



**City Commission Meeting
SUPPLEMENTAL MATERIAL 2**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
February 11, 2015**

Mayor Philip Levine
Vice-Mayor Joy Malakoff
Commissioner Michael Grieco
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

R7 - Resolutions

- R7B A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its February 2, 2015 Meeting, To Approve The Vacation Of The Right Of Way Known As Liberty Avenue (Palm Avenue) Between 22nd Street (Ocean Avenue) And 23rd Street (Atlantic Avenue), Which Is A 50 Foot In Width Right-Of-Way, Containing Approximately 12,500 Square Feet In Total Area, As Shown On The Plat Of Amended Map Of The Ocean Front Property Of The Miami Beach Improvement Company, Recorded In Plat Book 5 At Page 7, Of The Public Records Of Miami-Dade County, In Favor Of The City Of Miami Beach, (The Applicant); Waiving By 5/7th Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Section 82-39(a) And (b) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions. **10:35 a.m. First Reading Public Hearing**
(Capital Improvement Projects)
(Revised Memorandum)

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its February 2, 2015 Meeting, To Approve The Vacation Of The Right Of Way Known As Liberty Avenue (Palm Avenue) Between 22nd Street (Ocean Avenue) And 23rd Street (Atlantic Avenue), Which Is A 50 Foot In Width Right-Of-Way, Containing Approximately 12,500 Square Feet In Total Area, As Shown On The Plat Of Amended Map Of The Ocean Front Property Of The Miami Beach Improvement Company, Recorded In Plat Book 5 At Page 7, Of The Public Records Of Miami-Dade County, In Favor Of The City Of Miami Beach, (The Applicant); Waiving By 5/7th Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Section 82-39(A) And (B) Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions.

Key Intended Outcome Supported:

Build and maintain priority infrastructure with full accountability.

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

On May 3, 2012, the City of Miami Beach entered into an architectural design contract with premier architect Zaha Hadid Limited and Berenblum Busch Architecture Inc., for these firms to design the proposed Collins Park Garage. The Garage has been designed with retail on the first floor, and upper levels with public parking spaces. The City owns the properties upon which the garage will be built, including lots 7, 9, and 11 of Block 2 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7); and Lots 1, 3, 5, 7 and 9 of Block 1 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7). Between blocks 1 and 2 is Liberty Avenue, a 50 foot wide public right-of-way consisting of approximately 12,500 square feet, see attached Property Legal Description and Sketch (Exhibit A) and Adjacent Properties Survey (Exhibit B).

The City's Capital Improvement Projects Office reviewed the proposed architectural plans with planning, public works, the fire department, and the building department. The architectural design includes the development of a pedestrian plaza within Liberty Avenue between 22nd Street and 23rd Street. The parking garage structure also encroaches into Liberty Avenue and the air rights above Liberty Avenue are being utilized by the parking structure to cross over from Block 1 onto Block 2, see Proposed Collins Park Place Ground Floor Plan (Exhibit C). In order for the proposed parking garage structure be able to obtain a building permit, the right-of-way needs to be vacated. As Liberty Avenue has been contemplated to be a pedestrian public plaza, with no vehicular access, and as the City owns all the parcels adjacent to Liberty Avenue between 22nd and 23rd Streets (the City owns lots 1-10 on Block 1 and owns lots 7, 9, 11, 4, 6, 8, 10 and 12 of Block 2), should Liberty Avenue be vacated, title to the vacated right-of-way would transfer to the adjacent property owners, which would be the City of Miami Beach, therefore there would be no financial impact to the City. Also, utility easements will be granted, as required.

