

RESOLUTION NO. 14 - 2236

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-04, CONDITION NO. 25 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission adopted Resolution No. 13-Z-04 on January 24, 2013 and approved the conditional use application and the site plan application by “Applicant” Chateau Ocean, LLC to permit a multifamily residential condominium known as “Chateau Ocean”; and

WHEREAS, pursuant to Condition No. 25 of Resolution No. 13-Z-04, the Applicant shall fund a total not to exceed \$400,000, including up to \$32,000 for architectural, engineering and permitting services, for the 94th Street End Project which includes landscape, hardscape and streetscape improvements (the “Work”) from Collins Avenue to the 94th Street beach access point west of the “hard pack” in the following manner:

Within six months from the date of issuance of the initial building permit, Applicant shall submit a design prepared by Arquitectonica and mutually acceptable to Town and to Applicant, for the 94th Street End Project. The Town Commission shall review and approve the design within 60 days after its submittal to Town, after which date of approval Applicant shall have a period of 60 days to elect whether to contribute the amount of \$368,000, or to do the Work. Applicant and Town Manager shall then have 30 days from date of Applicant’s decision to agree upon a construction schedule for the completion of the 94th Street End Project. If Applicant elects not to do the Work, the remaining amount of \$368,000 shall be paid to the Town within five days of its decision. If no building permit has been issued for Chateau Project within 24 months from date of adoption of this Resolution, the remaining amount of \$368,000 shall not be due until a building permit is issued for the Chateau Project, or an alternate development project is approved by Town Commission. Unless the 94th Street End Project has been completed, the unpaid balance of the \$400,000 shall be paid to Town by Applicant prior to transfer of more than twenty percent (20%) interest in the Chateau Project; and

WHEREAS, Chateau Ocean, LLC has submitted Attachment “A” for the design of 94th Street End Project which includes landscape, hardscape and streetscape improvements (the

“Work”) from Collins Avenue to the 94th Street beach access point west of the “hard pack”; and

WHEREAS, it is in the best interest of the Town to accept and approve the design for the 94th Street End Project.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

Section 2. Approval and Authorization. The Town Commission approves the design prepared by Chateau Ocean, LLC for the 94th Street End Project and authorizes the Town Manager in consultation with Chateau Ocean, LLC to finalize a construction schedule for the same project within 30 days of the adoption of the Resolution. Chateau Ocean, LLC is authorized to undertake said improvements and shall be required to obtain all necessary permits to undertake said project, subject to the following condition of approval:

1. Prior to the completion of the 94th Street End Project, the Applicant shall donate to the Town a unique, original sculpture installed at the east end of 94th Street. The design of the sculpture, with regard to compatibility with the aesthetics of the Chateau Project and the 94th Street End Project, shall be subject to the reasonable approval of the Town Commission, after consultation with the Design Review Board or its successor organization. There shall be appropriate recognition of the donation in signage associated with the sculpture and the 94th Street End. This condition shall supersede paragraph 26 in Resolution 13-Z-04.

Section 3. Effective Date. This Resolution becomes effective upon adoption.

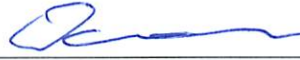
PASSED and ADOPTED on this 8th day of July, 2014.

Motion by Commissioner Karukin, Second by vice Mayor Commissioner Tourgeman

FINAL VOTE ON ADOPTION

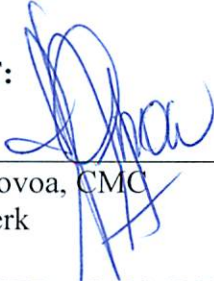
Commissioner Barry R. Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

NO
YES
ABSENT
YES
YES



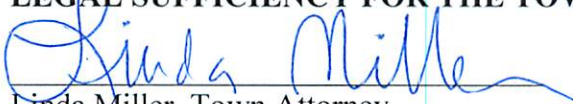
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney