

RESOLUTION NO. 2020-31350

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO THE CITY'S USE OF THE \$55 MILLION THE CITY SHALL RECEIVE FROM THE PROPOSED SALE OF 0.3 ACRES OF PROPERTY AND AIR RIGHTS OVER 300-390 ALTON ROAD TO MARINA PARK RESIDENTIAL, LLC FOR THE MARINA PARK PROJECT (THE "SALE"), SUBJECT TO VOTER REFERENDUM APPROVAL OF THE SALE IN ACCORDANCE WITH SECTION 1.03(B)(1) OF THE CITY CHARTER; REQUIRING THAT THE \$55 MILLION IN SALE PROCEEDS SHALL BE USED BY THE CITY SOLELY IN ACCORDANCE WITH THE INTENT OF THE VOTERS IN CONNECTION WITH THE NOVEMBER 3, 2020 REFERENDUM REGARDING THE USE OF THE \$55 MILLION FOR THE FOLLOWING PUBLIC PURPOSES: (1) RESILIENCY AND SUSTAINABILITY INITIATIVES, (2) AFFORDABLE, WORKFORCE, OR TEACHER HOUSING, (3) PROGRAMS TO BENEFIT THE ELDERLY, OR (4) INCREASING CITY'S BUDGETARY RESERVES; FURTHER, REQUIRING THAT ALL DEPOSITS AND INSTALLMENT PAYMENTS RECEIVED FROM THE SALE (IN THE AGGREGATE OF \$15 MILLION) SHALL FIRST BE APPLIED TOWARD INCREASING CITY'S BUDGETARY RESERVES, AND SHALL NOT BE EXPENDED, UNTIL SUCH TIME AS ALL DEPOSITS AND INSTALLMENT PAYMENTS BECOME NON-REFUNDABLE IN ACCORDANCE WITH THE TERMS OF THE PURCHASE AND SALE AGREEMENT, DEVELOPMENT AGREEMENT AND LEASE AGREEMENT FOR THE MARINA PARK PROJECT; AND FURTHER, PROVIDING THAT ONCE ALL DEPOSITS AND INSTALLMENT PAYMENTS BECOME NON-REFUNDABLE, EACH OF THE REMAINING CATEGORIES (RESILIENCY/SUSTAINABILITY, AFFORDABLE/WORKFORCE HOUSING, AND ELDERLY PROGRAMS) SHALL BE GUARANTEED A MINIMUM FUNDING ALLOCATION OF \$5 MILLION EACH, TO ENSURE THAT NOT LESS THAN \$5 MILLION IS DEDICATED FOR PROGRAMS OR PROJECTS WITHIN EACH OF THE CATEGORIES APPROVED BY THE CITY'S VOTERS.

**WHEREAS**, on July 29, 2020, the Mayor and City Commission will consider approval, on second reading, of the proposed transaction for the Marina Park Project, including the proposed (1) Development Agreement; (2) the sale of property, and air rights, for the residential component of the Project ("Sale of Residential Parcel"); (3) the new Lease for the Miami Beach Marina ; the (4) proposed vacation of the City Right-of-Way Area, as part of Consolidated Agenda Item R7A on the July 29, 2020 City Commission agenda; and

**WHEREAS**, pursuant to Section 1.03(b)(1) of the City Charter, the Sale of Residential Parcel and new Lease are each subject to and contingent upon approval by a majority of the voters voting in a Citywide referendum; and

**WHEREAS**, on July 29, 2020, the Mayor and City Commission will also consider Agenda Item, R7D, which calls for a special election to be held on November 3, 2020 for the purpose of submitting to the electorate the question of whether, If voters approve City's sale to Marina Park Residential, LLC of 0.3 acres of property and air rights over 300-390 Alton Road for residential component of the Marina Park Project, the City Commission shall use the \$55,000,000 in sale proceeds, solely for the following public purposes: resiliency and sustainability initiatives, affordable, workforce, or teacher housing, programs to benefit the elderly, or increasing City's budgetary reserves, impacted due to the COVID-19 pandemic (the "Referendum Question"); and

**WHEREAS**, on July 17, 2020, the Finance and Economic Resiliency Committee discussed the proposed Referendum Question, and the timing and sequence within which the City Commission would allocate or spend funds among the various categories specified in the Referendum Question; and

