

# MEMORANDUM

Agenda Item No. 8(F)(1)

---

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

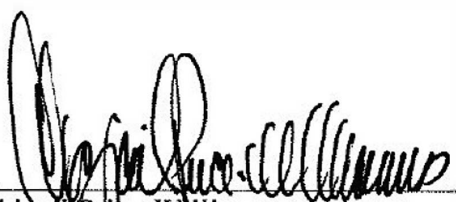
**DATE:** May 5, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution authorizing the conveyance of a 1,898 square foot easement to Florida Power and Light Company, for a nominal sum of \$1.00 to install and maintain electrical utility facilities on a portion of County-owned property, located at NW 8 Avenue between NW 142 Street and 141 Street, Miami, Florida, for the purpose of providing electrical service to a new pump station; and authorizing the County Mayor to execute the Underground Easement and to exercise all rights conferred therein

---

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

  
Abigail Price-Williams  
County Attorney

APW/uw

# Memorandum



**Date:** May 5, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

**Subject:** Resolution Authorizing the Conveyance of an Easement to Florida Power and Light Company to Provide Electrical Service to the Miami-Dade Water and Sewer Department's New Pump Station on a Portion of County-owned Property Located at NW 8 Avenue and NW 142 Street and NW 141 Street, Miami, Florida  
Folio No.: A Portion of 30-2123-013-0011

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of an easement to provide electrical service to a portion of County-owned property which is under the oversight of the Miami-Dade Water and Sewer Department (WASD). More specifically, the resolution does the following:

- Authorizes the conveyance of a 1,898 square foot easement to Florida Power and Light Company (FPL) for a nominal sum of \$1.00 for the construction, operation and maintenance of underground electrical utility facilities, including wires, poles, cables, conduits and related equipment to exclusively service WASD's new pump station that will extend sewer service to commercial and industrial areas (Folio No.: A Portion of 30-2123-013-0011); and
- Authorizes the County Mayor or County Mayor's designee to execute the Underground Easement (Attachment 1), to record the instrument of conveyance in the public records of Miami-Dade County, and to exercise all provisions therein.

## **Scope**

The property is located in Commission District 2, which is represented by Commissioner Jean Monestime. Written notice of the easement was provided to the District Commissioner.

## **Fiscal Impact/Funding Source**

FPL will pay a nominal sum of \$1.00 for the easement and will be responsible for the construction, operation and maintenance of the underground electrical utility facilities, including wiring, poles, cable conduits, and related equipment.

## **Track Record/Monitoring**

Idania Barroso of the Internal Services Department will be responsible for tasks related to the processing of this easement. David Marquez of WASD is managing the new pump station construction project.

## **Delegation of Authority**

This item authorizes the County Mayor or County Mayor's designee to execute the easement and to exercise any and all rights conferred herein.

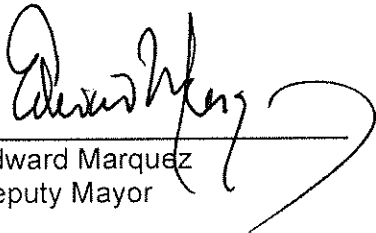
## **Background**

On July 2, 2013, the Board approved Resolution No. R-597-13, which directed the County Mayor to develop a plan to extend sewer service to the major commercial corridors, identified in the Department's report, including, NW 7 Avenue, NW 27 Avenue, NW 79 Street, NE 2 Avenue, Biscayne Boulevard, SW 40 Street (including from Red Road to the Palmetto Expressway), South Dixie Highway (including the Naranja area) and West Dixie Highway.

Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners  
Page 2

In accordance with Resolution No. R-597-13, WASD is proposing to construct a new pump station, located at NW 8 Avenue between NW 142 Street and NW 141 Street, that will provide service to commercial and industrial zoned properties that do not have access to sewer lines. The Department's plan does not include sewer extensions for any of these commercial corridors. Currently, the economic productivity of these areas is severely limited because businesses that produce wastewater, which cannot be legally discharged to a septic tank, are unable to operate. It is in the best interest of the County to maximize the economic potential for its business corridors by extending sewer service to these commercial corridors.

In order to provide underground electrical power to the pump station, FPL is requesting a 1,898 square foot easement. The easement will allow FPL the right to access and provide a dedicated service to operate the new pump station. As required by Resolution No. R-504-15, the only visible element will be an aboveground transformer mounted on a concrete pad and screened from view by landscaping, which will not adversely impact the surrounding area.



