



MEMORANDUM

Agenda Item No. 8(O) (3)

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

DATE: January 24, 2012

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

SUBJECT: Resolution authorizing the conveyance
of a Non-Exclusive Easement to Florida
Power and Light Company for the
construction, operation and maintenance
of the new Metrorail Dedicated Service
and appurtenant equipment

The accompanying resolution was prepared by the Miami-Dade Transit Department and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

A handwritten signature in black ink, appearing to read "RAC", is written over a horizontal line. The signature is stylized and includes a large flourish at the end.

R. A. Cuevas, Jr.
County Attorney


RAC/up

Memorandum



Date: January 24, 2012

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

From: Carlos A. Gimenez 
Mayor

Subject: Resolution Authorizing the Conveyance of a Non-Exclusive Easement to Florida Power and Light Company for the Construction, Operation and Maintenance of the New Metrorail Dedicated Service and Appurtenant Equipment, to be Installed from Time-to-Time on Property Owned by Miami-Dade County, located at 3845 NW 35th Avenue and in Conjunction with the AirportLink Project

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing conveyance of a Non-Exclusive Easement to Florida Power and Light Company (FPL) for the construction, operation and maintenance of underground cables, underground conduits, and appurtenant equipment, to be installed from time-to-time, on a property owned by Miami-Dade County (County), located at 3845 NW 35th Avenue, and in conjunction with the AirportLink Project. This easement is required for the new 13.2KV feeder distribution cables that provide electrical power to the new Traction Power Substation (TPSS) # 1.

SCOPE

This easement is physically located within Commission District 2.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to Miami-Dade County for the conveyance of this Easement.

TRACK RECORD/MONITOR

The County has previously granted easements to FPL. The Right of Way, Utilities and Property Management (ROW) Division of the Miami-Dade Transit Department (MDT) will process the easement document for the execution once the installation work has been completed. The person responsible for administering the task is Froilan I. Baez, Acting Chief of said ROW Division.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Code of Miami-Dade County 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 easement agreement.

BACKGROUND

In 2009 the Board approved Resolution R-1305-09 authorizing the installation of new dedicated electrical service for the new traction power substations for the Airport Link Project. FPL installed feeder distribution cables from their substations via public roads and then onto County property at the above mentioned location to the new TPSS # 1.

This easement will provide FPL access from a public road to the FPL vault located inside the new substation on said County property. The installation work has been completed according to the project schedule.

Deputy Mayor/County Manager



MEMORANDUM

(Revised)

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

DATE: January 24, 2012

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

SUBJECT: Agenda Item No. 8(O)(3)

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(0)(3)
1-24-12

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE NEW METRORAIL DEDICATED SERVICE AND APPURTENANT EQUIPMENT, TO BE INSTALLED FROM TIME-TO-TIME, ON PROPERTY OWNED BY MIAMI-DADE COUNTY, LOCATED AT 3845 NW 35TH AVENUE, IN CONJUNCTION WITH THE AIRPORTLINK PROJECT; AND AUTHORIZING THE COUNTY MAYOR, OR MAYOR'S DESIGNEE, TO EXECUTE THE EASEMENT INSTRUMENT

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 a Non-Exclusive Easement to Florida Power and Light Company (FPL) for the construction, operation and maintenance of electrical facilities, as described in the attached FPL easement, in substantially the form attached hereto and made a part hereof; and authorizes the Mayor, or Mayor's designee, to execute said easement for and on behalf of Miami-Dade County and to exercise all provisions therein; and pursuant to Resolution R-974-09, record the instrument of the easement conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

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	

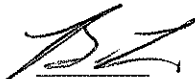
The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

Work Request No. 3489050

UNDERGROUND EASEMENT (BUSINESS)

Sec. 21, Twp 53 S, Rge 41 E

This Instrument Prepared By

Parcel I.D. 3031210000901
(Maintained by County Appraiser)

Name: Byron Sample
Co. Name: Florida Power & Light Company
Address: 7200 NW 4 ST
Plantation, FL 33317

Form 3722 (Stocked) Rev. 6/11

pg 1 of 3.