**WHEREAS**, the \$55 million for the Sale of the Residential Parcel will be received over time, pursuant to the terms of the proposed agreements relating to the Marina Park Project and portions if not all of the deposits and/or installment payments may be non-refundable in the event the Project does not ultimately proceed; and

**WHEREAS**, as part of the Consolidated Commission Memorandum for the Marina Park Project (R7A), a Summary of Key Milestones, Payments and Project Contingencies, is included in Exhibit "6" thereto, outlining the extent to which payments may be refundable or non-refundable at various stages of the Project; and

**WHEREAS**, in view of the foregoing, Commissioner Richardson has sponsored this Resolution, co-sponsored by Commissioner Arriola, to require that all deposits and installment payments received from the Sale (in the aggregate of \$15 million) shall first be applied toward increasing City's budgetary reserves, and shall not be expended, until such time as all deposits and installment payments become non-refundable in accordance with the terms of the Purchase and Sale Agreement, Development Agreement and Lease Agreement for the Marina Park Project.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve this Resolution relating to the City's use of the \$55 million the City shall receive from the proposed sale of 0.3 acres of property and air rights over 300-390 Alton Road to Marina Park Residential, LLC for the Marina Park Project (the "Sale"), subject to voter referendum approval of the sale in accordance with Section 1.03(b)(1) of the City Charter; and require as follows:


A. The \$55 million in Sale proceeds shall be used by the City solely in accordance with the intent of the voters in connection with the November 3, 2020 referendum regarding the use of the \$55 million for the following public purposes: (1) resiliency and sustainability initiatives, (2) affordable, workforce, or teacher housing, (3) programs to benefit the elderly, or (4) increasing City's budgetary reserves.

B. All deposits and installment payments received from the Sale (in the aggregate of \$15 million) shall first be applied toward increasing City's budgetary reserves, and shall not be expended, until such time as all deposits and installment payments become non-refundable in accordance with the terms of the Purchase and Sale Agreement, Development Agreement and Lease Agreement for the Marina Park Project.

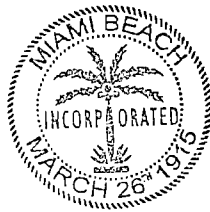
C. Once all deposits and installment payments received from the Sale become non-refundable, each of the remaining categories (resiliency and sustainability, affordable/workforce housing, and elderly programs) shall be guaranteed a minimum funding allocation of \$5 million each, to ensure that not less than \$5 million is expended for programs or projects within each of the categories approved by the City's voters.

**PASSED AND ADOPTED** this 29 day of July, 2020.

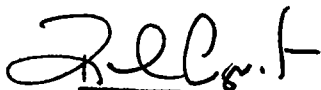
**ATTEST:**

  
8/14/2020  
Rafael E. Granado, City Clerk

  
Dan Gelber, Mayor



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
8/12/20  
City Attorney RAP Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: July 29, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO THE CITY'S USE OF THE \$55 MILLION THE CITY SHALL RECEIVE FROM THE PROPOSED SALE OF 0.3 ACRES OF PROPERTY AND AIR RIGHTS OVER 300-390 ALTON ROAD TO MARINA PARK RESIDENTIAL, LLC FOR THE MARINA PARK PROJECT (THE "SALE"), SUBJECT TO VOTER REFERENDUM APPROVAL OF THE SALE IN ACCORDANCE WITH SECTION 1.03(B)(1) OF THE CITY CHARTER; REQUIRING THAT THE \$55 MILLION IN SALE PROCEEDS SHALL BE USED BY THE CITY SOLELY IN ACCORDANCE WITH THE INTENT OF THE VOTERS IN CONNECTION WITH THE NOVEMBER 3, 2020 REFERENDUM REGARDING THE USE OF THE \$55 MILLION FOR THE FOLLOWING PUBLIC PURPOSES: (1) RESILIENCY AND SUSTAINABILITY INITIATIVES, (2) AFFORDABLE, WORKFORCE, OR TEACHER HOUSING, (3) PROGRAMS TO BENEFIT THE ELDERLY, OR (4) INCREASING CITY'S BUDGETARY RESERVES; FURTHER, REQUIRING THAT ALL DEPOSITS AND INSTALLMENT PAYMENTS RECEIVED FROM THE SALE (IN THE AGGREGATE OF \$15 MILLION) SHALL FIRST BE APPLIED TOWARD INCREASING CITY'S BUDGETARY RESERVES, AND SHALL NOT BE EXPENDED, UNTIL SUCH TIME AS ALL DEPOSITS AND INSTALLMENT PAYMENTS BECOME NON-REFUNDABLE IN ACCORDANCE WITH THE TERMS OF THE PURCHASE AND SALE AGREEMENT, DEVELOPMENT AGREEMENT AND LEASE AGREEMENT FOR THE MARINA PARK PROJECT.