Edward Marquez  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** May 5, 2020

**FROM:** Angail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 8(F)(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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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)  
5-5-20

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE CONVEYANCE OF A 1,898 SQUARE FOOT EASEMENT TO FLORIDA POWER AND LIGHT COMPANY, FOR A NOMINAL SUM OF \$1.00 TO INSTALL AND MAINTAIN ELECTRICAL UTILITY FACILITIES ON A PORTION OF COUNTY-OWNED PROPERTY, LOCATED AT NW 8 AVENUE BETWEEN NW 142 STREET AND 141 STREET, MIAMI, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO A NEW PUMP STATION; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE UNDERGROUND EASEMENT AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN

**WHEREAS**, the County, adopted Resolution No. R-597-13, which directed the County Mayor to provide a plan to extend sewer services to commercial and industrial areas identified, but not limited to NW 7 Avenue, NW 27 Avenue, NW 79 Street, NE 2 Avenue, Biscayne Boulevard, SW 40 Street (including from Red Road to the Palmetto Expressway), South Dixie Highway (including the Naranja area) and West Dixie Highway; and

**WHEREAS**, the County, through its Water and Sewer Department, is constructing a new pump station, located at NW 8 Avenue between 142 Street and 141 Street, in order to extend sewer services to commercial and industrial zoned properties that do not have access to sewer lines in an area identified in Resolution No. R-597-13; and

**WHEREAS**, Florida Power and Light Company agreed to provide electrical utility facilities to the new pump station in exchange for an easement to allow access to install and maintain the facilities; and

**WHEREAS**, the easement is for electrical service that includes underground lines that will not adversely impact the surrounding area, and the only visible element will be screened from public view, in accordance with Resolution No. R-504-15; and

**WHEREAS**, the 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:**

**Section 1.** The foregoing recitals are incorporated into this resolution and are approved.

**Section 2.** This Board authorizes the conveyance of a 1,898 square foot easement to Florida Power and Light Company, for a nominal sum of \$1.00, for the installation and maintenance of electric utility facilities to a new pump station, and authorizes the County Mayor or County Mayor's designee to execute the Underground Easement in substantially the form attached hereto as "Attachment 1" and made part hereof, on behalf of Miami-Dade County and to exercise all provisions set forth therein.

**Section 3.** Pursuant to Resolution No. R-974-09, this Board (1) directs the County Mayor or the County Mayor's designee to record the easement 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 30 days of recordation of the easement, and (2) 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:

4

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

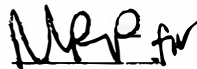
The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of May, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.



Debra Herman

Work Request No. \_\_\_\_\_

Sec. 23, Twp 52 , Range 41

Parcel I.D. 30-2123-013-0011  
(Maintained by County Appraiser)

**UNDERGROUND EASEMENT  
(BUSINESS)**

This Instrument Prepared By

Name: Internal Services Department  
Co. Name: Internal Services Department  
Address: 111 NW 1 Street, #2460  
Miami, Florida 33128

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 affiliates, 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 to provide electric service to the pump station identified on Exhibit "A"; 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 or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for FPL's communications purposes in connection with electric service for the pump station identified on Exhibit "A"; 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; 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; while still maintaining vegetative screening around the above ground electrical transformer in accordance with Resolution No. R-504-15; 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, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

ATTEST: HARVEY RUVIN,  
Clerk of Said Board

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

By: \_\_\_\_\_  
Deputy Clerk

Approved as to Form and  
Legal Sufficiency:

