Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2009

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

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

From: George M. Burgess
County Manager

Subject: Resolution authorizing the conveyance of an easement to the Florida Power and Light Company to service the new GSA Trades Shop Facility located at 3501 N.W. 46 Street, unincorporated Miami-Dade County

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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 to service the new GSA Trades Shop Facility. This item was prepared by the General Services Administration.

OWNER:	Miami-Dade County, General Services Administration
TAX FOLIO NUMBER:	30-3121-000-0620
LOCATION:	3501 N.W. 46 Street, Unincorporated Miami-Dade County
COMMISSION DISTRICT:	2
COMMISSION DISTRICT: IMPACTED:	2
ZONING:	IU-1 (Industrial, Light Manufacturing District). The proposed use is permitted under the current zoning; therefore, a Governmental Facilities hearing is not required pursuant to section 33-303 of the Code of Miami-Dade County.
BACKGROUND:	The new GSA Trades Shop Facility will require electric transformers to reduce the voltage from the nearest power line. FPL has agreed to provide the construction, operation and maintenance of electric transmission and distribution lines in exchange for an easement to allow access to install and maintain them.
JUSTIFICATION:	The Florida Power and Light Company has requested an easement to construct, maintain, and operate the underground electrical lines that will provide electrical service to the new GSA Trades Shop Facility.

MONITOR:	Jose R. Perez, AIA, Architect, LEED®AP Director, Design and Construction Services Division, GSA
DELEGATED AUTHORITY:	This item authorizes the County Mayor to execute the easement on behalf of the County.

Wendi J. Norris
Director, General Services Administration

MEMORANDUM
(Revised)

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

DATE: October 6, 2009

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

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

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(1)(B)
10-6-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL) FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF UNDERGROUND ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, LOCATED AT 3501 N. W. 46 STREET, UNINCORPORATED MIAMI-DADE COUNTY, IN THE NEW GSA TRADES SHOP FACILITY; AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE SAID EASEMENT

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

WHEREAS, Florida Power and Light Company (FPL) is willing to provide the electric facilities and electric power to the new GSA Trades Shop Facility in exchange for an easement to allow access to install and maintain them, said easement will not adversely impact natural resources, or the facility and uses,

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 & Light Company (FPL), as described in the FPL Easement attached, in substantially the form attached hereto and made a part hereof, and authorizing the County Mayor to execute said Easement on behalf of Miami-Dade County; and authorizing the County Mayor or his 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:

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 6th day of October, 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.

Thomas Goldstein

This instrument prepared by:

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

Sec Twp Rge
Folio No.:
User Department:

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 EXHIBITS "A", "B" and "C"

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 the County, 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 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 and distribution lines, FPL shall obtain all required regulatory permits including, but not limited to, permission from the Department of Environmental Resources Management (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:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

By: _____
Mayor

Approved as to form
and legal sufficiency:

_____
Assistant County Attorney

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

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, 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

(NOTARIAL SEAL)

My Commission Expires: _____

ConsulTech
L.B. #7121

Surveying & Mapping, Inc.
CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS
3141 Commerce Parkway
Miramar, Florida 33025
Phone (954) 438-4300 Fax (954) 438-1433

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A parcel of land being Florida Power and Light Company easement and a portion of the Southeast 1/4, of the Southwest 1/4, of the Northwest 1/4, of Section 21, Township 53 South, Range 41 East, of Miami-Dade County, Florida; being more particularly described as follows:

COMMENCE at the Southeast Corner of the Southeast 1/4, of the Southwest 1/4, of the Northwest 1/4, of said Section 21; thence N 02°14'40"W along the East line of the Southeast 1/4, of the Southwest 1/4, of the Northwest 1/4, of said Section 21, a distance of 455.93 feet; thence S 87°45'20"W a distance of 35.00 feet, to a point of intersection with the West line of the East 35.00 feet of the Southeast 1/4, of the Southwest 1/4, of the Northwest 1/4, of said Section 21, and the POINT OF BEGINNING of the following described parcel; thence S 56°53'33"W a distance of 92.62 feet; thence S 02°17'53"E a distance of 3.25 feet; thence S 88°09'53"W a distance of 10.53 feet; thence N 01^51'16"W a distance of 10.39 feet; thence N 87°23'12"E a distance of 3.07 feet; thence N 56°53'33"E a distance of 101.22 feet to a point of intersection with the West line of the East 35.00 feet of the Southeast 1/4, of the Southwest 1/4, of the Northwest 1/4, of said Section 21; thence S 02°14'40"E, along the previously described line, a distance of 11.65 feet to the POINT OF BEGINNING.

