOUTH LINE OF SAID LOTS 1 AND 19 FOR A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF LOTS 18 AND 17 A DISTANCE OF 62.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 66°03'04", FOR AN ARC DISTANCE OF 23.06 FEET TO THE POINT OF TANGENCY WITH THE WESTERLY LINE OF SAID LOT 17; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY LINE OF LOT 17, A DISTANCE OF 27.39 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 29.30 FEET AND A CENTRAL ANGLE OF 46°06'19", FOR AN ARC DISTANCE OF 23.58 FEET TO A POINT; THENCE RUN EASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 74.72 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, SAID POINT BEING 25.15 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 18; THENCE RUN SOUTH ALONG SAID EAST LINE OF LOT 18, FOR A DISTANCE OF 25.15 FEET TO THE POINT OF BEGINNING.

PARCEL 3;

LOTS 13 AND 14, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (600-630 ALTON ROAD)

LOTS 1 THROUGH 7, INCLUSIVE AND LOTS 27 THROUGH 32, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; LESS AND EXCEPTING THOSE PORTIONS OF SAID LOTS 1 AND 2, OF BLOCK 2, OF SAID PLAT OF "AMENDED PLAT FLEETWOOD SUBDIVISION", MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE RUN SOUTH, ALONG THE WEST LINE OF SAID LOT 1 AND 2 FOR A DISTANCE OF 95.00 FEET TO A POINT OF CURVATURE: THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES FOR AN ARC DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF SAID LOT 1; THENCE RUN EAST ALONG THE SAID SOUTH LINE OF LOT 1 FOR A DISTANCE OF 23.87 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 73 DEGREES 36 MINUTES 39 SECONDS FOR AN ARC DISTANCE OF 19.27 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 16 DEGREES 23 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 51.32 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1: THENCE RUN NORTH 11 DEGREES 18 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 50.99 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

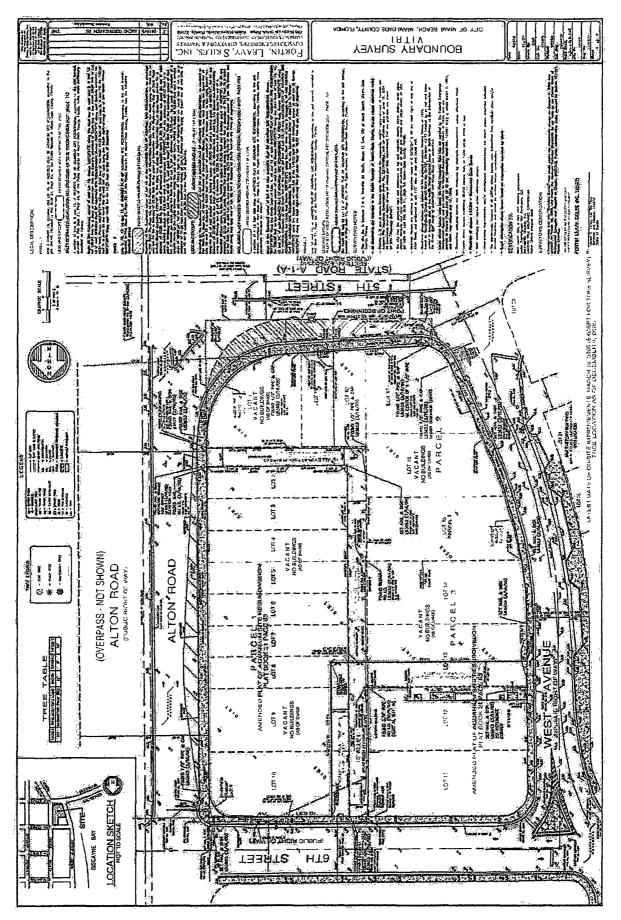
LOTS 23 THROUGH 26, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

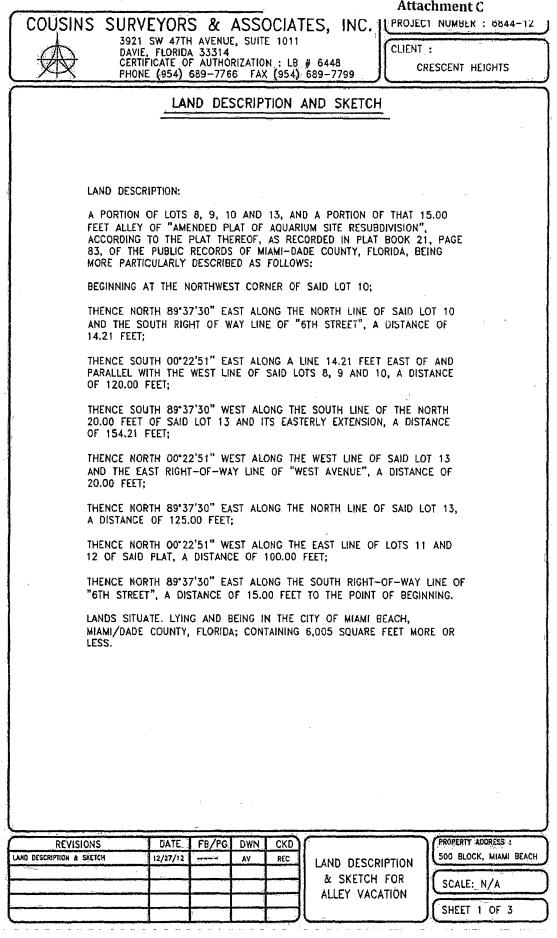
LAND DESCRIPTION: (1220 6TH STREET)

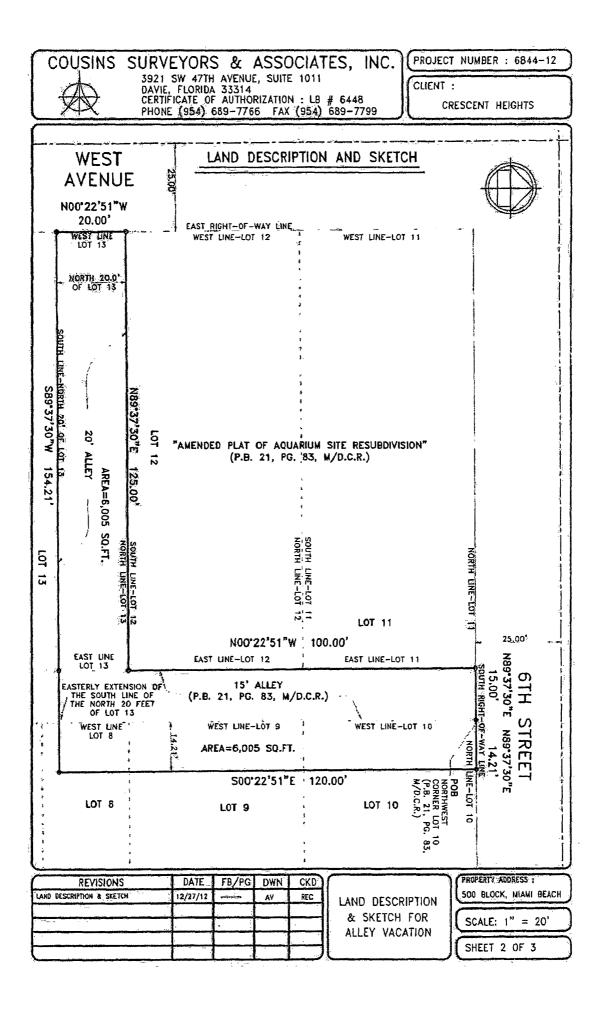
LOTS 11 AND 12, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

