

MEMORANDUM

Agenda Item No. 8(N)(1)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

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

SUBJECT: Resolution authorizing conveyance of a non-exclusive easement to Florida Power and Light Company (FPL) for the operation and maintenance of overhead and underground electric power lines

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

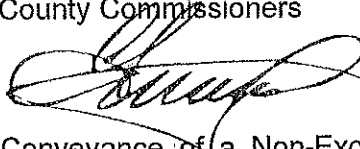


R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: July 2, 2013
To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
From: Carlos A. Gimenez
Mayor 
Subject: Resolution Authorizing Conveyance of a Non-Exclusive Easement to Florida Power and Light Company (FPL) for the Operation and Maintenance of Overhead and Underground Electric Power Lines, to be Installed Within County Properties Located Along the South Side of 254-206 West Palm Drive and the East Side of Vacated N.W. 2nd Avenue in City of Florida City

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 operation and maintenance of overhead and underground electric power lines, to be installed within Miami-Dade County (County) properties located along the south side of 254-206 West Palm Drive and the east side of vacated N.W. 2nd Avenue in the City of Florida City, as depicted in Exhibit "A." This easement is required for the relocation of FPL conflicting facilities within Miami-Dade Transit's SW 344th Street Park and Ride Project.

SCOPE

The impact of this project is County-wide; however, this Park and Ride is physically located in Commission District 9 (Moss).

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to Miami-Dade County.

TRACK RECORD/MONITOR

The County has previously granted easements to FPL. The person responsible for managing this project is Froilan I. Baez, Acting Chief, Miami-Dade Transit (MDT) Right of Way Division.

BACKGROUND

MDT has programmed the construction of a new Park and Ride Facility, located at the southern terminus of the Busway extension to Florida City adjacent to the north side of Palm Drive (SW 344th Street) between NW 2nd Avenue (now a vacated road) and NW 3rd Avenue in Florida City. The proposed Park and Ride project includes a "kiss and ride" drop off area, passenger wait area, bus bays, a roundabout for buses using the Busway, a comfort station (rest/break facility) for bus operators including restrooms, and other ancillary improvements standard for a Park and Ride Facility.

The conflicting FPL facilities within the project limits will be terminated and removed. This memorandum provides for the new location of the FPL easement needed for the relocated transmission/distribution lines which will ultimately provide service to the new Park and Ride. MDT will process the easement document for execution once the installation work has been completed.

The SW 344th Street Park and Ride Project is scheduled for completion in the fall of 2014.



Alina T. Hudak
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013


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

SUBJECT: Agenda Item No. 8(N)(1)

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 Mayor'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

Agenda Item No. 8(N)(1)

Veto _____

7-2-13

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL) FOR THE OPERATION AND MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC POWER LINES, TO BE INSTALLED WITHIN COUNTY PROPERTIES LOCATED ALONG THE SOUTH SIDE OF 254-206 WEST PALM DRIVE AND EAST SIDE OF VACATED NW 2 AVENUE IN THE CITY OF FLORIDA CITY, AS DEPICTED IN EXHIBIT "A"; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

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 (FPL) for the construction, operation and maintenance of overhead and underground electric power lines, as described in the attached FPL easements, in substantially the form attached hereto and made part hereof; and authorizes the County Mayor or County Mayor's designee to execute said easement for and on behalf of Miami-Dade County and to exercise all provisions contained therein; and pursuant to Resolution No. 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:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

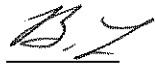
The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of July, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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. N/A
Sec. 20, Twp. 57 S, Rge. 38 E
Parcel I.D. 16-7824-007-2140
(Maintained by County Appraiser)
Form 3722 (Stocked) Rev. 6/11

EASEMENT

This Instrument Prepared By

Name: Carol A. Wilson
Co. Name: Miami-Dade Transit
Address: 701 N.W. 1st Court, 15th Floor
Miami, Florida 33136
(Page 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"), an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant 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 the easement of 10 feet in width described as follows:

Reserved for Circuit Court

See attached Exhibits "A"
(attached hereto and incorporated by reference)("Easement Area")

Together with the right to permit FPL to construct, install poles, attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for FPL's communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; the right 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 land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 2013.

