

C7 K A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EASEMENT AGREEMENT WITH 72 PARK DEVELOPMENT, LLC., A FLORIDA LIMITED LIABILITY COMPANY, F/K/A KGTC, LLC (OWNER), GRANTING THE CITY A NON-EXCLUSIVE, PERPETUAL SIDEWALK EASEMENT OVER PORTIONS OF THE OWNER'S PROPERTY, LOCATED ALONG A PORTION OF 72ND STREET, CARLYLE AVENUE AND BYRON AVENUE, IN ORDER TO PROVIDE A 10 FOOT PEDESTRIAN PATH, MADE UP OF PORTIONS OF THE PUBLIC RIGHT-OF-WAY AND PORTIONS OF THE OWNER'S PROPERTY, AS A CONDITION OF THE DEVELOPMENT OF OWNER'S PROPERTY AS A MIXED USE PROJECT; SAID EASEMENT CONTAINING AN EASEMENT AREA WITH APPROXIMATELY 3,179 SQUARE FEET, LYING ON A PORTION OF LOTS 1 THROUGH 4 AND LOTS 9 THROUGH 12 OF BLOCK 5, AS SHOWN ON THE PLAT OF NORMANDY BEACH SOUTH, RECORDED IN PLAT BOOK 21, PAGE 54 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN THE SKETCH AND LEGAL DESCRIPTION ATTACHED TO THIS RESOLUTION AS EXHIBIT "4".

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 3, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EASEMENT AGREEMENT WITH 72 PARK DEVELOPMENT, LLC., A FLORIDA LIMITED LIABILITY COMPANY, F/K/A KGTC, LLC (OWNER), GRANTING THE CITY A NON-EXCLUSIVE, PERPETUAL SIDEWALK EASEMENT OVER PORTIONS OF THE OWNER'S PROPERTY, LOCATED ALONG A PORTION OF 72ND STREET, CARLYLE AVENUE AND BYRON AVENUE, IN ORDER TO PROVIDE A 10 FOOT PEDESTRIAN PATH, MADE UP OF PORTIONS OF THE PUBLIC RIGHT-OF-WAY AND PORTIONS OF THE OWNER'S PROPERTY, AS A CONDITION OF THE DEVELOPMENT OF OWNER'S PROPERTY AS A MIXED USE PROJECT; SAID EASEMENT CONTAINING AN EASEMENT AREA WITH APPROXIMATELY 3,179 SQUARE FEET, LYING ON A PORTION OF LOTS 1 THROUGH 4 AND LOTS 9 THROUGH 12 OF BLOCK 5, AS SHOWN ON THE PLAT OF NORMANDY BEACH SOUTH, RECORDED IN PLAT BOOK 21, PAGE 54 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN THE SKETCH AND LEGAL DESCRIPTION ATTACHED TO THIS RESOLUTION AS EXHIBIT "4".

RECOMMENDATION

The Administration recommends approving the Resolution.

BACKGROUND/HISTORY

72 Park Development, LLC, a Florida limited liability company, formerly known as KGTC, LLC, a Florida limited liability company, is developing a mixed-use project between Byron Avenue and Carlyle Avenue south of 72 Street ("Project"). The Project obtained Final Development Orders from the Design Review Board ("DRB"), under File Numbers: DRB19-0407, and DRB21-0751 (collectively the ("Development Approvals")), and is under construction pursuant to Building Permit No. BC2117326.

As a condition of the Development Approvals, the developer is required to provide a clear pedestrian path of 10 feet made up of portions of the public right-of-way and portions of the developer's property to complete the 10 feet clear path. The Developer is requesting the City to accept the Perpetual Sidewalk Easement ("Easement"), containing an easement area of approximately 3,179 square feet ("Easement Area"), for the purpose of constructing additional sidewalk improvements extending from the public right-of-way. Said Easement Area lying on the plat of Normandy Beach South, recorded in Plat Book 21, Page 54 of the public records of Miami-Dade County, Florida.

The City has reviewed all documents provided by the developer and has determined that the City's property interests are not adversely affected and that the Easement would serve an important public purpose; therefore, the Administration recommends approving the acceptance of the Easement in favor of the City.

FISCAL IMPACT STATEMENT

No fiscal impact.