MIA GOLDMANS 183,001,759v2 2-1-13 051465.081700

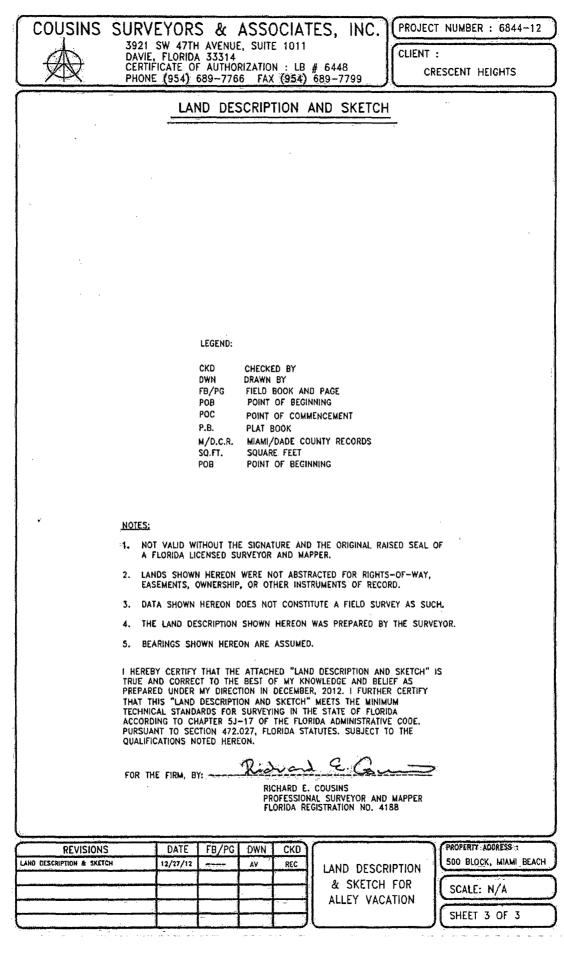
Attachment B







t.





BERCOW RADELL & FERNANDEZ

DIRECT LINE: (305) 377-6229 E-Mail: gpenn@BRZoningLaw.com

VIA HAND DELIVERY

February 7, 2012

Fred Beckmann, Director Public Works Department City of Miami Beach 1700 Convention Center Drive, 4th Floor Miami Beach, Florida 33139

Re: Request for Alley Closure - 500 Block of Alton Road.

Dear Mr. Beckmann:

This firm represents Alton Road Ventures, LLC and 1220 Sixth, LLC (collectively the "Applicant"), the applicant and owner of the property located at 500, 517, 520, 522, 530, 540, 550, Alton Road, 1220 Sixth Street, 525 and 541 West Avenue ("Property"). The Applicant is proposing to develop the Property, along with the former South Shore Hospital land north of Sixth Street, with a mixed-use residential and commercial project. Please let this letter serve as the Applicant's letter in support of its request to close a dedicated but unbuilt alley in the 500 block of Alton Road.

Description of the Property. The Property consists of all of the 500 block on the west side of Alton Road. The Property is largely undeveloped, except for the existing "7-11" retail store at the far northwest corner. The remainder of the Property contains only the remnants of a prior failed development (the "Vitri" project).

<u>Development Plan.</u> The Applicant proposes to develop a mixed-use commercial and residential project, consisting of several buildings on the 500 and 600 blocks. The former hospital building will be maintained and brought up to modern standards as part of the proposed development. The ground floor of each building will be devoted to commercial uses. The upper floors will be devoted to a multifamily apartment development. The new buildings on the site will be limited to seven (7) stories on the 500 block and five (5) stories on the 600 block, except for the existing hospital building, which will be maintained at ten (10) stories. We are attaching some of the current development plan sheets to give you a better idea of the proposal.

<u>Alley Closure</u>. The subdivision plat for the Property depicted an alley running north to the south in the center of the block for the majority of the block and thereafter

Fred Beckmann, Director Public Works Department February 7, 2013 Page 2

turning to the east to meet Alton Road. In 2005, the City Commission, through Resolution 2005-25869 (attached), closed the platted historic alley.

In exchange for the closure of the historical alley, the then property owner of the majority of the 500 block provided the City with the dedication of a replacement alley at the northern end of the block. This alley was intended to preserve access to the rear of the existing 7-11 store, which was then under separate ownership. This replacement alley was never constructed. The Applicant now owns the entirety of the block and has included the 7-11 site in its redevelopment plan, making the replacement alley superfluous. In order to pursue its development plan, which will unify the entire platted block, the Applicant is hereby seeking the closure of the unbuilt alley.

Best Interest of the Public. As you know, the interest held by a local government upon the dedication of a roadway or alley is an easement in favor of the public. Florida state law defines the result of any formal road closure in which a local government vacates the easement granted through a roadway dedication. Section 177.085 provides that, upon the abandonment of the easement in favor of the public, all rights to the former right of way revert to the owners of the lots abutting the closed roadway segment, with each owner taking to the centerline of the road. As explained in Attorney General Opinion 78-125, municipalities may vacate roads "when the vacation is in the public interest or when the street is no longer required for public use and convenience."

The alley at issue was never developed and therefore has never served the public use and convenience. Once the Applicant purchased 1220 Sixth Street, on which the existing 7-11 is located, any theoretical future utility of the alley was extinguished. The alley therefore is currently serving only as a unused and inaccessible strip of land from which the City collects no property taxes. For that reason alone, the vacation of the alley is in the best interests of the public.

The redevelopment of the Property as proposed will also directly benefit the public in other ways. As depicted on the attached plans, the proposed development will bring multiple bicycle, pedestrian, and transit improvements to this area of the City.

First, the Applicant proposes to locate three (3) DecoBike kiosks within the development. Wayfinding signs, as depicted on the attached Pedestrian Circulation plan will be located throughout the project to help bicyclists find parking. Bicycle parking racks for visitors to the site will be provided on both blocks.