The City must comply with the requirements of Chapter 82-36 through 82-40, of the City Code, which requires certain actions prior to effectuating a vacation. The City Commission is to hold two separate meeting dates, one of which, scheduled for February 11, 2015, is to be accompanied with a duly noticed public hearing in order to obtain citizen input into the proposed vacation, and also requires the review of the Finance and Citywide Projects Committee (FCWPC), which item was heard during the FCWPC meeting of February 2, 2015, and which Committee recommended to the City Commission to proceed with the vacation. Section 82-38 requires the Planning Department to prepare an analysis of the vacation. The Planning Department prepared the analysis of the vacation (Exhibit D) on February 11, 2015. The Planning Department reviewed the six (6) criteria elements for vacating Liberty Avenue and found these criteria to have been satisfied. The second required meeting is scheduled for March 11, 2015.

The Administration recommends approval of the resolution.

Advisory Board Recommendation:

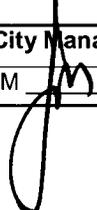
Financial Information:	Amount	Account
OBPI	Total	

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

David Martinez, Ext. 6972

Sign-Offs:

Department Director	Assistant City Manager	City Manager
DM 	MT 	JLM 

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COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: February 11, 2015

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AT ITS FEBRUARY 2, 2015 MEETING, TO APPROVE THE VACATION OF THE RIGHT OF WAY KNOWN AS LIBERTY AVENUE (PALM AVENUE) BETWEEN 22ND STREET (OCEAN AVENUE) AND 23RD STREET (ATLANTIC AVENUE), WHICH IS A 50 FOOT IN WIDTH RIGHT-OF-WAY, CONTAINING APPROXIMATELY 12,500 SQUARE FEET IN TOTAL AREA, AS SHOWN ON THE PLAT OF AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, RECORDED IN PLAT BOOK 5 AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, IN FAVOR OF THE CITY OF MIAMI BEACH, (THE APPLICANT); WAIVING BY 5/7TH VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS PURSUANT TO SECTION 82-39(A) AND (B) OF THE CITY CODE, FINDING THAT THE PUBLIC INTEREST WOULD BE SERVED BY WAIVING SUCH CONDITIONS.

BACKGROUND

On May 3, 2012, the City of Miami Beach entered into an architectural design contract with premier architect Zaha Hadid Limited and Berenblum Busch Architecture Inc., for these firms to design the proposed Collins Park Garage. The Garage has been designed with retail on the first floor, and upper levels with public parking spaces. The City owns the properties upon which the garage will be built, including lots 7, 9, and 11 of Block 2 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7); and Lots 1, 3, 5, 7 and 9 of Block 1 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7). Between blocks 1 and 2 is Liberty Avenue, a 50 foot wide public right-of-way consisting of approximately 12,500 square feet, see attached Property Legal Description and Sketch (Exhibit A) and Adjacent Properties Survey (Exhibit B).

ANALYSIS

The City's Capital Improvement Projects Office reviewed the proposed architectural plans with planning, public works, the fire department, and the building department. The architectural design includes the development of a pedestrian plaza within Liberty Avenue between 22nd Street and 23rd Street. The parking garage structure also encroaches into Liberty Avenue and the air rights above Liberty Avenue are being utilized by the parking structure to cross over from Block 1 onto Block 2, see Proposed Collins Park Place Ground Floor Plan (Exhibit C). In order for the proposed parking garage structure be able to obtain a building permit, the right-of-way needs to be vacated. As Liberty Avenue has been contemplated to be a pedestrian public plaza, with no vehicular access, and as the City owns all the parcels adjacent to Liberty Avenue between 22nd and 23rd Streets (the City owns lots 1-10 on Block 1 and owns lots 7, 9, 11, 4, 6, 8, 10 and 12 of Block 2), should Liberty Avenue be vacated, title to the vacated right-of-way would transfer to the adjacent property owners, which would be the City of

Miami Beach, therefore there would be no financial impact to the City. Also, utility easements will be granted, as required.