CONCLUSION

The Administration recommends approving the Resolution.

Applicable Area

Middle 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 Perpetual Easement for 72nd Street. PW

Previous Action (For City Clerk Use Only)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EASEMENT AGREEMENT WITH 72ND PARK DEVELOPMENT, LLC., A FLORIDA LIMITED LIABILITY COMPANY, F/K/A KGTC, LLC (OWNER), GRANTING THE CITY A NON-EXCLUSIVE, PERPETUAL SIDEWALK EASEMENT OVER PORTIONS OF THE OWNER'S PROPERTY, LOCATED ALONG A PORTION OF 72ND STREET, CARLYLE AVENUE AND BYRON AVENUE, IN ORDER TO PROVIDE A 10 FOOT PEDESTRIAN PATH, MADE UP OF PORTIONS OF THE PUBLIC RIGHT-OF-WAY AND PORTIONS OF THE OWNER'S PROPERTY, AS A CONDITION OF THE DEVELOPMENT OF OWNER'S PROPERTY AS A MIXED USE PROJECT; SAID EASEMENT CONTAINING AN EASEMENT AREA WITH APPROXIMATELY 3,179 SQUARE FEET, LYING ON A PORTION OF LOTS 1 THROUGH 4 AND LOTS 9 THROUGH 12 OF BLOCK 5, AS SHOWN ON THE PLAT OF NORMANDY BEACH SOUTH, RECORDED IN PLAT BOOK 21, PAGE 54 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN THE SKETCH AND LEGAL DESCRIPTION ATTACHED TO THIS RESOLUTION AS EXHIBIT "1".

WHEREAS, 72 Park Development, LLC, a Florida limited liability company, formerly known as KGTC, LLC, a Florida limited liability company ("Owner"), is developing a mixed-use project between Byron Avenue and Carlyle Avenue south of 72 Street ("Project"); and

WHEREAS, the Project obtained Final Development Orders from the Design Review Board ("DRB"), under File Numbers: DRB19-0407, and DRB21-0751 (collectively the ("Development Approvals")), and is under construction pursuant to Building Permit No. BC2117326; and

WHEREAS, as a condition of the Development Approvals, the Owner is required to provide a clear pedestrian path of 10 feet made up of portions of the public right-of-way and portions of the Owner's Property to complete the 10 feet clear path; and

WHEREAS, the Owner is requesting the City to accept a non-exclusive, Perpetual Sidewalk Easement ("Easement"), containing an easement area of approximately 3,179 square feet ("Easement Area"), lying on a portion of Lots 1 through 4 and Lots 9 through 12 of Block 5, as shown on the Plat of Normandy Beach South, recorded in Plat Book 21, Page 54 of the Public Records of Miami-Dade County, Florida, as more particularly described in the Sketch and Legal Description attached to this Resolution as Exhibit "1"; and

WHEREAS, the City Administration recommends authorizing the City Manager to negotiate and execute an Easement Agreement, accepting the Easement for the purpose of constructing the additional sidewalk improvements required by the Development Approvals, subject to review and approval by the City Attorney.

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 authorize the City Manager to negotiate and execute an Easement Agreement with 72nd Park Development, LLC., a Florida limited liability company f/k/a KGTC, LLC (Owner), granting the City a non-exclusive, perpetual sidewalk easement over portions of the Owner's property, located along a portion of 72nd

Street, Carlyle Avenue and Byron Avenue, in order to provide a 10 foot pedestrian path, made up of portions of the public right-of-way and portions of the Owner's Property, as a condition of the development of Owner's Property as a mixed use Project; said Easement containing an Easement Area with approximately 3,179 square feet, lying on a portion of Lots 1 through 4 and Lots 9 through 12 of Block 5, as shown on the Plat of Normandy Beach South, recorded in Plat Book 21, Page 54 of the Public Records of Miami-Dade County, Florida, as more particularly described in the Sketch and Legal Description attached to this Resolution as Exhibit "1".

PASSED and **ADOPTED** this _____ day of _____ 2025.

