

C7 AG 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).

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: October 30, 2024

TITLE: 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).

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached resolution is presented by the sponsor, Commissioner David Suarez, for consideration by the Mayor and City Commission.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

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

No

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

City Attorney

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Condensed Title

No Overnight Anchoring in City-Owned Portion of Purdy Basin. (Suarez) CA

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



75R 15410

75 JAN 20 AM 9 13

55

This Quit-Claim Deed, Executed this 15th day of January A.D. 1975 by

H. P. FORREST, as Trustee, under that certain Land Trust Agreement dated April 30, 1966, as amended,

first party: to

CITY OF MIAMI BEACH, a Florida municipal corporation

whose postoffice address is 1130 Washington Ave., Miami Beach, Florida

second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and "its successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, that the said first party, for and in consideration of the sum of \$10.00 - - - in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Dade State of Florida to wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, in BLOCK 15, ISLAND VIEW SUBDIVISION, according to the Plat thereof, recorded in Plat Book 6, Page 115, of the Public Records of Dade County, Florida;

AND

A parcel of sovereignty land in Biscayne Bay abutting Section 33, Township 53 South, Range 42 East, Dade County, Florida; more particularly described in that certain Deed No. 25150 (2322-13) dated October 9, 1970 between State of Florida Board of Trustees of the Internal Improvement Trust Fund and H. P. Forrest, as Trustee, under that certain Land Trust Agreement dated April 30, 1966, said Deed being recorded in Official Records of Dade County, Florida, and all littoral or riparian rights which may exist as to the subject properties.

To Have and to Hold

the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equities and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof.

The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of

Richard P. Brunker
Richard P. Brunker

H. P. FORREST, As Trustee under that certain Land Trust Agreement dated April 30, 1966, as amended.

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day before me, an

officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

H. P. FORREST, As Trustee under that certain Land Trust Agreement dated April 30, 1966, as amended, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of January A.D. 1975

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY FLORIDA
RECORD 15410
RICHARD P. BRUNKER
CLERK CIRCUIT COURT

Richard P. Brunker
Notary Public, State of Florida
at Large
My commission expires

Notary Public, State of Florida At Large
My Commission Expires Mar. 30, 1978.

This instrument prepared by: MAX M. HAGEN, Esq.
Address 444 Brickell Ave. - Suite 800
Miami, Fla. 33131

EXHIBIT A

285.00

NOT RECORDED

7001 PAGE 228
70 OCT 13 PM 3:30

104.50

STATE OF FLORIDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DEED NO. 25150 (2329-13)

KNOW ALL MEN BY THESE PRESENTS. That the undersigned, the State of Florida Board of Trustees of the Internal Improvement Trust Fund, under authority of law, for and in consideration of the sum of Ninety-Five Thousand and 00/100 - (\$95,000.00) - DOLLARS, to it in hand paid, has granted, bargained and sold, and does by these presents grant, bargain, sell and convey, unto H. P. FORREST, as Trustee, to a certain Land Trust Agreement dated the 30th day of April, 1966,

of the County of Dade, State of Florida, and his successors, heirs and assigns, the following described lands, to-wit:

A parcel of sovereignty land in Biscayne Bay abutting Section 33, Township 53 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' 15" 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 129.25 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° 34' 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

LEGAL DESCRIPTION APPROVED
AND
THIS INSTRUMENT WAS PREPARED BY
FRED VIGOR
ELLUPT BUILDING
TALLAHASSEE, FLORIDA 32304

APPROVED AS TO FORM AND LEGALITY
TRUSTEES I. I. TRUST FUND - LEGAL
BY 10/1/66

STATE OF FLORIDA
DOCUMENTARY
COMPTROLLER
PR. OCT 13 1966
285.00
10522

6.00

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 1 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;

containing 4.4026 acres, more or less, and lying and being in the County of _____, in said State of Florida.

TO HAVE AND TO HOLD the above granted and described premises forever.

SAVING AND RESERVING unto the said State of Florida Board of Trustees of the Internal Improvement Trust Fund and its successors, an undivided three-fourths interest in, and title in and to, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.

IN TESTIMONY WHEREOF, the members of the State of Florida Board of Trustees of the Internal Improvement Trust Fund have hereunto subscribed their names and have caused the official seal of said State of Florida Board of Trustees of the Internal Improvement Trust Fund to be hereunto affixed, in the City of Tallahassee, Florida, on this the 9th day of October, A.D. 1970.

(SEAL)
STATE OF FLORIDA BOARD OF
TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND.

RECORDED IN OFFICIAL RECORDS BOOK
OF THE STATE OF FLORIDA
DEPARTMENT OF REVENUE

J. LEATHERMAN
CLERK OF THE BOARD
BY *[Signature]* D. C.

[Signature] Governor
[Signature] Secretary of State
[Signature] Attorney General
[Signature] Comptroller
[Signature] Treasurer
[Signature] Commissioner of Education
[Signature] Commissioner of Agriculture

As and Constituting the
STATE OF FLORIDA BOARD OF TRUSTEES
OF THE INTERNAL IMPROVEMENT TRUST FUND