The undersigned, 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, its licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

Together with the right to permit FPL to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for FPL's communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed and delivered in the presence of:

Entity Name

(Witness Signature)

By: _____

Print Name: _____
(Witness)

Print Name: _____

(Witness Signature)

Print Address: _____

Print Name: _____
(Witness)

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, the _____ of _____ a _____, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

Notary Public, Signature

Print Name _____

SKETCH AND DESCRIPTION
10' FPL EASEMENT
 NW 38th STREET AND NW 35th AVENUE
 MIAMI-DADE COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 53 South, Range 41 East, Miami-Dade County, Florida, described as follows:

A strip of land 10 feet in width, being 5.00 feet on each side of the following described centerline:

COMMENCE at the Northwest corner of said Lot 7, Block 3, 36TH STREET HIGHLANDS, according to the Plat thereof as recorded in Plat Book 22, Page 73 of the Public Records of Miami-Dade County, Florida; thence N 87°45'53" E along the North line of said Lot 7, a distance of 5.00 feet; thence N 02°11'07" W a distance of 5.00 feet to the POINT OF BEGINNING of said centerline; thence N 87°46'53" E along said centerline being 5.00 feet North of and parallel with the North line of said Plat, a distance of 259.96 feet; thence N 42°46'53" E along said centerline a distance of 9.91 feet; thence N 02°11'07" W along said centerline a distance of 10.00 feet to the POINT OF TERMINATION also being the south face of an existing FPL vault.

The sidelines of said easement are extended or shortened to meet at angle points and to form a continuous strip of land.

Said lands situate in Miami-Dade County, Florida and containing 2,799 square feet (0.064 acres) more or less.


SURVEYOR'S REPORT:


1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
3. The land description shown hereon was prepared by the Surveyor.
4. No underground improvements were located.
5. Bearings and Coordinates shown hereon are assumed based on the centerline of N.W. 38th Street having a bearing of N 87°46'53" E.
6. Abbreviation Legend: A= Arc distance; C = Centerline; L.B. = Licensed Business; D.C.R.= Miami-Dade County Records; FPL= Florida Power and Light; PT.= Point; P.S.M. = Professional Surveyor and Mapper; P.O.B.=Point of Beginning; P.O.C.= Point of Commencement; P.O.T.= Point of Termination.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 5J-17.05, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 08/29/2011

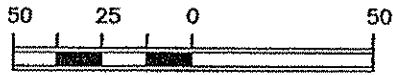

 ALAN M. REYNOLDS, P.S.M.
 Florida Registration No. 6346
 AVIROM & ASSOCIATES, INC.
 L.B. No. 3300

REVISIONS		AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2594, FAX (561) 394-7125 www.AVIROM-SURVEY.com <small>©2011 AVIROM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM & ASSOCIATES, INC. and should not be reproduced or copied without written permission.</small>
REVISE PER COMMENTS - 08/29/2011		JOB #: 8852-B
		SCALE: 1" = 50'
		DATE: 05/11/2011
		BY: AMR
		CHECKED: MDA
		F.B.: - PG. -
		SHEET 1 OF 2

