

# Memorandum



**Date:** October 18, 2005  
**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
**From:** George M. Burgess  
County Manager  
**Subject:** Resolution Approving the Conveyance of Two Utility Easements  
To Florida Power and Light Company  
Property Nos. 30-3023-016-0490 and 01-3125-044-0010

Agenda Item No. 8(F)(1)(F)

## RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing the conveyance of two utility easements to Florida Power and Light Company for the below-referenced properties. The item was prepared by General Services Administration at the request of the Florida Power and Light Company.

**PROPERTY OWNER:** Miami-Dade County.

**TAX FOLIO NUMBER/  
LOCATION/  
COMMISSION DISTRICT:** Parcel 1  
30-3023-016-0490  
East of NW 69th Avenue between NW 50th Street and NW 52<sup>nd</sup> Street  
Commission District 12

Parcel 2  
01-3125-044-0010  
Northwest corner of NW 22nd Lane and NW 2nd Avenue  
Commission District 3

## BACKGROUND

The Florida Power and Light Company (FPL) is installing a 230 KV overhead transmission line that will run along an 11 mile route. The transmission line will start at FPL's Dade substation located at NW 61<sup>st</sup> Street and NW 72<sup>nd</sup> Avenue and will run south along the west side of the FEC canal to NW 36th Street. From this point, the line turns east along the south side of the airport perimeter road and NW 36th Street to North River Drive. At North River drive, the line turns southeast along the northeast side of the road until it reaches the CSX Railroad corridor at NW 22nd Street. The line then turns east and parallels the CSX rail corridor to NW 7th Avenue. From that point, the line will be constructed along NW 22nd Street, Second Avenue, 24th Street, and along the FEC Railroad tracks into FPL's Overtown substation, located at NW 20th Street at First Avenue. The County owns two parcels that fall within the designated route.

Parcel 1

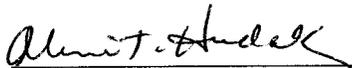
The County recently acquired, via tax deed, a strip of land measuring 47.29 feet wide by 662.20 feet long located east of NW 69th Avenue between NW 50th Street and NW 52nd Street and west of the Milam Dairy Canal. There is a 25 foot wide canal maintenance easement that runs along the entire east side of the property. This property is not a buildable site with or without the canal maintenance easement. FPL will be installing large concrete poles and transmission lines along the entire length of the parcel. FPL has agreed to maintain the entire parcel and has submitted an affidavit stating that they will be responsible for maintaining the property and keeping it clear of debris.

Parcel 2

This vacant parcel, which was also acquired via tax deed, is located at the northwest corner of NW 22<sup>nd</sup> Lane and 2<sup>nd</sup> Avenue and measures 57.51 feet wide by 73.37 feet long. FPL requires the easterly and southerly six (6) feet to install one pole and overhead wires. Staff does not anticipate that the location of the utility lines will restrict future development of the parcel.

JUSTIFICATION

The transmission line is needed to meet customer growth and the increased use of electricity in the region. It will also help strengthen the overall electrical network that keeps power flowing smoothly for FPL customers. At the suggestion of residents and community leaders, a Community Advisory Committee was established to get input on a route that would minimize impacts on local communities. This committee met monthly with FPL and together established the preferred route for this 11-mile section of overhead line. FPL has agreed to maintain the properties and keep them clean of debris.

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 18, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 8(F)(1)(F)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(F)(1)(F)  
10-18-05

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING THE CONVEYANCE OF TWO UTILITY EASEMENTS TO FLORIDA POWER AND LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF OVERHEAD ELECTRIC UTILITY FACILITIES ON COUNTY PROPERTIES LOCATED EAST OF NW 69TH AVENUE BETWEEN NW 50TH STREET AND NW 52ND STREET AND AT THE NORTHWEST CORNER OF NW 22ND LANE AND NW 2ND AVENUE; AND AUTHORIZING THE MAYOR TO EXECUTE SAME

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the conveyance of two utility easements to Florida Power & Light Company on properties located east of NW 69<sup>th</sup> Avenue between NW 50<sup>th</sup> Street and NW 52<sup>nd</sup> Street and at the northwest corner of NW 22<sup>nd</sup> Lane and 2<sup>nd</sup> Avenue, in substantially the form attached hereto and made a part hereof, and authorizes the Mayor to execute said easements on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman  
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Dorrin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler  
Carlos A. Gimenez  
Barbara J. Jordan  
Natacha Seijas  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of October, 2005. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.

