

Memorandum



Date: October 6, 2009

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing Conveyance of Easements to Florida Power and Light Company (FPL) for the Operation and Maintenance of Overhead Electric Transmission Lines and Underground Electric Distribution Lines, to be Installed Within County Properties Located at 3775-3795 NW 28 Street & 3795 NW South River Drive Required for the Relocation of FPL Conflicting Facilities with the Miami Intermodal Center-Earlington Heights (MIC-EH) Connector Project

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

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing conveyance of easements to Florida Power and Light Company (FPL) for the operation and maintenance of overhead electric Transmission Lines and underground electric Distribution lines, to be installed within County properties located at 3775-3795 NW 28 Street & 3795 NW South River Drive required for the relocation of FPL conflicting facilities with the MIC-EH Connector Project.

SCOPE

These easements are physically located within Commission District 5.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to Miami-Dade County.

TRACK RECORD/MONITOR

The County has previously granted easements to FPL. The Right of Way, Utilities & Property Management Division of the Miami-Dade Transit Department will process the easement document for the execution once the installations of the facilities have been completed. The person responsible for administering this task is Froilan I. Baez, Utilities Manager of the Right of Way, Utilities & Property Management Division.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which include authority for the Mayor, or Mayor's designee, to execute and terminate the agreement.

BACKGROUND

In 2007 the Board approved Resolutions R-673-07 and R-1084-07 for the relocation of conflicting FPL Distribution and Transmission facilities, which must be adjusted or relocated prior to construction of People's Transportation Plan (PTP) MIC-EH Connector Project (R-825-06). The utility relocation is presently ongoing and is scheduled to be completed by February 1, 2010.


Assistant County Manager



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(J)(1)(A)

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(J)(1)(A)
10-6-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE OF EASEMENTS TO FLORIDA POWER AND LIGHT COMPANY (FPL) FOR THE OPERATION AND MAINTENANCE OF OVERHEAD ELECTRIC TRANSMISSION LINES AND UNDERGROUND ELECTRIC DISTRIBUTION LINES, TO BE INSTALLED WITHIN COUNTY PROPERTIES LOCATED AT 3775-3795 N.W. 28TH STREET & 3795 N.W. SOUTH RIVER DRIVE REQUIRED FOR THE RELOCATION OF FPL CONFLICTING FACILITIES WITH THE MIAMI INTERMODAL CENTER-EARLINGTON HEIGHTS (MIC-EH) CONNECTOR PROJECT; AUTHORIZING COUNTY MAYOR OR DESIGNEE TO EXECUTE SAME

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 authorizes the conveyance of easements to Florida Power and Light (FPL) for the operation and maintenance of overhead electric Transmission lines and underground electric Distribution lines, as described in the attached FPL easements, in substantially the form attached hereto and made part hereof; and authorizes the County Mayor, or County Mayor's designee, to execute said easements for and on behalf of Miami-Dade County and to exercise all provisions contained 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.



Bruce Libhaber

EXHIBIT "A"

**PROPOSED 20 FEET FPL EASEMENT
FOR
DISTRIBUTION FEEDER**

LEGAL DESCRIPTION:

A 20-foot wide easement located in Miami-Dade County, Florida, more particularly described as follows:

The West 20 feet less the South 10 feet of Lot 13, Block 1, CAPITAL MARITIME TERMINAL as recorded in Plat Book 121, Page 31, as found in the Public Records of Miami-Dade County, Florida.

Said parcel containing 4,743 square feet or 0.11 Acres more or less.

FPL EASEMENT	MIAMI-DADE COUNTY MIC_EARLINGTON HEIGHTS Parcel 312	Date: July 22, 2009 Page 1 of 2
--------------	---	------------------------------------

