MEMORANDUM Agenda Item No. 8(O)(5)

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 equipments

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

R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE COUNTY

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 Equipments, to be Installed from Time-to-Time, on Property Owned by Miami-Dade County, located at 3801 NW 25th Street and 2515-2525 NW 38th Court, and in Conjunction with the AirportLink Project

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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 equipments, to be installed from time to time, on properties owned by Miami-Dade County (County), located at 3801 NW 25th Street and 2515-2525 NW 38th Court, and in conjunction with the AirportLink Project. This easement is required for the new 13.2 KV feeder distribution cables that provide electrical power to the new MIC Traction Power Substation (MIC TPSS) next to the new MIC Station.

SCOPE

This easement is physically located within Commission District 6.

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 Miami-Dade Transit (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 service for the three new traction power substations for the AirportLink Project. FPL installed feeder distribution cables from one of their substations via public roads and then onto County property at the above mentioned location to the new MIC TPSS next to the MIC Station.

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)(5)

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(O)(5)
1-24-12

RESOLUTION NO. _____

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 EQUIPMENTS, TO BE INSTALLED FROM TIME-TO-TIME, ON PROPERTY OWNED BY MIAMI-DADE COUNTY, LOCATED AT 3801 NW 25TH STREET AND 2515-2525 NW 38TH COURT, IN CONJUNCTION WITH THE AIRPORT LINK PROJECT; AND AUTHORIZING COUNTY MAYOR, OR MAYOR'S DESIGNEE, 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. 3547811

Sec.29, Twp 53 S, Rge 41 E

Parcel
I.D.3031290110050/0060
(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 6/11

UNDERGROUND EASEMENT (BUSINESS)

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

Reserved for Circuit Court

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:

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:

_____
(Witness' Signature)

Print Name: _____
(Witness)

_____
(Witness' Signature)

Print Name: _____
(Witness)

Entity Name

By: _____

Print Name: _____

Print Address: _____

_____

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 25th STREET AND NW 38th LANE
MIAMI-DADE COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of Lot's 5 and 6, LE JEUNE TERMINALS SEVENTH ADDITION, according to the Plat thereof as recorded in Plat Book 59, Page 14 of the Public Records of 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 Southeast corner of said Lot 6; thence S 80°49'50" W along the Northerly right-of-way line of N.W. 25th Street, a distance of 34.79 feet to the POINT OF BEGINNING of said centerline; thence N 15°06'08" E along said centerline a distance of 51.91 feet; thence N 00°05'47" E along said centerline a distance of 150.00 feet; thence N 44°54'13" W along said centerline a distance of 7.07 feet; thence N 89°54'13" W along said centerline a distance of 28.00 feet to the POINT OF TERMINATION also being the East 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 2,270 square feet (0.0543 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. 25th Street having a bearing of N 80°49'50" E.
6. Abbreviation Legend: ℄ = 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; REF.= Reference; POB=Point of Beginning; POC= Point of Commencement; POT= 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		
REVISE PER COMMENTS – 08/29/2011	***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*	JOB #: 8852-C
		SCALE: 1" = 50'
		DATE: 05/11/2011
		BY: AMR
		CHECKED: MDA
		F.B. - PG. -
		SHEET 1 OF 2

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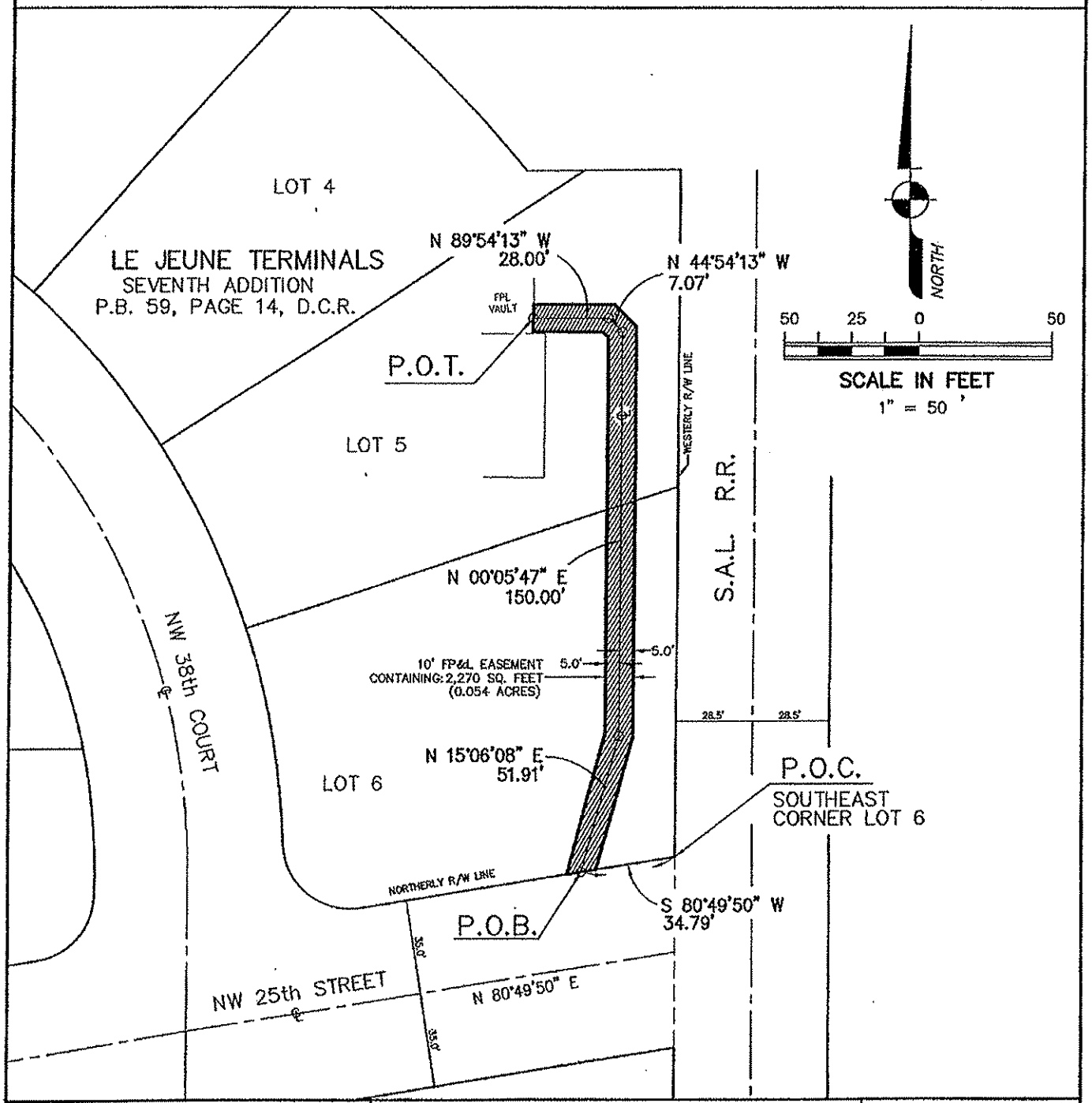
SKETCH AND DESCRIPTION

10' FPL EASEMENT

NW 25th STREET AND NW 38th LANE
MIAMI-DADE COUNTY, FLORIDA

SECTION 29, TOWNSHIP 53 S., RANGE 41 E. MIAMI–DADE COUNTY, FLORIDA



REVISIONS
REVISE PER COMMENTS – 08/29/2011

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