Memorandum

MIAMI-DADE COUNTY

Date: June 30, 2009

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

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

From: George M. Burgess
County Manager

Subject: Homestead Air Reserve Park Utility Easement

Recommendation
It is recommended that the Board approve the attached resolution authorizing the granting of a utility easement to Florida Power and Light Company (FPL) for the installation and maintenance of electric facilities in Homestead Air Reserve Park.

Scope
Homestead Air Reserve Park is located at 27401 SW 127 Avenue in Commission District 9.

Fiscal Impact/Funding Source
The easement will not create any financial impact to Miami-Dade County.

Track Record/Monitor
The County has granted utility easements to FPL in the past. The Park and Recreation Department (MDPR), Planning and Research Division will process the easement document for execution.

Background
MDPR is constructing new facilities at Homestead Air Reserve Park to provide recreational opportunities that will benefit the community. These new facilities, a recreation building and restroom building, require electric transformers to reduce the voltage from the nearest power lines. FPL has agreed to install the needed transformers and provide electrical service to the park in exchange for a utility easement to install and maintain them. The easement will not impact any natural resources within the park.

Attachments

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: June 30, 2009

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 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(M)(1)(A)
6-30-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR THE INSTALLATION AND MAINTENANCE OF ELECTRIC FACILITIES IN HOMESTEAD AIR RESERVE 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 constructing improvements to provide recreational opportunities that will benefit the community in Homestead Air Reserve Park and require the installation of electric power facilities; and

WHEREAS, the Florida Power and Light Company is willing to provide the electric facilities and electric power to them in exchange for a utility 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 a utility easement for a portion of Homestead Air Reserve Park to the Florida Power and Light Company 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 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:

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 30th day of June, 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

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Martin W. Sybblis

HOMESTEAD AIR RESERVE PARK

Attachment 1

E A S E M E N T

Work Order No.

Sec 36 **Twp** 56 **Rge** 39

Parcel I.D. 30 6936 000 0080
(Maintained by County Appraiser)

This Instrument Prepared By

Name: Randy Koper

Co. Name: Miami Dade County
Park & Recreation Department
Address: 275 NW 2nd Street
Suite #430
Miami, FL 33128

Reserved for Circuit Court

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 as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

See Attached Exhibits A and B (attached hereto and incorporated by reference) (the "Easement Area")

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 communications purposes; 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 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 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 undersigned has signed and sealed this instrument on _____, 2009.

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.

ATTEST:

_____
HARVEY RUVIN, CLERK
Print Name: _____

Miami-Dade County, Florida_____
By: _____
Print Name: _____
Print Address: _____
_____

Approved as to form and legal sufficiency:

_____
Assistant County Attorney
Print Name: _____

The foregoing was authorized and approved on this _____ day of _____, 20____ by Resolution No. _____ by the Board of County Commissioners of Miami-Dade County, Florida

STATE OF FLORIDA AND COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by _____, and _____ as Mayor and Clerk, respectively, of Miami-Dade County, a political subdivision of the State of Florida, on behalf of said county, who are personally known to me or have produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

Notary Public, Signature _____
Print Name: _____

My Commission Expires: _____

Homestead Air Reserve Park
6936-01

ATTACHMENT 2

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10 FEET WIDE (2X) 5" ELECTRICAL EASMENT

LEGAL DESCRIPTION:

A STRIP OF LAND 10-FEET IN WIDTH, LOCATED WITHIN AN UN-PLATTED GOVERNMENTAL LOT, A PORTION OF THE DADE COUNTY – HOMESTEAD REGIONAL AIRPORT LYING IN SECTION 36, TOWNSHIP 56 S, RANGE 39 E WITH A PARCEL AREA OF 212.73 ACRES MORE OR LESS, AND BOUND BY SOUTHWEST 268TH STREET – MOODY DRIVE TO THE NORTH, SOUTHWEST 127TH AVENUE – BURR ROAD TO THE WEST, SOUTHWEST 280TH STREET – WALDIN DRIVE TO THE SOUTH, AND SOUTHWEST FLORIDA AVE – CORAL SEA BOULEVARD TO THE EAST; OWNED BY MIAMI-DADE COUNTY PARKS AND RECREATION, MIAMI, FLORIDA; BEING 5.00 FEET WIDE ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE PRM LOCATED AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SW 268 STREET - MOODY DRIVE AND THE EASTERLY PROPERTY LINE OF SAID PARCEL, ALSO KNOWN AS THE NORTHEAST CORNER OF THE ABOVE MENTIONED PROPERTY, THIS POINT DESIGNATED AS POINT OF COMMENCEMENT (P.O.C.); THENCE RUN S00°26'44"E FOR A DISTANCE OF 1114.92 FEET TO A POINT; THENCE RUN S89°33'16"W A DISTANCE OF 56.37 FEET TO A POINT TO BE DESIGNATED THE POINT OF BEGINNING (P.O.B.) OF THIS EASMENT; THENCE RUN S22°48'41"W A DISTANCE OF 54.20 FEET TO A POINT; THENCE RUN 198.23 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 535.49 FEET AND A CHORD S13°28'50W WITH A LENGTH OF 197.10 FEET TO A POINT; THENCE RUN 133.44 FEET ALONG A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 237.32 FEET AND A CHORD S27°04'35"W WITH A LENGTH OF 131.68 FEET TO A POINT; THENCE RUN S47°05'58"W A DISTANCE OF 217.23 FEET TO A POINT; THENCE RUN 159.06 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 231.03 FEET AND A CHORD S30°41'01"W WITH A LENGTH OF 155.94 FEET TO A POINT; THENCE RUN S00°25'30"W A DISTANCE OF 90.68 FEET TO A POINT TO BE DESIGNATED THE POINT OF TERMINATION (P.O.T.) OF THE EASMENT, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

