

MEMORANDUM

Agenda Item No. 8(0)(1)

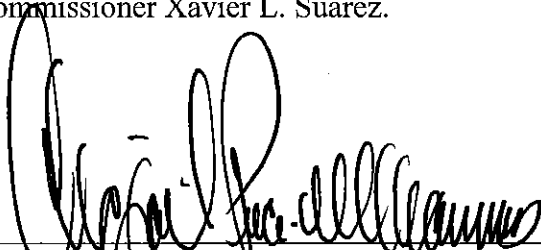
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the conveyance of a utility easement to Florida Power and Light in exchange for \$129,500.00 to install and maintain electrical power facilities at the Water and Sewer Department Headquarters Building, located at 3071 S.W. 38 Avenue, Miami, Florida; and authorizing County Mayor to execute easement and exercise all provisions contained therein

The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.



Abigail Price-Williams
County Attorney

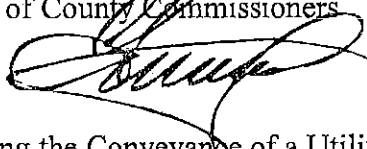
APW/smm

Memorandum



Date: November 7, 2017

To: Honorable Chairman Esteban L. Boyo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Authorizing the Conveyance of a Utility Easement to Florida Power & Light Company on County-Owned Land Located at 3071 SW 38 Avenue, Miami, Florida 33146

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the conveyance of a utility easement to the Florida Power & Light Company (FP&L) to increase capacity at the FP&L Coconut Grove Substation, located at Bird Road and Douglas Road. This FP&L substation serves the Coral Gables/Miami area, the Water and Sewer Department (WASD) Headquarters Building, and the Douglas Road Metrorail Station.

Scope

The utility easement impacts property owned by the Water and Sewer Department (WASD) located at 3071 SW 38 Avenue, Miami, Florida 33146 (Folio 01-4120-058-0010) in District 7, which is represented by Commissioner Xavier L. Suarez.

Fiscal Impact/Funding Source

There is a positive fiscal impact to the County associated with the conveyance of this utility easement. FP&L has agreed to pay the County \$129,500 for the utility easement based on an appraisal prepared (see Attachment A) by an independent appraiser from the approved list of appraisers used by the County.

All expenses related to the construction, reconstruction, operation, and maintenance of the utility easement will be performed by FP&L, at no cost to the County.

Track Record/Monitor

WASD's Assistant Director of Intergovernmental and Internal Affairs, Arlyn Rull, will oversee the conveyance of this utility easement to FP&L.

Background

To avoid future system overloads and maintain the reliability of FP&L's system for its customers in the Coral Gables/ Miami area, FP&L is proposing utility enhancements to the current transmission network in the vicinity along SW 38 Avenue, adjacent to the Douglas Road Metrorail Station right-of-way. In order to relieve the existing conditions in the area, FP&L requested conveyance of a utility easement from WASD of approximately 959 square feet, located on the southwest corner of the WASD's Headquarters Building (3071 SW 38 Avenue, Miami, Florida 33146).

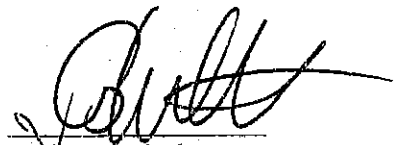
Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
Page 2

The utility easement will be used by FP&L to construct, operate, and maintain overhead utility facilities, and also gives FP&L the right to reconstruct, improve, add to, enlarge, change the voltage, and remove such utility facilities within the easement area.

The utility easement area is in close proximity to the County's Rapid Transit Zone, as established in Chapter 33C of the Code of Miami-Dade County. The Rapid Transit Zone consists of the Douglas Road Metrorail Station, the parking area, the landscaping area and certain abutting properties. The utility easement area is legally described and illustrated in Attachment B.

WASD recommends approval of this utility easement for FP&L in order to allow the upgrade and maintenance of its facilities to serve a growing customer load and to maintain low-cost electrical energy.

In accordance with Resolution No. R-380-17, written notice was provided to the District Commissioner.



Jack Osterholt,
Deputy Mayor

Attachment A

QUINLIVAN APPRAISAL
A PROFESSIONAL ASSOCIATION
7300 NORTH KENDALL DRIVE, SUITE 530
MIAMI, FLORIDA 33156

Thomas F. Magonheimer, MAI
State Certified General Appraiser
RZ 553

Telephone (305) 663-6611
Fax (305) 670-4330
tmagmai@aol.com

June 9, 2017

Ignacio Sarmiento
Corporate Real Estate Manager
Florida Power & Light Company
4200 West Flagler Street
Miami Florida, Florida 33134

Dear Mr. Sarmiento:

In accordance your request and authorization, I have prepared this Appraisal Report covering the following described property:

A proposed 959 square foot utility easement on the site of the Miami-Dade Water & Sewer Department Headquarters, located at 3071 S.W. 38th Avenue, Miami, Florida

The purpose of this Appraisal is to estimate the Market Value of the proposed easement, as of June 3, 2017, being one of the dates of personal inspection.

