

MEMORANDUM

Agenda Item No. 11(A)(4)


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

DATE: May 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing conveyance of a non-exclusive perpetual easement to Florida Power & Light Company in exchange for \$1.00 to construct, operate and maintain underground electrical utility facilities at the Public Health Trust Hospital Campus located in the City of Doral; and authorizing the County Mayor to execute the easement and to exercise all provisions contained therein

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



Abigail Price-Williams
County Attorney

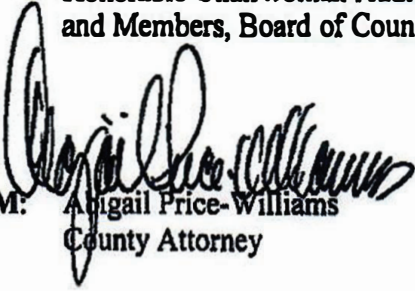
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MEMORANDUM
(Revised)

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SUBJECT: Agenda Item No. 11(A)(4)

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

Agenda Item No. 11(A)(4)

Veto _____

5-19-20

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE OF A NON-EXCLUSIVE PERPETUAL EASEMENT TO FLORIDA POWER & LIGHT COMPANY IN EXCHANGE FOR \$1.00 TO CONSTRUCT, OPERATE AND MAINTAIN UNDERGROUND ELECTRICAL UTILITY FACILITIES AT THE PUBLIC HEALTH TRUST HOSPITAL CAMPUS LOCATED IN THE CITY OF DORAL; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, the Public Health Trust ("Trust") is an agency and instrumentality of Miami-Dade County which is responsible for the operation, maintenance and governance of its "designated facilities" as such term is defined in Chapter 154, Part II, Florida Statutes, and Chapter 25A of the Code of Miami-Dade County; and

WHEREAS, Section 25A-4(d) of the Code provides that title to real property must be vested in Miami-Dade County, and as such, the Trust does not have authority to convey easements on its designated facilities; and

WHEREAS, the hospital campus located in the City of Doral is a designated facility of the Trust which is presently under construction and has been assigned the street address of 2801 N.W. 79th Avenue, Doral, Florida (the "Trust's Doral Hospital Campus"); and

WHEREAS, the Trust's Doral Hospital Campus needs to be connected to the Florida Power & Light Company ("FPL") power grid; and

WHEREAS, on February 25, 2020, the Board of Trustees of the Trust adopted Resolution Number PHT 02/2020-011, seeking authority to convey a non-exclusive perpetual easement to FPL for the construction, operation and maintenance of underground electric utility facilities at the Trust's Doral Hospital Campus; and

WHEREAS, this easement is an extension of an easement previously authorized by this Board by Resolution No. R-1098-19; and

WHEREAS, as required by Resolution No. R-504-15, this utility easement is subsurface, excluding an equipment box to be mounted near the building that it will serve, and which box will be concealed from view with landscaping and architectural design elements to minimize any negative aesthetic impact to the public; and

WHEREAS, this Board believes it is in the County's best interest to convey a non-exclusive perpetual easement to FPL to ensure that electrical power is provided to the Trust's Doral Hospital Campus,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board adopts the foregoing recitals as if fully set forth herein.

Section 2. This Board hereby authorizes the conveyance of a non-exclusive perpetual easement to FPL in exchange for \$1.00 to construct, operate and maintain underground electrical utility facilities at the Trust's Doral Hospital Campus.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to execute the easement in substantially the form attached hereto as Attachment "A" and incorporated herein by reference, and to exercise all provisions contained therein.

Section 4. This Board directs, pursuant to Resolution No. R-974-09, the County Mayor or County Mayor's designee to record the easement conveyance accepted herein in the public records of the County and provide a recorded copy to the Clerk of the Board within 30 days of execution, and further directs the Clerk of the Board to permanently store the recorded copy with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It 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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 19th 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.



Eugene Shy, Jr.
Christopher C. Kokoruda

Work Request No. 8353431

Sec. 27, Twp 53 S, Rge 40 E

Parcel I.D. 35-3027-037-0010
(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Jamil S. Fraser
Co. Name: Public Health Trust of Miami-Dade City
Address: 1500 NW 12TH AVE STE 816
Miami, FL 33136

ATTACHMENT A

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; 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 attached

Together with the right to permit any other person, firm, or corporation 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 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; 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 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 on _____, 20__.

