

**City of Miami Beach - City Commission Meeting  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
May 5, 2004**

Mayor David Dermer  
Vice-Mayor Saul Gross  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

**ADDENDUM**

**C7 – Resolutions**

- C7I A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Authorizing The Mayor And City Clerk To Execute A Termination And Abandonment Of An Easement Agreement For Lot 3, Of Block 33, Miami Beach Improvement Company's Ocean Front Subdivision, In Favor Of Crown At Miami Beach, Ltd., Owners Of The Crown Hotel Property Located At 4041 Collins Avenue.  
(City Manager's Office)  
**(Commission Item Summary, Memorandum & Resolution)**

**R9 – New Business and Commission Requests**

- R9A4 Nominate Carl Linder to the Board of Adjustment.  
(Requested By Commissioner Luis R. Garcia, Jr.)

**End of Addendum**

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution approving and authorizing the Mayor and City Clerk to execute a termination and abandonment of the Easement Agreement for Lot 3, Block 33, Miami Beach Improvement Company's Ocean Front Subdivision in favor of Crown at Miami Beach, Ltd., owners of the Crown Hotel property located at 4041 Collins Avenue.

**Issue:**

Should the City Commission approve and authorize the termination and abandonment of the Easement Agreement in favor of the Crown at Miami Beach, Ltd., owners of the Crown Hotel at 4041 Collins Avenue?

**Item Summary/Recommendation:**

In 1929, Easement Agreements by several ocean front property owners, granted the City of Miami Beach easements for erosion control east of a Base Line established for this purpose. The easement granted the City of Miami Beach authority to place structures to control the erosion of the beach front properties.

After the construction of an artificial dune by the Army Corps of Engineers, a new erosion control line was established by the State of Florida to the east of the 1929 City Base Line. For the purpose of erosion control, the City no longer needs the easement originally granted in 1929 on one of the lots comprising the Crown hotel property, since all new construction structures must be built east of the new erosion control line. The Administration recommends approval of the Resolution.

**Advisory Board Recommendation:**

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 50px; height: 50px; display: inline-block;"></div> Finance Dept.	1			
	2			
	3			
	4			
	<b>Total</b>			

**City Clerk's Office Legislative Tracking:**

Robert Halfhill, Public Works Assistant Director

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
<i>FIS</i>	<i>[Signature]</i>	<i>[Signature]</i>

AGENDA ITEM   C7I    
DATE   5/5/04

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



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## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission **Date:** May 5, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A TERMINATION AND ABANDONMENT OF AN EASEMENT AGREEMENT FOR LOT 3, OF BLOCK 33, MIAMI BEACH IMPROVEMENT COMPANY'S OCEAN FRONT SUBDIVISION, IN FAVOR OF CROWN AT MIAMI BEACH, LTD., OWNERS OF THE CROWN HOTEL PROPERTY LOCATED AT 4041 COLLINS AVENUE.**

### ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

### BACKGROUND:

In 1929, Easement Agreements by several ocean front property owners, granted the City of Miami Beach erosion control easements east of a Base Line established for this purpose (see attached Exhibit "A"). The easement granted the City of Miami Beach authority to place structures to control the erosion of the beach front.

After the construction of an artificial dune by the Army Corps of Engineers, a new erosion control line was established by the State of Florida to the East of the 1929 City Base Line (a.k.a. erosion control line).

### ANALYSIS:

Many structures have been built east of the City Base Line. The Crown at Miami Beach Ltd., owners of the Crown Hotel property located at 4041 Collins Avenue, Miami Beach, Florida, is redeveloping/refinancing this property. The lender has required that the out-of-date Easement Agreement (see attached Exhibit "B"), on one of the lots comprising the Crown Hotel property be abandoned and terminated to reflect the current erosion control line established by the State of Florida.

For the purpose of erosion control, the City no longer needs the easement originally granted in 1929, since all new erosion control structures must be built east of the new erosion control line.

**CONCLUSION:**

Based on the above, the Administration recommends approval to authorize the termination and abandonment of the 1929 Easement Agreement on a portion of Lot 3 , Block 33, of Miami Beach Improvement Company's Ocean Front Subdivision, in favor of Crown at Miami Beach, Ltd.; a Florida limited partnership, who owns the Crown Hotel property located at 4041 Collins Avenue.

Attachments

  
JMG/RGM/FHB/VGK\



EXHIBIT "A" - LOCATION OF EASEMENT AT THE CROWN HOTEL

THIS AGREEMENT, made this sixth day of April A. D. 19 29,  
between ELIZA BOAL ORR, a widow

hereinafter referred to as the ~~Lienor~~ Owner, of the first part, and THE CITY OF MIAMI BEACH, FLORIDA, a municipal corporation under the Laws of the State of Florida, hereinafter referred to as the City, of the second part:

WITNESSETH: That the said ~~Lienor~~ Owner, the ~~Lienor~~ Owner of the following described lands, located within the City Limits of the City of Miami Beach, Dade County, Florida, to-wit: Lot THREE (3) of Block THIRTY-THREE (33), Miami Beach Improvement Company's Ocean Front Subdivision, according to The Amended Map of The Ocean Front Property of the Miami Beach Improvement Company, recorded in June, 1915, in Plat Book No. 5, pages 7 and 8, of the Public Records of Dade County, Florida:

That the following line: Beginning at a point which is on the Northerly line of 44th Street produced Easterly and 245.8 feet Easterly of the center line of Collins Avenue, running thence in a Southerly direction to a point which is on the Northerly line of Fortieth Street and 250.4 feet Easterly of the said center line of Collins Avenue; thence continuing Southerly to a point which is on the Northerly line of Thirty-fourth Street and 280.0 feet Easterly of the said center line of Collins Avenue; thence continuing Southerly along the last mentioned course produced Southerly for a distance of 89.5 feet to a point of curvature; thence deflecting Westerly around a curve of 1,345.15 foot radius to a point which is on the Southerly line of Thirty-third Street.

