

RESOLUTION NO. 2023 - 2-3209

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED AT 8777 COLLINS AVENUE, SURFSIDE, FLORIDA, FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF UP TO 52 DWELLING UNITS AND UP TO 148 PARKING SPACES; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, East Oceanside Development, LLC (“Applicant”), fee simple owner of the property located at 8777 Collins Avenue, Surfside, FL 33154 and legally described in Exhibit “A” attached hereto (the “Property”), submitted an “Application” on June 12<sup>th</sup>, 2023, requesting site plan approval from the Town of Surfside (“Town”) for a 52-dwelling unit multifamily residential development with 148 parking spaces; and

**WHEREAS**, the Property is the former site of the Champlain Towers South development that collapsed on June 24, 2021, leaving 98 dead, and shocking the nation, state, and the Town, and leaving the surviving residents of the building, property owners, and family of the victims with emotional trauma and limited options for financial recourse; and

**WHEREAS**, the Property was the subject of *In Re: Champlain Towers South Collapse Litigation*, Miami-Dade Circuit Court Case No. 2021-015089-CA-01 (the “Litigation”), before Judge Michael Hanzman, which litigation included multiple classes of plaintiffs and defendants, including defendant members of the building’s Condominium Association which were referred to as the “Property Owner Class;” and

**WHEREAS**, the Property was acquired by the Applicant after court-administered auction process in order to generate funds for a potential settlement of the Litigation; and

**WHEREAS**, in connection with the sale of the Property, and in order to ensure it had the highest potential value to serve the interests of settlement, the Court provided its clear direction that the Property be permitted to be developed to at least the same level as it had been before the collapse; and

**WHEREAS**, in a historic settlement, the Court confirmed the settlement on May 28, 2022 (subject to later agreements amongst the parties), with proceeds from the sale of the Property making up approximately 10% of the total settlement amount; and

**WHEREAS**, the Application was reviewed by the Town's Design Review Group on August 9<sup>th</sup>, 2023, and all Town officials or departments raised their concerns but had no objection to the Application going forward for consideration at public hearings provided adequate conditions were implemented; and

**WHEREAS**, on August 31, 2022, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of the Town Zoning Code and the Application's consistency with the Town's Comprehensive Plan and recommended the Application for [approval/approval with conditions/denial]; and

**WHEREAS**, on September 27, 2023, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application and heard from its professional staff, the Applicant, and members of the public, and considered the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, the Application's consistency with the Town's Comprehensive Plan, and the substantial competent evidence presented at the hearing.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:**

**SECTION 1. RECITALS AND FINDINGS OF FACT.**

**A.** All recitals set forth above are incorporated into the body of this Resolution and adopted as if same were fully set forth herein.

**B.** The Town Commission finds that the proposed Site Plan as conditioned is in compliance with the requirements and criteria set forth in the Town's Code and the Comprehensive Plan.

**SECTION 2. SITE PLAN APPROVAL.** The request to approve a site plan is hereby approved based on the plans submitted to the Planning Department as part of the Application title "8777" prepared by ODP Architecture and Design (Architect of Record) with Zaha Hadid Architects (the Design Architect) for East Oceanside Development, LLC. Plans are dated August 23<sup>rd</sup>, 2023, and consisting of the following