Signed, sealed and delivered in the presence of:

MIAMI-DADE COUNTY, FLORIDA, a political subdivision
of the State of Florida

(Witness' Signature)
Print Name: _____
(Witness)

By: _____
Print Name: _____
Print Address: _____

(Witness' Signature)
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 _____

LEGAL DESCRIPTION:

A 10.00' WIDE UTILITY EASEMENT LYING OVER AND ACROSS A PORTION OF TRACT "A", BLUE HERON LAKE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 144, PAGE 2 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING WITHIN SECTION 27, TOWNSHIP 53 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "A", ALSO BEING A POINT ON THE SOUTH RIGHT OF WAY LINE OF N.W. 29TH STREET; THENCE SOUTH 04°18'50" WEST, ALONG THE EAST LINE OF SAID TRACT "A", 10.03 FEET TO A POINT ON LINE LYING 10.00 FEET SOUTH OF AND PARALLEL WITH NORTH LINE OF SAID TRACT "A", ALSO BEING THE SOUTH LINE OF THAT CERTAIN 10 FOOT UTILITY EASEMENT AS SHOWN ON SAID PLAT; THENCE SOUTH 89°50'23" WEST, ALONG SAID PARALLEL & SOUTH LINE, 997.34 FEET TO A POINT ON LINE LYING 10.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "A", ALSO BEING THE EAST LINE OF THAT CERTAIN 10 FOOT UTILITY EASEMENT AS SHOWN ON SAID PLAT; THENCE SOUTH 01°36'04" EAST, ALONG SAID PARALLEL & EAST LINE, 339.18 FEET; THENCE SOUTH 69°33'18" EAST, 375.18 FEET; THENCE SOUTH 18°32'17" WEST, 5.00 FEET TO THE POINT OF BEGINNING OF SAID 10.00 UTILITY EASEMENT, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE SOUTH 18°32'17" WEST, 21.18 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.



LOCATION MAP:
NOT TO SCALE

SIDE LINES TO BE LENGTHENED OR SHORTENED TO MAINTAIN A CONTINUOUS 10.00 FOOT WIDE EASEMENT, MEASURED PERPENDICULAR TO THE CENTERLINE.

THE DESCRIBED LANDS HEREON LYING IN THE CITY OF DORAL, MIAMI-DADE COUNTY FLORIDA, AND CONTAINING 212 SQUARE FEET (0.005 ACRES), MORE OR LESS.

SURVEY NOTES:

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR, BASED ON A DUCT BANK (FPL) AS-BUILT FOR JACKSON WEST CAMPUS PHASE 1, PROVIDED BY EFRAIN LOPEZ, PSM, TOGETHER WITH THE FPL TRANSFORMER PAD LOCATED BY KEITH AND ASSOCIATES ON DECEMBER 6, 2019. THE INTENT OF THIS DESCRIPTION IS TO ENCOMPASS SAID PAD AND DUCT BANK IMPROVEMENTS. THE DESCRIPTION SHOWN HEREON FORMS A CLOSED GEOMETRIC FIGURE.
2. KEITH AND ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NUMBER IS L.B.#6860.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SURVEY WITHOUT THE EXPRESS PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND/OR DELETIONS MADE TO THE FACE OF THIS SURVEY WILL MAKE THIS SURVEY INVALID.
5. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
6. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH 89°50'23" EAST ALONG THE NORTH LINE OF TRACT "A", BLUE HERON LAKE, AS RECORDED IN PLAT BOOK 144, ON PAGE 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
8. THE INTENDED DISPLAY SCALE FOR THIS SKETCH IS 1"=80' OR SMALLER

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON FEBRUARY 14, 2020 MEETS THE STANDARDS OF PRACTICE PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AS APPLICABLE TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.
CONSULTING ENGINEERS

TIMOTHY H. GRAY
PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION No. 6804
STATE OF FLORIDA



Digitally signed by
Timothy H Gray
Date: 2020.02.14
15:43:03-05'00'