Steven Meiner, Mayor

ATTEST:

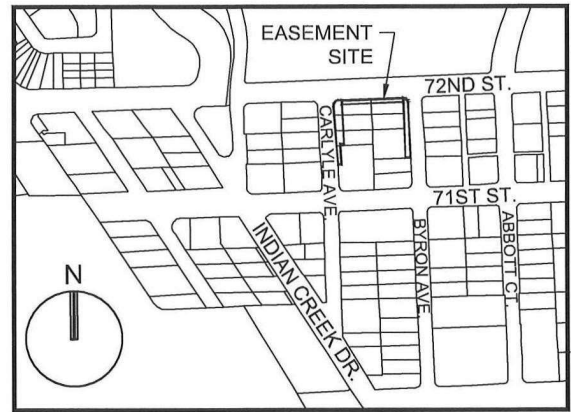
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

1/27/2025

Date



LOCATION MAP:
NOT TO SCALE

LEGAL DESCRIPTION:

PORTIONS OF LOTS 1 THROUGH 4 AND LOTS 9 THROUGH 12, BLOCK 5, NORMANDY BEACH SOUTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 9, OF BLOCK 5, OF SAID NORMANDY BEACH SOUTH; THENCE ALONG THE SOUTH LINE OF SAID LOT 9, SOUTH 87°36'06" WEST, A DISTANCE OF 6.50 FEET, TO A LINE BEING 6.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID BLOCK 5, ALSO BEING THE WEST RIGHT OF WAY LINE OF BYRON AVENUE; THENCE ALONG SAID PARALLEL LINE, NORTH 02°19'22" WEST, A DISTANCE OF 195.81 FEET, TO A LINE BEING 4.19 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 5, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 72ND AVENUE; THENCE ALONG SAID PARALLEL LINE, SOUTH 87°36'06" WEST, A DISTANCE OF 236.68 FEET, TO A LINE BEING 6.50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 5, ALSO BEING THE WEST RIGHT OF WAY LINE OF CARLYLE AVENUE; THENCE ALONG SAID PARALLEL LINE, SOUTH 02°19'22" EAST, A DISTANCE OF 111.68 FEET; THENCE SOUTH 87°40'38" WEST, A DISTANCE OF 2.17 FEET, TO A LINE BEING 4.33 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 5, ALSO BEING THE EAST RIGHT OF WAY LINE OF CARLYLE AVENUE; THENCE ALONG SAID PARALLEL LINE, SOUTH 02°19'22" EAST, A DISTANCE OF 53.37 FEET; THENCE SOUTH 87°40'38" WEST, A DISTANCE OF 4.33 FEET TO SAID WEST LINE OF BLOCK 5 AND THE EAST RIGHT OF WAY LINE OF CARLYLE AVENUE; THENCE ALONG SAID WEST LINE, NORTH 02°19'22" WEST, A DISTANCE OF 154.25 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°55'28", FOR A DISTANCE OF 23.54 FEET TO THE POINT OF TANGENCY, ALSO BEING THE NORTH LINE OF SAID BLOCK 5 AND THE SOUTH RIGHT OF WAY OF 72ND AVENUE; THENCE NORTH 87°36'06" EAST, FOR A DISTANCE OF 219.68 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°04'32", FOR A DISTANCE OF 23.58 FEET TO THE POINT OF TANGENCY, ALSO BEING THE EAST LINE OF SAID BLOCK 5 AND THE WEST RIGHT OF WAY LINE OF BYRON AVENUE; THENCE ALONG SAID EAST LINE, SOUTH 02°19'22" EAST, FOR A DISTANCE OF 184.98 FEET TO THE POINT OF BEGINNING.

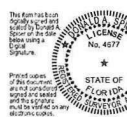
SAID LAND LYING AND BEING IN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING 3,179 SQUARE FEET, MORE OR LESS.