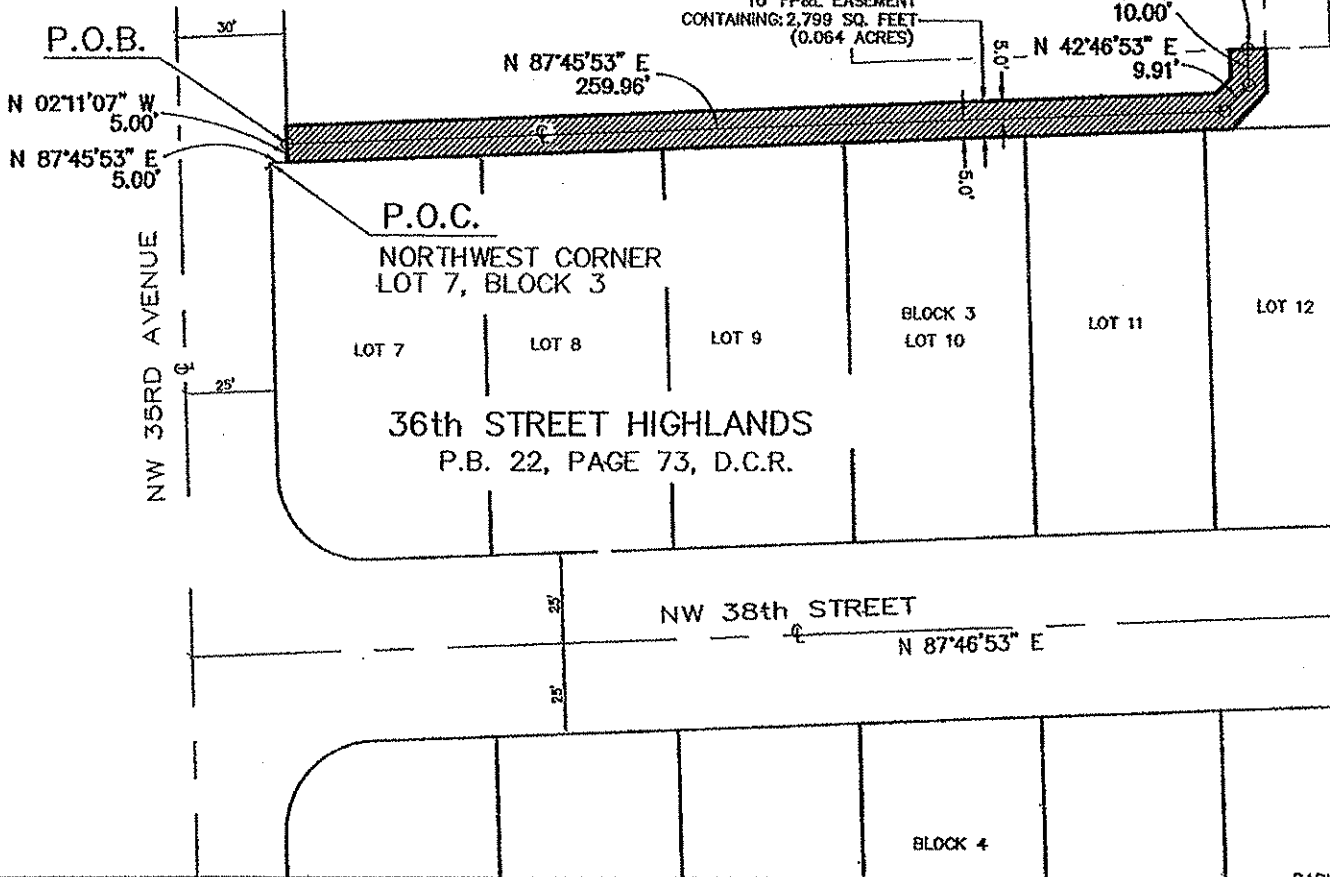
SKETCH AND DESCRIPTION
10' FPL EASEMENT
 NW 38th STREET AND NW 35th AVENUE
 MIAMI-DADE COUNTY, FLORIDA

SECTION 21, TOWNSHIP 53 S., RANGE 41 E. MIAMI-DADE COUNTY, FLORIDA

NOT SUBDIVIDED



SCALE IN FEET
 1" = 50'



REVISIONS
REVISE PER COMMENTS - 08/29/2011



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JOB #:	8852-B
SCALE:	1" = 50'
DATE:	05/11/2011
BY:	AMR
CHECKED:	MDA
F.B. - PG.	- -
SHEET	2 OF 2