COMPLIANCE WITH CHAPTER 82 OF THE CITY'S CODE

The City must comply with the requirements of Chapter 82-36 through 82-40, of the City Code, which requires certain actions prior to effectuating a vacation. The City Commission is to hold two separate meeting dates, one of which, scheduled for February 11, 2015, is to be accompanied with a duly noticed public hearing in order to obtain citizen input into the proposed vacation, and also requires the review of the Finance and Citywide Projects Committee (FCWPC), which item was heard during the FCWPC meeting of February 2, 2015, and which Committee recommended to the City Commission to proceed with the vacation. Section 82-38 requires the Planning Department to prepare an analysis of the vacation. The Planning Department prepared the analysis of the vacation (Exhibit D) on February 11, 2015. The Planning Department reviewed the six (6) criteria elements for vacating Liberty Avenue and found these criteria to have been satisfied. The second required meeting is scheduled for March 11, 2015.

CONCLUSION

The Administration recommends the approval of a resolution accepting the recommendation of the Finance and Citywide Projects Committee at its February 2, 2015 meeting, to approve the vacation of the right of way known as Liberty Avenue (Palm Avenue) between 22nd Street (Ocean Avenue) and 23rd Street (Atlantic Avenue), which is a 50 foot in width right-of-way, containing approximately 12,500 square feet in total area, as shown on the plat of amended map of the Ocean Front Property of the Miami Beach Improvement Company, recorded in Plat Book 5 at Page 7, of the Public Records of Miami-Dade County, in favor of the City of Miami Beach, (The Applicant); waiving by 5/7th vote, the competitive bidding and appraisal requirements pursuant to Section 82-39(a) and (b) of the City Code, finding that the Public Interest would be served by waiving such conditions.

Exhibit A – Legal Description and Sketch of Legal Description of ROW Vacation

Exhibit B – Adjacent Properties Survey

Exhibit C – Proposed Collins Park Place Ground Floor Plan

Exhibit D – Planning Analysis of Proposed ROW Vacation

JLM/MT/DM

Exhibit A

AREA TO BE VACATED:

LIBERTY AVENUE (PALM AVENUE) RIGHT-OF-WAY BETWEEN 22ND STREET (OCEAN AVENUE) AND 23RD STREET (ATLANTIC AVENUE):