THE CENTERLINE OF THE EASMENT DESCRIBED ABOVE IS APPOROXIMATELY COINCIDENT WITH THE CENTERLINE OF THE (2) 5" ELECTRICAL LINES AS SHOWN IN THE ATTACHED EXHIBIT "A", AS BUILT PREPARED BY MPG TECHNICAL GROUP CORP, ARTURO MENDIGUTIA, PROFESSIONAL LAND SURVEYOR & MAPPER LICENSE No. 5844, STATE OF FLORIDA, DATED APRIL 22, 2009, FOR MIAMI-DADE PARK AND RECREATIONS.

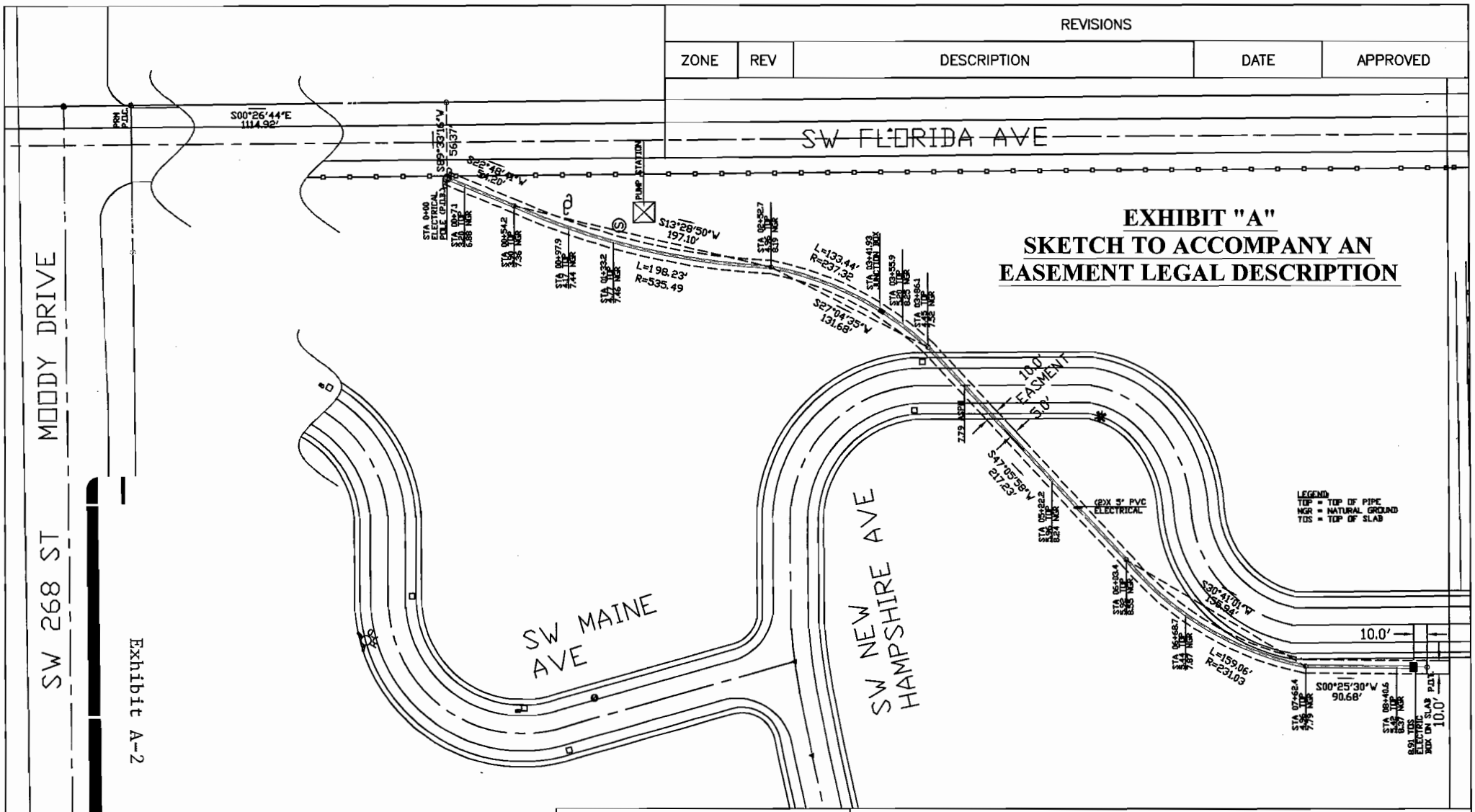
ARTURO MENDIGUTIA
PLS No. 5844

MPG TECHNICAL GROUP CORP.
CERTIFICATE OF AUTHORIZATION LB-6932

7

SHEET 1 OF 2

REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED



10' EASEMENT PLAN
SCALE N. T. S.

SECTION 36 - TOWNSHIP 56 S - RANGE 39 E

ARTURO MENDIGUTIA
P.L.S. No. 5844
NOT VALID UNLESS SIGNED + SEALED

APRIL 22, 2009

SKETCH TO ACCOMPANY AN EASEMENT LEGAL DESCRIPTION

MPG TECHNICAL GROUP CORP
CERTIFICATE OF AUTHORIZATION LB-6932
908 SW 141 AVENUE, MIAMI, FL 33184
Ph. (305) 559-9043 Fax. (305) 559-8914

SIZE	FSCM NO.	DWG NO.	REV
A			
SCALE N.T.S.		SHEET 2 OF 2	

10 FEET WIDE (2X) 6" ELECTRICAL EASMENT

LEGAL DESCRIPTION:

A STRIP OF LAND 10-FEET IN WIDTH, LOCATED WITHIN AN UN-PLATTED GOVERNMENTAL LOT, A PORTION OF THE DADE COUNTY – HOMESTEAD REGIONAL AIRPORT LYING IN SECTION 36, TOWNSHIP 56 S, RANGE 39 E WITH A PARCEL AREA OF 212.73 ACRES MORE OR LESS, AND BOUND BY SOUTHWEST 268TH STREET – MOODY DRIVE TO THE NORTH, SOUTHWEST 127TH AVENUE – BURR ROAD TO THE WEST, SOUTHWEST 