

# Memorandum



**Date:** February 2, 2010

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

**From:** George M. Burgess  
County Manager

**Subject:** Southridge Park - FPL Easement

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

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## **Recommendation**

It is recommended that the Board approve the attached resolution authorizing the execution of an easement document for Florida Power and Light Company (FPL) to install and maintain electric power facilities at Southridge Park, located at 19355 SW 114 Avenue.

## **Scope**

Southridge Park is located in Commission District 9. The easement will allow FPL to install and maintain electric power facilities at the athletic field currently under development.

## **Fiscal Impact/Funding Source**

The easement will not create any financial impact to Miami-Dade County.

## **Track Record/Monitor**

The County has given easements to FPL in the past. The Planning and Research Section of the Park and Recreation Department (MDPR) will process the easement document for execution and recording.

## **Background**

MDPR is developing Southridge Park with new facilities including a clubhouse and bleachers. These new facilities will require electric transformers to reduce the voltage from the nearest power line. FPL has agreed to install the needed transformers and provide electrical service to the park in exchange for an easement to allow access to install and maintain them.

Attachments

  
\_\_\_\_\_  
Alex Muñoz  
Assistant County Manager



# MEMORANDUM

(Revised)

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

DATE: February 2, 2010

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

SUBJECT: Agenda Item No. 8(M)(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(M)(1)(B)  
2-2-10

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE GRANTING OF A UTILITY  
EASEMENT TO THE FLORIDA POWER AND LIGHT COMPANY  
FOR THE INSTALLATION AND MAINTENANCE OF ELECTRIC  
FACILITIES IN SOUTHRIDGE 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 public at Southridge 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 Southridge 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
Dorrrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of February, 2010. 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

This instrument prepared by:

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

Sec 06 Twp 56 S Rge 40 E  
Folio No. 30 6006 003 0048  
User Department: Park and Recreation

### 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,

5

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.

(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. \_\_\_\_\_, 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 \_\_\_\_\_, 20\_\_\_\_, 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

My Commission Expires: \_\_\_\_\_

(Notarial Seal)

6

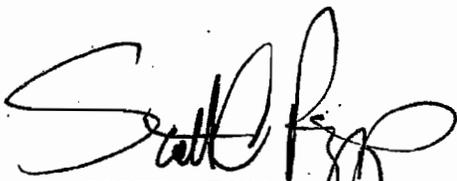
**EXHIBIT "A".**  
**10' UTILITY EASEMENT**

Being a portion of Section 6, Township 56 South, Range 40 East, Miami Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southwest  $\frac{1}{4}$  of Section 6, Township 56 South, Range 40 East, of Miami Dade County, Florida; thence S  $0^{\circ}46'11''$  E, along the East line of said Southwest  $\frac{1}{4}$  of Section 6, for a distance of 43.81 feet; thence S  $88^{\circ}50'46''$  W, for a distance of 40.10 feet, to the point of intersection with the West Right of Way line of SW 112th avenue and the Point of Beginning of the Southerly line of an Easement 10 feet wide to the North; thence, continue S  $88^{\circ}50'46''$  W, for a distance of 38.66 feet; thence S  $51^{\circ}02'29''$  W, for a distance of 43.91 feet; thence N  $88^{\circ}01'08''$  W, for a distance of 137.38 feet; thence N  $82^{\circ}32'31''$  W, for a distance of 93.36 feet; thence S  $88^{\circ}50'46''$  W, for a distance of 68.22 feet; thence S  $60^{\circ}08'40''$  W, for a distance of 188.10 feet; thence S  $1^{\circ}09'14''$  E, for a distance of 10.00 feet, to the Point of Terminus of the aforementioned Southerly line.

Less out the existing Right of Way that lies East of a circular curve concaved to the Southwest, having a radius of 25.00 feet and tangent to the South Right of Way line of 192nd Street and the West Right of Way line of 112th avenue.

Side lines must be shortened or lengthened as the case may be to maintain the 10 feet easement conformation. Having 5,820.56 Sq. ft. more or less.



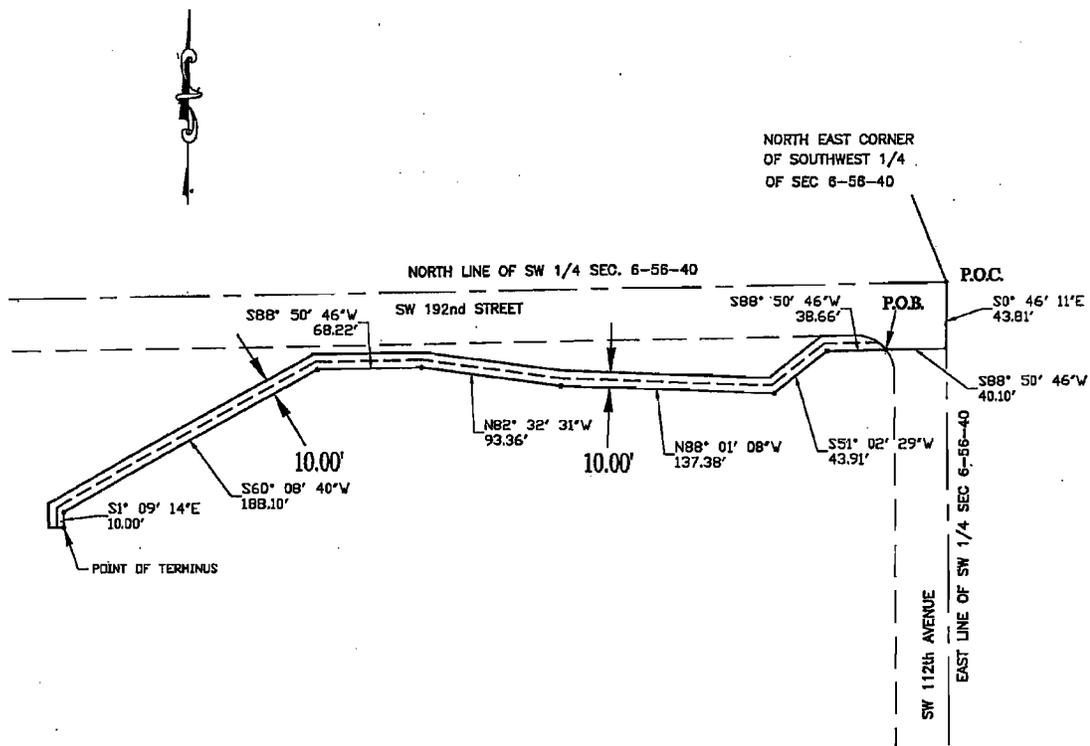
SCOTT A. RIGGS, PSM

Florida License # 6160

140 West Flagler Street, Suite # 805  
Miami, Florida 33130 (305) 375-2657  
Date: 9-02-2009

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.

**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 commencement.
- 4- P.O.B. denotes point of beginning.

References:  
1- Miami-Dade County Parks & Recreation  
Boundary Survey dated 3-05-2003

MIAMI-DADE COUNTY  
PUBLIC WORKS  
DATE: 08-31-2009    SCALE: NOT TO SCALE