

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CREATING, STRICTLY IN ITS PROPRIETARY CAPACITY, AN OVERNIGHT ANCHORING PROHIBITION UPON THE CITY-OWNED SUBMERGED LAND LOCATED WITHIN THE PURDY BASIN ABUTTING MAURICE GIBB PARK, AND AUTHORIZING AND DIRECTING THE CITY ADMINISTRATION TO USE ALL AVAILABLE LAWFUL MEANS TO ADMINISTER THIS RULE FOR THE PURDY BASIN PROPERTY INCLUDING, BUT NOT LIMITED TO, THE UTILIZATION OF FLA. STAT. 810.09 (TRESPASS ON PROPERTY OTHER THAN STRUCTURE OR CONVEYANCE).

WHEREAS, the City of Miami Beach acquired, by quit-claim deed dated January 15, 1975, from H.P. Forrest, as Trustee, a copy of which deed is attached as Exhibit A (the "1975 Deed"), a parcel of submerged land in the Purdy Basin within Biscayne Bay, which is water-covered land in Biscayne Bay abutting Maurice Gibb Park ("the Purdy Basin Property"); and

WHEREAS, the Purdy Basin Property acquired by the City through the 1975 Deed is fully described in a deed dated October 9, 1970, between the State of Florida Board of Trustees of the Internal Improvement Trust Fund and H.P. Forrest, as Trustee, a copy of which deed is attached as Exhibit B, as follows:

A parcel of sovereignty land in Biscayne Bay abutting Section 33, Township 33 South, Range 42 East, Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Fractional Section 33, Township 53 South, Range 42 East, Dade County, Florida; thence due South, along the East line of the said Section 33 for a distance of 836.7 feet to a point on the North line of Island View Subdivision, Plat Book 6 at page 115 of the Public Records of Dade County, Florida; thence South 89° 58' 11" West, along the North line of the said Island View Subdivision, for a distance of 830.1 feet to the West right of way line of Purdy Avenue, as the same is shown on the said plat of Island View Subdivision: thence due South, along the West right of way line of the said Purdy Avenue, for a distance of 290 feet to the Northeast Corner of Lot 9, Block 15 of the said Island View Subdivision, thence South 89° 58' 15" West, along the North line of the said Lot 9 for a distance of 187.96 feet to the Northwest Corner of the said Lot 9, the same being a point on the Dade County Bulkhead Line, a point on the mean high water line of Biscayne Bay and the point of beginning; thence South 36° 37' 16" West, along the said Dade County Bulkhead Line, for a distance of 16.07 feet; thence South 73° 10' 29" West, along the Dade County Bulkhead Line for a distance of 190.25 feet to the beginning of a tangential circular curve; thence along the Dade County Bulkhead Line and Southwesterly along said circular curve to the left having a radius of 150 feet through a central angle of 73° 06' 15" for an arc distance of 191.39 feet to the end of said curve; thence South 00° 04' 14" West, tangent to the last described curve and along the Dade County Bulkhead Line for a distance of 218.80 feet to the beginning of a tangential circular curve; thence South-easterly along the Dade County Bulkhead Line and along the said circular curve to the left having a radius of 300 feet through a central angle of 36° 55' 20" for an arc distance of 193.33 feet to a point of reverse curve; thence South-easterly along the Dade County Bulkhead Line and along a circular curve to the right having a radius of

2,739.05 feet through a central angle of 4° 43' 52" for an arc distance of 226.17 feet to its point of intersection with the prolongation West of the South line of Lot 1, Block 15 of the said Island View Subdivision; thence North 89° 58' 15" East, along the prolongation West of the South line of the said Lot J for a distance of 109.59 feet to the Southwest Corner of the said Lot 1 and a point on the mean high water line of Biscayne Bay; thence North 00° 04' 14" East, along the West line of Lots 1 through 9, both inclusive, Block 15 of the said Island View Subdivision, and along the mean high water line of Biscayne Bay for a distance of 796.76 feet to the point of beginning; and

WHEREAS, the Purdy Basin Property acquired by the City through the 1975 Deed is depicted in the map attached as Exhibit C; and

WHEREAS, the Mayor and City Commission resolve, solely in the City's proprietary capacity as the owner of the Purdy Basin Property, to establish a rule for the Purdy Basin Property prohibiting overnight anchoring of vessels within the confines of the Property from 8:00 P.M. each night until 8:00 A.M. the following morning; and

WHEREAS, the Mayor and City Commission hereby authorize and direct the City Administration to use all available lawful means to administer this rule for the Purdy Basin Property, including, but not limited to, the utilization of Fla. Stat. 810.09 (trespass on property other than structure or conveyance).

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and the City Commission hereby create, acting on behalf of the City strictly in its proprietary capacity, an overnight anchoring prohibition upon the city-owned submerged lands located within the Purdy Basin abutting Maurice Gibb Park (the Purdy Basin Property), legally described in that certain deed dated October 9, 1970, between the State of Florida Board of Trustees of the Internal Improvement Trust Fund and H.P. Forrest, as Trustee, a copy of which deed is attached as Exhibit B to this Resolution, which submerged lands were transferred to the City pursuant to that certain deed dated January 15, 1975 by H.P. Forrest, as Trustee, a copy of which is attached as Exhibit A; and further, authorize and direct the City Administration to use all available lawful means to administer this rule for the Purdy Basin Property, including, but not limited to, the utilization of Fla. Stat. 810.09 (trespass on property other than structure or conveyance).

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Mayor Steven Meiner

Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

10/21/2024

Date