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sheets: B\_Z-000.00, B\_Z-001.10, B\_Z-001.20, B\_Z-001.30, B\_Z-002.00, B\_Z-003.00, B\_Z-004.00, B\_Z-005.00, B\_Z-006.00, B\_Z-98.00, B\_Z-99.00, B\_Z-100.00, B\_Z-100.01, B\_Z-101.00, B\_Z-102.00, B\_Z-103.00, B\_Z-104.00, B\_Z-105.00, B\_Z-106.00, B\_Z-107.00, B\_Z-108.00, B\_Z-109.00, B\_Z-110.00, B\_Z-111.00, B\_Z-112.00, B\_Z-113.00, B\_Z-200.00, B\_Z-201.00, B\_Z-202.00, B\_Z-203.00, B\_Z-300.00, B\_Z-301.00, B\_Z-302.00, B\_Z-500.00, B\_Z-600.00, B\_LS-100.01, B\_LS-100.02, B\_C-100, B\_C-101, B\_C-200, B\_C-201, B\_C-300, B\_C-400, B\_C-500, B\_L-01, B\_L-02, B\_L-03, B\_L-04, B\_L-05, B\_L-06, B\_L-07, B\_L-08, B\_L-09, B\_L-10, B\_L-11, B\_L-12, and B\_L-13, as amended by Revision Exhibits A (Service Access) and B (Refuse Collection Strategy) prepared by ODP Architecture and Design (Architect of Record) with Zaha Hadid Architects (the Design Architect) submitted to the Town Manager by letter dated September 25, 2023 from Christian Lopez, ODP Principal, and as further amended by revised sheet BZ\_101.00 attached hereto as Exhibit "B" discussed at the public hearing which depicts (i) a 12-foot wide loading/service access located approximately 67 feet, five (5) inches east of the intersection of Collins Avenue and 88<sup>th</sup> Street, and (ii) solid waste storage in the garage and pick up at the northeast corner of the property (southeast corner of the intersection of Collins Avenue and 88<sup>th</sup> Street).

**SECTION 3. CONDITIONS.** The approval granted herein is subject to the following conditions:

**A. Special Conditions.**

**1. Required Improvements.**

- a. Exclusive of and in addition to any financial proffers, remove or abandon in place the existing 8-inch water main and install a new C-900 12-inch water main, to the Town standard, subject to Town approval of the final design details, but in the most costly scenario, commencing at the terminal loop point within Harding Avenue at 87<sup>th</sup> Street, then easterly within 87<sup>th</sup> Street to Collins Avenue, thence northerly within Collins Avenue for the entire width of the Property to tie in to the existing 12-inch water main at the intersection of Collins Avenue and 88<sup>th</sup> Street. All drawings to be reviewed and permitted by the Town and State.
- b. Redesign and install sewer connections to reroute existing sewer main at the intersection of Harding Avenue and 88<sup>th</sup> Street to the Property so that it avoids non-right-of-way property and is maintained solely within rights-of-way approved by Public Works and the Florida Department of Transportation ("FDOT"). Install a new manhole at terminal point in accordance with plans approved by the Public Works Director. Applicant shall obtain Town Right-of-Way Permit and execute Right-of-Way

Encroachment Agreement, where applicable and as required by Town Code.

- c. Mill and resurface all disturbed extents of all rights-of-way impacted by the construction of the project, and restore all other adjacent roadways damaged by construction to Town of Surfside and FDOT standards.
  - d. Connect to the Town's existing water/sewer infrastructure without damaging the infrastructure or degrading service.
  - e. Any damage to the existing sewer main or adjacent water main caused by the Applicant's development activities will be restored by the Applicant to the satisfaction of the Town's Public Works Department.
  - f. Develop and implement dune system improvement plan to increase the elevation of the crown of the entire dune system east of the Property to meet the Town's planned improvements to the dune system to the north, with plans to be reviewed and approved by Town Manager. The dune system work shall provide for the following:
    1. Preserve or relocate existing sea grapes and other protected species.
    2. Remove all invasive species and replant dune with 6-gallon sea oats or approved equivalent.
    3. Permit applications, including existing conditions plan, grading plan, tree disposition plan, and landscape plan, shall be submitted for approval by the Florida Department of Environmental Protection ("FDEP") and the Town's Public Works Department prior to commencement of the work. Existing trees may be relocated as approved by FDEP and the Town.
    4. Provide for adequate turn-around for Town vehicles or access to turn-around space for Hardpack.
    5. Purchase and install eight (8) bollards with upgraded lighting within Hardpack, with product selected by the Town and per approved Town plans.
2. **Voluntary Proffers.** Provide the Town with the Applicant's voluntary proffer of \$2,500,000 in money and/or improvements. The proffer consists of the following elements:
- a. \$400,000 for design, engineering, planning, permitting, installation and construction observation or for any costs related to the planning, design, development, and implementation of and parks and recreation facilities, at the Town's discretion.