280TH STREET – WALDIN DRIVE TO THE SOUTH, AND SOUTHWEST FLORIDA AVE – CORAL SEA BOULEVARD TO THE EAST; OWNED BY MIAMI-DADE COUNTY PARKS AND RECREATION, MIAMI, FLORIDA; BEING 5.00 FEET WIDE ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT A MONUMENT LOCATED AT THE INTERSECTION OF THE CENTERLINE OF SW 127 AVENUE - BURR ROAD AND THE CENTERLINE OF SW 280 STREET - WALDIN DRIVE, THIS POINT DESIGNATED THE POINT OF COMMENCEMENT (P.O.C.); THENCE RUN N89°15'18"E A DISTANCE OF 903.36 FEET TO A POINT; THENCE RUN N00°44'42"W A DISTANCE OF 815.00' TO A POINT TO BE DESIGNATED THE POINT OF BEGINNING (P.O.B.) OF THIS EASMENT; THENCE RUN N02°18'52"W A DISTANCE OF 96.23 FEET TO A POINT; THENCE RUN N00°32'05"W A DISTANCE OF 88.72 FEET TO A PONIT; THENCE RUN N00°45'32"W A DISTANCE OF 211.56 FEET TO A POINT; THENCE RUN N00°57'18"E A DISTANCE OF 92.04 FEET TO A POINT; THENCE RUN N01°47'09"E A DISTANCE OF 108.55 FEET TO A POINT TO BE DESIGNATED THE POINT OF TERMINATION (P.O.T.) OF THIS EASMENT, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

THE CENTERLINE OF THE EASMENT DESCRIBED ABOVE IS APPOROXIMATELY COINCIDENT WITH THE CENTERLINE OF THE (2) 6" ELECTRICAL LINES AS SHOWN IN THE ATTACHED EXHIBIT "A", AS BUILT PREPARED BY MPG TECHNICAL GROUP CORP, ARTURO MENDIGUTIA, PROFESSIONAL LAND SURVEYOR & MAPPER LICENSE No. 5844, STATE OF FLORIDA, DATED APRIL 22, 2009, FOR MIAMI-DADE PARK AND RECREATIONS.