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### **RECOMMENDATION**

The attached Resolution has been prepared at the request of the sponsor, Commissioner Richardson. The item is also co-sponsored by Commissioner Arriola.

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

**Does this item utilize G.O. Bond Funds?**

Yes

No

**Legislative Tracking**

Office of the City Attorney

**Sponsor**

Commissioner David Richardson & Co-sponsored by Commissioner Arriola

**ATTACHMENTS:**

**Description**

- Resolution

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**WHEREAS**, on July 29, 2020, the Mayor and City Commission will consider approval, on second reading, of the proposed transaction for the Marina Park Project, including the proposed (1) Development Agreement: (2) the sale of property, and air rights, for the residential component of the Project ("Sale of Residential Parcel"); (3) the new Lease for the Miami Beach Marina ; the (4) proposed vacation of the City Right-of-Way Area, as part of Consolidated Agenda Item R7A on the July 29, 2020 City Commission agenda; and

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the purpose of submitting to the electorate the question of whether, If voters approve City's sale to Marina Park Residential, LLC of 0.3 acres of property and air rights over 300-390 Alton Road for residential component of the Marina Park Project, the City Commission shall use the \$55,000,000 in sale proceeds, solely for the following public purposes: resiliency and sustainability initiatives, affordable, workforce, or teacher housing, programs to benefit the elderly, or increasing City's budgetary reserves, impacted due to the COVID-19 pandemic (the "Referendum Question"); and

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**WHEREAS**, the \$55 million for the Sale of the Residential Parcel will be received over time, pursuant to the terms of the proposed agreements relating to the Marina Park Project and portions if not all of the deposits and/or installment payments may be non-refundable in the event the Project does not ultimately proceed; and

**WHEREAS**, as part of the Consolidated Commission Memorandum for the Marina Park Project (R7A), a Summary of Key Milestones, Payments and Project Contingencies, is included in Exhibit "6" thereto, outlining the extent to which payments may be refundable or non-refundable at various stages of the Project; and

**WHEREAS**, in view of the foregoing, Commissioner Richardson has sponsored this Resolution, co-sponsored by Commissioner Arriola, to require that all deposits and installment payments received from the Sale (in the aggregate of \$15 million) shall first be applied toward increasing City's budgetary reserves, and shall not be expended, until such time as all deposits and installment payments become non-refundable in accordance with the terms of the Purchase and Sale Agreement, Development Agreement and Lease Agreement for the Marina Park Project.

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A. The \$55 million in Sale proceeds shall be used by the City solely in accordance with the intent of the voters in connection with the November 3, 2020 referendum regarding the use of the \$55 million for the following public purposes: (1) resiliency and sustainability initiatives, (2) affordable, workforce, or teacher housing, (3) programs to benefit the elderly, or (4) increasing City's budgetary reserves.

B. ~~and further, require that~~ All deposits and installment payments received from the Sale (in the aggregate of \$15 million) shall first be applied toward increasing City's

budgetary reserves, and shall not be expended, until such time as all deposits and installment payments become non-refundable in accordance with the terms of the Purchase and Sale Agreement, Development Agreement and Lease Agreement for the Marina Park Project.

C. Once all deposits and installment payments received from the Sale become non-refundable, a minimum of \$5 million shall be used as expeditiously as possible thereafter to fund affordable, workforce or teacher housing projects in the City.

**PASSED AND ADOPTED** this \_\_\_\_ day of July, 2020.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Gongora)



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