- b. In-kind services for the Memorial Park, for up to \$1,500,000 of cost estimated by Town, as follows:
  - 1. Demolish existing condition of 88th Street.
  - 2. Construction of 88th Street from Collins Avenue to the Hardpack, at its sole cost, including the Memorial Park Improvements, consisting of hardscape and landscape improvements, per Town-approved drawings and specifications to be provided by the Town. The Town anticipates providing plans and specifications to Applicant within 16 months of the adoption of this Resolution. The Town-approved plans shall include custom sidewalk material and pattern as reviewed and approved by Public Works, and a Right-of-Way Agreement with the Town. The Memorial Park improvements to be made by the Applicant will not include the Memorial structure itself (which will be manufactured and installed/constructed at the Town's sole expense and direction).
  - 3. The Applicant understands and agrees that but for the Memorial Park improvements, Applicant would be required to mill and resurface, install/repair sidewalks, and install landscaping for 88th Street, and its proffer is therefore the difference between the costs of regular improvements to 88th Street and the cost of the special improvements for the Memorial Park described above. Applicant's contribution towards the Memorial Park Improvements shall not exceed \$1,500,000.
- c. \$400,000 for design, engineering, planning, permitting, installation and construction observation or for any costs related to the planning, design, development, and implementation of any resiliency strategies, at the Town's discretion.
- d. \$100,000 for stormwater impacts from the date of ownership of the Property (July 27, 2022) on the Town's stormwater infrastructure. The funds shall be spent by the Town for repairs and improvements to account for the additional impacts to the system caused by the Property.
- e. \$100,000 contribution to the Town's solid waste fund for future capital outlays for solid waste operations and mitigation of impacts to 88th Street.

3. **Prior to demolition permit and throughout demolition and construction, the Applicant shall:**

- a. Comply with all applicable requirements of Ordinance No. 2022-1720, adopted March 8, 2022 (codified in Section 14-104 of the Town Code), regarding construction sites.
- b. Comply with Section 14-32 of the Town Code regarding construction hours and noise.
- c. Take all measures necessary, as determined by the Town Manager, to prevent off-site carry and drift of any dust, particulates or other airborne demolition and construction materials, including, but not limited to, constructing a minimum 16-foot tall construction barrier on the north side of the Property, acceptable to the Town Manager or his designee.
- d. Prepare and submit a hardpack management plan to address the use, maintenance and repair and restoration of the hardpack area to be temporarily used for construction related access and transport of materials and equipment to the Property, subject to the Town Manager's and Public Works Director's approval ("Hardpack Management Plan").
- e. Dedicate a hardpack easement to the Town in form and substance acceptable to the Town Attorney, and in compliance with Section 90-60.1(5) of the Town Code, with specific provisions for dune maintenance.

4. **Prior to Obtaining a Building Permit for New Construction, the Applicant shall:**

- a. Provide the Town with the contributions listed in the Applicant's voluntary proffer described in sub-conditions a, c, d, and e of Condition 2 above.
- b. To the extent permitted by applicable law, the Town reserves the right, in its sole discretion, to waive building permit fees and accept a payment-in-lieu of building permit fees from the Applicant to be deposited into the Town' General Fund, for all or any portion of such fees that would otherwise be due for the Project. The Applicant, for itself and on behalf of any successors and/or assigns, waives any claim against the Town in connection with said payment-in-lieu of building permit fees based in whole or in part on the manner, time, or purpose for which these monies are expended or utilized by the Town, and the Town reserves the right to use these funds to address public purposes as it determines, in its sole and absolute discretion; provided, that, if a court of competent jurisdiction finds the payment-in-lieu of building permit fees to be unlawful, then any payments made pursuant to this condition shall be reclassified as