Signed, sealed and delivered in the presence of:

(Witness' Signature)

Print Name: _____
(Witness)

(Witness' Signature)

Print Name: _____
(Witness)

By: _____
(Grantor's signature)

Print Name: _____

Print Address: _____

Attest: _____

Print Name: _____

Print Address: _____

STATE OF FLORIDA AND COUNTY OF MIAMI-DADE.

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by _____, and _____ respectively the _____ grantor and Secretary of _____, a _____ corporation, on behalf of said corporation, who are personally known to me or have produced _____ as identification, and who did (did not) take an oath. (Type of Identification)

My Commission Expires:

Notary Public, Signature

Print Name _____

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FPL Utility Easement

LEGAL DESCRIPTION:

The South ten (10.00) feet of Lots 8 through 21, inclusive, Block 25 of MAP OF DETROIT FLORIDA, according to the plat thereof, recorded in Plat Book 2, Page 74 of the Public Records of Miami-Dade County, Florida; subject to that portion thereof lying within the external area formed by a circular curve, concave to the Northeast having a radius of 25.00 feet, tangent to the South and West lines of said Block 25 with its point of intersection located at the Southwest corner of said Lot 8 being hereby reserved for dedication as public road right-of-way.

-AND-

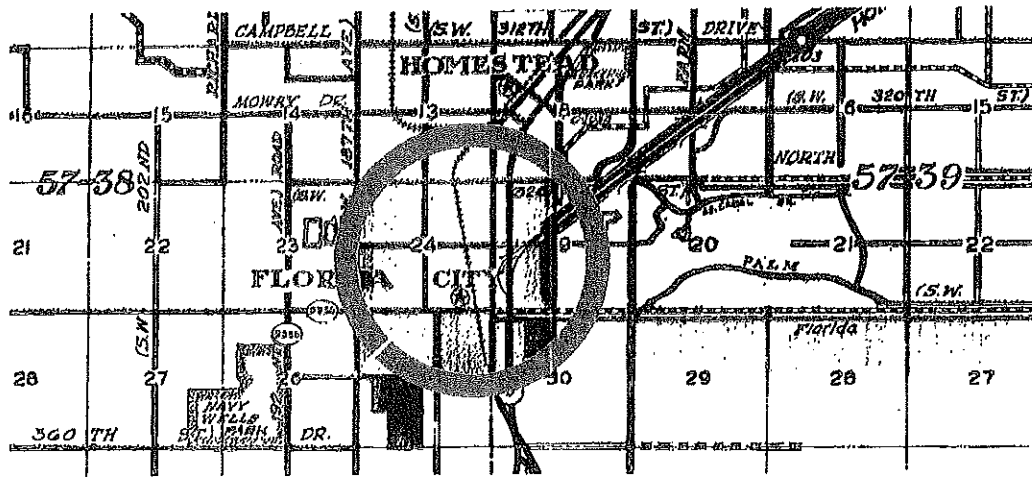
All that portion of the Westerly sixty (60.00) feet of the seventy (70) foot wide former right-of-way for NW 2nd Avenue of Florida City, depicted as Avenue 'A' on said MAP OF DETROIT FLORIDA, which is now lawfully closed and vacated pursuant to Resolution 13-07 of the City of Florida City recorded in Official Record Book 28536, Page 3467 of the Public Records of Miami-Dade County, Florida, lying within the North ten (10.00) feet of the South sixty (60.00) feet of Section 24, Township 57 South, Range 38 East, in the City of Florida City, Miami-Dade County, Florida, TOGETHER WITH the Southerly 158.5 feet of the East ten (10.00) feet of said former right-of-way of NW 2nd Avenue of Florida City, said Southerly 158.5 feet being measured along the East line of said former right-of-way of NW 2nd Avenue from a point at its intersection with the North line of the South fifty (50.00) feet of said Section 24; subject to those portions thereof lying within the external area formed by a circular curve concave Northwesterly, having a radius of 50.00 feet, tangent to the North line of the South fifty (50) feet of said Section 24 and tangent to the East line of said former right-of-way of NW 2nd Avenue being hereby reserved for dedication as public road right-of-way.