As said Streets and Avenue are shown on the aforementioned map and as said Streets are named and designated in Ordinance No. 232.

which shall hereafter be known as the "BASE LINE," extends through the above described property; that the above described land borders on or lies near the Atlantic Ocean and because of winds and tides is endangered and may be damaged by erosion or may be added to by accretion; that the said City has power to construct jetties or groynes, seawalls and bulkheads to prevent the erosion of said lands, to cause accretion thereto and to prevent overflow thereof; that it is the desire of said Lienor Owner to promote and encourage said City in any of the aforesaid construction, any of which will be beneficial to the above described property.

NOW, THEREFORE, the ~~Lienor~~ Owner, in consideration of the benefits which may be derived by virtue of any of the construction hereinabove mentioned, whenever made hereafter, and to enable the City to formulate plans and arrange finances for any of the said construction, and in consideration of the sum of One (\$1.00) Dollar, to each in hand paid, the receipt whereof is hereby acknowledged, do hereby give and grant unto the said City a perpetual right and easement at any time hereafter, to construct and maintain upon any lands, whether above water or submerged, lying East or Easterly of the aforesaid Base Line, jetties, groynes, seawalls and/or bulkheads.

This agreement and all of its provisions shall extend to and be binding upon the heirs, legal representatives, successors and assigns of the respective parties hereto.

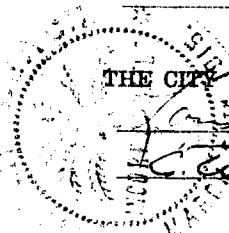
IN WITNESS WHEREOF, the said ~~Lienor~~ Owner and the said City have hereunto set their hands and seals, or in the case of a corporation, caused this instrument to be executed in its name by its duly authorized officers, and its seal to be affixed, on the day and year first above written.

IN THE PRESENCE OF:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Seal)  
(Seal)  
(Seal)  
(Seal)

of the First Part.

*Eliza Boal Orr*  
\_\_\_\_\_  
\_\_\_\_\_



THE CITY OF MIAMI BEACH, FLORIDA,

*Frank Sledge* Mayor  
*C. E. Tomlinson* Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A TERMINATION AND ABANDONMENT OF AN EASEMENT AGREEMENT FOR LOT 3, OF BLOCK 33, MIAMI BEACH IMPROVEMENT COMPANY'S OCEAN FRONT SUBDIVISION, IN FAVOR OF CROWN AT MIAMI BEACH, LTD., OWNERS OF THE CROWN HOTEL PROPERTY, LOCATED AT 4041 COLLINS AVENUE.**

**WHEREAS**, in 1929, an Easement Agreement was granted to the City of Miami Beach which established a "Base Line", giving the City the right to construct erosion control structures east of said Base Line; said Easement Agreement is attached as Exhibit "A" hereto (the 1929 Easement); and

**WHEREAS**, after the construction of an artificial dune by the Army Corps of Engineers, a new erosion control line was established by the State of Florida to the east of the Base Line established in the 1929 Easement (Erosion Control Line); and

**WHEREAS**, the Crown at Miami Beach Ltd., as owners of the Crown Hotel located at 4041 Collins Avenue, Miami Beach, Florida, is refinancing the Crown Hotel property and undertaking a redevelopment and restoration of said property; and

**WHEREAS**, the Crown Hotel lender, in order to ensure clear title to the property, is requiring that the City terminate the 1929 Easement; and

**WHEREAS**, the Administration has met with representatives of the Crown Hotel, and has further received documentation from the State of Florida Department of Environment Protection, which has stated that, while there is no record of termination of the 1929 Easement, the Base Line originally established pursuant to said Easement, is no longer utilized as the demarcation in the permitting and construction of erosion control structures; and

**WHEREAS**, the City concurs with the State's analysis; the City no longer utilizes the Base Line established under the 1929 Easement for purposes of permitting and construction of erosion control structures, since all new erosion control structures must be built east of the Erosion Control Line.

**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 herein approve and authorize the Mayor and City Clerk to execute a Termination and Abandonment of the 1929 Easement Agreement for Lot 3, Block 33, of Miami Beach Improvement Company's Ocean Front Subdivision, in favor of Crown at Miami Beach, Ltd., as owners of the Crown Hotel property, located at 4041 Collins Avenue.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2004.

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

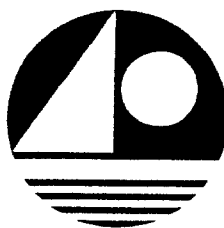
T:\AGENDA\2004\May\0504\Consent\RESO Crown Hotel Easement.doc

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

5/4/04  
\_\_\_\_\_  
Date





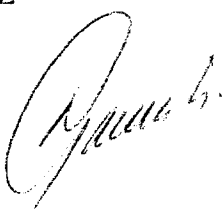
**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO: JORGE M. GONZALEZ  
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.  
COMMISSIONER**

**DATE: APRIL 30, 2004**

**RE: AGENDA ITEM- BOARD OF ADJUSTMENT**



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Please place on the May 5<sup>th</sup> Commission agenda an item nominating Mr. Carl Linder to the Board of Adjustment. His application and resume has been provided to the City Clerk's office.

If you have any questions, please feel free to contact my Aide, Ms. Perez-Trujillo at extension 6528.

Thank you.

Agenda Item R9A4  
Date 5-5-04

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