Containing 1,051.966 square feet (0.024 acres), more or less.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES. THIS SKETCH TO ACCOMPANY LEGAL DESCRIPTION CONSISTING OF THREE SHEETS IS A TRUE, ACCURATE AND COMPLETE DEPICTION OF THE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECTION AND COMPLETED ON 08/06/2009.

Darryl J. Hauser 08/10/09

DARRYL J. HAUSER
PROFESSIONAL SURVEYOR & MAPPER NO. 6277
STATE OF FLORIDA
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

UPDATES/REVISIONS	DATE	BY	CK'D

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8

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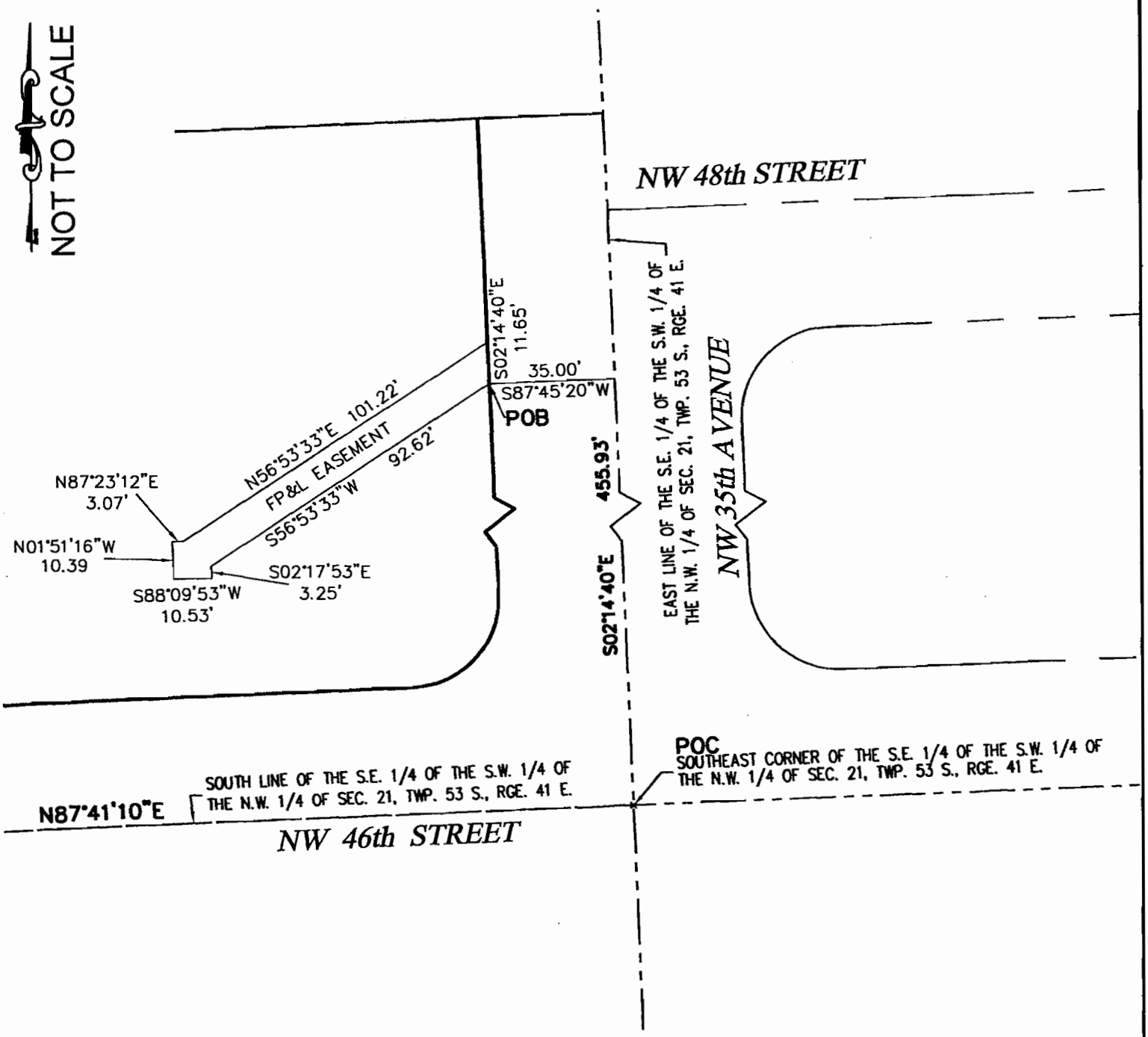

