**Memorandum** MIAMI-DADE COUNTY

Date: April 7, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Conveyance of an Easement to Florida Power and Light Company for Portions of McMillan Park, a County Owned Park Located at SW 133 Avenue and SW 62 Street, to Service Proposed Street Lights Along SW 62 Street
Sections: 26-54-39
Commission District: 10

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**Recommendation**
It is recommended that the Board of County Commissioners (BCC) adopt the subject Resolution granting a perpetual utility easement to Florida Power and Light Company (FPL) in order to service proposed street lights in the perimeter of McMillan Park located in the vicinity of SW 133 Avenue and SW 62 Street.

**Scope**
The subject property is located within Commission District 10.

**Fiscal Impact/Funding Source**
There is no fiscal impact associated with this item.

**Track Record/Monitor**
Not Applicable.

**Background**
The subject property to be granted as a utility easement is located within McMillan Park, a County facility operated and owned by Parks and Recreation Department (PRD). The Public Works Department (PWD) is in the process of adding street lights around a portion of the park perimeter to light public rights-of-way in the interest of public safety. In order to accomplish this work an easement is required by FPL to install the power supply lines from an existing transformer within said park to the street. Additionally, another supply line will also need to be installed along the south line of the park to feed the street lights along the north side of SW 62 Street. Conveyance of this easement is essential for the installation of the aforementioned street lights.

The Directors of PRD and PWD agree as to the public benefits to be derived from the installation of street lights in the abutting roads.

Assistant County Manager

# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** April 7, 2009

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

**SUBJECT:** Agenda Item No. 8(P)(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 Mayor'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(P)(1)(F)
4-7-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR PORTIONS OF MCMILLAN PARK, A COUNTY OWNED PARK LOCATED AT SW 133 AVENUE AND SW 62 STREET, TO SERVICE PROPOSED STREET LIGHTS ALONG SW 62 STREET

**WHEREAS**, the Directors of the Public Works and Parks and Recreation Departments have recommended that a utility easement be granted for portions of County-owned land within McMillan Park located at SW 133 Avenue and SW 62 Street, and the County Manager has concurred in said recommendation as 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 Florida Power and Light Company, said easement more specifically described in Exhibits "A" and "B" of the Easement in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or the County Mayor's Designee to execute the same for and on behalf of Miami-Dade County, Florida and to exercise the provisions contained therein.

See Exhibits "A" and "B" attached hereto and made a part hereof.

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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

| | |
|---|---|
| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of April, 2009. 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

Approved by County Attorney as to form and legal sufficiency.

By:_____
Deputy Clerk

Thomas Goldstein

# EXHIBIT "A".

## 10' UTILITY EASEMENT

Being a portion of Tract "B" of Sunset 26 School & Parks Tract according to the plat thereof as recorded in Plat Book 107, at Page 80 of the Public Record of Miami Dade County, Florida, being more particularly described as follows:

Commence at the most Northwesterly corner of said Tract "B", being the point of curvature of a circular curve concave to the East along the Westerly line of said Tract "B"; thence run South and Southeasterly along the arc of said circular curve having a radius of 1010.00 feet, through a central angle of 14°15'00" for a arc distance of 251.20; thence S 13°30'00" E along said Westerly line for a distance of 76.65 feet to a point designated "A"; thence S 13°30'00" E along said Westerly line for a distance of 23.35 feet to a point of curvature of a circular curve concave to the Southwest along said Westerly line; thence run Southeasterly and Southerly along the arc of said circular curve having a radius of 990.00 feet, through a central angle of 14°26'46" for a arc distance of 249.61 feet to the point of reverse curvature of a circular curve concave to the east along said Westerly line; thence run Southerly and Southeasterly along the arc of said circular curve having a radius of 25.00 feet, through a central angle of 52°33'49" for a arc distance of 22.94 feet to a point of interception with an Easement 10 feet wide and the Point of Beginning of the Southerly line of an Easement 10 feet wide to the North of the Southerly line of said tract "B"; thence S 89°03'14" E, along said Southerly line, for a distance of 250.00 feet to the point of curvature of a circular curve concave to the North, along said Southerly line; thence run Westerly and Northwesterly along the arc of said circular curve having a radius of 460.00 feet, through a central angle of 40°56'46" for a arc distance of 328.74 to the Point of Terminus of said Southerly line.

And

Begin at designated point "A"; thence N 76°30'00" E, for a distance of 10.00 feet to the Point of Beginning of the centerline of an Easement 10 feet wide with 5 feet to each side; thence N 76°30'00" E, along said centerline, for a distance of 130.25 feet; thence N 13°30'00" W, for a distance of 21.24 feet; to the Point of Terminus of the aforementioned centerline.

Having Exhibit "A" a total of 7,443 Sq. ft. more or less.
Side lines must be shortened or lengthened as the case may be to maintain the 10 feet easement conformation.

Michael J. Whitting, PSM
Florida License # 4688
140 West Flagler Street, Suite # 805
Miami, Florida 33130 (305) 375-2655
Date: 11-03-2008

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.



