

MEMORANDUM

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

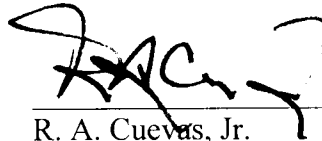
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2011

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

SUBJECT: Resolution authorizing the conveyance of an easement to Peoples Gas System, a division of Tampa Electric Company (TECO), for the installation, maintenance and repair of natural gas facilities to service the Children's Courthouse site, located at 112 N.W. 3 Street, Miami; and authorizing the Chairperson or Vice Chairperson to execute a non-exclusive utility easement

The accompanying resolution was prepared by the General Services Administration Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

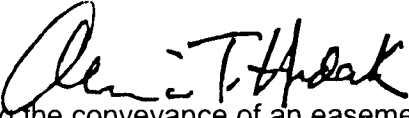


R. A. Cuevas, Jr.
County Attorney

RAC/cp

Date: July 7, 2011

To: Honorable Chairman Joe A. Martinez
And Members, Board of County Commissioners

From: Alina T. Hudak
County Manager 

Subject: Resolution authorizing the conveyance of an easement to Peoples Gas System, a Division of Tampa Electric Company (TECO), for the installation, maintenance and repair of natural gas facilities to service the Children's Courthouse site, located at 112 N.W. 3 Street, Miami

RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing the conveyance of an easement to Peoples Gas System, a Division of Tampa Electric Company (TECO), for the installation, maintenance and repair of natural gas facilities to service the Children's Courthouse site located at 112 N.W. 3 Street, Miami. The item was prepared by General Services Administration.

OWNER: Miami-Dade County, General Services Administration

TAX FOLIO NUMBER: 01-4137-070-0010

SIZE: Approximately 3,602 square feet

LOCATION: 112 N.W. 3 Street, Miami

COMMISSION DISTRICT: 5

COMMISSION DISTRICT IMPACTED: Countywide

ZONING: G/I – Government and Institutions. According to the Department of Planning and Zoning, the existing use is a permitted use under the current zoning.

BACKGROUND: On September 25, 2001, by Resolution No. R-1065-01, the Board designated 3.38 acres of County-owned land, located at 112 N.W. 3 Street, Miami, as the site for a new Children's Courthouse. The construction of the Children's Courthouse is underway and is expected to be completed by October 31, 2013.

JUSTIFICATION: Peoples Gas System has requested a perpetual easement to install, maintain and repair natural gas facilities that will service the Children's Courthouse. The proposed 12 foot gas easement will be located along the east boundary line of the site.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 2

FISCAL IMPACT/
FUNDING SOURCES:

The grant of easement has no fiscal impact to the County. The Children's Courthouse project is funded with proceeds from the Criminal Justice Bonds, the 2003 Juvenile Courthouse bonds proceeds and interest as well as future financing. Index Code CPE36AJA2JVC Sub object Code 26040.

MONITOR:

Shannon Clark, Real Estate Officer

DELEGATED
AUTHORITY:

Authorizes the Board of County Commissioners acting by the Chairperson or Vice Chairperson of said Board to execute this easement in substantially the form attached hereto.


Wendi J. Norris, Director
General Services Administration



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2010

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
Veto _____
Override _____

Agenda Item No. 8(F)(1)(C)
7-7-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY (TECO), FOR THE INSTALLATION, MAINTENANCE AND REPAIR OF NATURAL GAS FACILITIES TO SERVICE THE CHILDREN'S COURTHOUSE SITE, LOCATED AT 112 N.W. 3 STREET, MIAMI; AND AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON TO EXECUTE A NON-EXCLUSIVE UTILITY 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 Peoples Gas System, a Division of Tampa Electric Company (TECO), as described in the Peoples Gas System Easement attached, in substantially the form attached hereto and made a part hereof, and authorizing the Board of County Commissioners acting by the Chairperson or Vice Chairperson of said Board to execute said Easement on behalf of Miami-Dade County.

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:

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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of July, 2011. 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.

GBK

Geri Bonzon-Keenan

6

CLERK OF CIRCUIT COURT RETURN TO PREPARER:

Prepared by: Real Estate Department
Peoples Gas System
(Address)
(City), Florida (Zip Code)

Space Reserved for Clerk

GRANT OF NON-EXCLUSIVE UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS that **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida (the "**Grantor**") whose principal address is 111 N.W. 1st Street, Miami, Florida 33128, in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to **PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY**, a Florida corporation (the "**Grantee**") whose principal address is P. O. Box 2562, Tampa, Florida 33601, and to its successors and assigns, a non-exclusive perpetual easement (the "**Easement**") solely for the installation, maintenance and repair of natural gas facilities (the "**Facilities**"), over, under and upon a parcel of land owned by the Grantor and described on Exhibit "A" attached hereto and by reference made apart hereof.

The location of the Easement (the "**Easement Area**") is defined on the drawing attached hereto as Exhibit "B".

1. Use: Grantee's use of the Easement shall at all times be in compliance with all Federal, State and local laws, regulations, ordinances and statutes.