- building permit fees and expended by the Town in accordance with applicable law.
- c. Demonstrate compliance with Section 14-30 of the Town Code regarding the required bond for damage to Town property.
  - d. Comply with calculating the cost of construction and auditing procedures pursuant to Town of Surfside Ordinance No. 16-1656 (Section 14-29 of the Town Code).
  - e. Provide water/sewer fees to the Town of Surfside in the amount prescribed in Town Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid prior to the issuance of a Building Permit and there shall be no offset for existing fixtures if such offset is prohibited by law.
  - f. Sheet B Z-003.00 of the submitted project plans shows the southwest corner of the structure (buildable area) encroaching into the AE Flood Zone (Special Flood Hazard Area). This encroachment would prohibit construction of the building as currently proposed including but not limited to the use of underground parking in a wholly residential building. However, FEMA'S preliminary maps show this area, and the entire proposed structure as entirely in the X Zone (Not in the Special Flood Hazard Area). The State of Florida Floodplain Management is unable to provide an effective date for the preliminary maps at this time. As a result, the applicant has filed a Letter of Map Revision (LOMR) with FEMA to amend the current map in accordance with the Preliminary Map. In order for the project to be constructed as proposed, the applicant shall demonstrate that one of the following has occurred, in form and substance acceptable to the Town: (a) FEMA approval of the Letter of Map Revision filed by applicant; or (b) FEMA'S Preliminary Flood Map becomes effective confirming that the proposed structure is entirely in the X Zone, thereby permitting the underground parking for the residential building. Sheet B Z-003.00 should therefore be updated consistent with FEMA's adopted maps prior to building permit.
  - g. Applicant shall provide details for LEED Silver, or its equivalent, design and a plan for compliance with the requirements for LEED Silver, or its equivalent.
  - h. All lighting visible from public property subject to Town Planner review to ensure it meets the requirements of Town Code and the Florida Department of Environmental Protection, and is not otherwise unduly distracting to motorists or pedestrians.
  - i. Applicant shall provide operational details of solid waste pick up for review and approval by Town Manager and/or designee.

- j. The Applicant shall prepare a revision to the site plan to relocate loading access and solid waste operations to the southwest portion of the Property (to be accessed from Collins Avenue) in a manner that complies with the Town Code and shall present such revision to FDOT, and to Miami-Dade County (to the extent their review is required). If FDOT, and Miami-Dade County (to the extent their review is required), grants a non-conditioned approval, the Applicant shall incorporate the revision into the plans presented for building permit, and the Town shall recognize the plans as so amended. In such case, 88<sup>th</sup> Street shall be maintained free of building access and services, except for emergency and utility services. If FDOT, and Miami-Dade County (to the extent their review is required), do not grant a non-conditioned approval, as verified by the Town, the Applicant shall be relieved of this obligation and may proceed to building permit with the plans approved by this Resolution subject to all other conditions of the Resolution.
- k. Construction vehicle access onto the Property shall not be from 88<sup>th</sup> Street. Construction vehicle access shall be from Collins Ave, subject to obtaining all applicable regulatory approvals to do so.

5. **Prior to Temporary Certificate of Occupancy, or Permanent Certificate of Occupancy if a Temporary Certificate of Occupancy is not granted, the Applicant shall:**

- a. Applicant shall construct the Memorial Park improvements, to the Town Manager's satisfaction, as contemplated in sub-condition b of Condition No. 2, provided the Town has provided Town-approved drawings and specifications within 16 months of the adoption of this Resolution (the "Town Plans Period"). If the Town does not provide Town-approved drawings and specifications within the Town Plans Period, the Applicant may obtain a Temporary Certificate of Occupancy prior to completion of the Memorial Park improvements so long as the Applicant's work is completed on the Memorial Park improvements within 120 days of the issuance of a Temporary Certificate of Occupancy (the "Allowed TCO Period"). For every 30-day period after the Town Plans Period that the Town does not provide the Town-approved drawings and specifications to the Applicant, the Applicant may extend the Allowed TCO Period by 30 days.
- b. Applicant to coordinate the installation and final design of landscaping and hardscape within the Property along 88th Street with the Town Manager to best compliment the installation and design of the Memorial Park.

