

Memorandum



Date: September 8, 2008
To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

RCA
Agenda Item No. 4(A)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess", written over the printed name.

Subject: RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL) FOR THE CONSTRUCTION, OPERATION AND MAINTANENCE OF THE UNDERGROUND ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, LOCATED AT 10900-10950 S.W. 211 STREET, CUTLER BAY, AT THE SITE OF THE SOUTH MIAMI-DADE CULTURAL ARTS CENTER (SMDCAC).

RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing the conveyance of an easement to Florida Power and Light Company for the installation of underground electric transmission and distribution lines located at the site of the South Miami-Dade Cultural Arts Center (SMDCAC). The item was prepared by the Department of Cultural Affairs.

OWNER: Miami-Dade County, Miami-Dade Department of Cultural Affairs User

TAX FOLIO NUMBER: 36-6007-022-0040

LOCATION: 10950 / 10900 S.W. 211 Street, Cutler Bay, Florida 33189

COMMISSION DISTRICT: 8

COMMISSION DISTRICT: 8
IMPACTED

ZONING: BU-2 Special Business District. According to the Department of Planning and Zoning the existing use is a permitted use under the current zoning.

BACKGROUND:

The South Miami-Dade Cultural Arts Center is located in District 8 and in adjacent proximity to District 9. It is the first major new cultural arts facility in the South Miami-Dade area and like theaters in other Miami-Dade County locations, the Center will serve audiences, cultural organizations and artists from throughout the County. On July 7, 2005 by Resolution No. R-880-05, the Board authorized the construction of the SMDCAC on approximately 6.4 acres of county-owned land located south of 211 street and west of 109 Avenue. Construction of the SMDCAC commenced on December 2005 and is expected to be completed by December 2008.

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
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JUSTIFICATION:

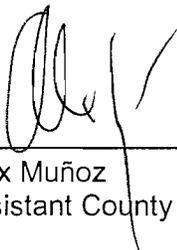
The Florida Power and Light Company has requested an easement to construct, maintain, and operate the underground electrical lines that will be located at the site of the South Miami-Dade Cultural Arts Center located at 10900-10950 S.W. 211 Street in Cutler Bay.

TRACK RECORD/MONITOR:

The Miami-Dade County Department of Cultural Affairs (Department) has managed the design of the SMDCAC and is responsible for managing all contracts related to the project's construction. The Department has a reputation for rigorous and conscientious management of services, programs and capital projects.

**DELEGATED
AUTHORITY:**

Authorizes the County Mayor to execute the easement.



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 7, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.

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

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL) FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE UNDERGROUND ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, LOCATED AT 10900-10950 S.W. 211 STREET, CUTLER BAY, IN THE SITE OF THE SOUTH MIAMI-DADE CULTURAL ARTS CENTER (SMDCAC)

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 authorizes the conveyance of an Easement to the Florida Power and Light Company (FPL), as described in the FPL easement attached, in substantially the form attached hereto and made part hereof, and authorizes the County Mayor to execute said easement on behalf of Miami-Dade County; and authorizes the County Mayor or the County Mayor's designee to exercise any and all other rights conferred therein.

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:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman
Jose "Pepe" Diaz
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

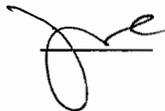
The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



This instrument prepared by:

Miami-Dade County Attorney's Office
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Sec 07 Twp 56S Rge 40 E
Folio No.: 30-6007-022-0040
User Department: Cultural Affairs

EASEMENT

The undersigned, Miami-Dade County ("MDC" or "County") 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, the non-exclusive right, privilege and 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 and shown as follows:

SEE ATTACHED EXHIBIT "A" (5 Pages)

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 on the County's property, 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 property, and to cut and keep clear all trees and undergrowth and other obstructions on the property that may interfere with the proper construction, operation, and maintenance of said electric transmission and distribution lines.

Reserving to County, however, the right and privilege to use 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 parcel, will be located or constructed by the County on said property, and provided further, that the County shall not excavate any portion of the property without written permission of the Company, which permission shall not be unreasonably withheld by the Company.

