

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: December 11, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, A NON-EXCLUSIVE UNDERGROUND UTILITY EASEMENT (EASEMENT) IN FAVOR OF FLORIDA POWER & LIGHT (FPL), IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "1", FOR USE OF AN EASEMENT AREA HAVING APPROXIMATELY 2,830 SQUARE FEET AND LYING IN A PORTION OF LOT 1, BLOCK 7A, AND A PORTION OF THE 30 FOOT WIDE BRIDLE PATH (PRIVATE ROAD) LYING EAST OF AND ADJACENT THERETO, ALL AS SHOWN ON THE "AMENDED PLAT OF GOLF COURSE SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, AT PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IN CONNECTION WITH THE HOLOCAUST MEMORIAL UNDERGROUNDING PROJECT, LOCATED AT 1933-1945 MERIDIAN AVENUE, MIAMI BEACH, WHICH WILL SERVE TO PROVIDE ELECTRICAL SERVICES TO THE HOLOCAUST MEMORIAL SITE, INCLUDING THE NEW HOLOCAUST MEMORIAL COMMUNITY LEARNING CENTER; AND FURTHER, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE EASEMENT.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission approve the Resolution.

### **BACKGROUND/HISTORY**

The City is the owner of the property located at 1933-1945 Meridian Avenue, the current site of the Holocaust Memorial.

On January 26, 2000, pursuant to Resolution No. 2000-23776, the City entered into a 99-year lease agreement with the Holocaust Memorial Committee, Inc. (the Lease), with a commencement date of March 8, 2000 and expiration date of March 8, 2099, to operate and maintain the Holocaust Memorial located at 1933-1945 Meridian Avenue. The Memorandum of Lease was recorded in Official Records Book 19624, at Page 2665, of the Public Records of Miami-Dade County, Florida.

On January 16, 2008, the Mayor and City Commission adopted Resolution No. 2008-26732, approving the assignment of the Lease to the Greater Miami Jewish Federation, Inc. (the Federation), which Assignment of Lease was executed by the City and the Federation with an effective date of July 1, 2008.

On July 20, 2010, the City and the Federation entered into that certain Amendment No. 1 to the Lease, granting the Federation use of five (5) free dedicated parking spaces (Dedicated Spaces).

On July 28, 2021, the Mayor and City Commission adopted Resolution No. 2021-31809, approving, on second reading/public hearing, Amendment No. 2 to the Lease, extending the term of the Lease for an additional 21 years, expiring on March 7, 2120, and the expansion of the

Leased Premises to include the adjacent municipal parking lot at 775 19<sup>th</sup> Street (Additional Premises), which included the Dedicated Spaces, permitting the Federation to develop, construct, operate and maintain at its sole cost, a state of the art holocaust Memorial Community Learning Center on the Additional Premises, subject to approval by a vote of at least sixty percent of the City's voters voting in a City-wide referendum.

On July 28, 2021, the City Commission adopted Resolution No. 2021-31810, calling for a Miami Beach Special Election for the purpose of submitting to the City's voters a question asking whether the City's Lease with the Federation should be extended an additional 21 years and the leased premises expanded to include the adjacent 12,000 square foot City parking lot, with the Federation, at its sole expense constructing, operating and maintaining a 7,000 square foot Learning Center. The Referendum was approved on November 2, 2021 and the City and the Federation executed Amendment No. 2 with an effective date of September 12, 2023.

Construction commenced in May 2024, and during the construction, it was discovered that the existing Florida Power & Light ("FPL") overhead lines conflict with the required 10-foot clearance for the new building parapet wall. FPL has reached out to the City and Federation, advising of the need to install infrastructure within the Memorial site, outside the right-of-way, as part of the Holocaust Memorial Undergrounding Project. This process will require for the City to execute a Non-Exclusive Underground Utility Easement in favor of FPL (Easement).

The FPL Easement Area is described in the Easement as: Lying over and across a portion of Lot 1, Block 7A, and a portion of the 30-foot-wide bridle path (Private Road) lying east of and adjacent thereto, all as shown on "Amended Plat of Golf Course Subdivision", according to the Plat thereof, as recorded in Plat Book 6, at Page 26, of the Public Records of Miami-Dade County, Florida.

#### **FISCAL IMPACT STATEMENT**

The execution of the proposed Easement with FPL will not result in any direct cost to the City. The granting of this Easement is essential to facilitate necessary electrical infrastructure for both the Project and the Holocaust Memorial, ensuring uninterrupted utility service.

#### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the attached Resolution, approving, in substantial form, the Easement in favor of FPL, in the draft form attached to the Resolution as Exhibit "1", a copy of which is attached hereto, for use of an Easement Area having approximately 2,830 square feet and lying in a portion of Lot 1, Block 7A, and a portion of the 30 foot wide bridle path (Private Road) lying east of and adjacent thereto, all as shown on the "Amended Plat of Golf Course Subdivision", according to the Plat thereof, as recorded in Plat Book 6, at Page 26, of the Public Records of Miami-Dade County, Florida, in connection with the Holocaust Memorial Undergrounding Project, located at 1933-1945 Meridian Avenue, Miami Beach, which will serve to provide electrical services to the Holocaust Memorial site, including the new Holocaust Memorial Community Learning Center; and further, authorizing the City Manager to finalize and execute the Easement.

#### **Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Public Works

**Condensed Title**

Execute Non-exclusive Utility Easement for FPL, Holocaust Memorial Underground Project. PW