EXHIBIT "A"

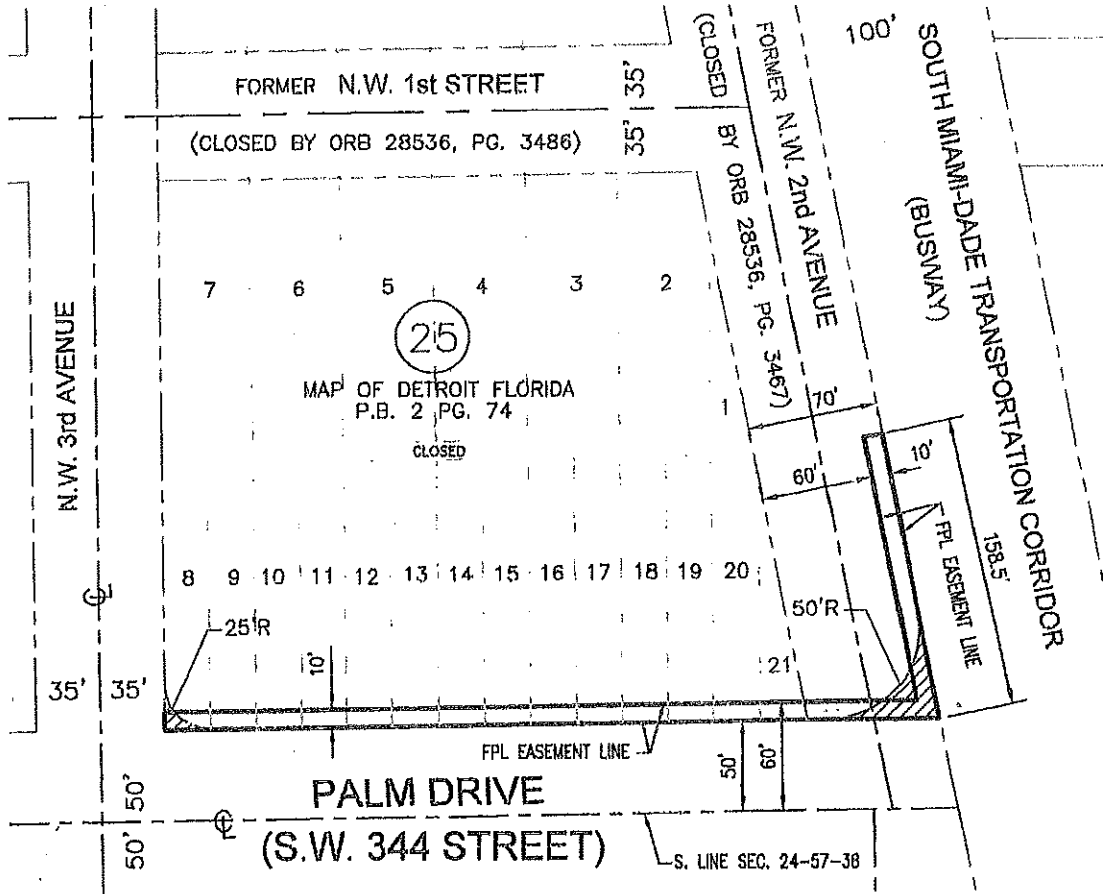
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SEC 24
TWP 57 S
RGE 38 E



LOCATION MAP
(Not to Scale)



LEGEND

- RIGHT-OF-WAY LINE
- - - CENTER LINE
- ==== BOUNDARY LINE
- PROPERTY LINE
- LOT LINE
- R/W RIGHT OF WAY

- FPL EASEMENT
- EXTERNAL AREAS RESERVED FOR PUBLIC ROAD R/W

MIAMI-DADE COUNTY PUBLIC WORKS AND
WASTE MANAGEMENT DEPT.
RIGHT OF WAY DIVISION
111 NW 1st ST. Miami, FL 33128-1970

This sketch is not a survey. It is provided solely as a graphic depiction of the legal description to which it is attached and is to be considered subordinate thereto.



SCALE: 1" = 100'

PARK & RIDE AT 6W 344 ST. & DUSWAY
PROJECT NO. 683008
Prepared by Wayne Sutton, PSM, LS 4681
MIAMI-DADE COUNTY
based on a Steven B. Burton drawing
dated 5/07/10.
Date: 04/04/2013



NOT A SURVEY

EXHIBIT "A"
(PAGE 3 OF 3)