

RESOLUTION NO. 15 - 2298

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING ASSISTANCE UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, AUTHORIZING CALVIN GIORDANO AND ASSOCIATES, INC. (“CGA”) TO PREPARE GRANT APPLICATIONS; PROVIDING AUTHORIZATION TO THE TOWN MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the deteriorated condition of the bulkheads located at various street ends has created a dangerous situation putting both public and private property at risk; and

WHEREAS, the Town Commission of the Town of Surfside (“Town”), Florida approved by Resolution No. 12-2103 the Project Bulkhead Inspection (CGA Project No. 12-4952) and granted the Town Manager the authority to submit a grant application to the Florida Inland Navigation District (“FIND”) for the Waterways Assistance Program; and

WHEREAS, the Attorney’s Certifications of Title for the ten (10) parcels involved in the FIND Grant for the Seawall Restoration Project are attached as “Composite Exhibit “A”; and

WHEREAS, the Town received grant funding from FIND in the amount of \$494,445.00 for the 2014 funding cycle which allows the Town to currently reconstruct five (5) of the ten (10) Town owned seawalls that were in need of repair; and

WHEREAS, the Town has requested that CGA apply for additional funding in the 2015 funding cycle to complete the remaining five (5) seawalls to complete the replacement project; and

WHEREAS, the proposed design, permitting, preparation of construction documents, inspection and grant application costs total \$51,400.00; and

WHEREAS, the estimated construction costs total \$844,500.00; and

WHEREAS, the goal of the FIND grant application will be to obtain a grant for 50% (max allowable) of the construction costs, thus making the total final budget impact to the Town \$473,650.00; and

WHEREAS, Florida Inland Navigation District financial assistance is required for the program mentioned above.

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

Section 1. Recitals. The above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization. The Town Commission hereby authorizes the Town Manager to submit an application to the Florida Inland Navigation District in the amount of 50% of the actual cost of the project on behalf of the Town.

Section 3. Certification and Approval. The Town of Surfside approves and certifies the following:

1. That the Town will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That the Town is in complete accord with the proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.
3. That the Town has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town for public use.
4. That the Town will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P.L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.
5. That the Town will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That the Town will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

Section 4. Reserve Final Approval. The Town Commission reserves final approval of the construction phase of the Seawall Restoration Project until its true cost of construction and the amount of grant funds is known.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED and **ADOPTED** on this day 12th of May, 2015.

Motion by Commissioner Cohen.

Second by Commissioner Olchyk.

FINAL VOTE ON ADOPTION

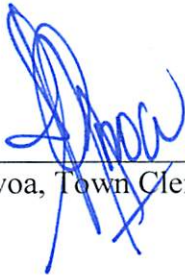
Commissioner Barry R. Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

Yes
~~Absent~~
Yes
Yes
Yes



Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Town Attorney

**WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.**

MITCHELL BIERMAN, P.A.
NINA L. BONISKE, P.A.
MITCHELL J. BURNSTEIN, P.A.
JAMIE ALAN COLE, P.A.
STEPHEN J. HELFMAN, P.A.
GILBERTO PASTORIZA, P.A.
MICHAEL S. POPOK, P.A.
JOSEPH H. SEROTA, P.A.
SUSAN L. TREVARTHEN, P.A.
RICHARD JAY WEISS, P.A.
DAVID M. WOLPIN, P.A.

DANIEL L. ABBOTT
LILLIAN M. ARANGO
GARY L. BROWN
JONATHAN M. COHEN
IGNACIO G. DEL VALLE
JEFFREY D. DECARLO
CHAD S. FRIEDMAN
ALAN L. GABRIEL
DOUGLAS R. GONZALEZ
EDWARD G. GUEDES
JOSEPH HERNANDEZ
JOSHUA D. KRUT
MATTHEW H. MANDEL
JOHN J. QUICK
ANTHONY L. RECIO
BRETT J. SCHNEIDER
CLIFFORD A. SCHULMAN
ABIGAIL WATTS-FITZGERALD
LAURA K. WENDELL
JAMES E. WHITE

ATTORNEYS AT LAW
A PROFESSIONAL LIMITED LIABILITY COMPANY
INCLUDING PROFESSIONAL ASSOCIATIONS

MIAMI-DADE OFFICE
2525 PONCE DE LEON BOULEVARD
SUITE 700
CORAL GABLES, FLORIDA 33134

TELEPHONE 305-854-0800
FACSIMILE 305-854-2323
WWW.WSH-LAW.COM

BROWARD OFFICE
200 EAST BROWARD BOULEVARD • SUITE 1900
FORT LAUDERDALE, FLORIDA 33301
TELEPHONE 954-763-4242 • FACSIMILE 954-764-7770

