

# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY and CITY MANAGER

LTC # 023-2025

## 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 16, 2025

**SUBJECT:** Extension of Time for Injunction in *Clevelander 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 013-2025, where we advised you of the recent oral ruling by Judge Beatrice Butchko Sanchez in the case of *Clevelander Ocean LP et al. v. City of Miami Beach et al.*, Case No. 2021-11642-CA-01 (11th Jud. Cir.), requiring the City to return Ocean Drive between 5<sup>th</sup> Street and 14<sup>th</sup> Place to its pre-COVID-19 configuration.

In her January 8<sup>th</sup> oral ruling, Judge Butchko Sanchez ordered the City to restore to its pre-COVID-19 condition on or before Wednesday, January 15, 2025, at 5:00 p.m. However, on Monday, January 13, 2025, the City filed an emergency motion to extend the compliance deadline, supported by a declaration by the Assistant Director of the City's Transportation department explaining why it would be impossible to lawfully and safely comply with the January 15<sup>th</sup> deadline.

Late in the evening, Tuesday, January 14, 2025, Judge Butchko Sanchez entered an Order 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." A copy of Judge Butchko Sanchez's Order is attached to this LTC.

The City Attorney's Office and the City Administration continue to work diligently with the County on next steps and all possible avenues for an outcome that continues to provide safe transportation options for our residents, business owners and visitors, while complying with lawful mandates. To that end, attached is a letter sent by the City Administration to the Miami-Dade County Department of Transportation and Public Works (County) on Friday, January 10, 2025, seeking the County's guidance. As the County has been and remains the authority having jurisdiction regarding all traffic flow regulations countywide, it will be imperative to obtain permits from the County for the modifications to the existing conditions.

As we move through the process with the County, we will keep you informed.

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2021-011642-CA-01

SECTION: CA22

JUDGE: Beatrice Butchko Sanchez

**Clevelander Ocean LP**

Plaintiff(s)

vs.

**City of Miami Beach et al**

Defendant(s)

**ORDER GRANTING IN PART CITY OF MIAMI BEACH'S EMERGENCY MOTION  
FOR EXTENSION OF TIME TO COMPLY WITH COURT ORDER OF JANUARY 8, 2025**

Docket Index Number: **314**

Or

Efiling Number: **214485221** Date Filed: **01/13/2025**

Full Name of Motion: **CITY OF MIAMI BEACH'S EMERGENCY MOTION FOR  
EXTENSION OF TIME TO COMPLY WITH COURT ORDER**

**THIS CAUSE** came before the Court on January 14, 2025, without oral argument, via electronic courtMap filing on Defendant City of Miami Beach's Emergency Motion for Extension of Time to Comply with Court Order, and the Court having considered Defendant's motion, Plaintiffs' response, and being otherwise advised in the premises, it is hereby

**ORDERED AND ADJUDGED as follows:**

Defendant City of Miami Beach's Emergency Motion for Extension of Time to Comply with Court Order is **GRANTED, IN PART**. Defendant is granted an extension until Friday, January 31, 2025 at 5:00 PM to re-open the closed portion of Ocean Drive and revert Ocean Drive from a one-way road to a two-way road.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 14th day of January, 2025.

2021-011642-CA-01 01-14-2025 9:22 PM

2021-011642-CA-01 01-14-2025 9:22 PM

Hon. Beatrice Butchko Sanchez

**CIRCUIT COURT JUDGE**

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

**Electronically Served:**

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OFFICE OF THE CITY MANAGER  
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January 10, 2025

Josiel Ferrer-Diaz, P.E.  
Interim Chief Executive Officer and Director  
Miami-Dade County Department of Transportation and Public Works  
701 NW 1st Court, 17<sup>th</sup> Floor  
Miami, FL 33136

**RE: Ocean Drive Configuration**

Dear Mr. Ferrer-Diaz,

The City of Miami Beach (the "City") is in receipt of the letter from the Miami-Dade County Department of Transportation and Public Works ("DTPW") dated January 7, 2025 (attached). Pursuant to the letter, the City is working with Calvin Giordano & Associates, Inc. to complete a post-implementation traffic analysis of the existing one-way southbound traffic operation of Ocean Drive as conditionally approved by DTPW under DR #2022001010 on January 12, 2022. The City anticipates submitting a new permit application inclusive of signage and pavement marking plans on Monday, January 13, 2025, and a post-implementation traffic analysis by January 20, 2025. We sincerely hope that we can work with the County for the reauthorization of the permit before Wednesday, January 15, 2025, at 5 pm. Statements made by a County representative during the legal proceedings regarding the safety of the current conditions make it even more important that we continue to collaborate as we always have regarding traffic flow modifications on this or any street in the City.

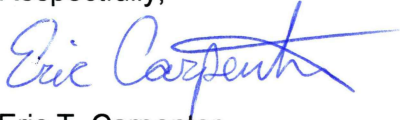
It is the understanding of the City that the January 8, 2025 ruling by Judge Butchko Sanchez directing the City to "reopen" Ocean Drive between 5 Street and 14 Place to two-way vehicular traffic no later than January 15, 2025, at 5 p.m. was premised on the lack of permanent approval of the prior permit DR #2022001010 for the one-way condition. In the event that we cannot reauthorize the permit for the one-way vehicular traffic and two-way bicycle facility, the City is requesting further clarification and confirmation from DTPW regarding the roadway design standards and permitting requirements to be followed for the reconfiguration of Ocean Drive back to the two-way vehicular flow condition.

The City has done research and the most recent marking and signage plan for that two-way configuration of Ocean Drive was designed in 1988, and we believe the standards and requirements have changed since that time. Given the urgency, the City appreciates receiving a written response from DTPW on the permitting requirements for the two-way condition by close of business on Monday, January 13, 2025 so that we may expeditiously work to comply with the order of the Court should the full restriping of Ocean Drive become necessary.



Please feel free to contact me should you have any questions or concerns regarding this matter. Thank you for your consideration and commitment to working with the City to find a viable path forward that accomplishes a safe and acceptable plan for Ocean Drive.

Respectfully,



Eric T. Carpenter  
City Manager

cc: Rickelle Williams, Assistant City Manager  
José R. González, P.E., Transportation and Mobility Department Director/Interim Parking Director  
Ricardo J. Dopico, City Attorney