

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY and CITY MANAGER

LTC # 043-2025

LETTER TO COMMISSION

TO: Honorable Mayor Steven Meiner and Members of the City Commission

FROM: Ricardo J. Dopico, City Attorney and  Eric T. Carpenter, City Manager

DATE: January 24, 2025

SUBJECT: Update on the Injunction in *Cleveland Ocean LP et al. v. City of Miami Beach et al.*, Requiring Ocean Drive Reconfiguration

This Letter to Commission (LTC) is a follow-up to LTC #023-2025, where we advised the Mayor and Commission of an Order by Judge Butchko Sanchez granting the City's emergency motion in part and extending the deadline to Friday, January 31, 2025, at 5:00 p.m., "to re-open the closed portion of Ocean Drive and revert Ocean Drive from a one-way road to a two-way road." Today, the City filed a Notice of Appeal, triggering appellate review of the re-opening order.

The City Administration ("Administration") continues to collaborate with the Miami-Dade County Department of Transportation and Public Works ("County") to obtain a permit for the conditionally-approved one-way southbound travel lane and two-way bicycle lanes on Ocean Drive. To this end, the City has re-submitted the design plans for the one-way southbound configuration and a post-implementation traffic study to the County for review and approval. The City received numerous technical comments from the County on the design plans, including a requirement to update the design plans to current roadway design standards with a new Engineer of Record. This modification requires a re-evaluation of the design plans by the City's consultant (Calvin Giordano & Associates), which will extend beyond the January 31, 2025 deadline imposed by the Court Order.

In addition, the County has advised the Administration that the only requirement for the two-way conversion is to obtain approval of a maintenance of traffic ("MOT") plan to be in effect during the implementation of the two-way conversion. In an abundance of caution, the Administration is taking steps to engage a contractor and prepare an MOT plan for review and approval by the County for the implementation of the two-way conversion of Ocean Drive by the January 31, 2025 deadline, in compliance with the Court Order.

As the County has been and remains the authority having jurisdiction regarding all traffic flow regulations countywide, it will be imperative to obtain whatever permits are deemed necessary by the County for the modifications to the existing conditions.