*OF COUNSEL

ADRIAN J. ALVAREZ
SARA E. AULISIO
SONJA C. DARBY
ROBERT H. DE FLESCO
BROOKE P. DOLARA
RAQUEL ELEJABARRIETA
ERIC P. HOCKMAN
HARLENE SILVERN KENNEDY*
KAREN LIEBERMAN*
JOHANNA M. LUNDGREN
MIA R. MARTIN
ALEIDA MARTÍNEZ MOLINA*
KATHRYN M. MEHAFFEY
ROBERT A. MEYERS*
MATTHEW PEARL
TIMOTHY M. RAVICH*
AMY J. SANTIAGO
GAIL D. SEROTA*
JONATHAN C. SHAMRES
ESTRELLITA S. SIBILA
ALISON F. SMITH
ANTHONY C. SOROKA
EDUARDO M. SOTO
JOANNA G. THOMSON
PETER D. WALDMAN*
SAMUEL I. ZESKIND

March 26, 2013

VIA FEDERAL EXPRESS

Mr. David Frodsham, P.E.
Calvin, Giordano & Associates, Inc.
560 Village Blvd., Suite 340
West Palm Beach, Florida 33409

Re: Surfside Seawall Restoration Project/Attorney's Certifications of Title

Dear David:

Enclosed please find the five (5) executed and original Attorney's Certifications of Title for the ten (10) parcels involved in the FIND Grant for the Seawall Restoration Project.

Should you need anything further in connection with this matter, please do not hesitate to contact me. Thank you for your assistance with this Project.

Very truly yours,


Lillian M. Arango

LMA/lr

cc: Linda Miller, Esq., Town Attorney
Roger Carlton, Town Manager
Ignacio G. del Valle, Esq.

ATTACHMENT E-7

ATTORNEYS CERTIFICATION OF TITLE 2013

(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY

Outside Special Counsel

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

2525 Ponce de Leon Blvd., Suite 700

Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an Attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined a copy of a County Quit Claim Deed from Dade County, Florida, a political subdivision of the State of Florida, to Town of Surfside, a municipality under the laws of the State of Florida, recorded on April 4, 1994, in Official Records Book 16306, Page 0287, of the Public Records of Miami-Dade County, Florida, conveying title to the following described properties:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF (Collectively, the “Property”)

I have also examined documents from the Miami-Dade County Property Appraiser showing that the parcels comprising the Property, with the folio numbers set forth in Exhibit “A”, are listed on the tax rolls as belonging to the Town of Surfside.

Finally, I have also examined the Plats for the Property showing that the Property consists of street ends located within platted public roads or rights-of-way. I have further ascertained from the Town of Surfside by Affidavit executed by the Town Manager, Roger Carlton, dated March 26, 2013, that said roads have been continuously, uninterruptedly and regularly maintained by the Town of Surfside pursuant to Section 95.361, Florida Statutes, as necessary for this opinion.

FIND Form No. 94-26 (effective date 5-25-00)

This property is what is now called “Street End at Carlyle Avenue and 88th Street”, “Street End at Froude Avenue and 88th Street”, “Street End at 92nd Street and Bay Drive” and “Street End at 93rd Street and Bay Drive” for the Town of Surfside’s Seawall Replacement Project.

Based on the information reviewed as stated in this opinion, and Section 95.361, Florida Statutes, it is my opinion that the Property consists of street ends within public roads or rights-of-way pursuant to Section 95.361, Florida Statutes, with the Town of Surfside having the responsibility of improving and maintaining same, including the seawalls which are a part thereof.

Very truly yours,



Lillian M. Arango

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Special Outside Counsel to the Town of Surfside, Florida

EXHIBIT "A"

PROPERTY

1. Carlyle Avenue (formerly known as Fourth Street), South of 88th Street (Bay Drive), within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.

Miami-Dade County Property Appraiser, Folio Number 14-2235-005-4160

2. Froude Avenue (formerly known as Seventh Street), South of 88th Street (Bay Drive), within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.

Miami-Dade County Property Appraiser, Folio Number 14-2235-005-4150

3. Lot "A" at the Foot or end of 92nd Street (formerly known as Quamash Street), West of Bay Drive, facing Biscayne Bay, within Plat of Altos Del Mar No. 5, Plat Book 8, Page 92, Miami-Dade County, Florida.

Miami-Dade County Property Appraiser, Folio Number 14-2235-006-2970

4. Lot "A" at the foot or end of 93rd Street (formerly known as Rose Street), West of Bay Drive, facing Biscayne Bay, within Plat of Altos Del Mar No. 5, Plat Book 8, Page 92, Miami-Dade County, Florida.

Miami-Dade County Property Appraiser, Folio Number 14-2235-006-2950

ATTACHMENT E-7

**ATTORNEYS CERTIFICATION OF TITLE 2013
(See Rule 66B-2.006(4) & 2.008(2) FAC)**

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY
Outside Special Counsel
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an Attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L, the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined a copy of the Plat of Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida, establishing the following street ends to be within the public roads or rights-of-way described as follows:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF (Collectively, the “Property”).