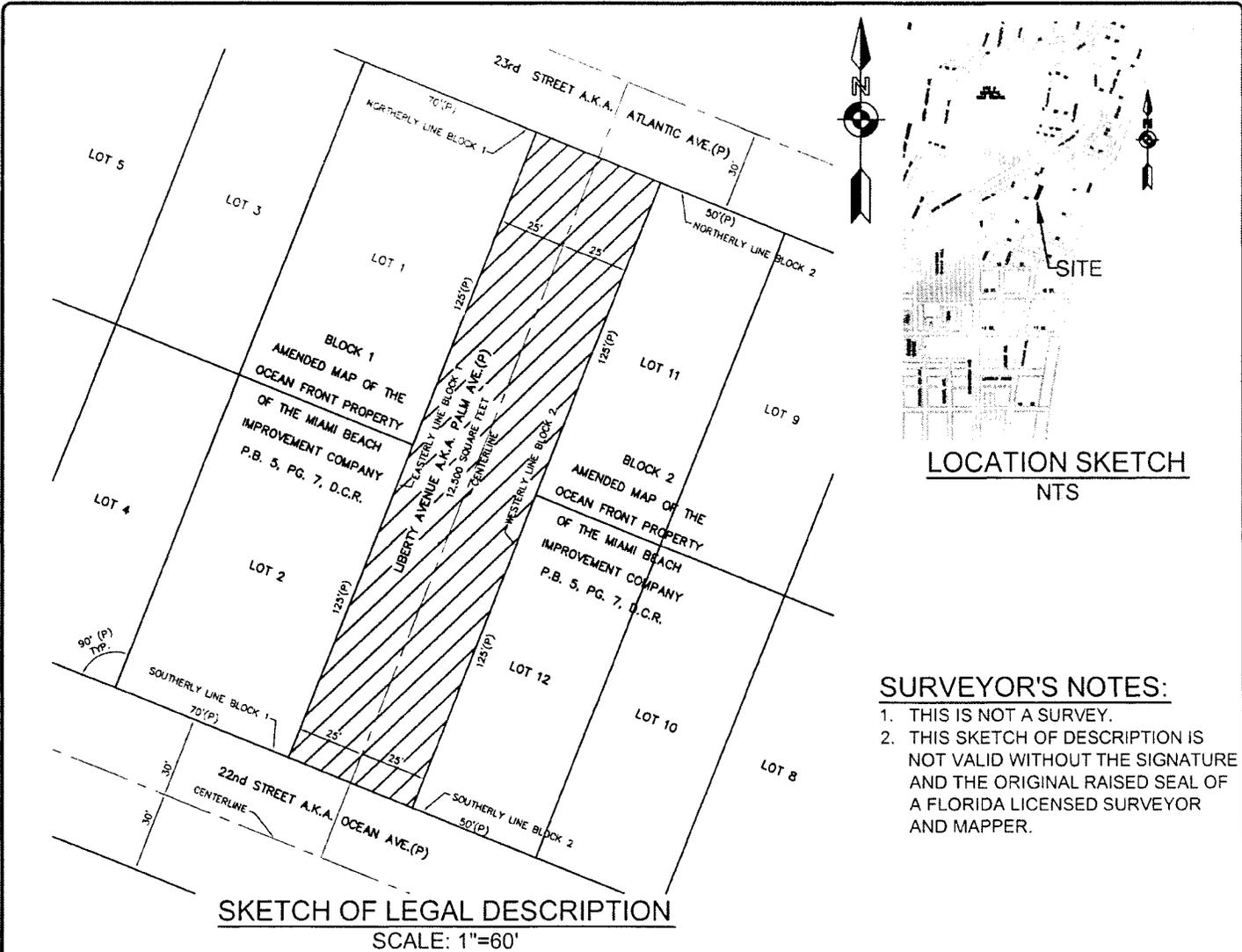
BEING A R IGH T OF WAY 50 FEET IN WIDTH KNOWN AS L IBERTY AVENUE LABELED ON THE PLAT AS " PALM AVENUE" ACCORDING TO THE PLAT OF "AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY" AS RECORDED IN PLAT BOOK 5, PAGE 7, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE WEST BY THE EASTERLY LINE OF BLOCK 1; BOUNDED ON THE EAST BY THE WESTERLY LINE OF BLOCK 2;

BOUNDED ON THE NORTH BY THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 1 AND THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 2;

BOUNDED ON THE SOUTH BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF BLOCK 1 AND THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF BLOCK 2.

CONTAINING 12,500 SQUARE FEET MORE OR LESS.



LEGAL DESCRIPTION:

BEING A RIGHT OF WAY 50 FEET IN WIDTH KNOWN AS LIBERTY AVENUE LABELED ON THE PLAT AS "PALM AVENUE" ACCORDING TO THE PLAT OF "AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY" AS RECORDED IN PLAT BOOK 5, PAGE 7, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE WEST BY THE EASTERLY LINE OF BLOCK 1;

BOUNDED ON THE EAST BY THE WESTERLY LINE OF BLOCK 2;

BOUNDED ON THE NORTH BY THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 1 AND THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 2;

BOUNDED ON THE SOUTH BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF BLOCK 1 AND THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF BLOCK 2.

CONTAINING 12,500 SQUARE FEET MORE OR LESS.