To the best of my knowledge, the opinions and conclusions were developed and this Appraisal Report was prepared in accordance with the standards and reporting requirements of the most current Uniform Standards of Professional Appraisal Practice (USPAP) adopted by the Appraisal Standards Board of the Appraisal Foundation. This appraisal is not based on any hypothetical conditions, extraordinary assumptions, limiting conditions or legal instructions.

The narrative Appraisal Report that follows sets forth the identification of the property, the assumptions and limiting conditions, pertinent facts about the area and the subject property, comparable data, the results of the investigations and analyses, and the reasoning leading to the conclusions set forth.

Mr. Ignacio Sarmiento
Florida Power & Light Company
June 12, 2017
Page 2

The parent tract of the proposed easement is a 2.19 acre portion of the headquarters of the Miami-Dade Water and Sewer Department. The proposed easement is a portion on the southwest corner of the parent tract. The proposed easement comprises 1% of the parent tract. The proposed easement is located in a portion of the site that is presently not utilized for the operation of any improvements on the parent tract. The proposed easement area will have no impact on the parent tract. Therefore, only an analysis of the easement area is prepared in order to estimate the value of the easement.

Based on the inspection of the property and the investigation and analyses undertaken, I have formed the opinion that, as of June 3, 2017, the Market Value of the proposed easement was:

ONE HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED DOLLARS

\$129,500

Respectfully submitted,

Thomas F. Magenheimer

Thomas F. Magenheimer, MAI
State-Certified General Appraiser
Certification Number: RZ0000553

TFM/jb
(17-037)

Attachment B

Prepared by and Return to:
Ignacio B. Sarmiento
Florida Power & Light Company
4200 West Flagler Street
Miami, Florida 33134

Parcel ID# 01-4120-058-0010

EASEMENT

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, a Florida corporation, whose address is P.O. Box 14000, Juno Beach, Florida 33408-0420 and to its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead electric utility facilities (including wires, 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 an easement described as follows:

See Attached Exhibit "A"

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for 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; 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.

(Executions and Acknowledgment next page)

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in the name by its Board of County Commissioners acting by the Chairperson of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

_____, CLERK

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

By: _____
Deputy Clerk

By: _____

Approved for Legal Sufficiency _____

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of 2017

EXHIBIT "A"
F.P.L. EASEMENT
 COCONUT GROVE - GALLOWAY 138KV

LAND DESCRIPTION:

A Florida Power & Light Company Easement being a portion of Lot 1, DOUGLAS W.A.S.D. PLAT, according to the Plat thereof, as recorded in Plat Book 158, Page 31, of the Public Records of Miami-Dade County, Florida.

BEGIN at the southwest corner of said Lot 1; (the following three courses and distances being along the east right-of-way line of S.W. 38th Avenue as shown on said Plat, also being the west line of said Lot 1) thence N 03°07'51" W, 29.99 feet; thence S 86°52'09" W, 3.00 feet; thence N 03°07'51" W, 23.01 feet; thence S 39°47'44" E, 55.26 feet; thence S 03°07'51" E along a line being 30.00 feet east of and parallel with said east right-of-way line of S.W. 38th Avenue, a distance of 10.00 feet to the south line of said Lot 1; (the following two courses and distances being along said south line of said Lot 1) thence S 87°46'48" W, 23.54 feet to a point of curvature of a curve concave to the north, having a radius of 25.00 feet and a central angle of 15°00'36"; thence westerly along the arc of said curve, a distance of 6.85 feet to the POINT OF BEGINNING.

Said lands situate and being in Miami-Dade County, Florida and containing 959 square feet, more or less.

SURVEYOR'S NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other Instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are assumed based on the west line of Lot 1, DOUGLAS W.A.S.D. PLAT, having a bearing of N 03°07'51" W.
5. No underground improvements were located.
6. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
7. Abbreviation Legend: \odot = Centerline; F.P.L. = Florida Power & Light Company; L.B. = Licensed Business; M.D.C.R. = Miami-Dade County Records; No. = Number; P.B. = Plat Book; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; R/W = Right-of-Way.

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 Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 4-26-2017



KEITH M. CHEE-A-TOW, P.L.S.
 Florida Registration No. 5328
 AVIROM & ASSOCIATES, INC.
 L.B. No. 3300