I have also researched the parcels or street ends comprising the Property with the Miami-Dade County Property Appraiser and such parcels are not listed on the tax rolls.

Finally, I have ascertained from the Town of Surfside by Affidavit that said roads have been continuously, uninterruptedly and regularly maintained by the Town of Surfside pursuant to Section 95.361, Florida Statutes, as necessary for this opinion.

This property is what is now called “Street End on 88th Street on Isle of Biscaya”, “Street End at Irving Avenue and Bay Drive” and “Street End at 90th Street and Bay Drive” for the Town of Surfside Seawall Replacement Project.

FIND Form No. 94-26 (effective date 5-25-00)

Based on the information reviewed as stated above, and Section 95.361, Florida Statutes, it is our opinion that the Property consists of street ends within public roads or rights-of-way pursuant to Section 95.361, Florida Statutes, with the Town of Surfside having the responsibility of improving and maintaining same, including the seawall which is a part thereof.

Very truly yours,



Lillian M. Arango

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Special Outside Counsel to the Town of Surfside, Florida

EXHIBIT "A"

PROPERTY

1. End of 88th Street on Isle of Biscaya, within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.
2. South end of Bay Drive, and South of Irving Avenue, within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.
3. End of 90th Street (formerly known as Avondale), West of Bay Drive, facing Biscayne Bay, within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.

ATTACHMENT E-7

**ATTORNEYS CERTIFICATION OF TITLE 2013
(See Rule 66B-2.006(4) & 2.008(2) FAC)**

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY
Outside Special Counsel
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an Attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined a copy of a County Quit Claim Deed from Dade County, Florida, a political subdivision of the State of Florida, to Town of Surfside, a municipality under the laws of the State of Florida, recorded on April 4, 1994, in Official Records Book 16306, Page 0287, of the Public Records of Miami-Dade County, Florida, conveying title to the following described property:

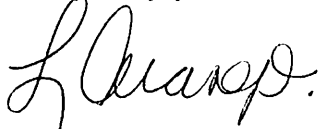
SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF (the “Property”).

Finally, I have also examined the Plat for the Property showing that the Property consists of a street end located within a platted public road or right-of-way. I have further ascertained from the Town of Surfside by Affidavit executed by the Town Manager, Roger Carlton, dated March 26, 2013, that said road has been continuously, uninterruptedly and regularly maintained by the Town of Surfside pursuant to Section 95.361, Florida Statutes, as necessary for this opinion.

This property is what is now called "Street End at 94th Street and Bay Drive” for the Town of Surfside’s Seawall Replacement Project.

Based on the information reviewed as stated above, and Section 95.361, Florida Statutes, it is our opinion that the Property consists of a street end within a public road or right-of-way pursuant to Section 95.361, Florida Statutes, with the Town of Surfside having the responsibility of improving and maintaining same, including the seawalls which are a part thereof.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Arango".

Lillian M. Arango

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Special Outside Counsel to the Town of Surfside, Florida

EXHIBIT "A"

PROPERTY

Lot "A" at the foot or end of 94th Street (formerly known as Smilax Street), West of Bay Drive, facing Biscayne Bay, within Plat of Altos Del Mar No. 5, Plat Book 8, Page 92, Miami-Dade County, Florida.

ATTACHMENT E-7

**ATTORNEYS CERTIFICATION OF TITLE 2013
(See Rule 66B-2.006(4) & 2.008(2) FAC)**

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY
Outside Special Counsel
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined a copy of the Plat of ALTOS DEL MAR NO. 6, Plat Book 8, Page 106, of the Public Records of Miami-Dade County, Florida, establishing the following street end to be within the platted public road or right-of-way described as follows:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF (the “Property”).

I have also researched the parcel or street end comprising the Property with the Miami-Dade County Property Appraiser and such parcel is not listed on the tax rolls.

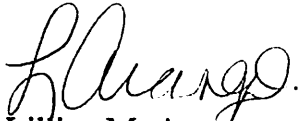
Finally, I have ascertained from the Town of Surfside by Affidavit executed by the Town Manager, Roger Carlton, dated March 26, 2013, that said road has been continuously, uninterruptedly and regularly maintained by the Town of Surfside pursuant to Section 95.361, Florida Statutes, as necessary for this opinion.

This property is what is now called "Street End at 95th Street and Bay Drive" for the Town of Surfside’s Seawall Replacement Project.

FIND Form No. 94-26 (effective date 5-25-00)

Based on the information reviewed as stated above, and Section 95.361, Florida Statutes, it is our opinion that the Property consists of a street end within a public road or right-of-way pursuant to Section 95.361, Florida Statutes, with the Town of Surfside having the responsibility of improving and maintaining same, including the seawall which is a part thereof.