Thomas Goldstein

By: \_\_\_\_\_  
Deputy Clerk

This instrument prepared by:  
Ignacio Sarmiento  
Florida Power & Light Company  
P.O. Box 029311  
Miami, Florida 33102-9311

ER 1057-70-838  
Sec. 23 Twp 53S, Rge 40 E  
Parcel ID# 30-3023-016-0490

**EASEMENT**

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company ("FPL" or "Company"), its licensees, agents, successors, and assigns, a perpetual easement to be used for the construction, operation and maintenance of electric transmission and distribution lines, with all rights necessary and convenient for the full use thereof, including wires, poles, communication lines and necessary appurtenant equipment, within an easement described as follows:

**SEE ATTACHED EXHIBIT "A"**

Together with the rights to reconstruct, inspect, alter, improve, add to, enlarge, change the voltage, as well as, the size of and remove or relocate such transmission lines within the right-of-way, with all rights necessary and convenient for the full enjoyment and use thereof for the above-mentioned purposes, including without limitation, the right of ingress and egress to the right-of-way, and to cut and keep clear all trees and undergrowth and other obstructions within the right-of-way that may interfere with the proper construction, operation, and maintenance of said electric transmission and distribution lines.

Reserving to the owners, however, the right and privilege to use the land described above, except as herein stated or as might interfere with the Company's use thereof, provided that no building or structures, other than fences which do not interfere with the Company's use of said parcels, will be located or constructed by the owners on said parcels of land, and provided further, that the owners shall not excavate any portion of the right-of-way without written permission of the Company, which permission shall not be unreasonably withheld by the Company.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed in its name by its Mayor acting under Authority of County Resolution No. \_\_\_\_\_.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved to form and legal sufficiency \_\_\_\_\_

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Mayor

**SKETCH & DESCRIPTION FOR:  
25' F.P.L. EASEMENT**

MIAMI-DADE, FLORIDA

Folio 30-3023-016-0490

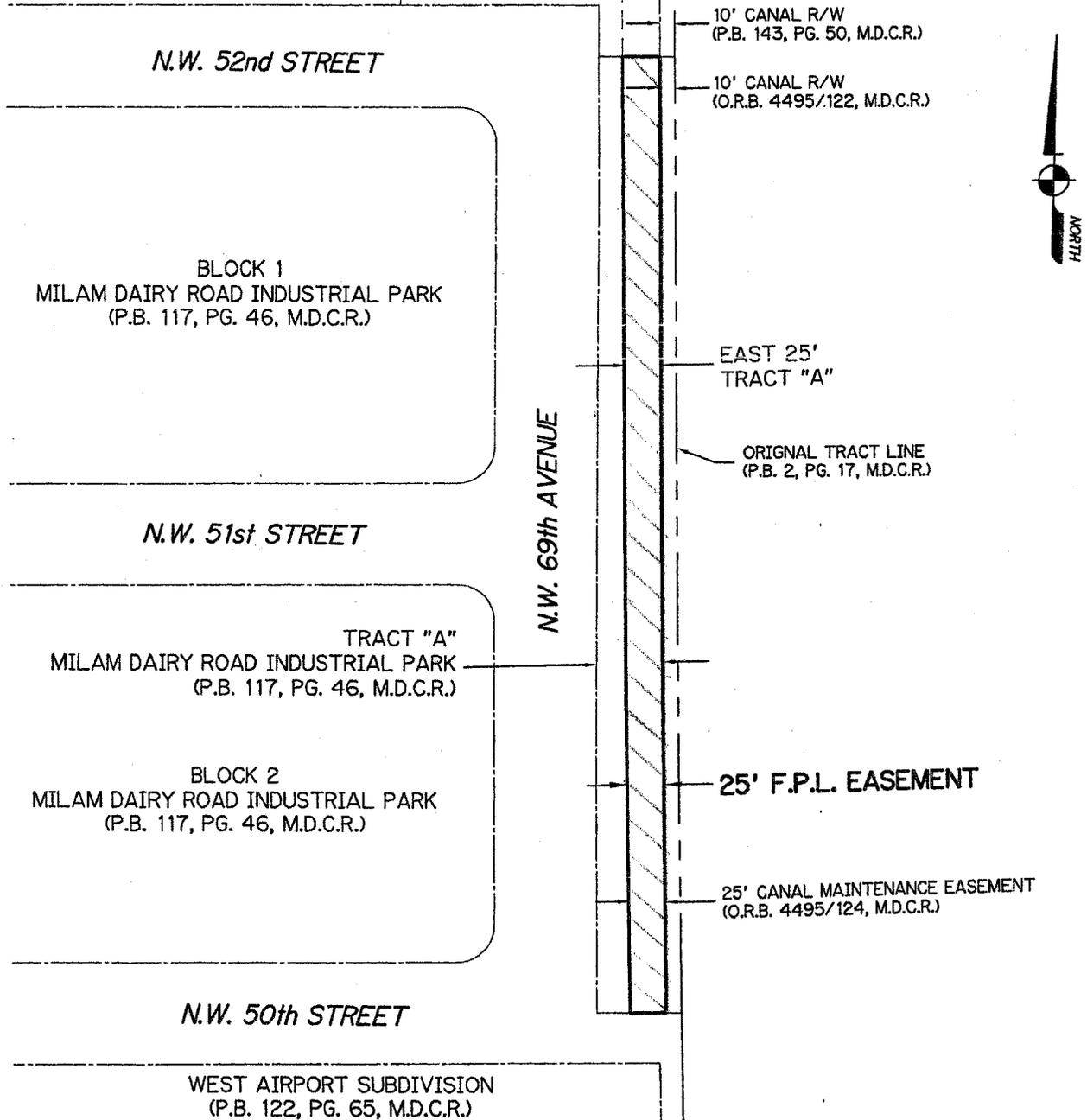
BLOCK 1 - FOCAL SUBDIVISION  
(P.B. 143, PG. 50, M.D.C.R.)