Second, following discusses with Miami-Dade Transit and the Florida Department of Transportation, the Applicant is proposing to relocate the existing southbound bus stop on Alton road from just north of 6th Street, to south of the

BERCOW RADELL & FERNANDEZ

Fred Beckmann, Director Public Works Department February 7, 2013 Page 3

intersection. Along with the relocation, the Applicant proposes to enhance the bus shelter with new street furniture. The Applicant is also currently in negotiation with Miami-Dade Transit for the location of three electronic public information boards (using the County's "ESIS" program) to be located within the project. These boards will provide customers, residents, and the public with information as to when to expect the next bus to arrive, improving the transit experience

Third, numerous access points throughout the property will encourage pedestrian flow both from east to west (connecting Alton Road with West Avenue) and north to south. Pedestrians will be able to walk throughout the perimeter of the property and within the courtyard spaces (during hours the development is open to the public). Sidewalk enhancements such as widened sidewalks and with new curb cuts and crosswalks are being provided to facilitate and encourage pedestrian access to the site. Residents of the West Avenue corridor will therefore enjoy significantly improved access to the commercial uses along Alton Road.

All in all, the improvements that will stem from the closure of the unbuilt alley will far exceed any theoretical value of the alley to the public. Beyond all of the above improvements, the redevelopment of the City will provide a direct financial benefit to the City in the form of increased property taxes due to the inevitable increase in the value of the Property.

<u>Conclusion</u>. As explained above, we believe that the proposed alley closure is consistent with all of the City's standards. The redevelopment of the Property will create an innovative mixed-use project that will be a welcome addition to this area of the City and will enhance the City's gateway at the MacArthur Causeway. We look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6229.

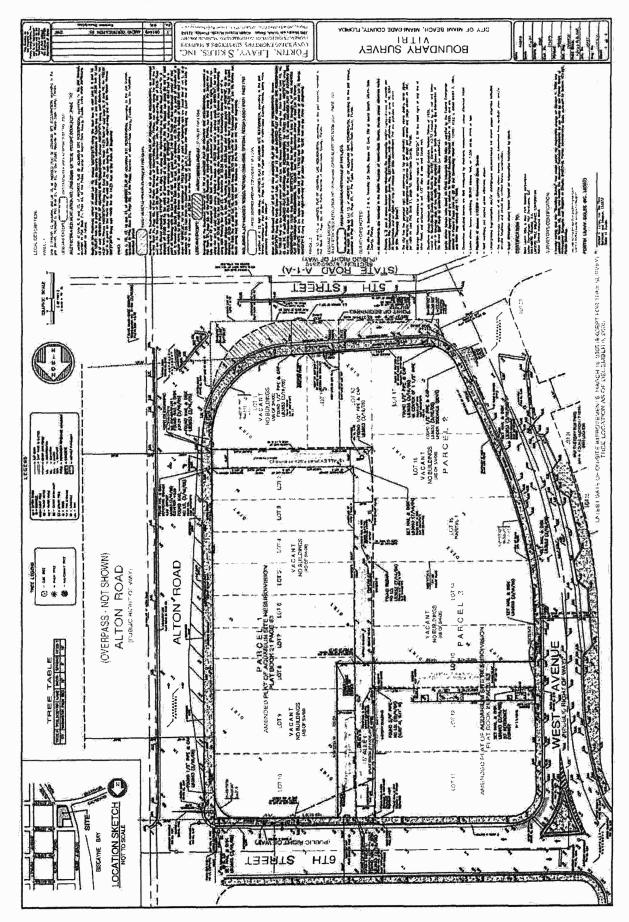
incerely Graham Penn

cc: Richard Lorber, AICP Russell Galbut Chaim Elkoby Daisy Torres Michael Larkin, Esq.

BERCOW RADELL & FERNANDEZ

Attachment B

Attachment B



Attachment C

EXHIBIT "A"

Legal Description

PARCEL 1:

LOTS 2 THROUGH 10, INCLUSIVE, AND LOT 15, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

LOTS 1, 16, 17, 18 AND 19, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCELS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 19 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN NORTH ALONG THE WEST LINE OF SAID LOT 19 FOR A DISTANCE OF 25.15 FEET TO THE POINT OF INTERSECTION WITH THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE DEFLECTING 87°01'19" TO THE RIGHT, RUN ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A FOR A DISTANCE OF 37.88 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET AND A CENTRAL ANGLE OF 87°00'49", FOR AN ARC DISTANCE OF 99.47 FEET TO THE POINT OF TANGENCY WITH THE EAST LINE OF SAID LOT 1, SAID POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 1: THENCE RUN SOUTH ALONG THE EAST LINE OF LOT 1, FOR A DISTANCE OF 28.72 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 63.80 FEET AND A CENTRAL ANGLE OF 89°59'30", FOR AN ARC DISTANCE OF 100.21 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF LOT 1, AT A DISTANCE OF 11.20 FEET FROM THE SOUTHWEST CORNER OF LOT 1; THENCE RUN WEST ALONG SOUTH LINE OF SAID LOTS 1 AND 19 FOR A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF LOTS 18 AND 17 A DISTANCE OF 62.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 66°03'04", FOR AN ARC DISTANCE OF 23.06 FEET TO THE POINT OF TANGENCY WITH THE WESTERLY LINE OF SAID LOT 17; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY LINE OF LOT 17, A DISTANCE OF 27.39 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 29.30 FEET AND A CENTRAL ANGLE OF 46°06'19", FOR AN ARC DISTANCE OF 23.58 FEET TO A POINT; THENCE RUN EASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 74.72 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, SAID POINT BEING 25.15 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 18; THENCE RUN SOUTH ALONG SAID EAST LINE OF LOT 18, FOR A DISTANCE OF 25.15 FEET TO THE POINT OF BEGINNING.