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- c. The Applicant shall provide at least 1,000 square feet of replacement custom sidewalk material to the Town for future maintenance of custom sidewalk material.
- d. Install water and sewer upgrades, and make repairs of any damage to existing infrastructure, as described in Condition No. 1 above.
- e. Mill and resurface all disturbed extents all rights-of-way impacted by the construction of the project, and restore all other adjacent roadways damaged by construction to Town of Surfside and FDOT standards as described in Condition No. 1 above.
- f. Improve dune system and hardpack as described in Condition No. 1 above.
- g. Post a bond in the amount and duration determined by the Town Manager or designee to ensure the survival of landscaping material installed on the Property for three years after the Certificate of Occupancy is issued.
- h. The Applicant shall meet all requirements of the Town Public Works Department, Miami-Dade County, and the Florida Department of Transportation for storm drainage.

6. **General Conditions:**

- a. All utilities shall be installed underground.
- b. All voluntary proffers and commitments made to the Town of Surfside pursuant to this Resolution, including but not limited to, those described in these Conditions, shall be binding upon Applicant, its heirs, successors and assigns, and, as to payments, shall be due and payable, or in the event of an action, shall be performed, in strict compliance with the manner and within the time frames set forth in these Conditions and any change in ownership, or modification of the site plan or design, whether substantial or minor in nature, shall not excuse the performance or the payments, all of which are part of the Conditions subject to which the Applicant's request for site plan approval were granted.
- c. Any change in ownership of the current property owner shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Any change of ownership of the Property shall not extend or modify any of the dates for payment or performance included in this Resolution or in any related agreements referenced in this Resolution nor shall any change of ownership modify or excuse or extend any of the payment obligations contained in this Resolution or in any related agreements referenced in this Resolution.

- d. In the event the Applicant obtains a building permit and the permit expires, it shall be required to comply with Section 14-55 entitled "Vacant lots or buildings" of the Town of Surfside Code, including but not limited to, the posting of a bond to defray the cost the Town may incur if required to secure and maintain the site, if necessary, and as may be required by the Building Official. The Applicant for this purpose shall provide a bond in the amount of \$250,000.00, as required by the Building Official. These funds shall be used to secure the Property and the construction site in the event construction is abandoned or ceases prior to completion.
- e. The Applicant shall design the project to be LEED silver certifiable and obtain LEED Silver or its equivalent certification from the Florida Green Building Coalition level Silver for High-Rise construction within 12 months of issuance of the Temporary Certificate of Occupancy and maintain such certification thereafter. Compliance with this requirement shall be included as a condition on the final Certificate of Occupancy.
- f. The Applicant agrees that all contractor and subcontractor agreements applicable to this development shall include a separate clause prohibiting construction workers from parking on residential streets or public parking lots within the Town and that Applicant shall submit the proposed clause for the approval of the Town Manager or designee within 45 days of the effective date of this Resolution.
- g. The Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles in residential neighborhoods.
- h. If the Town Manager deems necessary, the Applicant shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.
- i. The Applicant shall only apply for a Certificate of Occupancy and Certificate of Use from the Town once in compliance with all terms and conditions of this Resolution are met and documented. The Certificate of Occupancy and Certificate of Use shall be subject to cancellation upon violation of any of the Conditions, in accordance with the law.
- j. Consistent with Section 90-44.1 of the Town of Surfside Code, all structures above the structural roof shall be constructed as non-habitable spaces and shall be used and maintained in such non-habitable condition.
- k. The Applicant may, subject to the issuance of the necessary permits, locate no more than two temporary trailers within the portion of the Property west of the hard pack area to serve as construction and sales

offices during the duration of the redevelopment process. No structures, materials, or equipment may be located in the hard pack area.

- l. The Applicant shall pay all cost recovery fees and costs prior to the issuance of a Building Permit, in accordance with Sections 90-11, 90-12 and 90-13 of the Town Code.
- m. The Applicant shall comply with the location, timing and procedures for sanitation and recycling pickup at the Property, as required by the Town and/or other agencies with jurisdiction.