ARTURO MENDIGUTIA
PLS No. 5844

MPG TECHNICAL GROUP CORP.
CERTIFICATE OF AUTHORIZATION LB-6932

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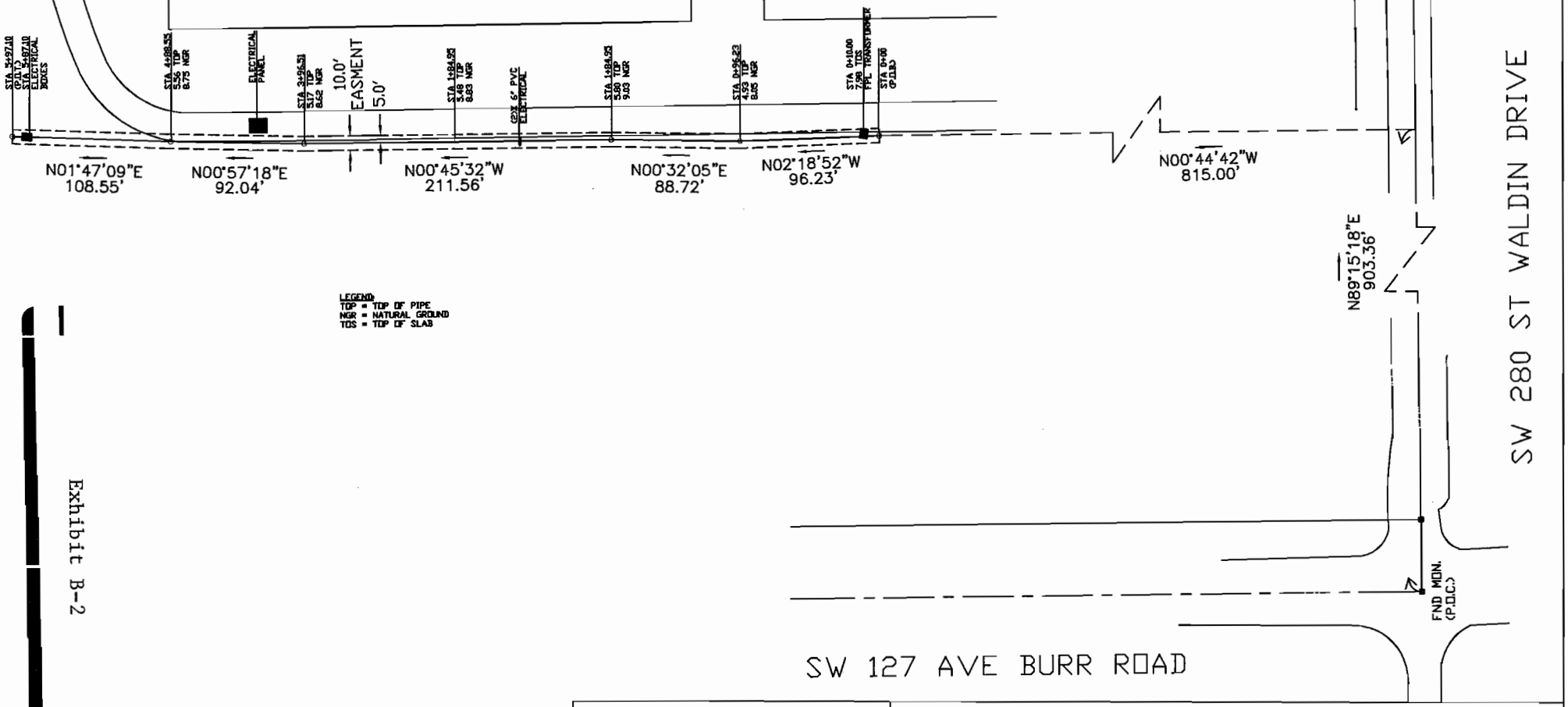
SHEET 1 OF 2

EXHIBIT "A"
SKETCH TO ACCOMPANY AN EASEMENT LEGAL DESCRIPTION

REVISIONS

ZONE	REV	DESCRIPTION	DATE	APPROVED



LEGEND
TOP = TOP OF PIPE
NGR = NATURAL GROUND
TOS = TOP OF SLAB

Exhibit B-2

10

10' EASEMENT PLAN
SCALE N. T. S.

SECTION 36 - TOWNSHIP 56 S - RANGE 39 E

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SIZE	FSCM NO.	DWG NO.	REV
A			
SCALE N.T.S.		SHEET 2 OF 2	