PARCEL 3;

LOTS 13 AND 14, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (600-630 ALTON ROAD)

LOTS 1 THROUGH 7, INCLUSIVE AND LOTS 27 THROUGH 32, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; LESS AND EXCEPTING THOSE PORTIONS OF SAID LOTS 1 AND 2, OF BLOCK 2, OF SAID PLAT OF "AMENDED PLAT FLEETWOOD SUBDIVISION", MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE RUN SOUTH, ALONG THE WEST LINE OF SAID LOT 1 AND 2 FOR A DISTANCE OF 95.00 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES FOR AN ARC DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF SAID LOT 1; THENCE RUN EAST ALONG THE SAID SOUTH LINE OF LOT 1 FOR A DISTANCE OF 23.87 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 73 DEGREES 36 MINUTES 39 SECONDS FOR AN ARC DISTANCE OF 19.27 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 16 DEGREES 23 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 51.32 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE RUN NORTH 11 DEGREES 18 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 50.99 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

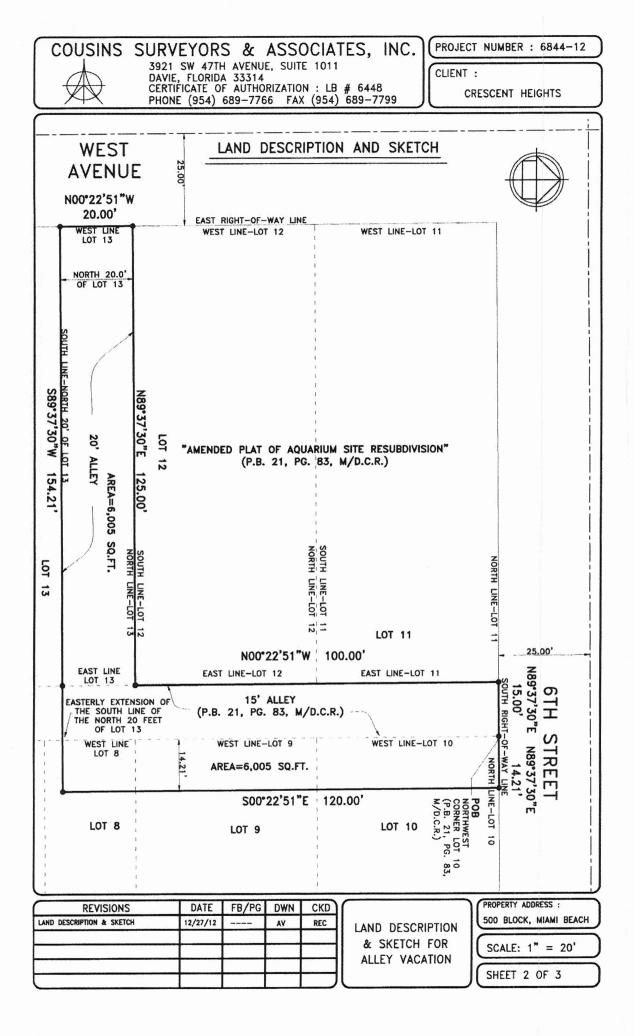
LOTS 23 THROUGH 26, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

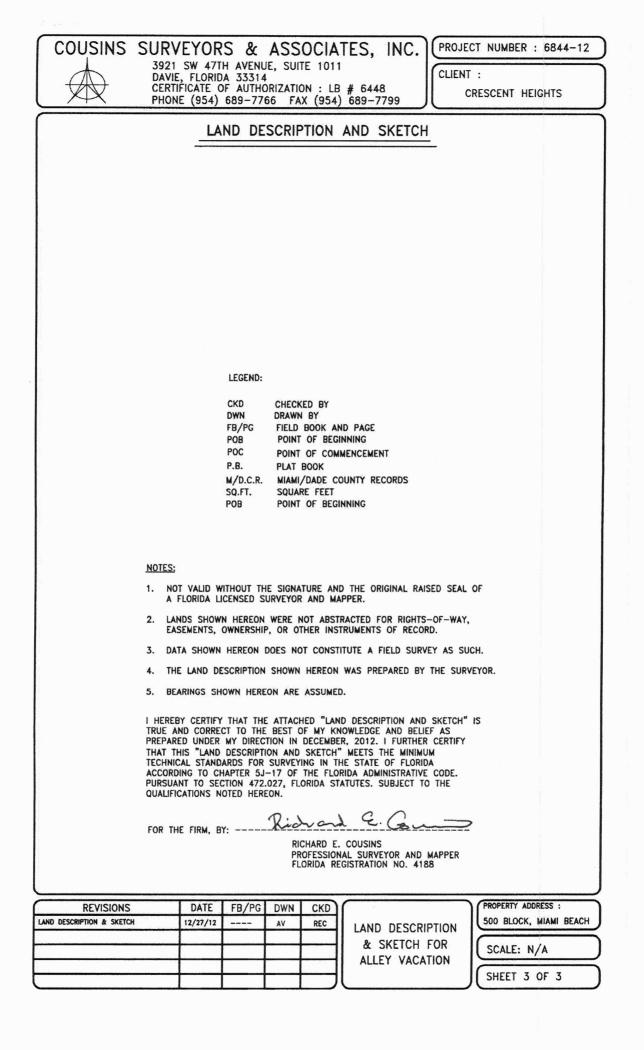
LAND DESCRIPTION: (1220 6TH STREET)

LOTS 11 AND 12, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

MIA GOLDMANS 183,001,759v2 2-1-13 051465.081700

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				SHEET 1 OF 3
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**Attachment D** 

# BERCOW RADELL & FERNANDEZ

DIRECT LINE: (305) 377-6229 E-Mail: gpenn@BRZoningLaw.com

#### VIA HAND DELIVERY

February 7, 2012

Fred Beckmann, Director Public Works Department City of Miami Beach 1700 Convention Center Drive, 4th Floor Miami Beach, Florida 33139

#### Re: <u>Request for Alley Closure - 500 Block of Alton Road.</u>

Dear Mr. Beckmann:

This firm represents Alton Road Ventures, LLC and 1220 Sixth, LLC (collectively the "Applicant"), the applicant and owner of the property located at 500, 517, 520, 522, 530, 540, 550, Alton Road, 1220 Sixth Street, 525 and 541 West Avenue ("Property"). The Applicant is proposing to develop the Property, along with the former South Shore Hospital land north of Sixth Street, with a mixed-use residential and commercial project. Please let this letter serve as the Applicant's letter in support of its request to close a dedicated but unbuilt alley in the 500 block of Alton Road.

<u>Description of the Property</u>. The Property consists of all of the 500 block on the west side of Alton Road. The Property is largely undeveloped, except for the existing "7-11" retail store at the far northwest corner. The remainder of the Property contains only the remnants of a prior failed development (the "Vitri" project).

Development Plan. The Applicant proposes to develop a mixed-use commercial and residential project, consisting of several buildings on the 500 and 600 blocks. The former hospital building will be maintained and brought up to modern standards as part of the proposed development. The ground floor of each building will be devoted to commercial uses. The upper floors will be devoted to a multifamily apartment development. The new buildings on the site will be limited to seven (7) stories on the 500 block and five (5) stories on the 600 block, except for the existing hospital building, which will be maintained at ten (10) stories. We are attaching some of the current development plan sheets to give you a better idea of the proposal.

<u>Alley Closure</u>. The subdivision plat for the Property depicted an alley running north to the south in the center of the block for the majority of the block and thereafter

Fred Beckmann, Director Public Works Department February 7, 2013 Page 2

turning to the east to meet Alton Road. In 2005, the City Commission, through Resolution 2005-25869 (attached), closed the platted historic alley.

