



Community Development Department – Planning & Zoning Division
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North Miami Beach, FL 33162
(305) 948-2966

STAFF REPORT – CITY COMMISSION MEETING

Meeting Date: 10/21/2025	Case Number: 22-35	Name: Palm Aire Release of Declaration of Restrictive Covenants
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RESOLUTION TITLE

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN THE RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS ATTACHED IN “EXHIBIT C” FOR THE PROPERTY LOCATED AT 1699, 1750, AND 1775 NE 167TH STREET, PREVIOUSLY OCCUPIED BY NOVA SOUTHEASTERN UNIVERSITY.

RECOMMENDATION

The Community Development Department recommends approval of the proposed Resolution authorizing the City Manager to execute the Release of Declaration of Restrictive Covenants recorded in Official Records Book 15029, Page 786 of the Public Records of Miami-Dade County, Florida.

BACKGROUND

On May 9, 1991, a Declaration of Restrictive Covenants (the “Prior Declaration”) was executed by the property owner and recorded in the Public Records of Miami-Dade County to govern development conditions on the property located at 1699, 1750, and 1775 NE 167th Street (the “Property”). The Property was formerly occupied by Nova Southeastern University. On October 17, 2023, the City Commission adopted Resolution No. R2023-105, granting site plan approval for a mixed-use development consisting of five (5) buildings, two (2) parking garages, and 728 residential dwelling units with supporting commercial uses (the “Approved Project”). The Property is owned by PPG Ark Equishares Owner, LLC, a Delaware limited liability company.

Project Staff Planner: Zafar Ahmed Director Community Development Department	Review Dates: <u>City Commission Meeting:</u> 10/21/2025	Attachment: I. Exhibit A: Declaration of Restrictive Covenants – Book 15029, Page 786 II. Exhibit B: Site Plan Approval – Resolution No. R2023-105 (adopted October 17, 2023) III. Exhibit C: Release of Declaration of Restrictive Covenants (executed form) IV. Exhibit D: Property Appraiser Records – 1699, 1750, and 1775 NE 167th Street V. Exhibit E: Draft Resolution No. R2025-XX
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The Owner's predecessor-in-interest originally recorded the Prior Declaration in connection with earlier development approvals. Following the City Commission's 2023 site plan approval for redevelopment of the Property, the Owner has requested that the City release the prior restrictions as they are no longer applicable or relevant to the new project and serve no continuing public purpose.

PURPOSE OF COVENANT

The proposed action will clear up title restrictions and facilitate the continued implementation of the approved 728-unit mixed-use redevelopment project under Resolution No. R2023-105.

The Release of Declaration of Restrictive Covenants (attached as Exhibit "C") provides for: 1) Acknowledgement that the Prior Declaration recorded in Book 15029, Page 768 has no further legal effect; 2) Execution by both Parties (the Owner and the City) following City Commission approval; and 3) Recording of the Release instrument in the Public Records of Miami-Dade County upon adoption of the accompanying Resolution. City staff has reviewed the Release and the associated draft Resolution for legal form and consistency with City procedures. The City Attorney's Office has confirmed that the prior restrictive covenants no longer serve a valid municipal purpose and may be released upon City Commission approval.

PUBLIC HEARING:

This item is a quasi-judicial matter requiring public hearing before the City Commission.

FISCAL/BUDGETARY IMPACT:

There is no fiscal impact to the City. Recording costs, if there are any, will be borne by the applicant.

ATTACHMENTS:

Exhibit A: Declaration of Restrictive Covenants – Book 15029, Page 786

Exhibit B: Site Plan Approval – Resolution No. R2023-105 (adopted October 17, 2023)

Exhibit C: Release of Declaration of Restrictive Covenants (executed form)

Exhibit D: Property Appraiser Records – 1699, 1750, and 1775 NE 167th Street

Exhibit E: Draft Resolution No. R2025-XX