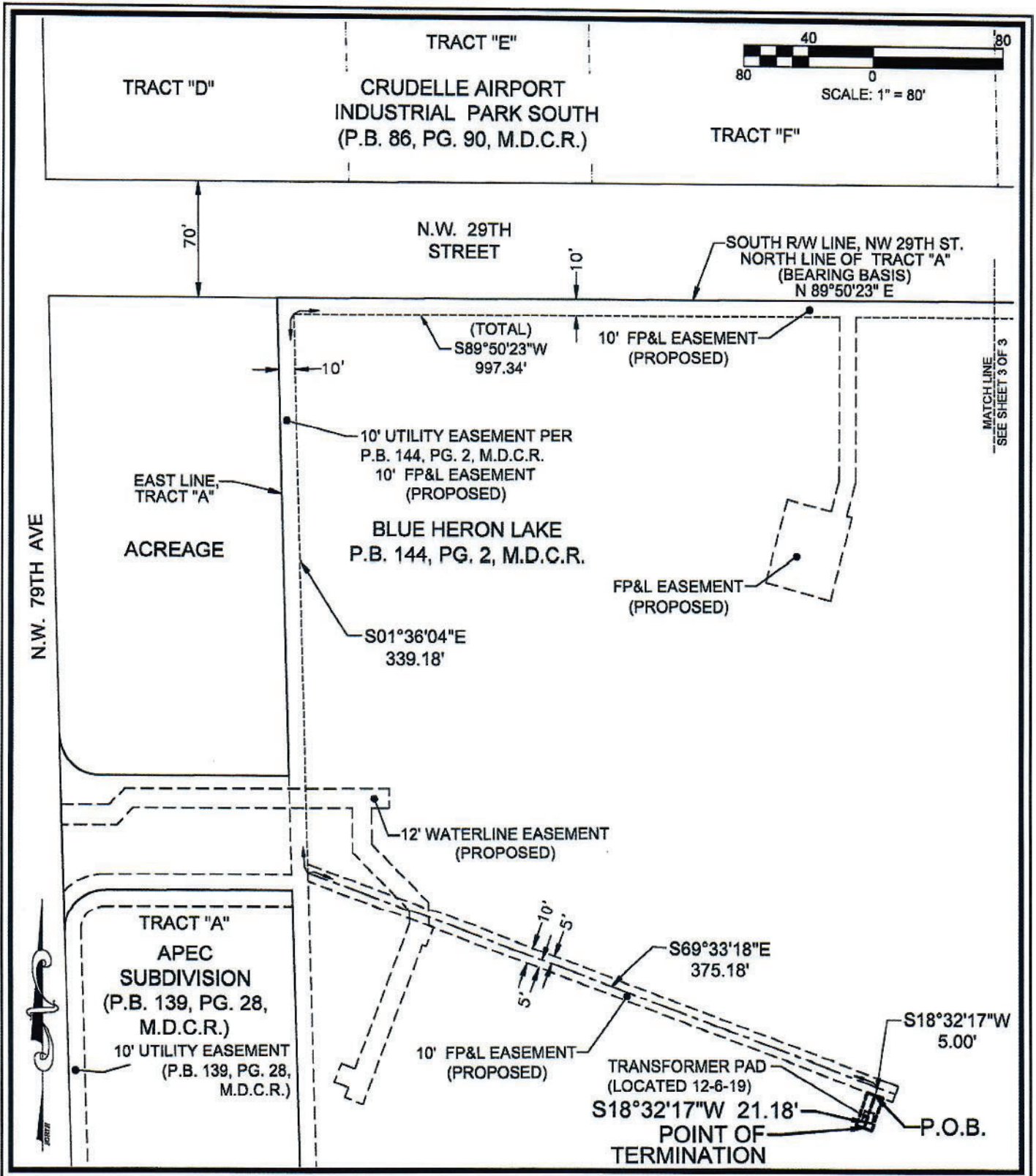
EXHIBIT "A"

SKETCH & DESCRIPTION
FPL DUCT BANK EASEMENT
FPL EASEMENT OVER A PORTION OF
TRACT "A"
BLUE HERON LAKE
P.B. 144, PG. 2, M.D.C.R.
SECTION 27, TOWNSHIP 53 S., RANGE 40 E.
CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA

KEITH
301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
(954) 788-3400
EMAIL: mail@KEITHteam.com LB NO. 6860
SHEET 1 OF 3
DRAWING NO. 09354-03-SKETCH & DESCRIPTION FPL EASEMENT

DATE	02/14/20	DATE	REVISIONS
SCALE	N/A		
FIELD BK.	N/A		
DWNG. BY	DB		
CHK. BY	TG		

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SKETCH & DESCRIPTION
FPL DUCT BANK EASEMENT
 EASEMENT OVER A PORTION OF
 TRACT "A"
 BLUE HERON LAKE
 P.B. 144, PG. 2, M.D.C.R.
 SECTION 27, TOWNSHIP 53 S., RANGE 40 E.
 CITY OF DORAL, MAIMI-DADE COUNTY, FLORIDA