In exchange for the closure of the historical alley, the then property owner of the majority of the 500 block provided the City with the dedication of a replacement alley at the northern end of the block. This alley was intended to preserve access to the rear of the existing 7-11 store, which was then under separate ownership. This replacement alley was never constructed. The Applicant now owns the entirety of the block and has included the 7-11 site in its redevelopment plan, making the replacement alley superfluous. In order to pursue its development plan, which will unify the entire platted block, the Applicant is hereby seeking the closure of the unbuilt alley.

Best Interest of the Public. As you know, the interest held by a local government upon the dedication of a roadway or alley is an easement in favor of the public. Florida state law defines the result of any formal road closure in which a local government vacates the easement granted through a roadway dedication. Section 177.085 provides that, upon the abandonment of the easement in favor of the public, all rights to the former right of way revert to the owners of the lots abutting the closed roadway segment, with each owner taking to the centerline of the road. As explained in Attorney General Opinion 78-125, municipalities may vacate roads "when the vacation is in the public interest or when the street is no longer required for public use and convenience."

The alley at issue was never developed and therefore has never served the public use and convenience. Once the Applicant purchased 1220 Sixth Street, on which the existing 7-11 is located, any theoretical future utility of the alley was extinguished. The alley therefore is currently serving only as a unused and inaccessible strip of land from which the City collects no property taxes. For that reason alone, the vacation of the alley is in the best interests of the public.

The redevelopment of the Property as proposed will also directly benefit the public in other ways. As depicted on the attached plans, the proposed development will bring multiple bicycle, pedestrian, and transit improvements to this area of the City.

First, the Applicant proposes to locate three (3) DecoBike kiosks within the development. Wayfinding signs, as depicted on the attached Pedestrian Circulation plan will be located throughout the project to help bicyclists find parking. Bicycle parking racks for visitors to the site will be provided on both blocks.

Second, following discusses with Miami-Dade Transit and the Florida Department of Transportation, the Applicant is proposing to relocate the existing southbound bus stop on Alton road from just north of 6th Street, to south of the Fred Beckmann, Director Public Works Department February 7, 2013 Page 3

intersection. Along with the relocation, the Applicant proposes to enhance the bus shelter with new street furniture. The Applicant is also currently in negotiation with Miami-Dade Transit for the location of three electronic public information boards (using the County's "ESIS" program) to be located within the project. These boards will provide customers, residents, and the public with information as to when to expect the next bus to arrive, improving the transit experience

Third, numerous access points throughout the property will encourage pedestrian flow both from east to west (connecting Alton Road with West Avenue) and north to south. Pedestrians will be able to walk throughout the perimeter of the property and within the courtyard spaces (during hours the development is open to the public). Sidewalk enhancements such as widened sidewalks and with new curb cuts and crosswalks are being provided to facilitate and encourage pedestrian access to the site. Residents of the West Avenue corridor will therefore enjoy significantly improved access to the commercial uses along Alton Road.

All in all, the improvements that will stem from the closure of the unbuilt alley will far exceed any theoretical value of the alley to the public. Beyond all of the above improvements, the redevelopment of the City will provide a direct financial benefit to the City in the form of increased property taxes due to the inevitable increase in the value of the Property.

<u>Conclusion</u>. As explained above, we believe that the proposed alley closure is consistent with all of the City's standards. The redevelopment of the Property will create an innovative mixed-use project that will be a welcome addition to this area of the City and will enhance the City's gateway at the MacArthur Causeway. We look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6229.

Sincerely Graham Penn

cc: Richard Lorber, AICP Russell Galbut Chaim Elkoby Daisy Torres Michael Larkin, Esq.



#### **OPINION OF TITLE**

#### To: City of Miami Beach

With the understanding that this Opinion of Title is furnished to the City of Miami Beach, as inducement for acceptance of a Declaration of Use, Unity of Title, Declaration of Restrictions, Development Agreement or as an inducement for acceptance of a subdivision plat or tentative plat, covering the real property, or other land use approval hereinafter described, it is hereby certified that I have examined a complete Abstract of Title or Title Commitment covering the period from the beginning to the 24th day of December, 2012 at the hour of 11:40 p.m., inclusive, of the following described property:

#### See Exhibit "A" attached hereto

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

500 ALTON ROAD VENTURES, LLC, a Delaware limited liability company (as to Parcels 1-3)

Sole Member is 500 Alton Road Holdings, LLC, a Delaware limited liability company Authorized Signatories: Sharon Christenbury and Chaim Elkoby

<u>SOUTH BEACH HEIGHTS I, LLC</u>, a Delaware limited liability company (as to Parcels 4 and 5)

Sole Members are SBH Holdings 1, LLC, a Delaware limited liability company, and SBH Management Company, LLC, a Delaware limited liability company Authorized Signatories: Sharon Christenbury and Chaim Elkoby

<u>1220 SIXTH, LLC</u>, a Delaware limited liability company (as to Parcels 5 and 6)

Sole Member is SBH Holdings 1, LLC, a Delaware limited liability company Authorized Signatories: Sharon Christenbury and Chaim Elkoby

Subject to the following encumbrances, (If "none" please indicate):

#### 1. <u>RECORDED MORTGAGES</u>:

Mortgage and Security Agreement executed by 1220 Sixth, LLC, a Delaware limited liability company, Mortgagor, in favor of MAU-MAU Corporation, a Florida corporation, Mortgagee, dated December 1, 2011, recorded December 5, 2011 in Official Records Book 27915, Page 3697, of the Public Records of Miami-Dade County, Florida.

Opinion of Title Page 2

Therefore, it is my opinion that the following party(ies) must join in the proffered document in order to make it valid and binding on the lands described herein.

Name	Interest
500 ALTON ROAD VENTURES, LLC	Owner
SOUTH BEACH HEIGHTS I, LLC, a Delaware limited liability company	Owner
1220 SIXTH, LLC, a Delaware limited liability company	Owner
MAU-MAU CORPORATION,	Mortgagee

MAU-MAU CORPORATION, a Florida corporation

[THIS SPACE IS INTENTIONALLY LEFT BLANK]

Opinion of Title Page 3

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable document.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 1 day of February, 2013 Signed Name Printed Name -- Steven E. Goldman Florida Bar No. 0259543 Address: Greenberg Traurig, P.A. 333 S.E. 2nd Avenue, Suite 4400 Miami, Florida 33131 STATE OF FLORIDA ) SS COUNTY OF MIAMI-DADE The foregoing instrument was acknowledged before me this day of February. 2013, by STEVEN E. GOLDMAN, who is personally known to me or has produced , as identification. Notary Public My Commission Expires: Print Name GISELA MUSA Notary Public - State of Florida ly Comm. Expires Mar 25, 2014 Commission # DD 974799