Very truly yours,



Lillian M. Arango

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Special Outside Counsel to the Town of Surfside, Florida

EXHIBIT "A"

PROPERTY

End of 95th Street (formerly known as Tulip Street), West of Bay Drive, facing Biscayne Bay, within Plat of Altos Del Mar No. 6, Plat Book 8, Page 106, Miami-Dade County, Florida.

ATTACHMENT E-7

ATTORNEYS CERTIFICATION OF TITLE 2013
(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY
Outside Special Counsel
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an Attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined two (2) Warranty Deeds for the Property: (a) Warranty Deed from Edward Center and Esther Center, husband and wife, to the Town of Surfside, a municipal corporation existing under the laws of the State of Florida, recorded December 4, 1954, in Official Records Book 4031, Page 62, of the Public Records of Miami-Dade County, Florida, conveying the fee simple interest to the property described below as (i); and (b) Warranty Deed from Max Orovitz, joined by his wife, Ruth Orovitz, and Dan B. Ruskin, joined by his wife, Mollie K. Ruskin, to the Town of Surfside, a municipal corporation, recorded on December 5, 1955, in Official Records Book 4208, Page 334, of the Public Records of Miami-Dade County, Florida, conveying the fee simple interest to the property described below as (ii):

- (i) Lots 8, 9, 10 and 11, Block 14, of ALTOS DEL MAR NO. 6, according to the Plat thereof, recorded in Plat Book 8, at Page 106, of the Public Records of Miami-Dade County, Florida; and
- (ii) All of Lot 12, Block 14, of ALTOS DEL MAR NO. 6, according to the Plat thereof, recorded in Plat Book 8, at Page 106, of the Public Records of Miami-Dade County, Florida, except the North sixteen (16) feet, as measured at right angles to the north line thereof.

(collectively, the “Property”).

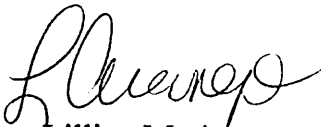
FIND Form No. 94-26 (effective date 5-25-00)

I have also examined a document from the Miami-Dade County Property Appraiser showing that the property is listed on the tax rolls under Folio No. 14-2235-007-2610 as belonging to the Town of Surfside. The Property is a public park known as "Surfside Park."

This Property is what is now called "Surfside Park" within the Town of Surfside's Seawall Replacement Project.

Based on the information reviewed as stated in this opinion, it is our opinion that the Town of Surfside owns the Property.

Very truly yours,



Lillian M. Arango
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Special Outside Counsel to the Town of Surfside, Florida

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

AFFIDAVIT OF TOWN MANAGER, ROGER CARLTON,
TOWN OF SURFSIDE, FLORIDA

BEFORE ME, the undersigned authority, personally appeared Roger Carlton, who, after being by me first duly sworn, deposes and states as follows:

1. My name is Roger Carlton, Town Manager of the Town of Surfside, Florida (“Surfside”). I have personal knowledge of the facts contained in this Affidavit.
2. As of September 14, 2010, I have been the Town Manager of Surfside. As Town Manager, I oversee and coordinate the Public Works Department, who is responsible for public works projects within Surfside, including maintenance, repairs, upgrades and improvements to public roadways and rights-of-way within Surfside.
3. That this Affidavit is made in connection with certain street ends within public roadways and rights-of-way located within Surfside, as described in Exhibit “A” attached hereto and made a part hereof (the “Property”). The Property is the subject of a Grant Application under the Florida Inland Navigation District Waterways Assistance Program for repairs to municipal bulkheads or seawalls located at various street ends.
4. That the street ends or Property described in Exhibit “A” attached hereto are within public roadways or rights-of-way within Surfside.
5. Prior to and during my tenure with Surfside, Surfside has continuously, uninterruptedly and regularly performed inspections, maintenance, repairs, improvements, replacements and resurfacings of the said public roadways and rights-of- way, including removal of debris, drainage and gutter facilities and work, landscaping maintenance, mowing and trimming of all street ends or the Property as part of the said public roadways.
6. Surfside has so maintained and repaired the said public roadways and rights-of-way, including the street ends or Property described in Exhibit “A” attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered this 26 day of March, 2013.

Roger Carlton, Town Manager
Town of Surfside, Florida

Sworn to and subscribed before me this 26 day of March, 2013, by Roger Carlton, as Town Manager of the Town of Surfside, Florida, a Florida municipal corporation, on behalf of the corporation, and who is personally known to me or has produced _____ as identification and who did take an oath.

Notary Public, State of Florida

MARISOL RODRIGUEZ

Print Name of Notary

Commission No. EE 210202

Commission Expires: JUL 22, 2016

