Memorandum

MIAMI-DADE COUNTY

Date: April 6, 2010

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

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

From: George M. Burgess
County Manager

Subject: Bill Bird Marina - FPL Easement

Recommendation
It is recommended that the Board approve the attached resolution authorizing the execution of an easement document for the Florida Power and Light Company (FPL) to install and maintain electric power facilities at Bill Bird Marina, located at 10801 Collins Avenue.

Scope
The park is located in Commission District 4. The easement will allow FPL to maintain electric power facilities that serve a new dockmaster building in the marina area.

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 Bill Bird Marina with a new dockmaster building that requires electric transformers to reduce the voltage from the nearest power line. FPL has agreed to provide these facilities once the County gives them an easement. The electric lines will be underground.

Attachments

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: April 6, 2009

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

SUBJECT: Agenda Item No. 8(M)(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**

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(M)(1)(A)
4-6-10

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 AT BILL BIRD MARINA

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 at the Bill Bird Marina 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 the Bill Bird Marina 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 6th day of April, 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. 1st Street, Suite 2810
Miami, Florida 33128

Sec 23 Twp 52 S Rge 42 E
Folio No. 30 2214 008 0010
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 EXHIBITS "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:

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. 2010, 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_____, 2010, 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)

EXHIBIT "A".

10' UTILITY EASEMENT

Being a portion of Section 23, Township 52 South, Range 42 East, Miami Dade County, Florida, being more particularly described as follows:

Commence at Department of Natural Resources, State of Florida brass disk "87-78-A-05" as recorded in Plat Book 74, at Page 25, of the Miami Dade County, Florida; thence N 10°31'17.6" E, for a distance of 517.54 feet to a point of intersection with the Coastal Construction Control Line as recorded in said Plat Book 74, Page 25, of Miami Dade County, Florida; thence S 0°06'23.9" E along said Coastal Construction Control Line , for a distance of 1001.61 feet; thence S 0°06'23.9" E along said Coastal Construction Control Line, for a distance of 526.00 feet; thence S 07°34'23.1" W, along said Coastal Construction Control Line , for a distance of 370.18 feet; thence N 82°25'37" W, for a distance of 635.43 feet to a point of intersection with the point of terminus of a easement as recorded in Plat Book 26788, Page 3744-3746, of the Miami Dade County, Florida; thence N 0°50'05" E, for a distance of 5.00 feet; thence S 89°09'55" E, for a distance of 5.00 feet; to the Point of Beginning of the centerline of an Easement 10 feet wide with 5 feet to each side; thence N 0°50'05" E, along said centerline, for a distance of 24.65 feet; thence N 13°52'27" E, for a distance of 61.28 feet; thence N 37°39'30" E, for a distance of 153.54 feet; thence N 04°30'39" W, for a distance of 123.29 feet; thence N 12°18'46" W, for a distance of 134.56 feet; thence N 02°46'01" E, for a distance of 101.73 feet; thence N 03°05'32" W, for a distance of 137.14 feet to the Point of Terminus of the aforementioned centerline.

Side lines must be shortened or lengthened as the case may be to maintain the 10 feet easement conformation. Having 7361.89 Sq. ft. more or less.

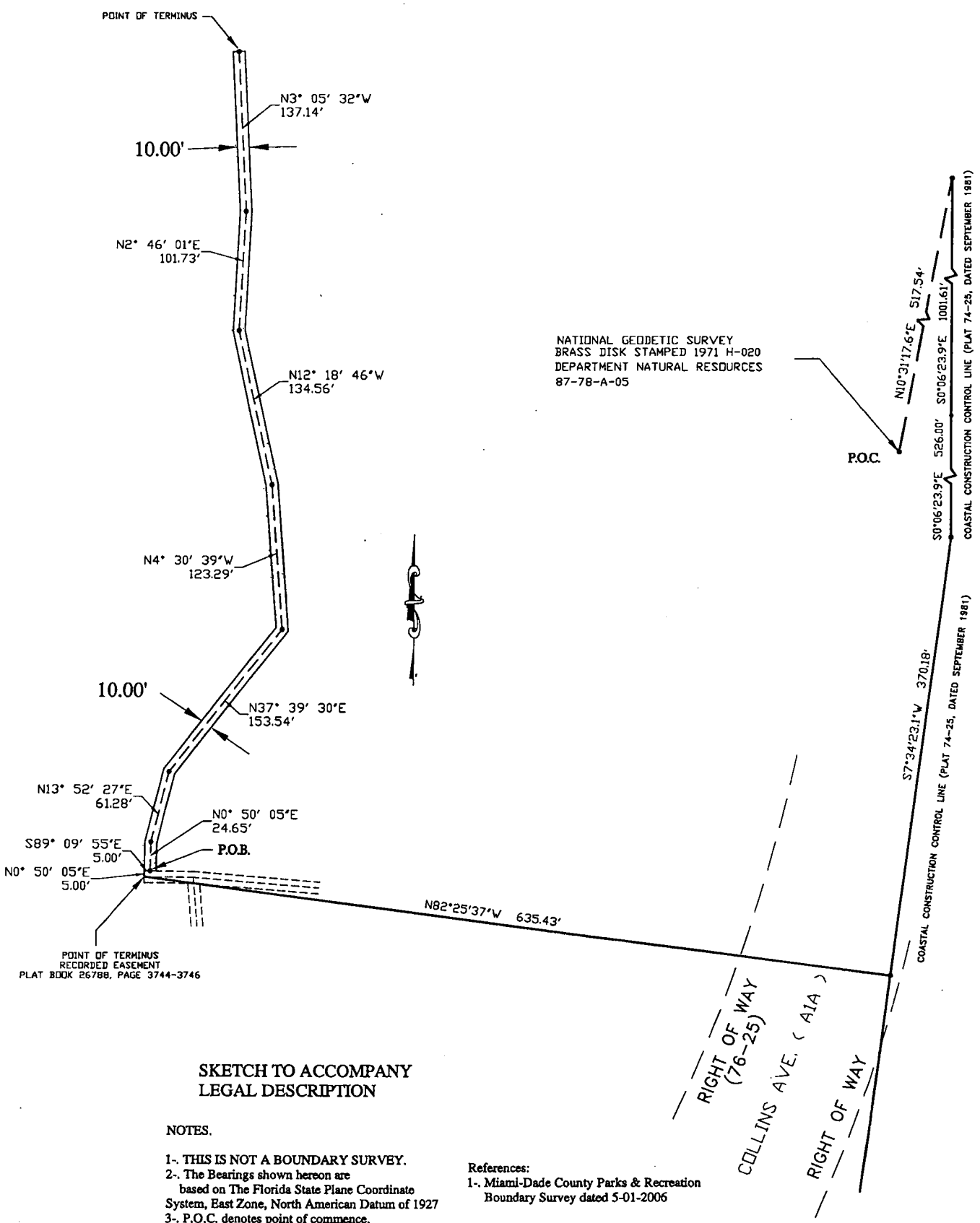
SCOTT A. RIGGS, PSM
Florida License # 6160
140 West Flagler Street, Suite # 805
Miami, Florida 33130 (305) 375-2657
Date: 08-21-2009

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.

7

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 commence.
4-. P.O.B. denotes point of beginning.

References:
1-. Miami-Dade County Parks & Recreation Boundary Survey dated 5-01-2006

MIAMI-DADE COUNTY
PUBLIC WORKS
DATE: 08-21-2009 SCALE: NOT TO SCALE

8