Attachment E

🚇 miamibeach

# PLANNING DEPARTMENT INTEROFFICE MEMORANDUM

TO: Eric T. Carpenter, P.E., Public Works Director

FROM: Richard G. Lorber, Acting Planning Director Kinhard Gula

DATE: August 26, 2013

SUBJECT: Analysis of Proposed Vacation of Alley - 500 Block of Alton Road

In accordance with Section 82-38 of the Code of the City of Miami Beach, the Planning Department shall prepare an analysis for the City Commission and the public that outlines all conditions relating to the proposed sale and/or lease of city property. This analysis applies to: <u>The Vacation Of An Alley Located In The 500 Block Of Alton Road</u>, <u>Containing Approximately 6,005 Square Feet</u>, In Favor Of The Adjacent Property <u>Owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, And 1220 Sixth, LLC.</u>

# 1. Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city comprehensive plan.

**Consistent -** The proposed alley vacation would conform to the city's goals and objectives and the Comprehensive Plan. The Comprehensive Plan designates this area as Commercial General Mixed Use on the City's Future Land Use Map. The proposed mixed-use project on the site is a permitted use within this zone.

2. The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the city shall determine the potential impact of the project on city utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.

**Consistent** - The proposed vacation is not expected to have any detrimental impact on the adjacent properties. The subject alley is not an active vehicular right-of-way and as such, will not increase the traffic or noise level. The mixed-use project proposed for the site would have to meet all City requirements regarding infrastructure and concurrency.

3. A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the city's revenue base, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.

Analysis of Proposed Vacation of Alley - 500 Block of Alton Road August 26, 2013 Page 2

**Consistent** - The applicant has voluntarily proffered the contribution of several public benefits, including a stormwater storage system intended to assist in flood management, the dedication of a portion of land along 5th Street which could serve as a landing spot for a future pedestrian overpass connecting the portions of the City's Baywalk north and south of 5th Street/Macarthur Causeway, as well as street improvements to West Avenue up to 8th Street. As the City continues to address a more proactive approach towards development, ongoing future contributions from other projects will be utilized to address potential public projects deemed important to enhance the City's quality of life.

4. Determination as to whether or not the development is in keeping with the surrounding neighborhood, will block views or create environmental intrusions, and evaluation of the design and aesthetic considerations of the project.

**Consistent** - The proposed mixed-use development has been approved by the Design Review Board for design and aesthetic considerations, and has been deemed to be in keeping with the surrounding neighborhood.

# 5. The impact on adjacent properties, whether or not there is adequate parking, street and infrastructure needs.

**Consistent** - The proposed mixed-use development is designed to provide adequate parking for the needs of the project. Street layout and traffic circulation patterns have been analyzed and approved by the Planning Board.

6. Such other issues as the city manager or his authorized designee, who shall be the city's planning director, may deem appropriate in analysis of the proposed disposition.

**Not applicable -** The Planning Department has no other issues it deems appropriate to analyze for this proposal.

RGL/rgl T:\AGENDA\2013\September 11\500 of Alton Road - Planning Analysis.docx

## **APPRAISAL • REPORT**

OF A 6,005 SF Alley r/w 500 block alton road miami beach, florida

> **AS OF** May 20, 2013



VIEW OF ALLEY R/W FROM 6TH STREET AREA

PREPARED FOR OFFICE OF REAL ESTATE, HOUSING & COMMUNITY DEVELOPMENT CITY OF MIAMI BEACH 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

**PREPARED BY** 

BONDARENKO ASSOCIATES, INC. 201 S GOLF BLVD., SUITE NO. 2007 POMPANO BEACH, FL 33064

# BONDARENKO ASSOCIATES, INC.

201 S. Golf Blvd., Suite 2007 Pompano Beach, Florida 33064 (954) 942-3353 fax (954) 942-8471 hankapr@comcast.net

June 6, 2013

Office of Real Estate, Housing & Community Development City of Miami Beach 1700 Convention Center Drive Miami Beach, Florida 33139

Attention: Mr. Max Sklar

## Re: AMENDED REPORT

6,005 SF Alley Vacation 500 Block Alton Road Miami Beach, Florida

Dear Mr. Sklar:

At your request, we have prepared an amended appraisal for the above referenced property. The purpose of this amended appraisal is to add an additional value estimate due to the amended assignment by Mr. Sklar, copy enclosed. My original appraisal was for the market value estimate of the subject property's fee simple interest for the site with an effective date of May 20, 2013. The added value estimate is for the Investment Value to the Adjacent Owner. My original appraisal is made a part of this amended report by reference. This appraisal is intended for the use of the client and the client's advisors. The 6,005 SF alley fronts on 6th Street and West Ave..

The accompanying report of a real estate appraisal has been completed in accordance with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice (USPAP) and applicable Federal regulations.

The original report details the scope of the appraisal, level of reporting, definition of value, valuation methodology, and pertinent data researched and analyzed in the development of this appraisal.

We certify that we have no present or contemplated future interest in the property beyond these estimates of value. Your attention is directed to the Limiting Conditions and Assumptions, located within my original report, which constitutes an agreement with these conditions and assumptions.

June 6, 2013

Page 2

In my opinion, the **Market Value** of the subject property, as of May 20, 2013, was as follows:

Market Value Conclusion \$600,500

It is further my opinion that the Investment Value to Adjacent Owner was:

Investment Value to Adjacent Owner \$780,650

Further, we estimate the market exposure period necessary for the subject to have achieved this value to be less than a year..

Respectfully submitted, Bondarenko Associates, Inc.

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Henry R. Bondarenko, SRA, MAI Cert Gen. RZ 508

# Summary of Salient Facts

Subject Property:	500 Block of Alton Road, 6,005 SF of alley R/W fronting on 6 th Street and West Ave. There is one adjacent owner. The surrounding land is zoned CPS-2.		
Property Overview:	Site Size:6,005 SfBuilding Size:No buildingsProperty Type:Public R/W for alley		
Interest Appraised:	This appraisal considers the subject's fee simple interest .		
Highest and Best Use Land As Vacant:	Sale to the Adjacent Owner for Condo Development. The alley goes nowhere, it is not Needed.		
Highest and Best Use As Improved:	The alley is not improved, it will be improved if sold to the one adjacent owner, the Waves condo development.		
Sales Comparison Approach:	Market Value: \$600,500		
	Investment Value to Adjacent Owner: \$780,650		
Extraordinary Assumptions:	None		
Hypothetical Conditions:	The market value of the R/W takes on the estimated value of the adjacent property. The Investment Value to Adjacent Owner takes on the estimated value after adjustments.		