2. Repair by Grantee. Grantee shall promptly repair any damage to the Easement Area and the parcel of land described in Exhibit "A", or any other property not owned by Grantee, caused by Grantee exercising its rights under this agreement including without limitation, landscaping, ground cover, planting, roadways, driveways, sidewalks, parking areas and structures. In the event that Grantee, its employees, agents or contractors cause damage to the Easement in the exercise of the privilege granted herein, Grantee agrees to restore the Easement Area so damaged to its original condition and grade. Notwithstanding the foregoing, the Grantor shall have the right and privilege to use the Easement Area in any manner that does not interfere with the rights, use and enjoyment granted hereunder to Grantee. Grantor further acknowledges that under the "Underground Facility Damage Prevention and Safety Act" (F.S.556), that Grantor is obligated to notify "Sunshine State One-Call of Florida, Inc." of its intent to engage in excavation or demolition prior to commencing any work and that this notification system shall provide member operations an opportunity to identify and locate if applicable, their underground Facilities prior to said excavation or demolition. In the event Grantor fails to notify as set forth above, Grantor may be held responsible for costs and expenses incurred due to damage of Grantee's Facilities.

3. Relocation: The Grantee agrees upon the request of Grantor to relocate its Facilities, over, under and upon subject parcel at the expense of Grantor with the vacated portion of this easement being released and conveyed back to Grantor and the site of the relocated Facilities being conveyed and included in this easement grant as though it had been included ab initio.

4. Entire Agreement: This Grant of Easement constitutes the entire agreement and understanding between the parties with respect to the subject matter hereof. This Grant of Easement may not be changed, altered or modified except by an instrument in writing signed by the party against whom enforcement of such change would be sought. This Grant of Easement shall be binding upon the parties hereto and their respective successors and assigns.

7

IN WITNESS WHEREOF, the Grantor has executed this Grant of Non-Exclusive Easement this ____ day of _____, 20__.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

GRANTOR:
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Its Chairperson (or Vice Chairperson)

Approved for legal sufficiency _____

The foregoing was authorized by Resolution No. _____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 20__.

Signed Seal and Delivered
in the presence of:

GRANTEE:
PEOPLES GAS SYSTEM, A DIVISION OF
TAMPA ELECTRIC COMPANY,
a Florida corporation

WITNESS: _____

Print Name: _____

By: _____
J.A. Kickliter, Director of Real Estate

WITNESS: _____

Print Name: _____

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF HILSBOROUGH

The forgoing instrument was acknowledged before me this _____ day of _____, 20__, by J.A. Kickliter, Director of Real Estate, on behalf of the corporation. He personally appeared before me, is personally known to me.

(SEAL)

Notary Public

Print Name
Commission Expires:

8

SKETCH AND LEGAL DESCRIPTION PROPOSED 12' TECO GAS EASEMENT

FOR SKETCH SEE
PAGE 2

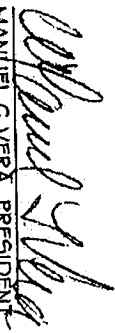
LEGAL DESCRIPTION

THE EAST 12 FEET OF TRACT A OF "CHILDREN'S COURTHOUSE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 168, AT PAGE 97, OF THE PUBLIC RECORDS OF MIAMI, DADE COUNTY, FLORIDA, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 3,602 SQUARE FEET MORE OR LESS.

SURVEYOR'S REPORT :

BEARINGS SHOWN HEREON ARE BASED ON THE SYSTEM AS SHOWN ON THE PLAT OF "CHILDREN'S COURTHOUSE", P.B. 168 PG.97, ALONG THE CENTERLINE LINE OF N.W. 3rd. STREET, WHICH IS N67°44'08"E.

THIS IS NOT A BOUNDARY SURVEY. THIS IS A SKETCH AND LEGAL DESCRIPTION FOR A 12.00 FOOT TECO GAS EASEMENT.


MANUEL G. VERA, PRESIDENT
PROFESSIONAL SURVEYOR AND MAPPER No. 2262,
STATE OF FLORIDA.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR
AND MAPPER.

