

Memorandum



Date: December 1, 2009

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 Arcola Branch Library located at 8240 N.W. 7 Avenue, Unincorporated Miami-Dade County

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

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 Arcola Branch Library. The item was prepared by General Services Administration at the request of the Miami-Dade Public Library System.

OWNER: Miami-Dade County, Miami-Dade Public Library System

TAX FOLIO NUMBER: 30-3111-000-0190

LOCATION: 8240 N. W. 7 Avenue, Unincorporated Miami-Dade County

COMMISSION DISTRICT: 2

**COMMISSION DISTRICT:
IMPACTED:** 2

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. The property is located within the 7 Avenue Corridor Community Redevelopment Area (CRA) and inside the Urban Development Boundary (UDB).

BACKGROUND: On June 5, 2007, by Resolution No. R-648-07, the Board authorized the erection, construction, and operation of the Arcola Branch Public Library on approximately 2.17 acres of County-owned land located at 8240 N. W. 7 Avenue. The construction of the Arcola Branch Library is expected to be completed by December 17, 2010.

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
Page 2

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 library as well as the adjacent park site.

MONITOR: Shannon Clark, Real Estate Officer

DELEGATED
AUTHORITY: Authorizes the County Mayor to execute the easement.



Director,
General Services Administration

2



MEMORANDUM
(Revised)

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

DATE: December 1, 2009

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

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

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

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

Veto _____

12-1-09

Override _____

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 8240 N. W. 7 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY, IN THE ARCOLA LIBRARY SITE, IN SECTION 11, TOWNSHIP 53 SOUTH, RANGE 41 EAST; 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,

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 |
| Dorrian D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of December, 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 11 Twp 53S Rge 41E
Folio No.: 30-3111-000-0190
User Department: Public Library System

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"

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:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

HARVEY RUVIN, CLERK

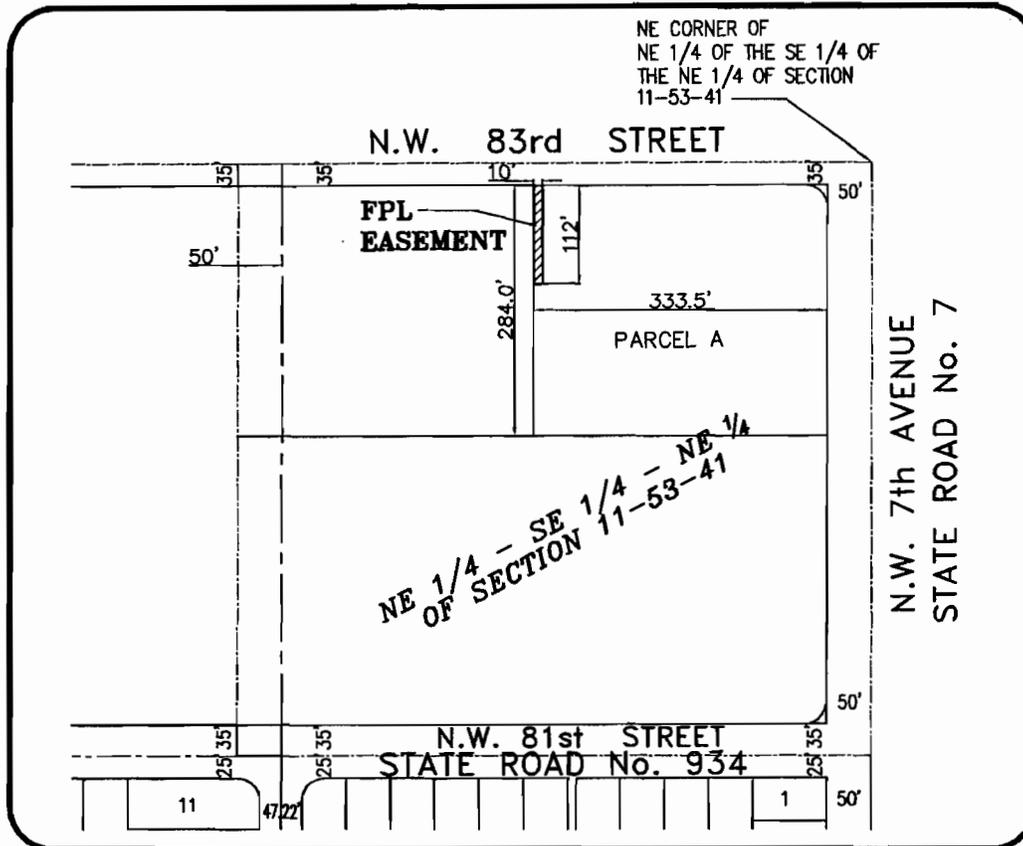
By: _____
Deputy Clerk

By: _____
Mayor

Approved as to form
and legal sufficiency:

Assistant County Attorney

The foregoing was accepted and approved on the ____ day of _____, A.D. 2009, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.



