

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2024-33030, WHICH ACCEPTED THE RECOMMENDATION OF THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE, AT ITS MARCH 20, 2024 MEETING, AND AUTHORIZED THE CITY MANAGER TO NEGOTIATE AND ACCEPT A DEED FROM THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA (SCHOOL BOARD) TRANSFERRING THE SCHOOL BOARD'S INTEREST IN THE TATUM WATERWAY WALKWAY AND SURROUNDING AREA LOCATED OUTSIDE THE PERIMETER FENCE OF BISCAYNE BEACH ELEMENTARY SCHOOL (SITE), SUBJECT TO THE SCHOOL BOARD'S APPROVAL, TO ALSO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AN EASEMENT FROM THE SCHOOL BOARD WHICH SHALL INCLUDE THE RIGHT TO IMPROVE THE SITE AND DEVELOP THE CITY'S LIVING SHORELINE PROJECT, WITH THE ESSENTIAL TERMS OF THE NEGOTIATED EASEMENT BEING SUBJECT TO APPROVAL BY THE CITY COMMISSION.

WHEREAS, the Tatum Waterway Walkway ("Walkway"), also known as Crab Alley, is a small, asphalt-paved walking and biking route that connects Park View Island to 77th Street and offers beautiful, secluded canal views, and small fishing spots along the entire Walkway; and

WHEREAS, the Walkway is contained on a portion of the land located outside of the perimeter fence of Biscayne Beach Elementary School (School), which meanders along the western and southern portions of the School property, and is bordered on the west side by Tatum Waterway (the "Site"), as more particularly described in the sketch prepared by Longitude Surveyors, a copy of which is attached to the City Commission Memorandum accompanying this Resolution; and

WHEREAS, In its current state, the Walkway faces challenges such as broken sidewalks and overgrown vegetation (overgrown roots of trees, which are lifting the asphalt) and the City's Public Works Department would like to include funding to repair the Walkway in the capital budget for Fiscal Year 2025; and

WHEREAS, the City's Public Works Department would like to develop the portion of the seawall adjacent to the Site as part of the City's Living Shoreline Project, which Project will be funded from the capital budget for Fiscal Year 2025; and

WHEREAS, there is a small segment of the Site which is owned solely by the City, with the remainder of the Site being owned either jointly, between the City and the School Board of Miami-Dade County (the "School Board"), or solely by the School Board; therefore, the consent of the School Board would be required to develop the majority of the Site; and

WHEREAS, discussions between the City Administration and Miami-Dade County Public Schools ("School District") staff have been ongoing concerning a possible conveyance of the School Board's interests in the Walkway to the City, with the clear understanding that such a conveyance is subject to the School Board authorizing the transfer of ownership at a regularly scheduled School Board meeting, and the City Administration and School District staff continue to discuss this initiative; and

WHEREAS, at its January 31, 2024 meeting, the City Commission approved a referral to the Public Safety and Neighborhood Quality of Life Committee ("Committee") to discuss renaming the "Tatum Waterway Walkway" to Tatum Waterway Nature Trail" and consider proposed improvements to revitalize the trail, which matters were discussed during the March 20, 2024 Committee meeting; and

WHEREAS, at the March 20, 2024 Committee meeting, the City's Public Works Department also discussed the fact that the City Administration had been involved in ongoing discussions with the School District regarding the possible conveyance of the School Board's interests in the Site to the City, and at that meeting, the Committee recommended in favor of approving all of the matters discussed; and

WHEREAS, on May 15, 2024, the Mayor and City Commission adopted Resolution No. 2024-33030, accepting the recommendation of the Committee, at its March 20, 2024 meeting, and authorizing the City Manager to negotiate and, subject to the School Board of Miami-Dade County, Florida (School Board) authorizing transfer of the School Board's interests, accept a deed from the School Board transferring the School Board's interest in the Site, so that the City would secure the requisite property rights to improve the Site, currently in disrepair, and include the portion of Tatum Waterway adjacent to the Site as part of the City's Living Shoreline Project; and further authorizing the City Manager to perform any required due diligence and execute any documents or agreements related to the acquisition of the Site; and

WHEREAS, following the May 15, 2024 City Commission meeting, the City Administration again engaged the School District and at that time the School District staff indicated that they were also considering a grant of easement ("Easement") to the City, which mechanism would still grant the City the right to use the Site to develop and maintain the improvements; and

WHEREAS, the City Manager recommends amending Resolution No. 2024-33030 to authorize the City Manager to also negotiate an Easement, authorizing the City to use the Site to improve the Walkway and develop the City's Living Shoreline Project, with the essential terms of the negotiated Easement being subject to approval by the City Commission; and

WHEREAS, the Administration will be submitting the renaming of the Tatum Waterway Walkway to Tatum Waterway Nature Trail pursuant to a separate City Commission agenda item once the City has acquired ownership or other rights to name the Site.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby amend Resolution No. 2024-33030, which accepted the recommendation of the Public Safety and Neighborhood Quality of Life Committee, at its March 20, 2024 meeting, and authorized the City Manager to negotiate and accept a deed from the School Board of Miami-Dade County, Florida (School Board), transferring the School Board's interest in the Tatum Waterway Walkway and surrounding area located outside the perimeter fence of Biscayne Beach Elementary School (Site), subject to the School Board's approval, to also authorize the City Manager to negotiate an easement from the School Board which shall include the right to improve the Site and develop the City's Living Shoreline Project, with the essential terms of the negotiated easement being subject to approval by the City Commission.

PASSED and **ADOPTED** this _____ day of _____ 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, Secretary

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *grc*

10/10/2024
Date