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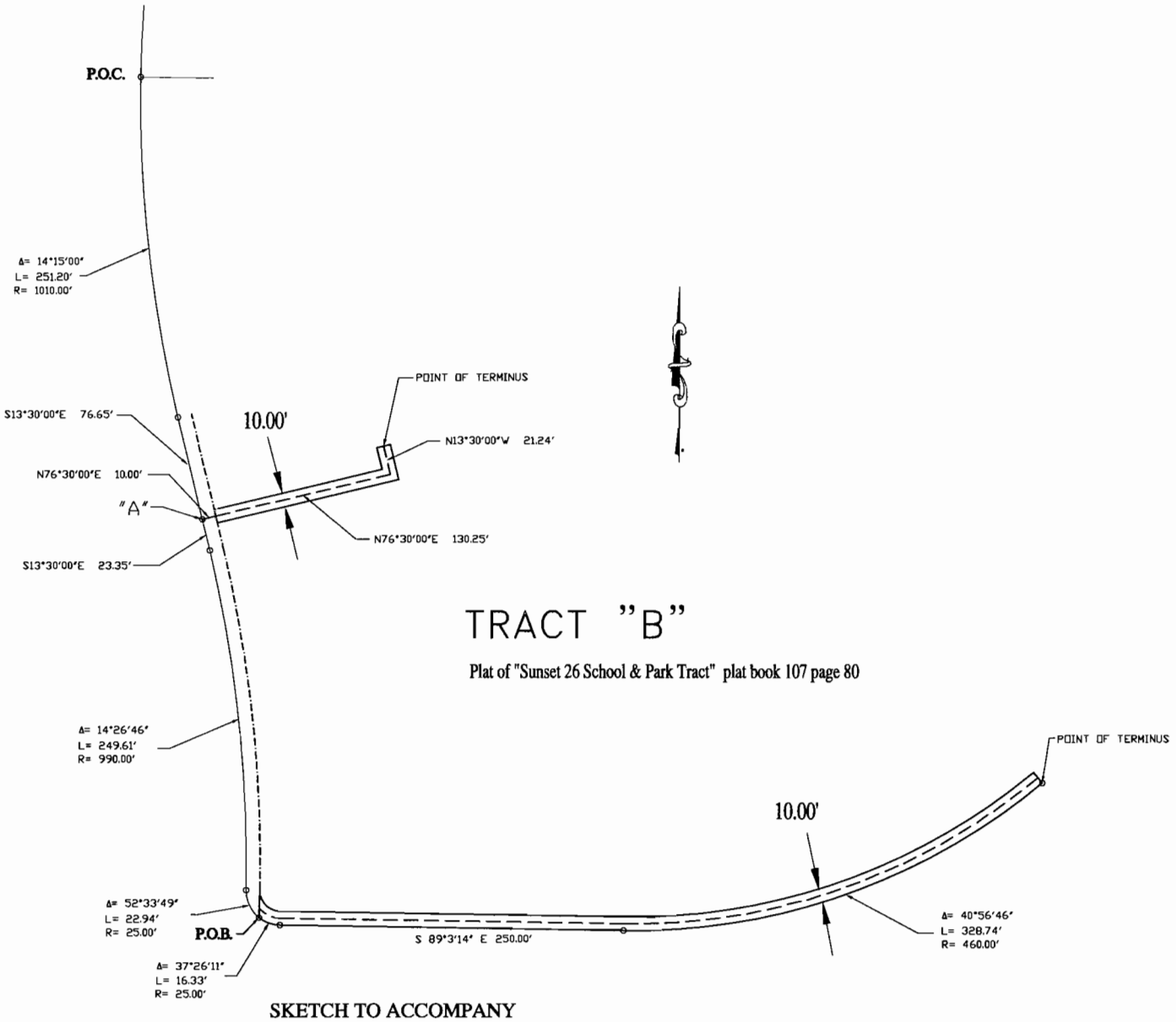
# EXHIBIT "A".

## 10' UTILITY EASEMENT




## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

NOTES.

1-. THIS IS NOT A BOUNDARY SURVEY.
2-. The Bearings shown hereon are based on The Florida State Plane Coordinate System, East Zone, North American Datum of 1927
3-. P.O.C. denotes point of commence.
4-. P.O.B. denotes point of beginning.

References:
1-. Plat of "Sunset 26 School & Park Tract" plat book 107 page 80

MIAMI-DADE COUNTY
PUBLIC WORKS
DATE: 11-03-2008 SCALE: NOT TO SCALE

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THIS IS NOT A SURVEY

Municipality: UNINCORPORATED MIAMI-DADE

Commission District: Sen. Javier D. Souto, 10

# EXHIBIT "B"

SEC. 543926

Grant of Easement to FPL

N

NTS

MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT
RIGHT-OF-WAY
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

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MIAMI-DADE COUNTY

MIAMI-DADE PWD

Date: January 15 ,2008
Prepared by: Yazmin Moreno

Work Request No. _____

Sec. 26, Twp 54 S., Rge. 39 E.

Parcel I.D. **30-4926-005-0020**

Form 3722 (Stocked) Rev 7/94

# EASEMENT

Name: _____

Co. Name: _____

Address: _____

_____

The undersigned, in consideration of the payment of $1.00 and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, grant and give to Florida Power and Light Company, its licensees, agents, successors, and assigns ("Grantee"), an easement forever for the construction, operation, and maintenance of underground electric utility facilities (including cables and conduits) and appurtenant above ground equipment to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well the size and remove such facilities or any of them within an easement 10 feet in width described as follows:

See attached Exhibits "A" and "B"

Together with the right to permit Grantee to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for Grantee's communication purposes; the right to 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 communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the said Easement Area.

The County shall have the right and privilege to use the Easement Area in any manner that does not interfere with the rights, use and enjoyment granted hereunder to Grantee.

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

By: _____

Deputy Clerk

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____

Mayor

Approved for legal sufficiency. _____

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the ___ day of _____, 2009