This Easement shall be subject to the following restrictions:

1. Prior to the installation of any electric transmission distribution lines, FPL shall obtain all required regulatory permits including, but not limited to, permission from the Department of Environmental Resources (DERM) to install said electric transmission and distribution lines.
2. Nothing in this Easement shall restrict the County's right to utilize said property.
3. FPL shall maintain the subject property in a clean and clear state free of debris, trash and vegetation overgrowth.

FPL agrees to indemnify and save harmless forever, Miami-Dade County, its officers, agents and employees from all claims, actions, judgments, liability, loss, cost and expense, including attorney's fees which may be sustained by the County, its officers, agents and other employees due to, caused by, or arising from FPL's use of said easement granted herein, and agrees to defend against any claims brought or actions filed against the County, its officers, agents, and employees in connection with the use of said easement.

This easement shall be subordinate to the rights of the County and FPL, by acceptance hereof, does hereby release the right to be reimbursed, either now or in the future for any relocation or adjustment of said electric transmission and distribution lines located on the above described property, or if such relocation or adjustment of said electric transmission and distribution lines is caused by present or future uses of the above described property or by the County.

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. R-795-82.

(OFFICIAL SEAL)

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

By: _____
Mayor

Approved as to form
and legal sufficiency:

Assistant County Attorney

The foregoing was accepted and approved on the ____ day of _____, 2008, by Resolution No. _____ of the Board of County of Miami-Dade County, Florida.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this ____ day of _____, 2008, by _____ and _____, as Mayor and Clerk, respectively of Miami-Dade County, a political subdivision of the State of Florida, on behalf of the said county. Each is personally known to me.

Notary Public Signature

Print Name

Commission Expires:

(NOTARIAL SEAL)

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 5815-07

CLIENT :
 THE TOWER GROUP

EXHIBIT A

EASEMENT LEGAL DESCRIPTION

A PORTION OF TRACT "C" OF "CUTLER RIDGE CENTER FIRST ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGE 74 OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS A STRIP OF LAND FIVE (5) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "C";

THENCE NORTH 88°58'26" EAST ALONG THE SOUTH LINE OF SAID TRACT "C", A DISTANCE OF 18.36 FEET;

THENCE SOUTH 80°57'44" EAST ALONG THE SOUTH LINE OF SAID TRACT "C", A DISTANCE OF 519.65 FEET;

THENCE NORTH 01°01'34" WEST, A DISTANCE OF 277.89 FEET;

THENCE NORTH 88°58'26" EAST, A DISTANCE OF 52.00 FEET;

THENCE NORTH 01°01'34" WEST, A DISTANCE OF 113.00 FEET;

THENCE NORTH 88°58'26" EAST ALONG THE NORTH LINE OF SAID TRACT "C", A DISTANCE OF 214.00 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE;

THENCE SOUTH 41°20'53" EAST, A DISTANCE OF 22.95 FEET;

THENCE NORTH 88°58'26"E, A DISTANCE OF 28.90 FEET TO REFERENCE POINT A;

THENCE SOUTH 62°35'43" WEST, A DISTANCE OF 13.19 FEET;

THENCE SOUTH 00°22'18" EAST, A DISTANCE OF 3.97 FEET TO REFERENCE POINT B;

THENCE CONTINUE SOUTH 00°22'18" EAST, A DISTANCE OF 264.19 FEET;

THENCE NORTH 89°55'57" EAST, A DISTANCE OF 25.88 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

TOGETHER WITH:

A STRIP OF LAND FIVE (5) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

BEGIN AT SAID REFERENCE POINT A;

THENCE NORTH 88°58'26" EAST, A DISTANCE OF 89.92 FEET TO A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1982.36 FEET, A CENTRAL ANGLE OF 00°27'40" AND AN ARC DISTANCE OF 15.95 FEET TO REFERENCE POINT C;

THENCE CONTINUE ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1982.36 FEET, A CENTRAL ANGLE OF 08°30'54" AND AN ARC DISTANCE OF 294.61 FEET;

THENCE NORTH 10°00'08" WEST, A DISTANCE OF 17.50 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

TOGETHER WITH:

A STRIP OF LAND SEVEN AND A HALF (7.50) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

BEGIN AT SAID REFERENCE POINT B;

THENCE SOUTH 89°51'46" WEST, A DISTANCE OF 4.99 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

TOGETHER WITH:

A STRIP OF LAND SEVEN AND A HALF (7.50) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

BEGIN AT SAID REFERENCE POINT B;

THENCE NORTH 89°51'46" EAST, A DISTANCE OF 4.99 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

TOGETHER WITH:

A STRIP OF LAND FIVE (5) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

BEGIN AT SAID REFERENCE POINT C;

THENCE NORTH 01°29'13" WEST, A DISTANCE OF 17.50 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

LESS:

A PORTION OF SAID TRACT "C" BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SAID REFERENCE POINT C, WHICH ALSO BEING A POINT ON A CURVE CONCAVE TO THE NORTHWEST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1982.36 FEET, A CENTRAL ANGLE OF 03°47'40" AND AN ARC DISTANCE OF 131.28 FEET;

THENCE SOUTH 00°00'07" EAST, A DISTANCE OF 1.58 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°59'53" EAST, A DISTANCE OF 9.75 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST (A RADIAL LINE THROUGH SAID POINT BEARS NORTH 05°33'27" WEST);

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1984.86 FEET, A CENTRAL ANGLE OF 00°16'58" AND AN ARC DISTANCE OF 9.80 FEET;

THENCE NORTH 00°00'07" WEST, A DISTANCE OF 0.92 FEET TO THE POINT OF BEGINNING.

THE SIDE LINES OF THESE EASEMENTS ARE TO BE SHORTENED OR LENGTHENED, SO AS TO INTERSECT THE RELEVANT LOT, BLOCK, TRACT OR EASEMENT LINES.

SAID LAND SITUATE, LYING AND BEING IN MIAMI/DADE COUNTY, FLORIDA.

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	----	AV	REG

EASEMENT
 LEGAL DESCRIPTION
 (FPL EASEMENT)

PROPERTY :
 10950 S.W. 211TH STREET

SCALE: N/A

SHEET 1 OF 5

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 680-9885 FAX (954) 680-0213