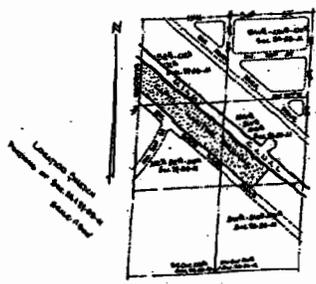
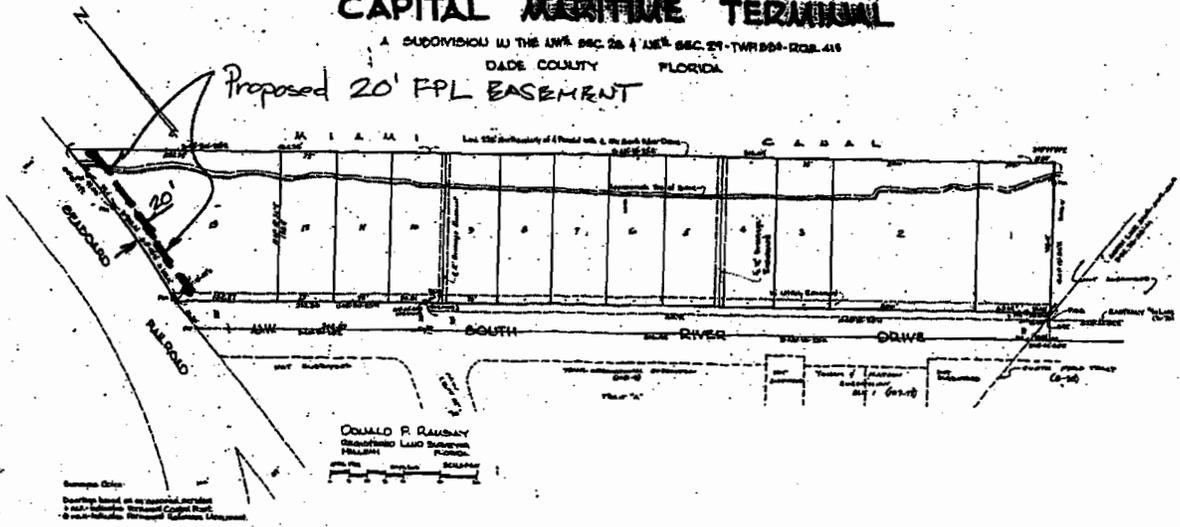
EXHIBIT "A"

PROPOSED 20 FEET FPL EASEMENT
FOR
DISTRIBUTION FEEDER
OF

CAPITAL MARITIME TERMINAL

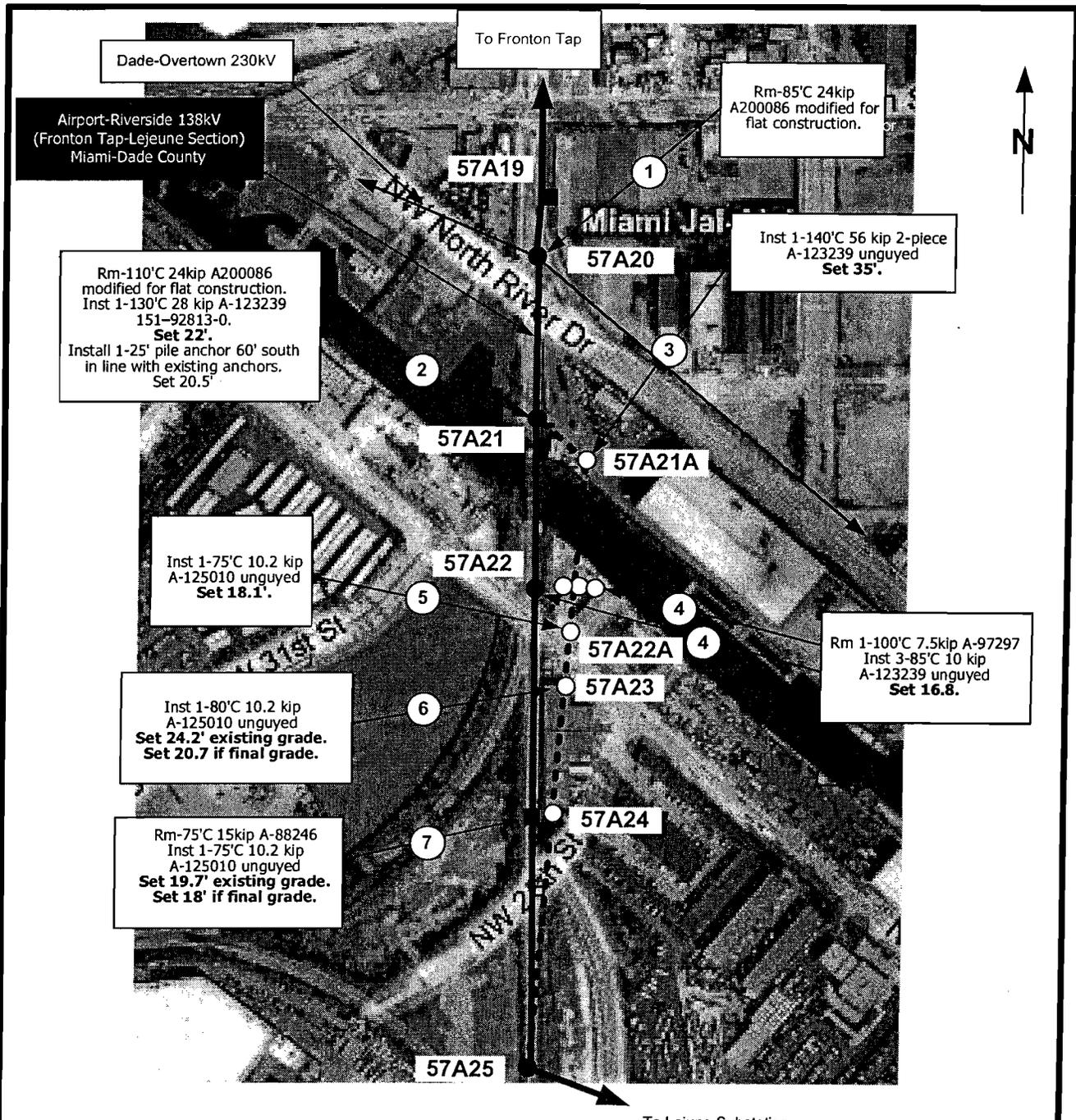
A SUBDIVISION IN THE 1/4TH SEC. 26 & 1/4TH SEC. 27 - TWR 1984 - 2008 - 418
DADE COUNTY FLORIDA