		Sheet1			
2		INVESTMENT	AT VALUE TO ADJACENT OWNER 6,005 SF AREA OF ALLEY 500 Block Alton Road Miami Beach Florida	NT OWNER	
ITEM					
I OCATION	Adjacent Owner Adjacent Owner				SALE NO.4
	Miami Beach, Florida	ou block Alton Road (Alley) Miami Beach. Florida	o17 west Ave. Miami Beach. Florida	659-73/ West Ave Miami Beach Florida	929 Aiton Koad Miami Beach Florida
DATE OF SALE	Appraisal 5-20-2013	6-8-2006			9-13-2012
FOLIO NUMBER	None 6 DD5 SE	None	11 all)	02 4203 001 0161, (etc.multpe)	02 4203 014 0510
LEGAL DESCRIPTION	Portion of Lots 8,9,10 \$ 13, and a portion	A, 2 17 31 Aquarium Site AMD PB 21-83 15 Ft.	Part of Aquarium Site Amd.	53,/30 Sr (1.28 Acres) Fleetwood Sub PB 28-34.	19,334 SF (0.40 Acres) Lennox Manor Re-Sub PB 7-15
	of that 15.0 Feet Alley of "Amend. Plat of	alley from Alton Rd west ot mid-site,		Lots 8-14, etc.	Lots 9 & 10
CDANTOD	Aquaurium Site Resub." PB 21 page 83.	thenc north to the subject alley site.			
GRANTEE		Leviev Box Melareen Vitri Dev.LLC	Africa Israel Vitri Developers, LLC	West Alton Corp Kom Equities 11 C	Atton Sobe,LLC Pending Sale
RECORDED-ORB/PGE				pge 56	NA
ZONING	CPS-2,Commercial Mixed Use	CPS-2, Comm't Mixed Use		:	CD-2
	As the adjacent coning	Miami Beach, Florida	ch, Florida	ch, Florida	Miami Beach, Florida
PRICE PER SQ.FT.		\$\$3.28	\$72.74	\$6,000,000 \$143.48	\$2,900,000 (Pending) \$145.02
Comments	Analysis	Analysis			Analysis
	This site is a dedicated R/W of an		site surrounds the subject	0	This is a vacant site located
	Arrey surrounding the /-11 store located in the NW corner of the larger develonment	alley site that joins the subject site at the north end Similar	alley.	lot located several hundred feet	3 blocks north of the subject site on Alton Road
-	to be done called the Waves. The site fronts	"el" shape, 15 ft alley			
	on 6th Street on the north and West Ave.	•			
	on the west, surrounding the 7-11 Building				
	Please refer the the enclosed surveys.		ADJUSTMENTS		
CONDITIONS OF SALE		Similar		Similar	Similar
TIME		+20%	. '+15%		Similar
LOCATION		Similar			Similar
TONING		Similar Similar	Similar		Similar
UTILITIES		Similar		Similar	Similar Similar
SIZE		Similar	*	<del>.</del>	Similar *!
ADJACENT OWNER ADJUSTMENT		r +30%	r +30%	r +30%	nferior +30%
Net Adjustment Adiusted Value		+50% \$124 92	+45% •105.47	+30% ©186.62	+30%
* An inferior rating mean	An inferior rating means that the sale is inferior, a superior rating means that the	ne sale is superior			100.00
Please refer to the follow	Please refer to the following page for a detailed analysis.				
*1 No size adjustments v	*1 No size adjustments will be made to the subject 6.005 SF because the consideration is made that the allev takes on the value of adjacent amd larmer promerties in this market place	cause the consideration is made t	hat the allev takes on the value of	adiacemt amd lamer properties i	this market place
As in this case, the alley	As in this case, the alley would become part of the larger Waves development site.	development site.			

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		INVESTME	INVESTMENT VALUE TO ADJACENT OWNER	IT OWNER	
			6,005 SF AREA OF ALLEY 500 Block Alton Road Miami Beach, Florida		
ITEM	SUBJECT - Investment Value to Adiacent Owner	SALE NO.5	SALE NO. 6	SALE NO.7	
LOCATION		619 Meridian Ave Miami Beach Elorido	350 Meridian Ave. Miorris Docob Elocido	803 5th Street	
DATE OF SALE			Miami beach, Fiorida 8-20-12	Miami beach, Florida 7-19-2011	
FOLIO NUMBER		02 4203 009 3320 7 000 SE	009 5140	02 4203 009 4970	
JILE LEGAL DESCRIPTION		/, UUU SF Ocean Beach Addn. No. 3, PB 2-81,		9,000 SF (0.21 Acres) Ocean Beach ADDN No. 3	
	of that 15.0 Feet Alley of "Amend. Plat of Aquaurium Site Resub." PB 21 page 83.	Lot 11, Blk 58, etc.	PB 2-81Lot 2 Bik 76, 50' x 140'	OB 2 pge 81, east 100 ft of lots 7 & A	
GRANTOR		REA 619, LLC	venue, LLC	Burmon Investments, Inc.	
RECORDED-ORB/PGE		619 Meridian Ave, LLC 28198 pge 2324	SOFI 350, LLC 283234 pae 2163	SOBE 5, LLC 27761 pae 2158	
ZONING	red Use	RM-1, MF		CPS-2	
SALE PRICE	As the adjacent zoning	Miami Beach, Florida \$673 000	Miarni Beach, Florida *1 325 000	Miami Beach, Florida	
PRICE PER SQ.FT.		\$96.14 \$96.14		\$109.32	
Comments	Analveis	Analveie	America		
	This site is a dedicated R/W of an	This is a small lot 50' x 140'	small lot 50' x 140'	This is a corner lot on 5th Street	
	Alley surrounding the 7-11 Store locaated	There are 6 townhomes planned.	ned.	and Meridian Ave. This is the same	
	in the NW comer of the larger development	4 of the six are sold, two remain-	are	zoning as the subject and Sales	
	to be done called the Waves. The site fronts	ing are listed at \$630,000 each.	σ	No. 1 and No. 2. Plans call for	
	on our surget on the norm and west Ave. on the west surrounding the 7-11 Building		are rated similar to the subject	12,000 SF office and 3,500 SF	
	Please refer the the enclosed drawings and				
	surverys.				
		1	ADJUSTMENTS		
CUNUITIONS OF SALE		Similar		Similar	
		Similar	Similar Similar	Similar	
TOPOGRAPHY		Similar		Similar	
ZONING		Similar		Similar	
UTILITIES		Similar		Similar	
ADJACENT OWNER ADJIISTMENT		Similar Inferior + 30%	Similar *!	Similar *!	
Net Adjustment		+30%	50.00 ±	1111E010 + 30%	
Adjusted Value		\$125.00	9	\$142.17	
* An inferior rating means	* An inferior rating means that the sale is inferior, a superior rating means that the sale is superior.	ng means that the sale is superior.			
Liease reler to the follow	riease rerer to the following page for a detailed analysis.				
*1 No size adjustments v	1 No size adjustments will be made to the subject 6,005 SF because the consideration is made that the alley takes on the value of adjacemt amd larger properties in this	scause the consideration is made the	at the alley takes on the value of adja	ecemt amd larger properties in this	
market place, as in this c	market place, as in this case, the alley would become part of the larger Waves development site. I	e larger Waves development site.			
		Dage 1			

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#### Analysis of Comparable Sales For Sale to The Adjacent Owner.