By \_\_\_\_\_  
Carlos A. Gimenez  
Mayor

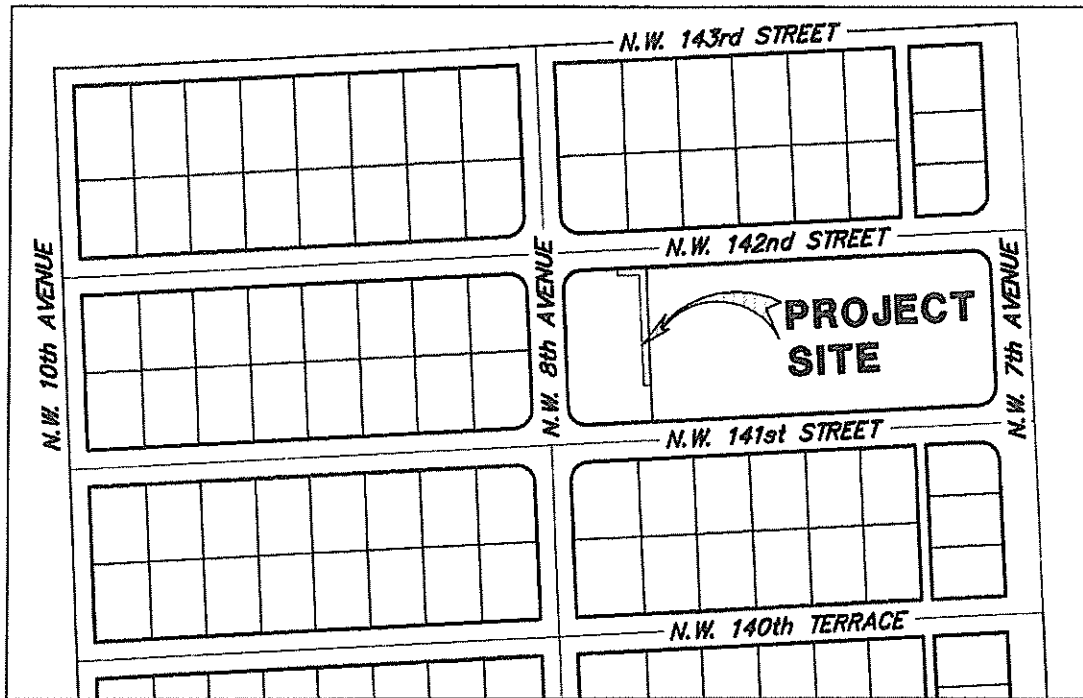
\_\_\_\_\_  
Assistant County Attorney

8





**EXHIBIT "A"**  
**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**



LOCATION MAP

NOT TO SCALE

SECTION 23, TOWNSHIP 52 SOUTH,  
RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA.

**SOURCE OF DATA:**

THE LEGAL DESCRIPTION OF THE SUBJECT PARCEL WAS GENERATED FROM THE FOLLOWING PLATS:

1. PLAT OF "HIGHVIEW GARDENS SECTION D" RECORDED IN PLAT BOOK 45, AT PAGE 58, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

IN ADDITION THE FOLLOWING DOCUMENTS WERE REVIEWED FOR THE PREPARATION OF THIS SKETCH AND LEGAL DESCRIPTION:

- a. TOPOGRAPHIC SURVEY BY AVINO & ASSOCIATES, INC., 14101 NW 8th AVENUE, MIAMI, FL, 33168, WITH DATE OF NOVEMBER 29th, 2018.

BEARINGS AS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF N.W. 141st STREET WITH AN ASSUMED BEARING OF N87°08'14"E SAID LINE TO BE CONSIDERED A WELL MONUMENTED LINE.

**LIMITATIONS:**

NO INFORMATION WAS PROVIDED AS TO THE EXISTENCE OF ANY EASEMENT OTHER THAN WHAT APPEARS ON THE UNDERLYING PLAT AS RECORD. PLEASE REFER TO THE LIMITATION ITEM WITH RESPECT TO POSSIBLE RESTRICTIONS OF RECORD AND UTILITY SERVICES.

**RESTRICTIONS:**

SINCE NO OTHER INFORMATION WERE FURNISHED OTHER THAN WHAT IS CITED IN THE SOURCES OF DATA, THE CLIENT HEREBY ADVISED THAT THERE MAY BE LEGAL RESTRICTIONS ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THE SKETCH OR CONTAINED WITHIN THIS REPORT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA OR ANY OTHER PUBLIC AND PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

**SURVEYOR'S CERTIFICATE:**

THIS IS TO CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" OF THE HEREIN DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS SURVEYED UNDER OUR DIRECTION. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE REQUIREMENTS AS SET FORTH IN CHAPTERS 5J-17.051 THROUGH 5J-17.052, FLORIDA ADMINISTRATIVE CODE, AS ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO 472.027 FLORIDA STATUTE.

**NOTICE:**

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.