7. **Ongoing Operational Conditions required for the duration of the Certificate of Occupancy:**

- a. The rooftop deck shall not have live music. Recorded music, over a distributive sound system, no greater than 75 dba measured 1 meter from any speaker, is permitted only between the hours of 7 am to 11 pm. No music is permitted prior to 7 am or after 11 pm.
- b. The rooftop deck and pools shall not be used for organized events or activities after dusk.
- c. All lighting on the rooftop deck shall be internally focused.
- d. To the extent that a valet parking operation is used to service the building, the Applicant shall provide a copy of the valet operations agreement to the Town Manager to confirm the required number of valet attendants to optimize the on-site vehicle stacking.
- e. All employees shall be required to park on private property.
- f. All solid waste shall be stored in a fully enclosed air-conditioned room on the Property. Solid waste pick up and operations shall be as approved by the Town Manager and/or designee.
- g. All deliveries and loading after Certificate of Occupancy shall occur on-site and shall not block the street, sidewalk or any right-of-way.
- h. Except during active loading and unloading, no materials may be stored within the outdoor loading area on the north side of the Property.
- i. In order to limit vehicular use of 88th Street for loading operations, Applicant has agreed to the following voluntary operational limits on the use of the proposed loading area on the north side of the Property:

- 1. Aside from large-scale delivery of furniture and similar bulky items, daily deliveries by providers such as FedEx and Amazon shall be conducted from the driveway along Collins Avenue.

2. The outdoor loading area shall be visually screened from 88<sup>th</sup> Street subject to the approval of the Town Manager and/or designee
3. Loading area within the building shall be fully enclosed with a rolling door, which shall be open only when the area is in use.
4. Use of the loading area shall be limited as follows:
  - a. "Move in" and "move out" for residents shall occur only on Monday, Wednesday, and Friday between 9:00 AM and 5:00 PM.
  - b. Except for bona fide emergencies, all other deliveries shall be limited to the period between 9:00 AM and 5:00 PM, Monday to Friday.
5. No delivery or moving truck servicing the Property may be larger than a single unit truck.
6. Except for bona fide emergencies, no loading activity may occur between 9:00 AM on June 22<sup>nd</sup> and 9:00 AM on June 25<sup>th</sup> or during any Town-sanctioned event that utilizes the 88<sup>th</sup> Street.
- j. Maintain all landscaping materials on the Property in good condition, replacing diseased, dying or dead plant material as necessary so as to present a healthy and orderly appearance at all times.
- k. Comply with Section 34-84 of the Town Code for turtle-friendly lighting.

**8. Revisions to Plans:**

- a. A reduction in the total number of units, with no other exterior or operational changes, shall not require formal amendment of this site plan approval.
- b. Landscape revisions are subject to Town approval and shall not require formal amendment of this site plan approval.
- c. Changes resulting from the relocation of the loading access and solid waste operations to the southwest portion of the Property as approved by FDOT, provided they are otherwise in substantial compliance with this approval, shall not require a formal amendment of this site plan approval. Changes that are not in substantial compliance as determined by the Town Manager shall require a formal site plan amendment.
- d. Any other changes to the approved site plan, including, but not limited to, changes to lot coverage, volume, height, or massing of the building, shall require a formal site plan amendment.

**SECTION 4. VIOLATION OF CONDITIONS.** Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and

persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination by the Town Commission, following a public hearing, that the Applicant is in non-compliance with the Town Code or the conditions of this Approval and has failed to cure, or to provide an acceptable plan to timely cure, the non-compliance.

**SECTION 5. SEVERABILITY CLAUSE.** In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

**PASSED AND ADOPTED** this 27th day of September, 2023.

Motion by: Commissioner Landsman

Second by: Vice Mayor Rose

**FINAL VOTE ON ADOPTION**

Commissioner Fred Landsman	Yes
Commissioner Marianne Meisheid	No
Commissioner Nelly Velazquez	No
Vice Mayor Jeffrey Rose	Yes
Mayor Shlomo Danzinger	Yes

  
\_\_\_\_\_  
Shlomo Danzinger, Mayor

**ATTEST:**

*Sandra N. McCready*

Sandra N. McCready, MMC, Town Clerk



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

*L. Weiss*

Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney

STATE OF FLORIDA            )  
COUNTY OF MIAMI-DADE    )

I, Sandra N. McCready, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 23-2-3209 adopted by the Town Commission at its meeting held on the 27<sup>th</sup> day of September 2023.