NOT VALID WITHOUT SHEETS 1 & 2

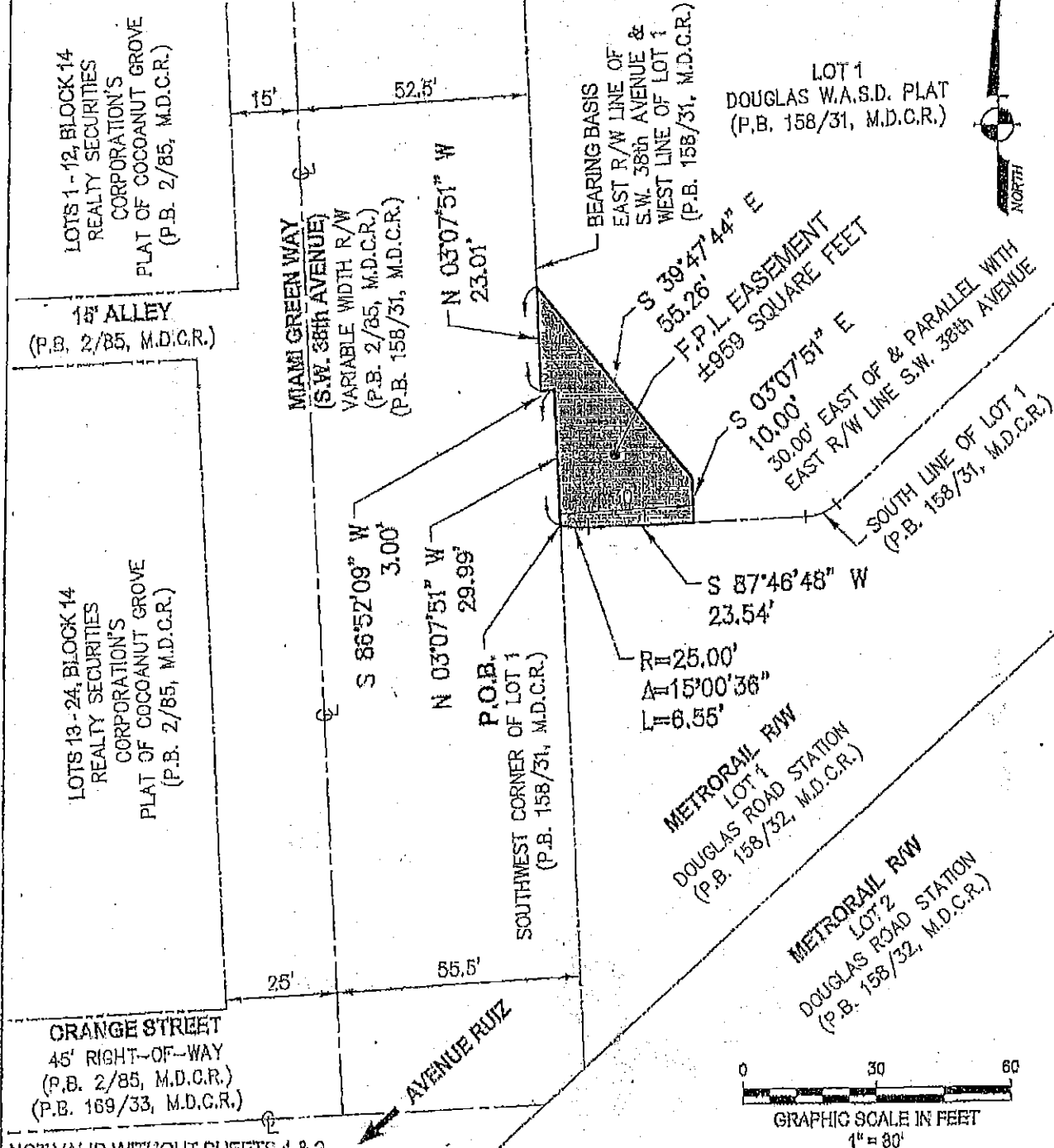
REVISIONS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
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JOB #:	9970-3
SCALE:	1" = 30'
DATE:	04/26/2017
BY:	S.A.M.
CHECKED:	K.M.C.
F.B. → P.O. →	—
SHEET	1 OF 2

EXHIBIT "A"
F.P.L. EASEMENT
 COCONUT GROVE - GALLOWAY 138KV



NOT VALID WITHOUT SHEETS 1 & 2

REVISIONS



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JOB #:	9970-3
SCALE:	1" = 30'
DATE:	04/28/2017
BY:	S.A.M.
CHECKED:	K.M.O.
F.B.:	PG. --
SHEET	2 OF 2



MEMORANDUM
(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(0)(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
- Statement of social equity 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
Veto _____
Override _____

Agenda Item No. 8(0)(1)
11-7-17

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT IN EXCHANGE FOR \$129,500.00 TO INSTALL AND MAINTAIN ELECTRICAL POWER FACILITIES AT THE WATER AND SEWER DEPARTMENT HEADQUARTERS BUILDING, LOCATED AT 3071 S.W. 38 AVENUE, MIAMI, FLORIDA; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE EASEMENT AND EXERCISE ALL PROVISIONS CONTAINED 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 hereby authorizes the conveyance of a utility easement to the Florida Power and Light Company in exchange for \$129,500.00, which amount is based on the appraised value of the utility easement. FPL will install and maintain electrical power facilities on the utility easement on a 959 square foot section of land at the Water and Sewer Department Headquarters Building located at 3071 S.W. 38 Avenue, Miami, Florida. The Board also authorizes the County Mayor or County Mayor's designee to execute the utility easement and exercise all provisions contained therein.

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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
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 November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

SED

Sarah E. Davis