A comprehensive search for land sales similar to the subject land revealed 7 sales in close proximity to the subject property. The sales were compared to the subject property for seven categories, condition of sale, market conditions (time), location, zoning, utilities, size and Investment Value for Sale to The Adjacent Owner

#### Conditions of Sale

The sales were all arms length transactions, no unusual financing or conditions. The deeds were analyzed on all properties, except Sale No.4, it is a pending sale. The sales were plotted on a local map of the area and demonstrate a tight location pattern near the subject.

#### Time (Market Conditions)

An analysis of the five recent sales in the immediate neighborhood compared to Sale No. 1 in June 2006 and Sale No. 2 in February 2010 indicate that there was not much change due to time. A slight adjustment was made for time for Sales No. 1 and No. 2. No "back to back" sales could be found to develop a monthly change for time. The balance of sales No. 3 through No. 7 are all recent sales and need no adjustment for time. Sale No. 1 in 2006 was used because it was the sale of an alley within the same city block of the subject alley.

#### Location

All of the sales are located within four blocks of the subject property, they are influenced by the same economic and social factors as the subject property, therefore there is no adjustment warranted for location. Other factors may affect the value of the subject property, such as topography, zoning, utilities and size within this four block area.

#### Topography

This entire neighborhood is generally level and even with all streets, therefore, no adjustments are warranted for topography. The subject topography is similar to all the sale properties.

#### Zoning

Sale No. 2 and No. 7 both have the same zoning of CPS-2. Sale No. 2 is part of a larger site slated for development of condominium and mixed use called the Waves, it abuts the subject site. Sale No. 7 is slated for development of offices and retail. Sales No. 3, No. 5 and No. 6 are all residentially zoned properties. Sale No. 4 is zoned CD-2 which allows commercial uses. With conditional uses, restaurants, adult congregate living facilities, apartments, hotels, funeral homes, nursing homes, pawnshops, etc., are allowed. I have in my files the printed uses for each of the zoning classifications of the comparable sales. The zoning of the subject site.

(continued)

#### Analysis of Comparable Sales Continued

#### **Utilities**

The comparable sales have all utilities available to the properties as does the subject property, therefore, no adjustments are warranted for utilities.

#### <u>Size</u>

Four of the comparable sales are of similar size as the subject alley site, three are larger parcels. The subject is a R/W alley. These type of properties tend to take on the value of abutting land values or properties of similar potential allowable uses. In the case of the subject property, the abutting uses would be incorporated into the larger site for the development of the Waves condo and mixed use development. Therefore, the smaller size of the subject site does not warrant an adjustment for size.

#### Adjustment to Adjacent Owner

The location of the subject R/W Alley is located in the middle of the site plan for the Waves Condominium project for 444 units. This would adversely affect an optimal site orientation for the project. It would be a great advantage if the alley could be incorporated into the site plan. The estimated contribution of the site into the subject overall site plan would contribute say 30% to the *Investment Value to The Adjacent Owner*.

#### Conclusion of Value

The subject property is a public R/W alley. It is surrounded by one abutting owner. One of the comparable sales is the sale of an alley R/W within the same block as the subject alley and abuts the subject alley, it is a 2006 sale, Sale No. 1. Sale No. 2 is the sale and purchase of the abutting land surrounding the subject property. It is a 2010 sale. All the subject comparable sales are located within 4 blocks of the subject site. They have similar potential uses if not the same uses allowed by zoning within this city block. Obviously the subject use is restricted to access for public R/W use. Two of the sales have the same zoning as the subject abutting land use zoning.

The range of adjusted values is from \$105.47/SF to \$246.06/SF. The range of size is from 4,217 SF to 68,560 SF. The range of date of sale is from Feb. 10, 2010 to 12-31-2012 with the exception to Sale No. 1 at 6-8-2006. This sale was used as it is the sale of an alley R/W located within the same block as the subject alley. The potential uses allowed by zoning are generally similar.

As noted in the Summary of Market Sales Grid, the average of all the seven sales is \$159.81 per square foot. The median is \$142.17 per square foot. The median sale is zoned CPS-2, the same as in the block as the subject property. The value of the subject property is anticipated to fall in the mid-range, say \$130.00 per square foot.

Estimated Value	via Sales Comparison Approach	\$780,650
6,005 Square Feet	x \$130.00 per Square Foot =	\$780,650

for Investment Value to Adjacent Owner

# "ATTACHMENT G"

To be provided separately (being revised by Legal)

# MIAMIBEACH

#### **CITY OF MIAMI BEACH** NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, September 11, 2013 to consider the following:

#### 11:45 a.m.

A Resolution Approving A Revocable Permit Request By First Street Development, LLC, As The Owner Of The Commercial Property Located At 800 First Street, To Construct Four (4) Concrete Eyebrows That Project Over And Into The Public Right-Of-Way, At A Minimum Horizontal Dimension Of 2'-2" At 9'-6" Above The Sidewalk, To A Maximum Horizontal Dimension Of 5'-0" At 9'-8"Above The Sidewalk.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

#### 12:00 p.m.

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Vacation Of Alleyway - 500 Alton Road

A Resolution Approving, On Second Reading, The Vacation Of An Alley Located In The 500 Block Of Alton Road, Containing Approximately 6,005 Square Feet, In Favor Of The Adjacent Property Owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, And 1220 Sixth, LLC.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

#### 12:15 p.m.

A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Pertaining To The Early Termination Of An Existing Retail Lease Agreement Between The City And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor; Approving And Authorizing The Mayor And City Clerk To Execute: 1) A New Lease Agreement Between The City And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor, For An Initial Term Of Three (3) Years, With Two (2) Renewal Options For Two (2) Years Each, Involving The Use Of Approximately 1,269 Square Feet Of City-Owned Property Located At 1701 Meridian Avenue, Unit 4 (A/K/A 775 17th Street), Miami Beach, Florida (The "Leased Premises"); And 2) A Revocable Concession Agreement Between The City And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor, Allowing For An Outdoor Seating Area, Adjacent To The Leased Premises; And Further Waiving By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The Public.

Inquiries may be directed to the Real Estate, Housing & Community Development Office at (305) 673-7260.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting or any of the items herein may be continued, and under such circumstances additional legal notice will not be provided.

Rafael E. Granado, City Clerk City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at (305) 673-7411(voice) or TTY users may also call the Florida Relay Service at 711. Ad #798