**NOTICE:**

THIS DOCUMENT IS NOT VALID, FULL AND COMPLETE WITHOUT ALL PAGES.

**Avino & Associates**  
ENGINEERS • PLANNERS • SURVEYORS

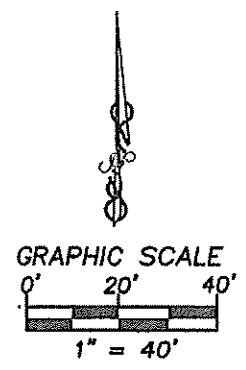
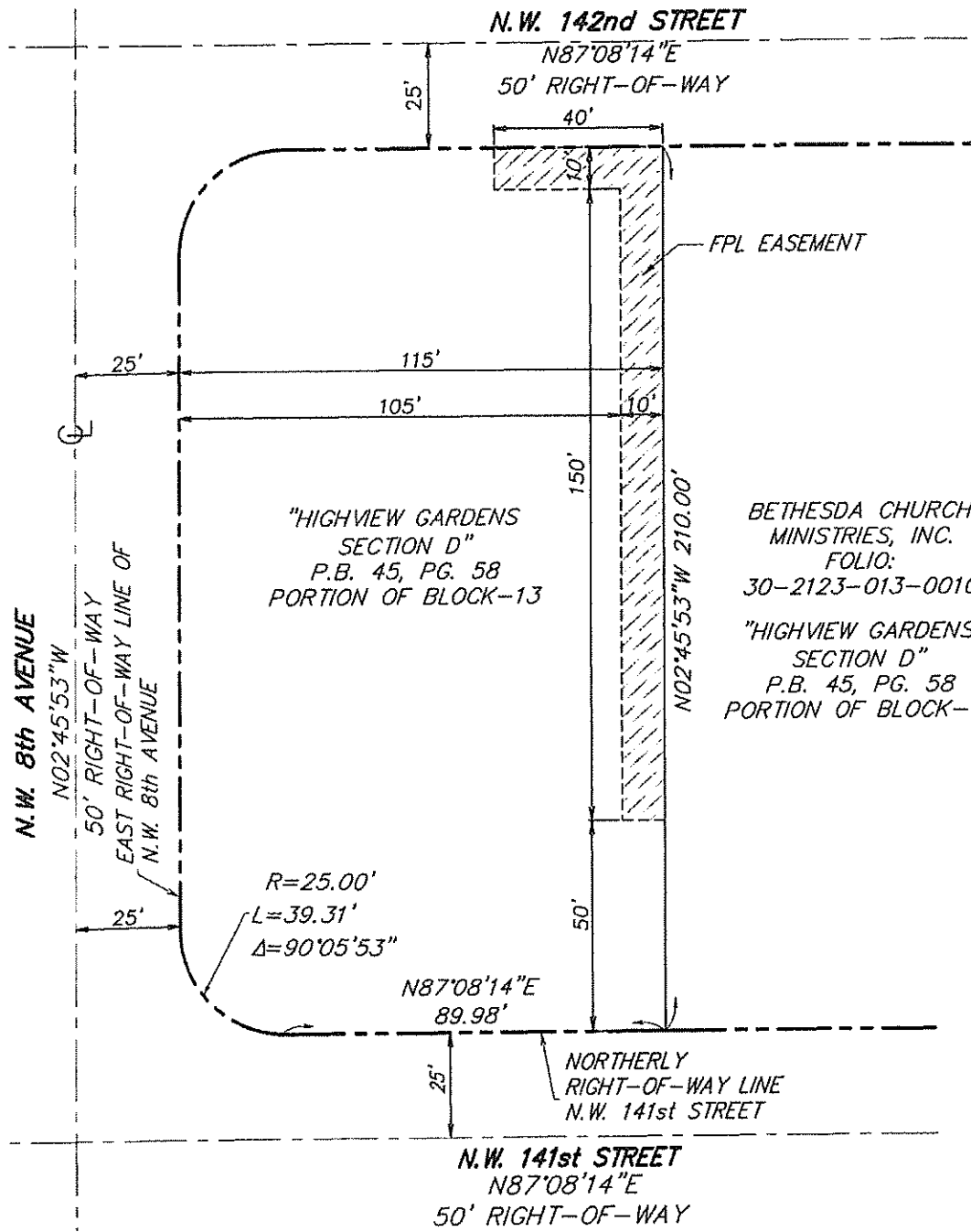
1350 SW. 57th AVENUE  
SUITE 207  
WEST MIAMI, FLORIDA 33144  
TEL: (305) 265-5030 - FAX: (305) 265-5033  
CERTIFICATE OF AUTHORIZATION EB # 8098  
CERTIFICATE OF AUTHORIZATION LB # 8098  
E-MAIL: JRAVINO@AVINOANDASSOCIATES.COM