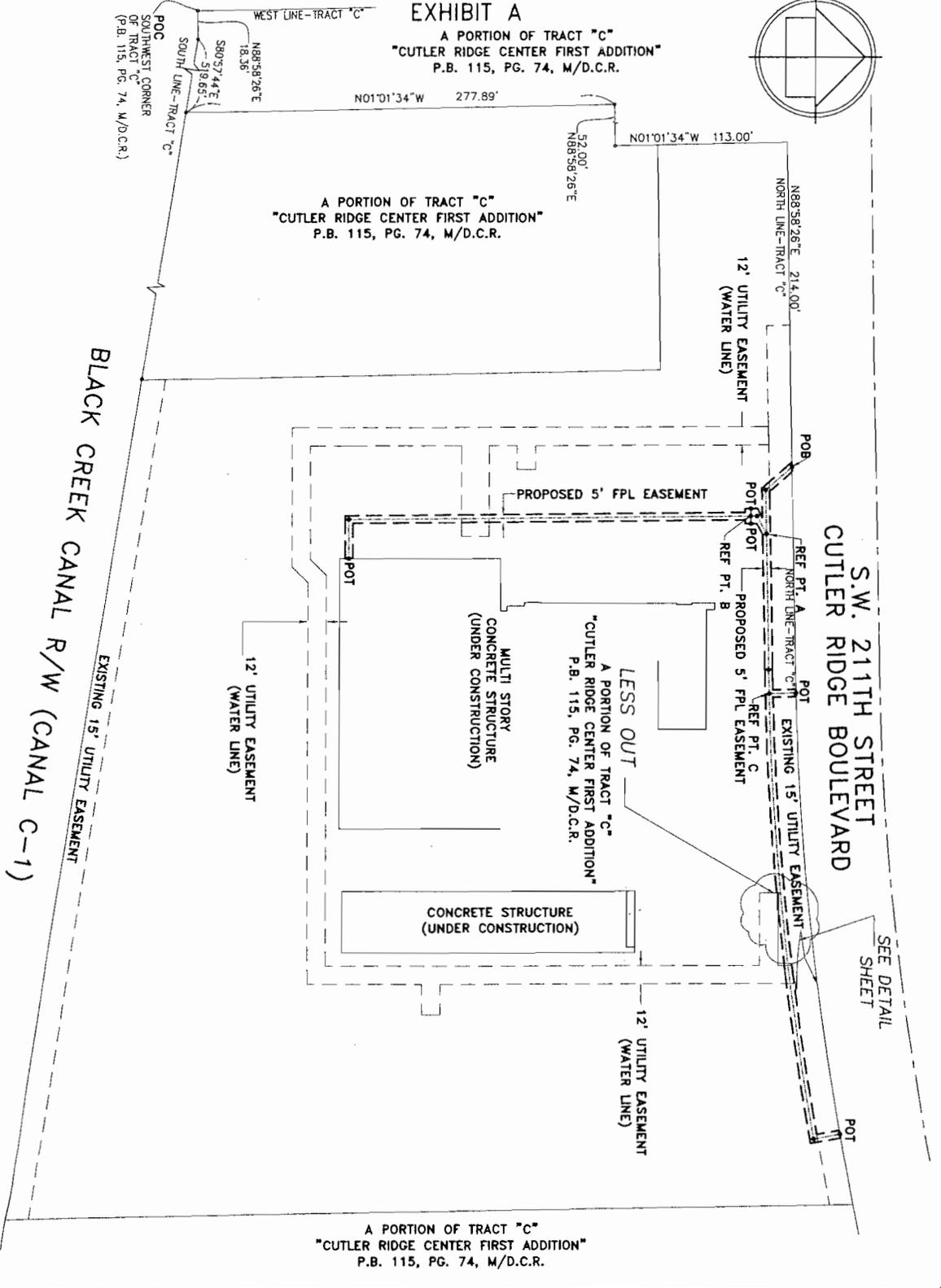
PROJECT NUMBER : 5815-07

CLIENT :

THE TOWER GROUP

EXHIBIT A

A PORTION OF TRACT "C"
 "CUTLER RIDGE CENTER FIRST ADDITION"
 P.B. 115, PG. 74, M/D.C.R.



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	----	AV	REC

SKETCH TO ACCOMPANY
 EASEMENT
 LEGAL DESCRIPTION
 (FPL EASEMENT)

PROPERTY :
 10950 S.W. 211TH STREET

SCALE: 1" = 80'

SHEET 2 OF 5

COUSINS SURVEYORS & ASSOCIATES, INC.