Issued: 11/16/2023

*Sandra N. McCready*

Sandra McCready, MMC  
Town Clerk

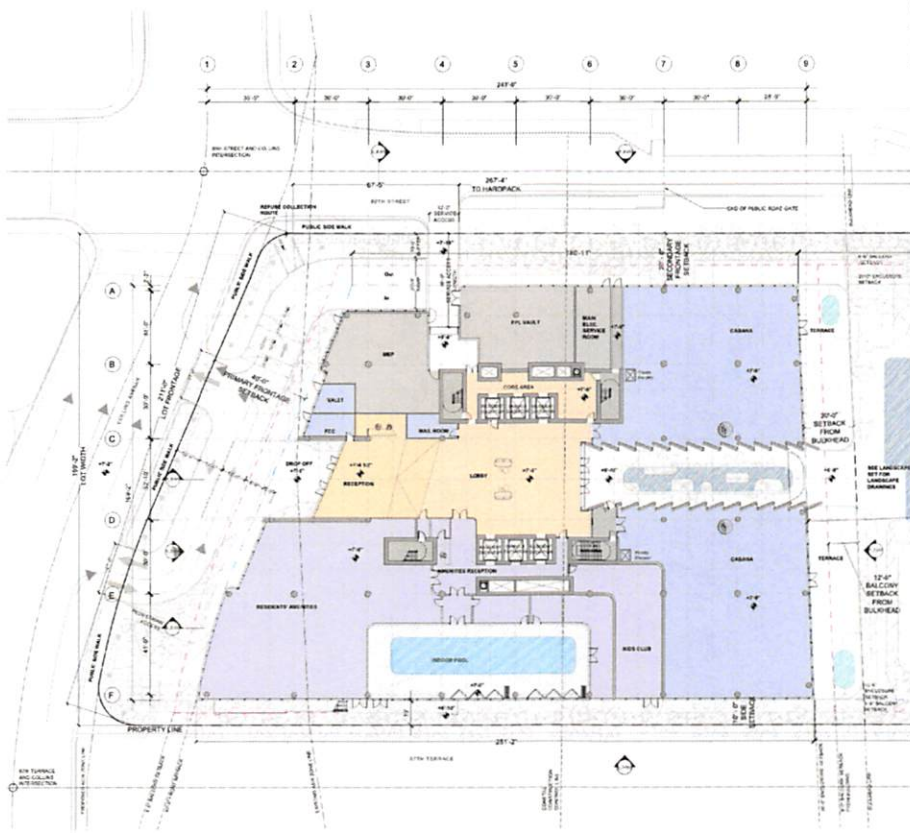
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## EXHIBIT "A"

### LEGAL DESCRIPTION OF PROPERTY

Block Four (4) of SECOND AMENDED PLAT OF NORMANDY BEACH, according to the Plat thereof, as recorded in Plat Book 16, at Page 44, and recorded in the Public Records of Miami-Dade County, Florida; together with that certain parcel of land conveyed by Town of Surfside by Deed dated August 16, 1962, and recorded in Official Records Book 3565 at Page 167 of the Public Records of Miami-Dade County, Florida; and Less and Except that portion of said Block 4 conveyed to Town of Surfside for widening of Collins Avenue by Deed dated June 28, 1962 and recorded in Official Records Book 3565 at page 165 of the Public Records of Miami-Dade County, Florida.

# Exhibit "B"



- NOTES:**
- PROPERTY LINE
  - COASTAL CONSTRUCTION CONTROL LINE
  - BULKHEAD LINE
  - AL LINE

**Zaha Haddad Architects**

**8777**

● NOT FOR CONSTRUCTION ●

LEVEL 01 PLAN

**B Z-101.00**

01 LEVEL 01 PLAN

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