

RESOLUTION NO. 2026-3584

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AMENDMENT TO SECTION 3, CONDITION A.3.E OF CORRECTED RESOLUTION NO. 2022-Z-2955 FOR THE PROPERTY LOCATED AT 9309-9317 COLLINS AVENUE, SURFSIDE, FLORIDA, REGARDING DUNE RESTORATION WORK; RETAINING SITE PLAN APPROVAL AND CONDITIONS, AND ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN CORRECTED RESOLUTION NO. 2022-Z-2955; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, MTP Oceanside, LLC, (the "Applicant"), is the fee simple owner of the property located at 9301-9317 Collins Avenue, Surfside, FL 33154 and legally described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, the Applicant's predecessor in title submitted an application on August 1, 2022, requesting site plan approval from the Town of Surfside, Florida (the "Town") for a 27-dwelling unit multifamily residential development with 71 parking spaces which was approved with conditions by the Town Commission at a duly noticed and televised quasi-judicial public hearing on November 29, 2022, and memorialized through Corrected Resolution No. 2022-Z-2955 (the "Corrected Resolution"); and

WHEREAS, Section 3, Condition A.3.e of the Corrected Resolution requires the Applicant to improve the crown of the dune system east of the Property prior to the issuance of a temporary or permanent certificate of occupancy; and

WHEREAS, the Town is currently engaged in dune restoration and other beach-related improvements in the vicinity of the Property; and

WHEREAS, the Applicant and the Town have agreed that the work required by Condition A.3.e of the Corrected Resolution, along with the creation of a new 4-foot wide beach access path should be performed by contractors working under contract to the Town for other dune restoration work in the vicinity instead of the Applicant, provided that

the Applicant pay the Town all costs of that work plus a ten percent (10%) contingency; and

WHEREAS, the Applicant has executed a Memorandum of Understanding confirming that the Applicant has agreed to pay the Town the sum of \$332,849.33 which equals the cost of the work required by Condition A.3.e of the Resolution and the new beach access path, and a 10% contingency, no later than three (3) days following of the approval of this amendment to Condition A.3.e of the Corrected Resolution by the Town Commission; and

WHEREAS, a public hearing to consider this Resolution amending Condition A.3.e of the Corrected Resolution was noticed and advertised as required by the Town Code of Ordinances, with notices mailed on September 22, 2026.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, 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 it is in the best interests of the residents and Town that the dune restoration work required by Condition A.3.e of the Corrected Resolution and new beach access path be performed by the Town's contractor currently doing similar work in the vicinity of the Property instead of by the Applicant, at the sole cost and expense of the Applicant. The cost of the dune restoration and new beach access path work, along with a 10% contingency, is \$332,849.83.

SECTION 2. AMENDMENT OF CONDITION. Condition A.3.e of the Corrected Resolution is hereby amended to read:

e. The Applicant shall pay the Town the sum of \$332,849.83 no later than three (3) days from the date of approval of this Resolution for reimbursement of the Town's cost of dune restoration east of the Property, and the creation of a new beach access path, which shall be performed by the Town through its contractors instead of by the Applicant.

SECTION 3. CONDITIONS. The amendment of the Resolution is subject to the following conditions:

A. Special Conditions.

1. The Applicant shall tender payment to the Town for the value of the dune restoration work and new beach access path plus a 10% contingency for a total amount of \$332,849.83 no later than 3 days following the adoption of this Resolution. Non-payment shall render this Resolution null and void.
2. Upon completion of the dune restoration and new beach access path work by the Town's contractor(s), the Town shall refund the Applicant any portion of the 10% contingency amount not expended in connection with this scope of work.

SECTION 4. RETAINING SITE PLAN APPROVAL, CONDITIONS, AND ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 2022-Z-2955. All other aspects of the Corrected Resolution, including, but not limited to, the site plan approval and all conditions continue in full force and effect.

SECTION 5. 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 6. 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 7. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 13th day of October, 2026.

Motion by: Commissioner Weingot
Second by: Mayor Danzinger

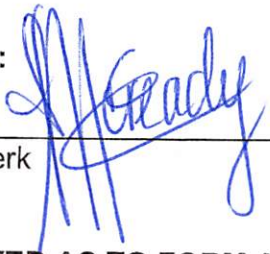
FINAL VOTE ON ADOPTION

Commissioner Andrea Trevani	<u>Yes</u>
Commissioner Gerardo Vildostegui	<u>Yes</u>
Commissioner David Weingot	<u>Yes</u>
Vice Mayor Dayana Benmergui	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>



Shlomo Danzinger, Mayor

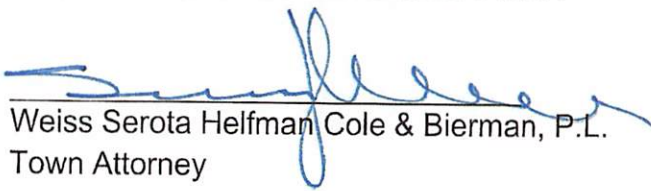
ATTEST:



Town Clerk



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

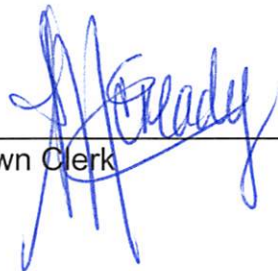


Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra McCreedy 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.
26-3584 adopted by the Town Commission at its meeting held on the 13th day of
October, 2026.

Issued: 10/16/2026



Town Clerk

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Lots 2 and 3, Block 2 of "ALTOS DEL MAR NO 5", according to the plat thereof, as recorded in Plat Book 8, at Page 92, of the Public Records of Miami-Dade County, Florida.

AND:

That portion of land lying East of said Lots 2 and 3, Block 2; bounded on the North by the Easterly extension of the North line of said Lot 3; bounded on the East by the EROSION CONTROL LINE, according to the plat thereof, as recorded in Plat Book 105 at Page 62, of the Public Records of Miami-Dade County, Florida; bounded on the South by the Easterly extension of the South line of said Lot 2; bounded on the West by the East line of said Lots 2 and 3, Block 2.