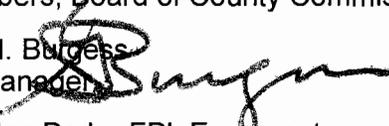


Memorandum



Date: November 20, 2008

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

From: George M. Burgess
County Manager 

Subject: Ives Estates Park - FPL Easement

Agenda Item No. 8(M)(1)(A)

Recommendation

It is recommended that the Board approve the attached resolution authorizing the execution of an easement document for Florida Power and Light Company (FPL) to install and maintain electric power facilities at Ives Estates Park, located at 20901 NE 16 Avenue.

Scope

Ives Estates Park is located in Commission District 1. The easement will allow FPL to provide electric service to a variety of facilities under development in the park.

Fiscal Impact/Funding Source

The easement will not create any financial impact to Miami-Dade County.

Track Record/Monitor

The County has given easements to FPL in the past. The Planning and Research Section of the Park and Recreation Department (MDPR) will process the easement document once the installation of facilities has been verified.

Background

MDPR is developing Ives Estates Park with a variety of facilities, including lighted ballfields which require the installation of new electric power transformers to reduce the voltage from the nearest power line. FPL has agreed to provide these facilities once the County gives them an easement.

Attachments



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: November 20, 2008

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

SUBJECT: Agenda Item No. 8(M)(1)(A)

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. 8(M)(1)(A)

Veto _____

11-20-08

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXECUTION OF
AN EASEMENT TO FLORIDA POWER AND LIGHT
COMPANY FOR THE INSTALLATION AND
MAINTENANCE OF ELECTRIC FACILITIES IN IVES
ESTATES PARK

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

WHEREAS, the County through its Park and Recreation Department is making improvements to the Ives Estates Park that require installation of electric power facilities; and

WHEREAS, Florida Power and Light Company is willing to provide the electric facilities and electric power to them in exchange for an easement to allow access to install and maintain them, said easement will not adversely impact natural resources, or the park facilities and uses,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the granting of an easement to Florida Power and Light Company for installation and maintenance of electric power facilities in Ives Estates Park in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor to take appropriate actions to accomplish same; and authorizes the County Mayor or County Mayor's designee to execute the Easement, same for and on behalf of Miami-Dade County, upon approval by the County Attorney's Office.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted
this 20th day of November, 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.



Martin W. Sybblis

E A S E M E N T
This Instrument Prepared By

Work Order No.

Sec 32 Twp 51 Rge 42

Folio No. 30 1232 000 0065

Name: Randy Koper

Co. Name: Miami Dade County
Park & Recreation Department

Address: 275 NW 2nd Street
Suite #430
Miami, FL 33128

Reserved for Recording

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 and Light Company, its licensees, agents, successors, a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including wires, guys, cables, conduits and appurtenance equipment) to serve Ives Estates Park, located at 20901 NE 16 Avenue, to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width (the approximate location of which is shown in the sketch on Page 2 of this instrument) located within the following described property:

See Attached Exhibit A

Together with the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of power transmission or distribution; and further grants to the fullest extent the undersigned has the power to grant, if at all, the rights herein above granted on the land heretofore described.

In the event that the easement as set forth above is abandoned, this easement will be cancelled.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 2008.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

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

By: _____
Deputy Clerk

By: _____
Mayor

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

5

EXHIBIT "A"

LEGAL DESCRIPTION FOR A 10 FEET UTILITY EASEMENT

Commence at the Southeast corner of the Northeast $\frac{1}{4}$ of Section 32, Township 51 South, Range 42 East, Miami Dade County, Florida; thence S 88°44'01" W, along the South line of said Northeast $\frac{1}{4}$ of Section 32, for a distance of 100.00 feet to a point of intersection with the Westerly Right of Way line of the Seaboard All Florida Railroad Right of Way and the most easterly property line of Ives Estates Park; thence N 01°55'15" W along said Westerly Right of Way line of the Seaboard All Florida Railroad Right of Way and the most easterly property line of Ives Estates Park, for a distance of 2698.45 feet to a point of intersection with the North line of said Northeast $\frac{1}{4}$ of Section 32 and dividing line of Miami-Dade and Broward Counties; thence S 88°06'42" W, along said North line of Northeast $\frac{1}{4}$ of Section 32 and the dividing line between Miami-Dade and Broward Counties, for a distance of 756.47 feet; thence S 01°53'18" E, for a distance of 5.01 feet to the Point of Beginning of the centerline of a 10 feet wide Easement 5 feet to each side; thence S 89°05'34" E, along said centerline, for a distance of 19.07 feet; thence N 59°41'05" W, for a distance of 26.30 feet; thence S 46°30'07" E, for a distance of 142.70 feet; thence S 22°11'30" E, for a distance of 94.06 feet; thence S 16°56'54" E, for a distance of 359.43 feet to the point of curvature of a circular curve concave to the southwest; thence run south and southwesterly along the arc of said circular curve having a radius of 125.00 feet, through a central angle of 65°50'21" for a arc distance of 143.64 feet; thence S 48°53'27" W, for a distance of 94.89 feet to the point of curvature of a circular curve concave to the southeast; thence run southwesterly along the arc of said circular curve having a radius of 190.00 feet, through a central angle of 35°01'18" for a arc distance of 116.14 feet; thence S 13°52'09" W, for a distance of 51.64 feet; thence S 24°25'19" W, for a distance of 34.55 feet; thence S 05°08'22" W, for a distance of 28.79 feet; thence S 26°28'44" E, for a distance of 57.00 feet to the Point of Terminus. Side lines must be shortened or lengthened as the case may be to maintain the 10 feet easement conformation. Having 12,042 Sq. ft. more or less.