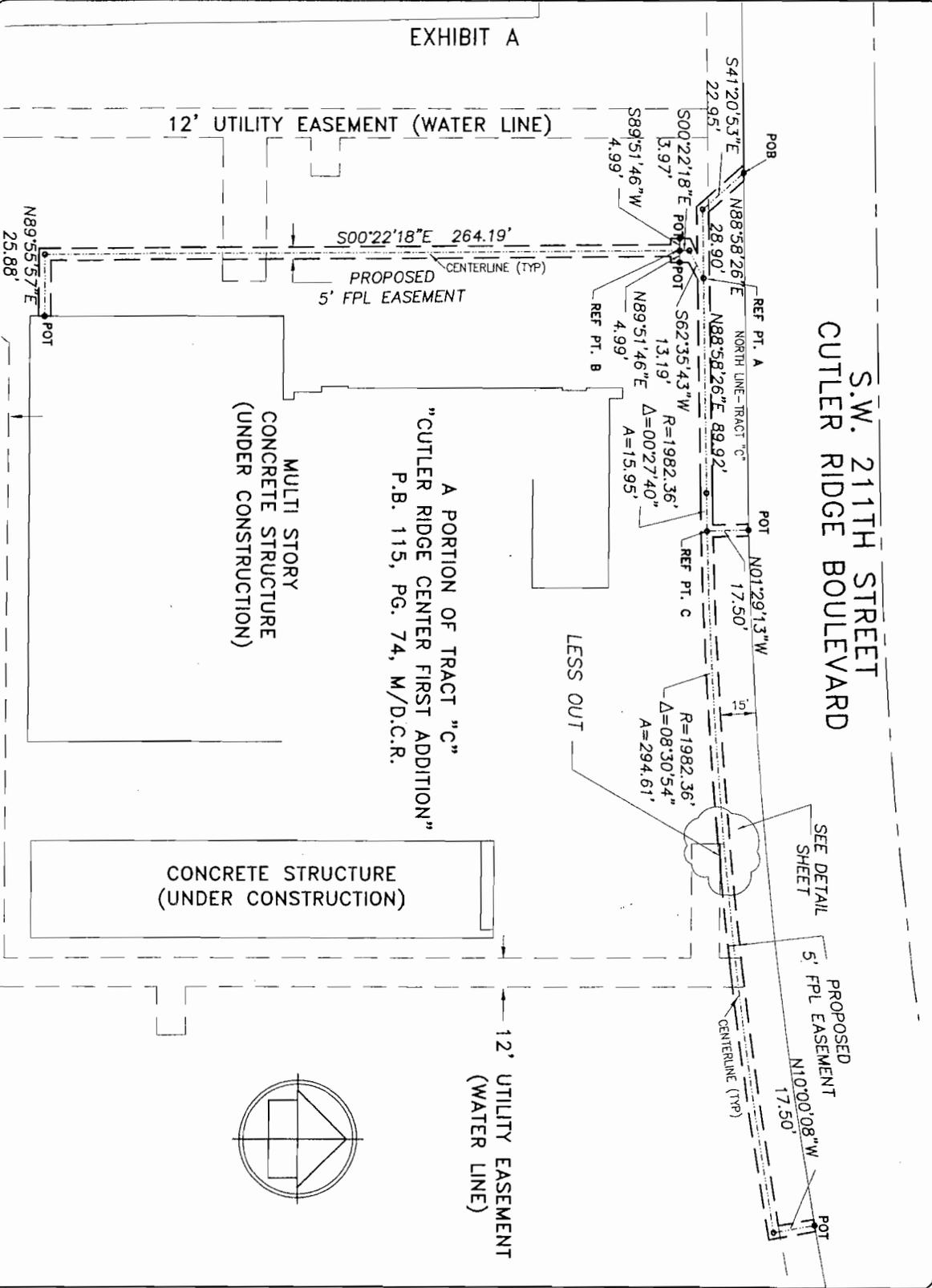
3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 5815-07

CLIENT :
 THE TOWER GROUP



EXHIBIT A



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	----	AV	REC

SKETCH TO ACCOMPANY
 EASEMENT
 LEGAL DESCRIPTION
 (FPL EASEMENT)

PROPERTY :
 10950 S.W. 211TH STREET

SCALE: 1" = 50'

SHEET 3 OF 5

COUSINS SURVEYORS & ASSOCIATES, INC.