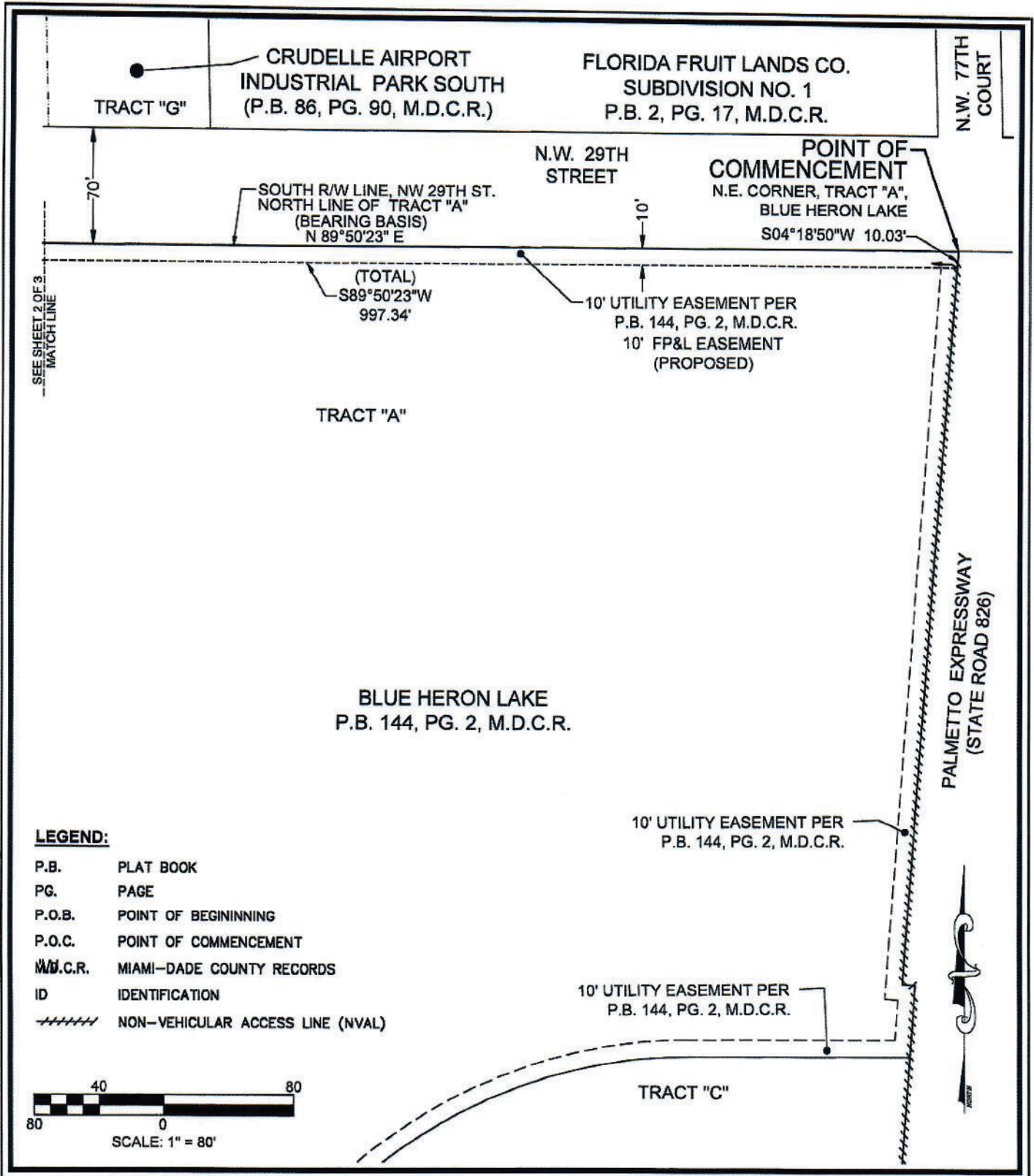
KEITH
 301 EAST ATLANTIC BOULEVARD
 POMPANO BEACH, FLORIDA 33060-6643
 (954) 788-3400
 EMAIL: mail@KEITHteam.com LB NO. 6860

SHEET 2 OF 3

DRAWING NO. 033445-SKETCH & DESCRIPTION FPL ESMT 02

DATE 02/14/20
 SCALE 1"=80
 FIELD BK. N/A
 DWNG. BY DB
 CHK. BY TG

DATE	REVISIONS



SKETCH & DESCRIPTION
FPL DUCT BANK EASEMENT
EASEMENT OVER A PORTION OF
TRACT "A"
BLUE HERON LAKE
P.B. 144, PG. 2, M.D.C.R.
SECTION 27, TOWNSHIP 53 S., RANGE 40 E.
CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA

KEITH
301 EAST ATLANTIC BOULEVARD
POMPAHO BEACH, FLORIDA 33060-6643
(954) 788-3400
EMAIL: mail@KEITHteam.com LB NO. 6860
SHEET 3 OF 3
DRAWING NO. 0838405-SKETCH & DESCRIPTION FPL ESMY 02

DATE 02/14/20
SCALE 1"=80
FIELD BK. N/A
DWNG. BY DB
CHK. BY TG

DATE	REVISIONS

10