LEGEND & ABBREVIATIONS:

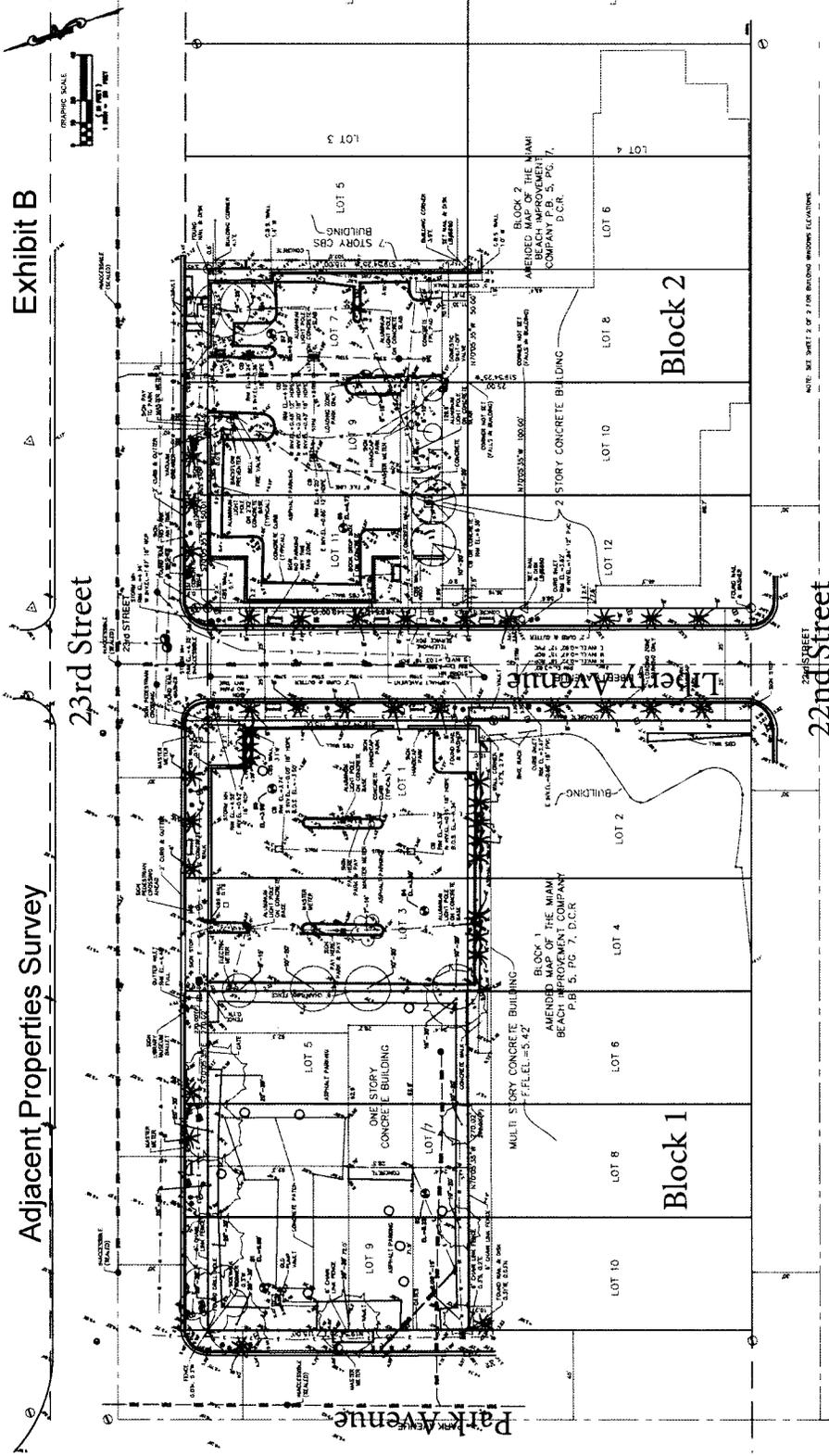
ORB.	OFFICIAL RECORD BOOK	DB.	DEED BOOK
(C)	CALCULATED DIMENSION	TYP.	TYPICAL
NTS	NOT TO SCALE	PG.	PAGE
(P)	PLAT DIMENSION	DCR	DADE COUNTY RECORDS
R/W	RIGHT-OF-WAY	PB.	PLAT BOOK