Proposed 20' FPL EASEMENT



NOT A SURVEY

FPL EASEMENT	MIAMI-DADE COUNTY MIC-EARLINGTON HEIGHTS PARCEL 312	Date: July 22, 2009 Page 2 of 2
--------------	---	------------------------------------



AS-BUILT CREW PRINT	ALL REQUIRED GROUND RODS HAVE BEEN DRIVEN AND VERIFIED TO BE WITHIN FPL STANDARDS, VALUES ARE SHOWN AT ALL LOCATIONS
FOREMAN'S SIGNATURE _____ DATE _____	FOREMAN'S SIGNATURE _____ DATE _____
JOB CERTIFIED COMPLETED AS SHOWN ON THIS AS BUILT PRINT OR BILL OF MATERIAL. CHANGES ARE STATED ON JOB INSTRUCTIONS OR INVENTORIES	
SUPERVISOR'S SIGNATURE _____ DATE _____	
DESIGNED BY: PowerComm Engineering, Inc. (Russell Bailey - cell # 813-486-5679 09/08)	
PERMITS: <input type="checkbox"/> FDOT Utility <input type="checkbox"/> Yes <input type="checkbox"/> R/R CROSSING <input type="checkbox"/> Yes <input type="checkbox"/> ENVIRONMENTAL <input type="checkbox"/> Yes OTHER: <input type="checkbox"/> City of Miami, <input type="checkbox"/> FAA, <input type="checkbox"/> Miami-Dade Aviation Dept., <input type="checkbox"/> ACOE, <input type="checkbox"/> FDEP	
POLES(S): <input checked="" type="checkbox"/> Z <input type="checkbox"/> EASEMENT <input type="checkbox"/> Yes <input type="checkbox"/> ROAD RIGHT OF WAY <input type="checkbox"/> Yes <input type="checkbox"/> PERMIT	
UPDATE RECORDS: <input type="checkbox"/> ORION <input type="checkbox"/> Yes <input type="checkbox"/> ROUTE-OF-LINE	
PHASING DIAGRAM: DRAWING # see specification book- Phasing Diagram section	

FPL EXISTING 1023-09-889
LINE NAME: Airport-Riverside 138kV LINE SEC.: Fronton Tap-Lejune COUNTY: Miami-Dade Part of MIC-Earlington Heights- MDTA Metrorail extension project.
RELOCATION: Remove poles at 3 locations, replace pole at 1 location. New alignment: Install new concrete poles at 4 locations and a 3-pole concrete structure at 1 location.
Page 1 of 1

8

EXHIBIT 'A'
SECTION 29, TOWNSHIP 53 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA
THIS IS NOT A BOUNDARY SURVEY

PROPOSED FLORIDA POWER & LIGHT EASEMENT LEGAL DESCRIPTION

A PORTION OF LOTS 12 AND 13, BLOCK 1, "CAPITAL MARITIME TERMINAL", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 121, PAGE 31 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF SEABOARD AIRLINE RAIL ROAD (A 100.00 FOOT RIGHT OF WAY) AND THE NORTHERLY RIGHT OF WAY LINE OF NORTHWEST SOUTH RIVER DRIVE (A 70.00 FOOT WIDE RIGHT OF WAY AS NOW IN USE), THENCE RUN S48°50'25"E ALONG SAID NORTHERLY RIGHT OF WAY LINE OF NORTHWEST SOUTH RIVER DRIVE, A DISTANCE OF 97.50 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF NORTHWEST SOUTH RIVER DRIVE, RUN N04°47'28"E, A DISTANCE OF 235.96 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE MIAMI RIVER; THENCE RUN S48°50'25"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF MIAMI RIVER, A DISTANCE OF 87.61 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE OF MIAMI RIVER RUN S12°59'27"W, A DISTANCE OF 215.52 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID NORTHWEST SOUTH RIVER DRIVE SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY LINE OF LOT 12, BLOCK 1 CAPITAL MARITIME TERMINAL ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 121, PAGE 31 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N48°50'25"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID NORTHWEST SOUTH RIVER DRIVE, A DISTANCE OF 49.44 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 13,020 SQUARE FEET OR 0.298 ACRES MORE OR LESS.