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON DECEMBER 02, 2024 MEETS THE STANDARDS OF PRACTICE RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.
CONSULTING ENGINEERS

DONALD A. SPICER
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4677
STATE OF FLORIDA
(FOR THE FIRM)



Digitally signed
by DONALD A
SPICER
Date:
2024.12.03
16:46:07-05'00'

SKETCH & DESCRIPTION

PORTIONS OF LOTS 1-4 AND LOTS 9-12,
BLOCK 5
NORMANDY BEACH SOUTH
PLAT BOOK 21, PAGE 54
MIAMI-DADE COUNTY RECORDS

CITY OF MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA



301 EAST ATLANTIC BOULEVARD
POMPAHO BEACH, FLORIDA 33060-6643
(954) 788-3400 FAX (954) 788-3500
EMAIL: mail@KEITHteam.com LB NO. 6860

SHEET 1 OF 3

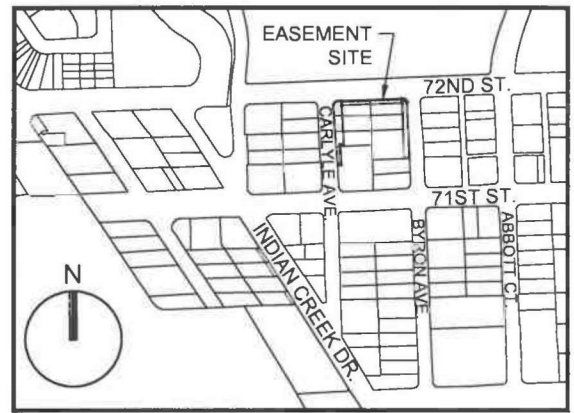
DRAWING NO. 11327.00 SD-3 SIDEWALK

DATE	<u>12/02/24</u>	DATE	REVISIONS
SCALE	<u>N/A</u>		
FIELD BK.	<u>N/A</u>		
DWNG. BY	<u>ZH</u>		
CHK. BY	<u>DAS</u>		

BK.	BOOK
CHK.	CHECKED
DWNG.	DRAWING
L	ARC LENGTH (CURVE DATA)
LB	LICENSED BUSINESS
M.D.C.R.	MIAMI-DADE COUNTY RECORDS
N/A	NOT APPLICABLE
NO.	NUMBER
P.B.	PLAT BOOK
PG.	PAGE
P.O.B.	POINT OF BEGINNING
R	RADIUS (CURVE DATA)
R/W	RIGHT OF WAY
SE	SOUTHEAST
Δ	CENTRAL ANGLE (CURVE DATA)
℄	CENTERLINE

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
2. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ENCRYPTED DIGITAL SIGNATURE OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
3. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, TO ALTER THIS SKETCH AND DESCRIPTION WITHOUT THE EXPRESSED PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND/OR DELETIONS MADE TO THE FACE OF THIS SKETCH AND DESCRIPTION WILL MAKE THIS DOCUMENT INVALID.
4. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
5. BEARINGS SHOWN HEREON ARE BASED ON ASSUMED BEARING OF N02°19'22"W ALONG THE WEST LINE OF BLOCK 5, NORMANDY BEACH SOUTH , AS RECORDED IN PLAT BOOK 21, PAGES 54 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

[illegible]



LOCATION MAP:
NOT TO SCALE

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CONSULTING ENGINEERS

DONALD A. SPICER
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4677
STATE OF FLORIDA
(FOR THE FIRM)



Digitally
signed by
DONALD A
SPICER
Date:
2025.01.15
11:22:28-05'00'

SKETCH & DESCRIPTION

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BLOCK 5
NORMANDY BEACH SOUTH
PLAT BOOK 21, PAGE 54
MIAMI-DADE COUNTY RECORDS

CITY OF MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA



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(954) 788-3400 FAX (954) 788-3500
EMAIL: mail@KEITHteam.com LB NO. 6860

SHEET 1 OF 3

DRAWING NO. 11327.00 SD-3 SIDEWALK

DATE 12/02/24

SCALE N/A

FIELD BK. N/A

DWNG. BY ZH

CHK. BY DAS

DATE	REVISIONS

BK.	BOOK
CHK.	CHECKED
DWNG.	DRAWING
L	ARC LENGTH (CURVE DATA)
LB	LICENSED BUSINESS
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CITY OF MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA



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SHEET 2 OF 3

DRAWING NO. 11327.00 SD-3 SIDEWALK

DATE 12/02/24

SCALE N/A

FIELD BK. N/A

DWNG. BY ZH

CHK. BY DAS

DATE	REVISIONS
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DATE	12/02/24
SCALE	AS SHOWN
FIELD BK.	N/A
DWNG. BY	ZH
CHK. BY	DAS