B. T. Bellino 12-19-14
 BRIAN T. BELLINO DATE
 CITY SURVEYOR
 STATE OF FLORIDA
 PROFESSIONAL SURVEYOR AND MAPPER NO.4973

<p>PUBLIC WORKS DEPARTMENT 1700 CONVENT ROAD, CENTER DRIVE, MIAMI BEACH, FL 33156</p>	DRAWN BY: LF CHECKED: BTB SCALE: AS-SHOWN	REVISED: _____ _____ _____	TITLE: LIBERTY AVENUE, 22ND TO 23RD STREET	SM-2014M SHEET 1 OF 1
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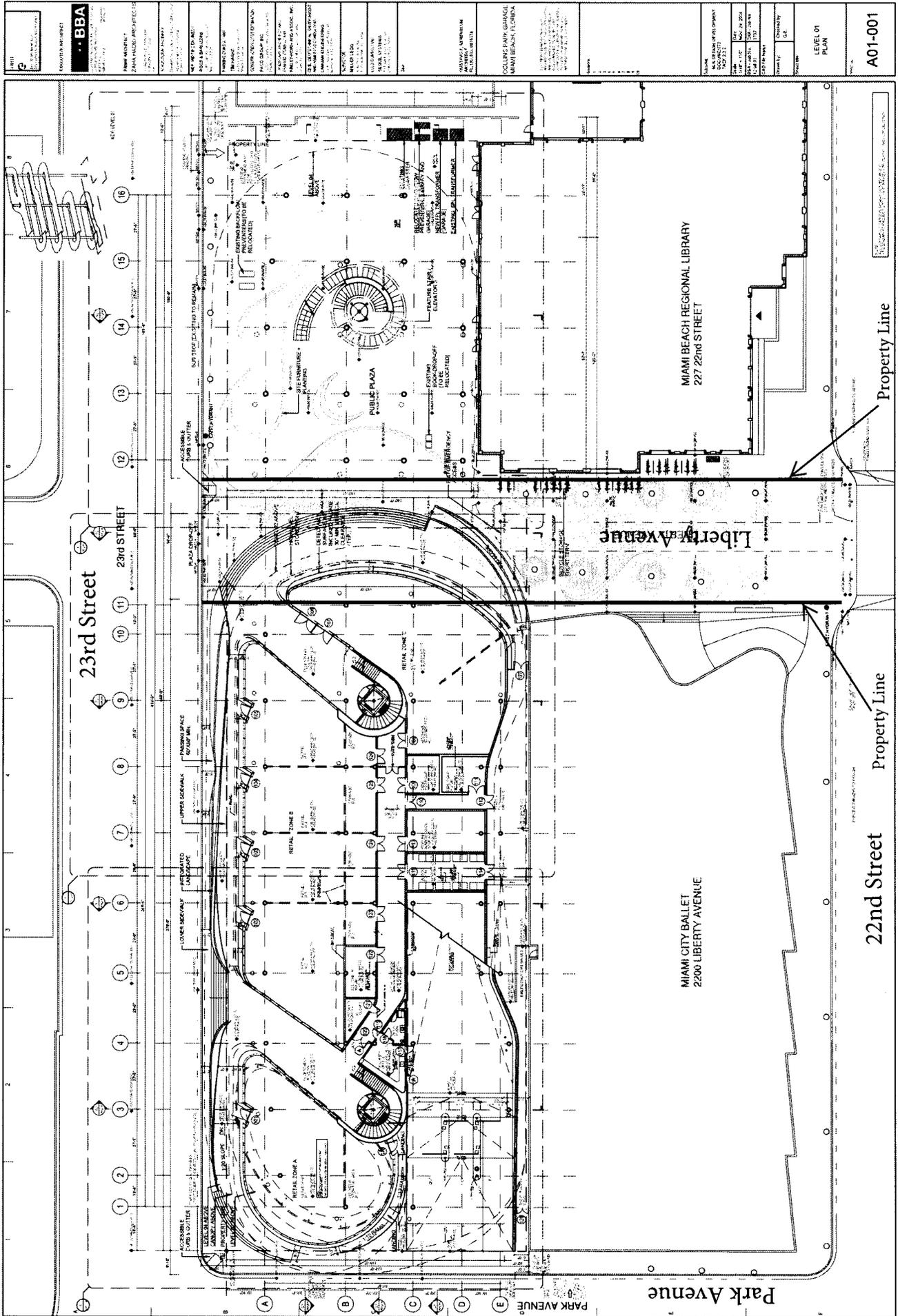
Adjacent Properties Survey