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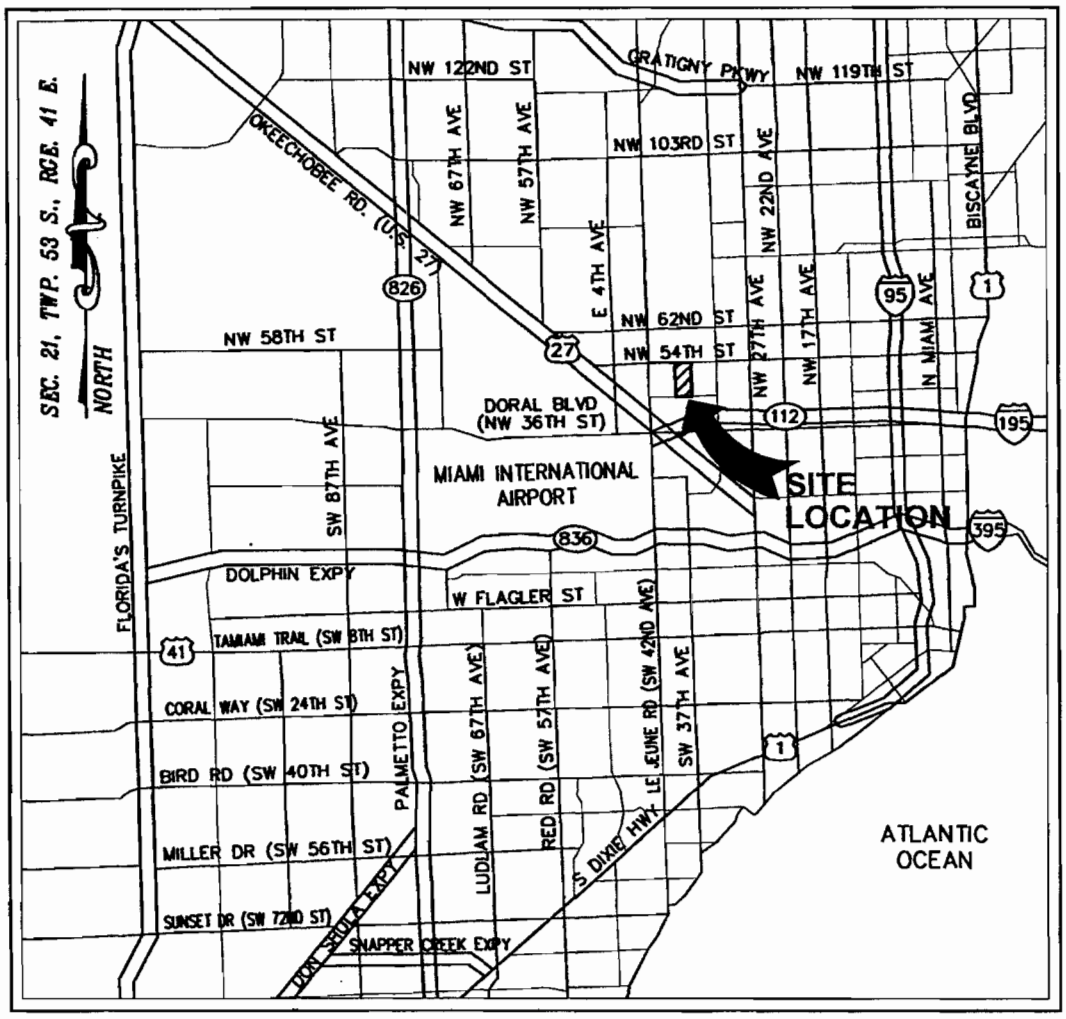

LOCATION MAP
(NOT TO SCALE)

ABBREVIATIONS:

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

UPDATES/REVISIONS	DATE	BY	CK'D

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