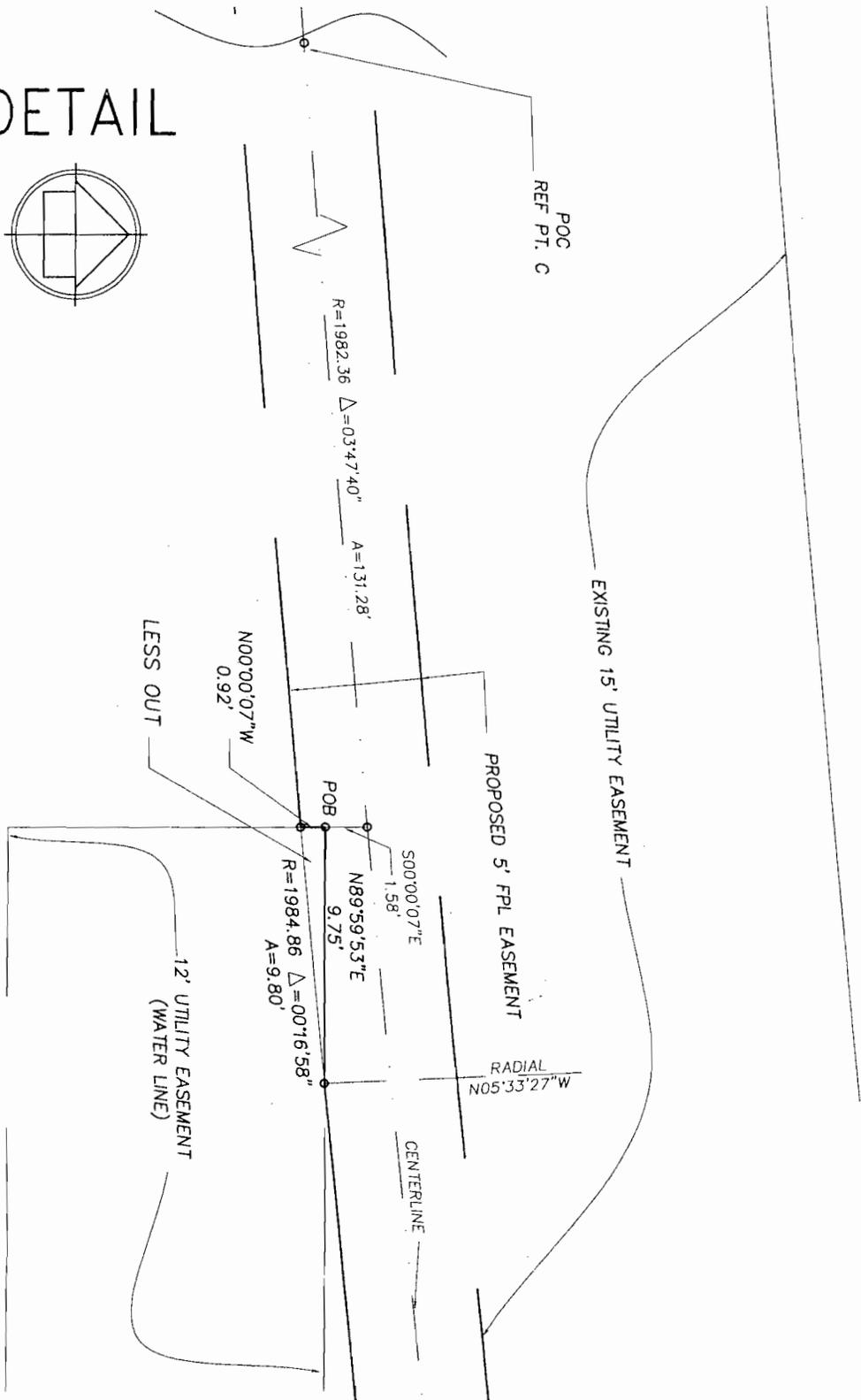
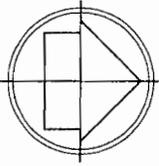
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 PHONE (954) 680-9885 FAX (954) 680-0213



PROJECT NUMBER : 5815-07

CLIENT :
 THE TOWER GROUP

DETAIL



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	----	AV	REC

SKETCH TO ACCOMPANY
 EASEMENT
 LEGAL DESCRIPTION
 (FPL EASEMENT)

PROPERTY :
 10950 S.W. 211TH STREET

SCALE: 1" = 5'

SHEET 4 OF 5

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 5815-07

CLIENT :

THE TOWER GROUP

EXHIBIT A

LEGEND:

CKD CHECKED BY
 CONC CONCRETE
 DWN DRAWN BY
 FB/PG FIELD BOOK AND PAGE
 SIR SET 5/8" IRON ROD & CAP #6448
 SNC SET NAIL AND CAP #6448
 FIR FOUND IRON ROD
 FIP FOUND IRON PIPE
 FNC FOUND NAIL AND CAP
 FND FOUND NAIL & DISC
 P.B. PLAT BOOK
 M/D.C.R. MIAMI/DADE COUNTY RECORDS
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 P.O.T. POINT OF TERMINATION
 REF. PT. REFERENCE POINT
 FPL FLORIDA POWER & LIGHT
 R/W RIGHT OF WAY
 TYP TYPICAL
 R RADIUS
 A ARC DISTANCE
 Δ CENTRAL ANGLE

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF TRACT "C" "CUTLER RIDGE CENTER FIRST ADDITION", P.B. 115, PG. 74, M/D.C.R. SAID LINE BEARS S 01°01'34" E.

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN AUGUST, 2008. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 61G17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: _____

RICHARD E. COUSINS
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	-----	AV	REC

NOTES, LEGEND &
 CERTIFICATION
 TO ACCOMPANY
 EASEMENT
 LEGAL DESCRIPTION
 (FPL EASEMENT)

PROPERTY :
 10950 S.W. 211TH STREET

SCALE: N/A

SHEET 5 OF 5