Exhibit B



Proposed Collins Park Place Ground Floor Plan

Exhibit C



A01-001

LEVEL 01
PLAN

MIAMI BEACH

PLANNING DEPARTMENT

COMMISSION MEMORANDUM

TO: Jimmy L. Morales, City Manager

FROM: Thomas R. Mooney, AICP
Planning Director

DATE: February 11, 2015

SUBJECT: **Analysis of Proposed Right of Way (ROW) Vacation –
Liberty Avenue between 22nd Street and 23rd Street.****BACKGROUND**

Section 82-38 of the Code of the City of Miami Beach requires that any proposed sale or lease of City-owned land be analyzed from a planning perspective so that the City Commission and the public are fully apprised of all conditions relating to the proposed sale or lease.

The proposal herein is to vacate Liberty Avenue (Palm Avenue) between 22nd Street (Ocean Avenue) and 23rd Street (Atlantic Avenue). The right of way is 50 feet wide and contains approximately 12,500 square feet in area. It will be utilized for the construction of a main use parking garage which will be owned by the City. The ground level of the garage will include a public plaza, as well as enclosed retail spaces, which may be leased or sold to tenants. The following is an analysis based on the criteria delineated in the Code.

ANALYSIS

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

Consistent – The vacation of the ROW will allow for the construction of a City-owned public parking garage with retail on the first floor to service the surrounding community. This is consistent with Goals, Objectives, and Policies of the City's Comprehensive Plan, including:

OBJECTIVE 8: PARKING

The City shall provide clean, safe, and affordable parking, by continuing to explore and implement creative and technologically advanced methods of parking provision and management to satisfy the need.

Policy 8.1: Continued Development of Parking

The City shall continue with the acquisition, construction and improvements to municipal parking facilities as may be needed.

Policy 8.2: Public Private Partnerships

The City shall continue to seek public-private partnerships in the development

of its parking facilities and intermodal centers.

Policy 8.4: Context Sensitive Parking Development

Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian and bicycle activity, such as to the side or rear of buildings.

- 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 – No negative impacts are anticipated by the proposal. The property being vacated by the City is for the purpose of developing a main use parking garage to service a neighborhood that has a lack of public parking. The project is located in the Museum Historic District, where the 'contributing' historic structures lack a parking requirement. The proposal will include a pedestrian passage through Liberty Avenue, which ensures that connectivity for pedestrians will not be negatively impacted by the project. The proposal will include ground level retail which will ensure that garage is compatible with and services the surrounding neighborhood.

- 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.**

Consistent - This proposed use is in keeping with a public purpose and community needs and will improve the community's overall quality of life. The ROW will be utilized for a main use parking garage that will be owned by the City in an area where it is needed. It will include ground level retail, which will create additional jobs.

- 4. A 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 development will keep with the surrounding neighborhood and will not significantly block views or create environmental intrusions. The project is being designed by world renowned firms and will be undergoing a design review process that is required of such developments.

- 5. The impact on adjacent properties, whether or not there is adequate parking,**

street and infrastructure needs.

Consistent – The primary intent of the vacation of this ROW is intended to address the parking, street, and infrastructure needs of adjacent properties.

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.

CONCLUSION

Vacation of the public ROW is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan. The vacation of Liberty Avenue between 22nd Street and 23rd Street will generate no negative impacts for the surrounding area.

TRM/RAM

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