SCOTT A. RIGGS, PSM

Florida Licence # 6160

140 West Flagler Street, Suite # 805
Miami, Florida 33130 (305) 375-2657

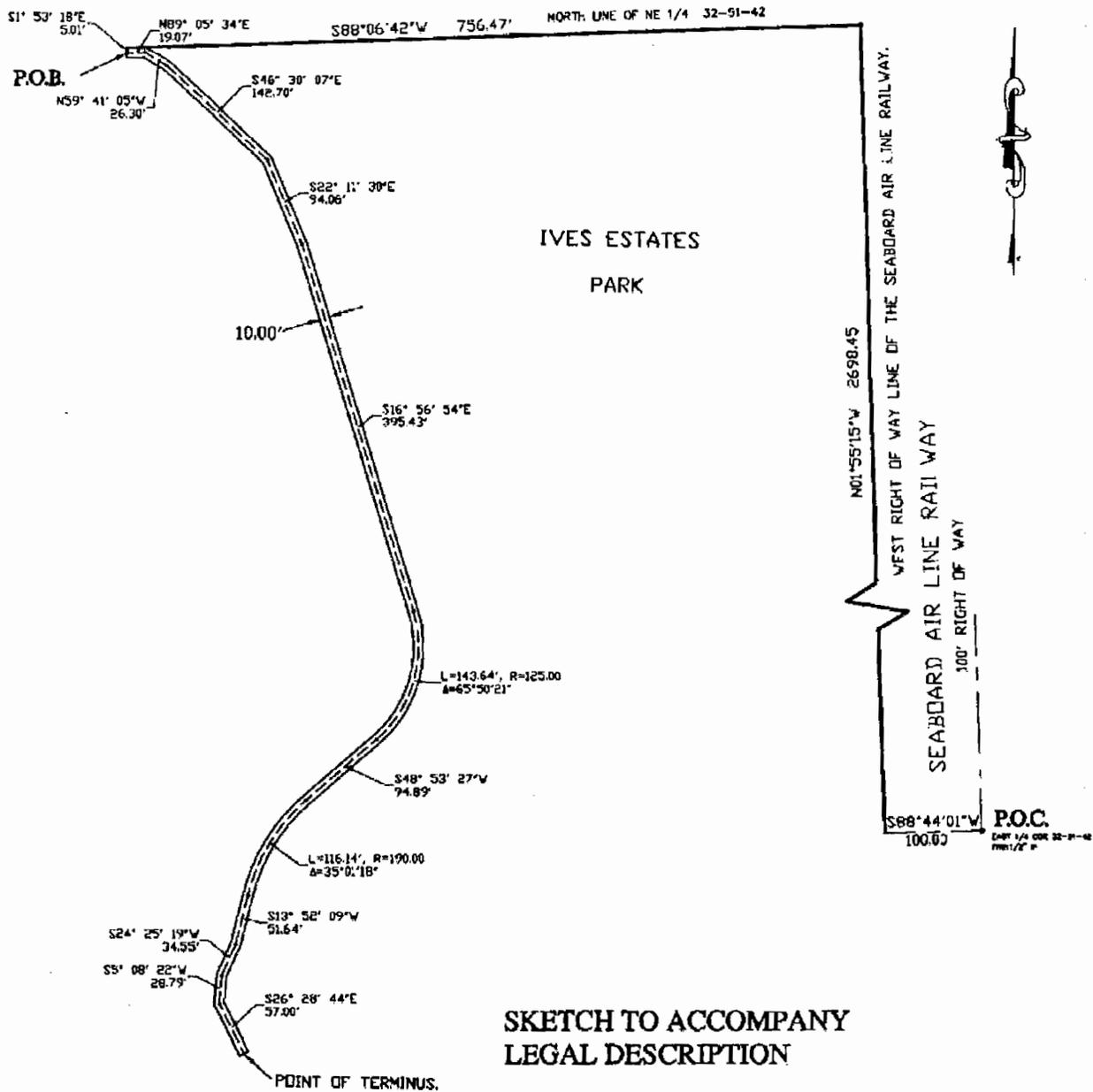
Date: 07-28-2008

6

This Description and the accompanying sketch are not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper. This description and the accompanying Sketch are not valid one without the other.

EXHIBIT "A".

10' UTILITY EASEMENT



**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION**

NOTES.

- 1-. THIS IS NOT A BOUNDARY SURVEY.
- 2-. The Bearings shown hereon are based on an assumed meridian along the Easterly line of NE 1/4; Section 32 Township 51 South, Range 42 East.
- 3-. P.O.C. denotes point of commence.
- 4-. P.O.B. denotes point of beginning.

References:

- 1-. Miami-Dade County Parks & Recreation Boundary Survey dated 5-01-2006

7

MIAMI-DADE COUNTY
PUBLIC WORKS
DATE: 07-28-2008 SCALE: NOT TO SCALE