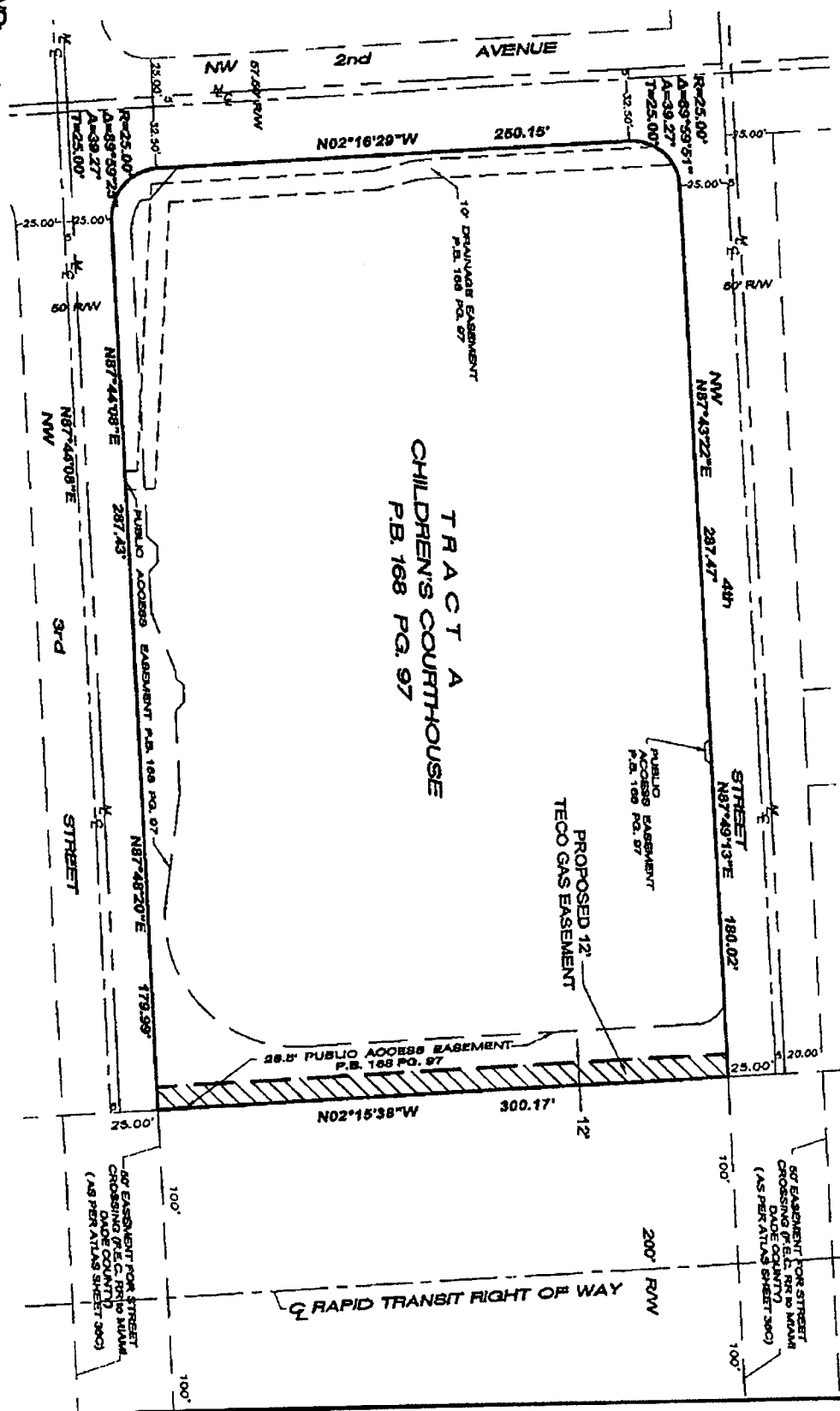
LICENSED BUSINESS No. 2439

MANUEL G. VERA AND ASSOCIATES, INC.			
ENGINEERS-SURVEYORS & MAPPERS			
13960 S.W. 47TH ST. MIAMI, FLORIDA 33175			
PHONE: (305) 221-6210 FAX: (305) 221-1295			
TYPE OF PROJECT:	PROJECT NAME:	DATE:	DRAWN BY:
SKETCH & LEGAL DESCRIPTION	CHILDREN'S COURTHOUSE	05-02-2011	S.N.
	SCALE		SHEET
			1 OF 2

5

SKETCH AND LEGAL DESCRIPTION PROPOSED 12' TECO GAS EASEMENT

FOR LEGAL DESCRIPTION
SEE PAGE 1



- LEGEND:**
- RW - DENOTES RIGHT-OF-WAY.
 - - DENOTES CENTERLINE.
 - N - DENOTES NORTH
 - S - DENOTES SOUTH
 - W - DENOTES WEST
 - E - DENOTES EAST

LICENSED BUSINESS No. 2439

MANUEL QVERA AND ASSOCIATES, INC.
ENGINEERS-SURVEYORS & MAPPERS
13980 S.W. 47th ST. MIAMI, FLORIDA 33175
PHONE: (305) 221-6210 FAX: (305) 221-1295

TYPE OF PROJECT:	SKETCH & LEGAL DESCRIPTION		
PROJECT NAME:	CHILDREN'S COURTHOUSE		
DATE:	05/02/2011	SCALE:	1"=80'
DRAWN BY:	S.M.	SHEET:	2 OF 2

miamidade.gov

Property Information Map



Summary Details:

Folio No.:	01-4137-070-0010
Property:	112 NW 3 ST
Mailing Address:	MIAMI-DADE COUNTY GSA R/E MGMT-DGC 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	8000 GOVERNMENT & INSTITUTIONS
CLUC:	0066 EXTRA FEA OTHER THAN PARKING
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	3.38 ACRES
Year Built:	0
Legal Description:	CHILDRENS COURTHOUSE PB 168 - 097 T 23120 TR A LOT SIZE 147558 SQ FT ML FAU 01 4137 023 0010

Assessment Information:

INFORMATION NOT AVAILABLE

Aerial Photography - 2009

0 166 ft

This map was created on 5/2/2011 3:11:45 PM for reference purposes only.

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11