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION WAS MADE UNDER MY DIRECTION ON THE DATE SHOWN BASED ON THE INFORMATION FURNISHED TO ME AS NOTED AND CONFORMS TO THE MORGAN TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA IN ACCORDANCE WITH CH. 8907-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

MICHAEL K. LEAHY
FLORIDA LICENSED PROFESSIONAL ENGINEER No. 45267
PROFESSIONAL SURVEYOR & MAPPER No. 5650

PowerComm
Engineering, Inc.

5025 WEST GRACE STREET
TAMPA, FL 33607
(813) 287-8008
FAX (813) 287-9008

PROFESSIONAL SURVEYORS AND MAPPERS LB 7147
LICENSED PROFESSIONAL ENGINEERS CA 9137

FLORIDA POWER & LIGHT
MIAMI-DADE METRO RAIL EXTENSION
DESCRIPTION SKETCH FOR EASEMENT; PARCEL 312

PROJECT NO: 06-110019
CHECKED BY: DRK

DRAWN BY: JOJ
APPROVED BY: MKL

DATE: 01/08/09
SCALE: NTS

NO.	DATE	DESCRIPTION		SHEET
1	01/08/09	INITIAL ISSUE	JAJ BY MKL CHK	2
REVISIONS				

EXHIBIT 'A'
SECTION 29, TOWNSHIP 53 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA
THIS IS NOT A BOUNDARY SURVEY

PROPOSED FLORIDA POWER & LIGHT EASEMENT LEGAL DESCRIPTION

A 40.00 FOOT WIDE STRIP OF LAND IN THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 53 SOUTH, RANGE 41, EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST SOUTH RIVER DRIVE (A 70.00 FOOT WIDE RIGHT OF WAY AS NOW IN USE) AND THE EAST RIGHT-OF-WAY LINE OF SEABOARD AIRLINE RAILROAD, THENCE RUN S50°52'15"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST SOUTH RIVER DRIVE, A DISTANCE OF 79.30 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST SOUTH RIVER DRIVE, RUN S05°09'31"W, A DISTANCE OF 250.64 FEET; THENCE RUN S07°51'31"W, A DISTANCE OF 174.09 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF NORTHWEST 28TH STREET (A 70.00 FOOT WIDE RIGHT-OF-WAY AS NOW IN USE) AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A CHORD BEARING OF N32°45'01"E, A CHORD LENGTH OF 95.03 FEET, AND A RADIUS OF 1,179.81 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 95.05 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF NORTHWEST 28TH STREET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF NORTHWEST 28TH STREET, RUN N07°51'31"E, A DISTANCE OF 89.06 FEET; THENCE RUN N05°09'31"E, A DISTANCE OF 224.40 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST SOUTH RIVER DRIVE; THENCE RUN N50°52'15"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST SOUTH RIVER DRIVE, A DISTANCE OF 48.23 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 14,824 SQUARE FEET OR 0.340 ACRES MORE OR LESS.

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION WAS MADE UNDER MY DIRECTION ON THE DATE SHOWN BASED ON THE INFORMATION FURNISHED TO ME AS NOTED AND CONFORMS TO THE HIGHEST TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA IN ACCORDANCE WITH CH. 61017-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

MICHAEL K. LEAHY
FLORIDA LICENSED PROFESSIONAL ENGINEER No. 43287
PROFESSIONAL SURVEYOR & MAPPER No. 5656

PowerComm
Engineering, Inc.

5025 WEST GRACE STREET
TAMPA, FL 33607
(813) 287-8008
FAX (813) 287-9008

PROFESSIONAL SURVEYORS AND MAPPERS LB 7147
LICENSED PROFESSIONAL ENGINEERS CA 9137

FLORIDA POWER & LIGHT		MIAMI-DADE METRO RAIL EXTENSION									
DESCRIPTION SKETCH FOR EASEMENT; PARCEL 311											
PROJECT NO: 06-110019		DRAWN BY: JOJ									
CHECKED BY: DRK		APPROVED BY: MKL									
		DATE: 01/08/09									
		SCALE: NTS									
3		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">NO.</td> <td style="text-align: center;">DATE</td> <td style="text-align: center;">DESCRIPTION</td> <td style="text-align: center;">CHK</td> </tr> </table>					NO.	DATE	DESCRIPTION	CHK	SHEET
NO.	DATE		DESCRIPTION	CHK							
2		2									
1	01/08/09	INITIAL ISSUE									
NO.	DATE	DESCRIPTION	CHK								

REVISIONS

12