NOTICE:
Not full and complete without Pages 2 through 4
Page 1 of 4

EXHIBIT "A"
LOCATION SKETCH
NOT TO SCALE
-THIS IS NOT A SURVEY-

8

FPL EASEMENT
"ARCOLA BRANCH LIBRARY",
8240 N.W. 7th AVENUE, MIAMI, FLORIDA
Folio # 30-3111-000-0190
MIAMI-DADE COUNTY
Section 11, Township 53 South, Range 41 East
Date: July 9, 2009

LEGAL DESCRIPTION OF 10 FOOT UTILITY EASEMENT:

A 10 foot wide utility easement for installation and maintenance of electrical facilities, through the West 10 feet of the North 112 feet of the East 333.5 feet of the North 284.0 feet of the following described parcel of land:

The NE 1/4 of the SE 1/4 of the NE 1/4, less the East 50 feet thereof, and the East 50 feet of the NW 1/4 of the SE 1/4 of the NE 1/4, all in Section 11, Township 53 South, Range 41 East, Miami-Dade County, Florida.

Less the South 35 feet thereof and less lands described as Parcel 1 in Eminent Domain Proceeding in Order of Taking under Case Number 82-15253-CA-26 recorded December 16, 1982 in Official Records Book 11643, Page 834 and as described in Official Records Book 11524, Page 332 of the Public Records of Miami-Dade County, Florida.

Containing 1120 Square Feet or 0.02 Acres more or less by calculations.

NOTICE:

Not full and complete without Pages 1, 3 & 4

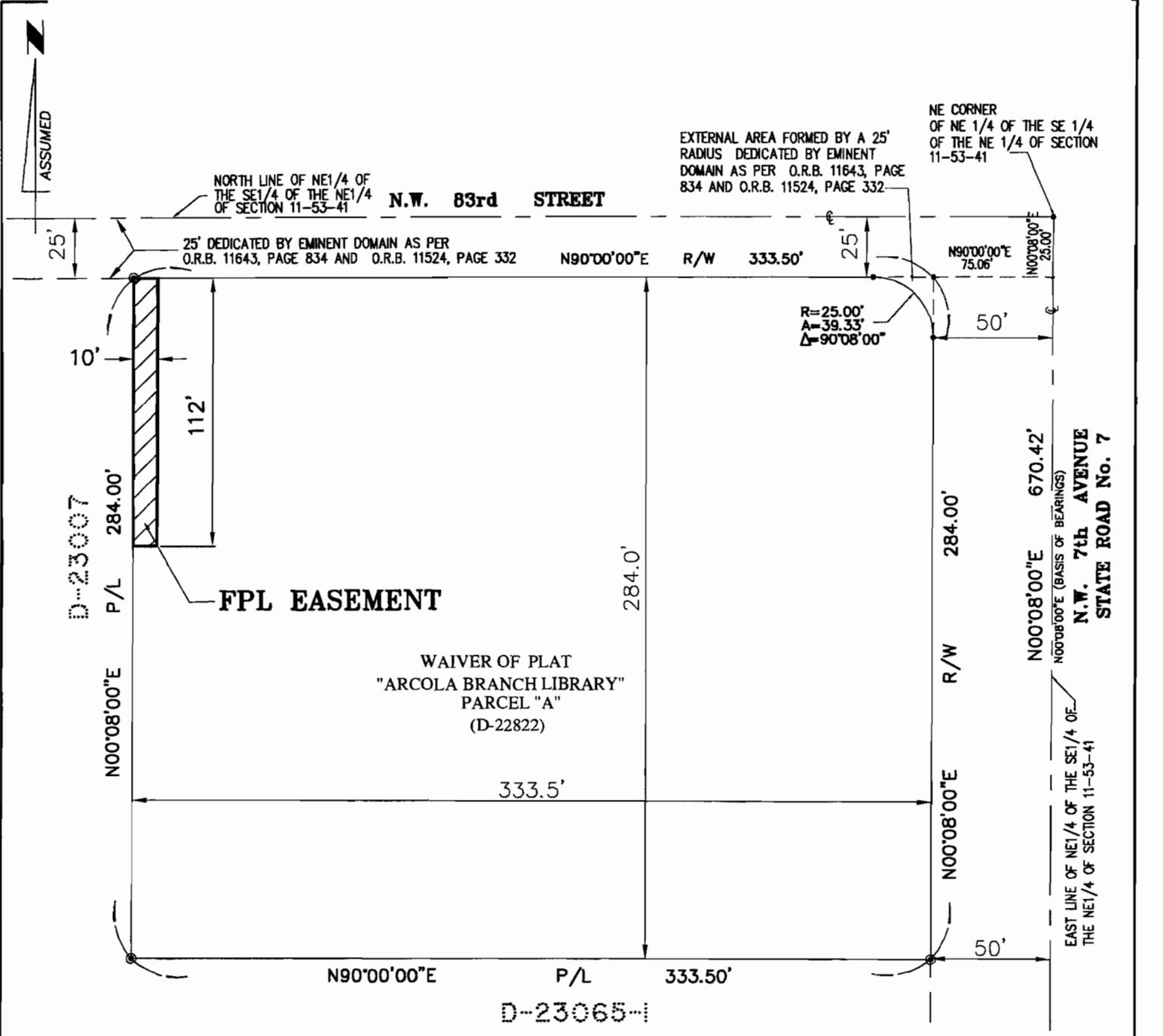
Page 2 of 4

**EXHIBIT "A"
LEGAL DESCRIPTION**

-THIS IS NOT A SURVEY-

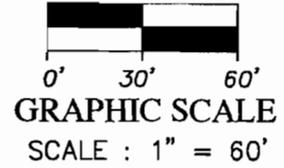
9

FPL EASEMENT
"ARCOLA BRANCH LIBRARY",
8240 N.W. 7th AVENUE, MIAMI, FLORIDA
Folio # 30-3111-000-0190
MIAMI-DADE COUNTY
Section 11, Township 53 South, Range 41 East
Date: July 9, 2009



LEGEND

- | | | | |
|--------|----------------------|------|---------------|
| P.O.B. | Point of Beginning | SEC. | Section |
| P.O.T. | Point of Termination | TWP. | Township |
| P.O.C. | Point of Commence | RGE. | Range |
| P.B. | Plat Book | CL | Centerline |
| PG. | Page | ML | Monument line |
| R/W | Right-of-Way | COR | Corner |



NOTICE:
Not full and complete without Pages 1, 2 & 4

EXHIBIT "A"
SKETCH
SCALE: 1" = 100'
-THIS IS NOT A SURVEY-

10

FPL EASEMENT
"ARCOLA BRANCH LIBRARY",
8240 N.W. 7th AVENUE, MIAMI, FLORIDA
Folio # 30-3111-000-0190
MIAMI-DADE COUNTY
Section 11, Township 53 South, Range 41 East
Date: July 9, 2009

SOURCES OF DATA:

The Legal Description of the Subject Parcel of Land was generated from information provided by the client. In addition, the following sources of data were used to the extent required to complete this document in a defensible manner. That is to say:

- North arrow and Bearings refer to an assumed value of N00°08'00"E, along the East line of the NE¼ of the SE¼ of the NE¼ of Section 11, Township 53 South, Range 41 East, lying and being in Miami-Dade County, Florida.
- Waiver of Plat of "ARCOLA BRANCH LIBRARY", PARCEL "A", recorded in D-22822, of the Public Records of Miami-Dade County, Florida.

CLIENT INFORMATION:

This Sketch and Legal Description was prepared at the insistence of:

MIAMI-DADE COUNTY GSA DEPARTMENT

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch that may be found in the Public Records of Miami-Dade County, or any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief. Further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 61G17-6 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398
9360 Southwest 72nd Street, Suite 265
Miami, Florida 33173 Phone: 305.598.8383

By: *Juan J. Bonfill*
Juan J. Bonfill, P.L.S.

Professional Land Surveyor No. 3179
State of Florida
July 9, 2009

Project: 07-0159

Job: 09-0181 Sketch & Legal

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps and Reports by other than the signing party are prohibited without the written consent of the signing party. This document consists of multiple Exhibits and Sheets. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 61G17-6 of the Florida Administrative Code.

NOTICE:

Not full and complete without Pages 1 through 3
Page 4 of 4

**EXHIBIT "A"
SURVEYOR'S NOTES**

-THIS IS NOT A SURVEY-

11

FPL EASEMENT
"ARCOLA BRANCH LIBRARY",
8240 N.W. 7th AVENUE, MIAMI, FLORIDA
Folio # 30-3111-000-0190
MIAMI-DADE COUNTY
Section 11, Township 53 South, Range 41 East
Date: July 9, 2009