LOT 7

LOT 8

**EXHIBIT 'A'**

PARCEL 1..



REVISIONS
4-07-05: WIDTH REDUCED TO 25'



**AVIROM & ASSOCIATES, INC.**  
**SURVEYING & MAPPING**  
 50 S.W. 2ND AVENUE, SUITE 102  
 BOCA RATON, FLORIDA 33432  
 TEL. (561) 392-2594, FAX (561) 394-7125  
 © 2003 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.

JOB NO. 7343.8
SCALE: 1" = 100'
DATE: 9/30/03
DRAWN BY: M.M.K.
SHEET: 2 OF: 2

SKETCH & DESCRIPTION FOR:  
**25' F.P.L. EASEMENT**  
 MIAMI-DADE, FLORIDA

**EXHIBIT** *A*

PARCEL 1. *Cont.*

**LAND DESCRIPTION:**

The East 25 feet of Tract "A", MILAM DAIRY ROAD INDUSTRIAL PARK, according to the Plat thereof as recorded in Plat Book 117, Page 46, of the Public Records of Miami-Dade County, Florida.

Said lands situate in Miami-Dade County, Florida, containing 16,558 square feet or 0.380 acres more or less.

**NOTES:**

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Abbreviation Legend: F.P.L. = Florida Power & Light Company; L.B. = Licensed Business; M.D.C.R. = Miami-Dade County Records; O.R.B. = Official Records Book; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; R/W = Right-of-Way.

**CERTIFICATION:**

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: APRIL 7, 2005

*Keith M. Onze-A-Tow*  
 KEITH M. ONZE-A-TOW, P.L.S.  
 Florida Registration No. 5328  
 AVIROM & ASSOCIATES, INC.  
 L.B. No. 3300

REVISIONS		<b>AVIROM &amp; ASSOCIATES, INC.</b> <b>SURVEYING &amp; MAPPING</b> 50 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2594, FAX (561) 394-7125 <small>©2005 AVIROM &amp; ASSOCIATES, INC. ALL RIGHTS RESERVED.</small>	JOB NO. 7343.8
4-07-05: WIDTH REDUCED TO 25'			SCALE: 1" = 100'
			DATE: 9/30/03
			DRAWN BY: M.M.K.
			SHEET: 1 OF: 2

MIAMI-DADE COUNTY MAINTENANCE AND INSTALLATION AFFIDAVIT

FLORIDA POWER AND LIGHT COMPANY duly sworn, state:

1. Prior to the installation of any poles, FPL shall obtain all required regulatory permits including, but not limited to, permission from the Department of Environmental Resources Management (DERM) to install said poles within the underlying canal maintenance easement.
2. Nothing in this Easement shall restrict the owner's right to utilize said parcel to access and maintain the adjacent canal.
3. FPL shall maintain the subject property in a clean and clear state free of debris trash and vegetation overgrowth.
4. In the event Florida Power and Light Company fails to comply with the aforementioned restrictions, FPL will be given twenty (20) days from date of said written notice from Miami-Dade County to cure any violations. In the event FPL fails to remedy the violations by the end of the twenty (20) day period, Miami-Dade County shall have the right to revoke all rights to the property granted to FPL pursuant to this certain easement, and the property shall revert back to the County. FPL shall be required to remove any and all improvements constructed on the property within thirty (30) days and to deliver the subject property back to Miami-Dade County in the condition the easement was originally granted.

Folio # 30-3023-016-0490

Parcel 1.

Date: AUGUST 5<sup>th</sup>, 2005

Sworn to and subscribed before me  
this 5<sup>th</sup> day of AUGUST, 2005

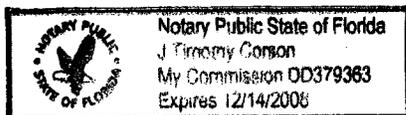
Nancy A. Swallowell  
Print Name of Affiant

[Handwritten Signature]

Nancy A Swallowell

Notary Public, State of Florida

Signature of Affiant



This instrument prepared by:  
This instrument prepared by:  
Ignacio Sarmiento  
Florida Power & Light Company  
P.O. Box 029311  
Miami, Florida 33102-9311

ER 1057-70-838  
Sec. 25 Twp 53S, Rge 41 E  
Parcel ID# 01-3125-044-0010

**EASEMENT**

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company ("FPL" or "Company"), its licensees, agents, successors, and assigns, a perpetual easement to be used for the construction, operation and maintenance of electric transmission and distribution lines, with all rights necessary and convenient for the full use thereof, including wires, one poles, communication lines and necessary appurtenant equipment, within an easement described as follows:

**See attached Exhibit "A" prepared by SURVCO Surveying and Mapping, Inc.; attached hereto and by this reference made a part hereof.**

Together with the rights to reconstruct, inspect, alter, improve, add to, enlarge, change the voltage, as well as, the size of and remove or relocate such transmission lines within the right-of-way, with all rights necessary and convenient for the full enjoyment and use thereof for the above-mentioned purposes, including without limitation, the right of ingress and egress to the right-of-way, and to cut and keep clear all trees and undergrowth and other obstructions within the right-of-way that may interfere with the proper construction, operation, and maintenance of said electric transmission and distribution lines.

Reserving to the owners, however, the right and privilege to use the land described above, except as herein stated or as might interfere with the Company's use thereof, provided that no building or structures, other than fences which do not interfere with the Company's use of said parcels, will be located or constructed by the owners on said parcels of land, and provided further, that the owners shall not excavate any portion of the right-of-way without written permission of the Company, which permission shall not be unreasonably withheld by the Company.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed in its name by its Mayor acting under Authority of County Resolution \_\_\_\_\_.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor

Approved to form and legal sufficiency \_\_\_\_\_

SURVEY

SKETCH AND DESCRIPTION  
 FLORIDA POWER AND LIGHT  
 6 FOOT WIDE EASEMENT - DADE-OVERTOWN 230KV LINE



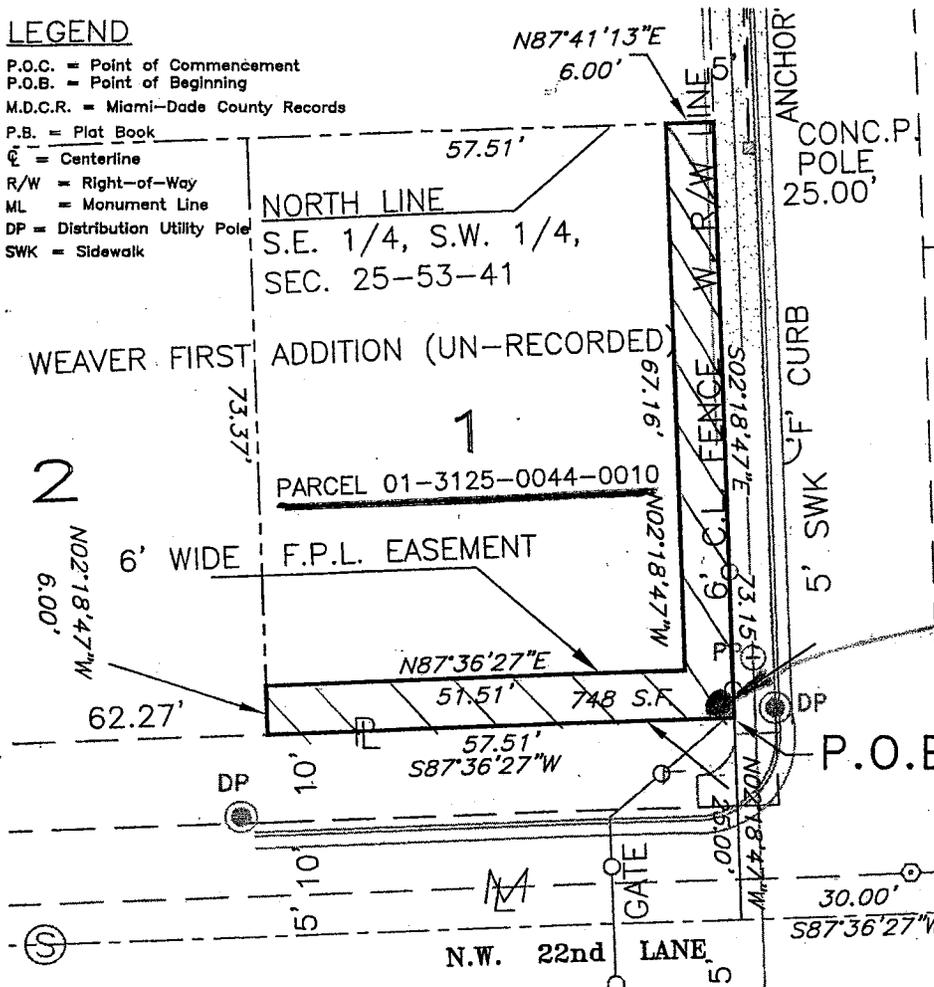
SCALE: 1" = 20'  
 BEARINGS ARE ASSUMED

PARCEL 2.

EXHIBIT A

LEGEND

- P.O.C. = Point of Commencement
- P.O.B. = Point of Beginning
- M.D.C.R. = Miami-Dade County Records
- P.B. = Plat Book
- CL = Centerline
- R/W = Right-of-Way
- ML = Monument Line
- DP = Distribution Utility Pole
- SWK = Sidewalk



EASEMENT DESCRIPTION

A 6 foot wide Florida Power and Light (FPL) Easement being a portion of Lot 1, WEAVER FIRST ADDITION (UN-RECORDED) and a portion of the Southeast one-quarter (1/4) of the Southwest (1/4) of Section 25, Township 53 South, Range 41 East, Miami-Dade County, Florida, said easement being more particularly described as follows:  
 COMMENCE at the intersection of the centerline of N.W. 22nd Lane and the East line of the Southeast 1/4 of the Southwest 1/4 of said Section 25; Thence S87°36'27"W along the centerline of N.W. 22nd Lane a distance of 30.00 feet; Thence N02°18'47"W departing said centerline a distance of 25.00 feet to the POINT OF BEGINNING;  
 THENCE S87°36'47"W along the North line of said N.W. 22nd Lane a distance of 57.51 feet to the West line of said Lot 1;  
 THENCE N02°18'47"W a distance of 6.00 feet to a point on a line 6.00 feet North of and parallel with the South line of said Lot 1;  
 THENCE N87°36'47"E along said parallel line a distance of 51.51 feet to point 6.00 feet distant from the West line of N.W. 2nd Avenue as presently laid out and in use;  
 THENCE N02°18'47"W along a line 6.00 feet distant and parallel with the said West Right of Way line of N.W. 2nd Avenue a distance of 67.16 feet to the North line of said Lot 1;  
 THENCE N87°14'13"E along the North line of said Lot 1 a distance of 6.00 feet to the West line of N.W. 2nd Avenue as laid out and in use;  
 THENCE S02°18'47"E along said West line of N.W. 2nd Avenue a distance of 73.15 feet to the POINT OF BEGINNING.  
 Said easement situate within the City of Miami, Miami-Dade County, Florida, containing 745 square feet, more or less.

SHEET 1 OF 1

SEAL

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

THIS SKETCH IS NOT A SURVEY