**FPL EASEMENT**

*[Signature]*  
1/7/20  
Jorge R. Avino, P.E., PSMJ 4998

DRAWN BY: A.B.	SHEET
CHECKED BY: JR	<b>1</b>
DATE: 01-07-2020	
SCALE: N/A	
JOB No.: 17135.01	OF 3 SHEETS

**EXHIBIT "A"**  
**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**



BETHESDA CHURCH  
 MINISTRIES, INC.  
 FOLIO:  
 30-2123-013-0010

"HIGHVIEW GARDENS  
 SECTION D"  
 P.B. 45, PG. 58  
 PORTION OF BLOCK-13

"HIGHVIEW GARDENS  
 SECTION D"  
 P.B. 45, PG. 58  
 PORTION OF BLOCK-13

$R=25.00'$   
 $L=39.31'$   
 $\Delta=90^{\circ}05'53''$

**SECTION 23, TOWNSHIP 52 SOUTH, RANGE 41 EAST,  
 MIAMI-DADE COUNTY, FLORIDA**

**LEGEND:**  
 P.B. = PLAT BOOK  
 PG. = PAGE  
 N.T.S. = NOT TO SCALE

**NOTICE:**  
 THIS DOCUMENT IS NOT VALID, FULL AND COMPLETE WITHOUT ALL PAGES.



**Avino**  
**& ASSOCIATES**  
 ENGINEERS • PLANNERS • SURVEYORS

1350 S.W. 57TH AVENUE  
 SUITE 207  
 WEST MIAMI, FLORIDA 33144  
 TEL: (305) 265-5090 - FAX: (305) 265-5093  
 CERTIFICATE OF AUTHORIZATION EB # 5098  
 CERTIFICATE OF AUTHORIZATION LB # 5098  
 E-MAIL: JRAVINO@AVINOANDASSOCIATES.COM

**FPL EASEMENT**

*[Signature]*  
 1/7/20  
 SEAL

DRAWN BY: A.B.	SHEET
CHECKED BY: JR	<b>2</b>
DATE: 01-07-2020	
SCALE: 1"=40'	
JORGE R. AVINO, PE, PS14 4006	OF 3 SHEETS
JOB No.: 17135.01	

**EXHIBIT "A"**  
**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

**LEGAL DESCRIPTION:**

A PORTION OF THE WEST 115' OF BLOCK 13, OF "HIGHVIEW GARDENS SECTION D" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, AT PAGE 58, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 10 FEET OF THE NORTH 160 FEET AND THE NORTH 10 FEET OF THE EAST 40 FEET OF THE WEST 115 FEET OF BLOCK 13, OF "HIGHVIEW GARDENS SECTION D" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, AT PAGE 58, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. ALL LYING AND BEING IN SECTION 23, TOWNSHIP 52 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA.

CONTAINING 1,898 SQUARE FEET

**NOTICE:**

THIS DOCUMENT IS NOT VALID, FULL AND COMPLETE WITHOUT ALL PAGES.



**Aviño**  
**& ASSOCIATES**  
ENGINEERS • PLANNERS • SURVEYORS

1350 S.W. 57TH AVENUE  
 SUITE 207  
 WEST MIAMI, FLORIDA 33144  
 TEL: (305) 265-5030 - FAX: (305) 265-5033  
 CERTIFICATE OF AUTHORIZATION EB # 5098  
 CERTIFICATE OF AUTHORIZATION LB # 5098  
 E-MAIL: JRAVINO@AVINOANDASSOCIATES.COM

**FPL EASEMENT**

*[Handwritten Signature]*  
 1/7/20  
 SEAL

JORGE R. AVINO, PE, PS/J 4095

DRAWN BY: A.E.  
 CHECKED BY: JR  
 DATE: 01-07-2020  
 SCALE: N/A

SHEET  
**3**  
 OF 3 SHEETS