

MEMORANDUM

Agenda Item No. 8(O)(5)


TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution authorizing conveyance of a 253 square foot non-exclusive easement to Florida Power and Light Company for a nominal amount of \$1.00 to install and maintain electrical power facilities for the Water and Sewer Department's Pump Station No. 0147, located at 8502 N.W. 8 Street, Miami, Florida; authorizing the County Mayor to execute the underground utility easement and to 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 Rebeca Sosa.



Geri Bonzon-Keenan
Successor County Attorney

GBK/jp

Memorandum



Date: January 20, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
County Mayor *Daniella Levine Cava*

Subject: Resolution Authorizing the Conveyance of a Non-Exclusive Easement to Florida Power and Light Company for the Installation and Maintenance of Electrical Power Transmission Facility - Folio No. 30-3053-029-0020

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the conveyance of a 253 square foot non-exclusive easement to Florida Power and Light Company (FP&L). This non-exclusive easement is needed to provide electrical service to the Miami-Dade Water and Sewer Department’s (WASD) replacement Pump Station 0147. The FP&L easement will allow for the construction and maintenance of underground electrical utility facilities, including wires, poles, cables, conduits and related equipment, to exclusively serve the new Pump Station. See the Underground Non-exclusive Easement, attached hereto as Exhibit 1.

SCOPE

The new Pump Station 0147 will be located at 8502 N.W. 8 Street, Miami, FL (Folio No. 30-3053-029-0020), in Commission District 6, which is represented by Commissioner Rebeca Sosa. See Property Appraiser Summary Report, attached hereto as Exhibit 2.

FISCAL IMPACT / FUNDING SOURCE

FP&L 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, cables, conduits and related equipment.

TRACK RECORD/MONITOR

WASD’s Liliana Blore, Real Estate Manager, will oversee the conveyance of this non-exclusive utility easement to FP&L.

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

In 2013, the Miami-Dade Water and Sewer Department created a capital program dedicated to the assessment, rehabilitation, and improvement of its wastewater pump stations that were classified as “out of compliance” by the United States Environmental Protection Agency (USEPA). The USEPA defines a wastewater pump station as out of compliance when its Nominal Average Pump Operating Time exceeds ten hours per day. This program, referred to as the Pump Station

Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

Page 2

Improvement Program, adheres to the regulatory requirements that govern utilities in Miami-Dade County. These regulations include maintaining the wastewater collection and transmissions system within acceptable levels of service as well as ensuring that the County’s wastewater pump stations operate under the established ten hour per day criteria. Pump Station 0147 is out of compliance and needs to be upgraded.

In order to provide underground electrical power to the Pump Station 0147, FPL has requested a 253 square foot easement. The easement will allow FPL the right to access the site and the ability to operate a new transformer that will provide a dedicated service needed to operate the new Pump Station 0147. As required by Resolution No. R-504-15, the only visible element on the FPL easement will be an aboveground transformer mounted on a concrete pad and screened from view by landscaping, which will not adversely impact the surrounding area.



Jimmy Morales
Chief Operations Officer

Work Request No. _____

Sec. 34, Twp 53 , Range 40

Parcel I.D. 30-3053-029-0020
(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By
Name: Miami-Dade Water & Sewer
Co. Name: Miami-Dade Water & Sewer
Address: 3071 SW 38 Avenue
Miami, Florida 33146

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, does hereby 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

By _____
Mayor

Approved as to Form and
Legal Sufficiency:

Sandra F. ... 12/4/20
Assistant County Attorney

The foregoing was authorized and approved by Resolution _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 20____,

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

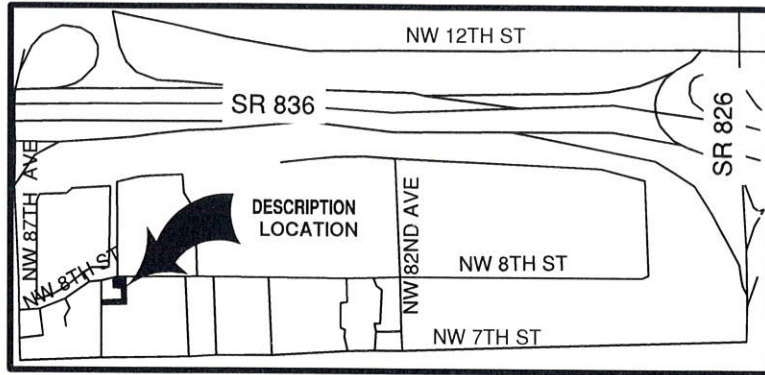
The foregoing instrument was acknowledged before me by means of physical presence; or remote audio-visual means e notarization, this ____ day of _____, 2020. by _____, as _____, and _____, as _____ on behalf of the County, who is personally known to me or has produced (type of identification) as identification.

[Notary Seal]

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Serial number, if any)



LOCATION MAP
GOVERNMENT LOT 3
NOT TO SCALE



SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON PLAT BEARING OF S 01°54'47" E ALONG THE EAST LINE OF TRACT "A" AS SHOWN ON THE PLAT OF FLORIDA 2000, (P.B. 111, PG. 73, D.C.R.)

ABBREVIATIONS:

- O.R.B. - OFFICIAL RECORD BOOK
- PG. - PAGE
- P.B. - PLAT BOOK
- D.C.R. - DADE COUNTY RECORDS
- U.E. - UTILITY EASEMENT
- P.O.B. - POINT OF BEGINNING
- PS - PUMP STATION
- R - RADIUS
- L - CURVE LENGTHS
- Δ - DELTA ANGLE
- ⊕ - CENTERLINE

SKETCH & DESCRIPTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

DATE	REVISIONS	DRAWN	CHK.
9/14/20	REVISED PER WASD COMMENTS	KL	KL
7/16/20	REVISED PER WASD COMMENTS	LP	KL
6/24/20	REVISED PER WASD COMMENTS	SE	KL

CERTIFIED TO:
MIAMI DADE COUNTY

MILLER LEGG
South Florida Office: 5747 N. Andrews Way
Ft. Lauderdale, Florida · 33309-2364
954-436-7000 · Fax: 954-436-8664
www.millerlegg.com

I HEREBY CERTIFY THAT THIS SKETCH MEETS STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES. DATED THIS 2nd DAY OF JUNE, 2020 A.D.

Karen A. Lynch
KAREN A. LYNCH
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION No. 5837
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CERTIFICATE OF AUTHORIZATION: LB6680

DRAWN BY: LP CHECKED BY: KL

PROJECT NO: **16-00061** FILE #/3: **SH-1**

DESCRIPTION : (UTILITY EASEMENT)

A PORTION OF TRACT "A" OF FLORIDA 2000 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 111, PAGE 73, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID TRACT "A"; THENCE ALONG THE EAST LINE OF SAID TRACT "A" SOUTH 01°54'47" EAST 25.41 FEET TO THE SOUTHERLY PROPERTY LINE OF PUMP STATION 147 SITE AS SHOWN IN OFFICIAL RECORD BOOK 10831, PAGE 1543 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY PROPERTY LINE SOUTH 88°05'13" WEST 35.00 FEET TO A POINT ON THE WESTERLY PROPERTY LINE OF SAID PUMP STATION 147; THENCE ALONG SAID WESTERLY PROPERTY LINE NORTH 01°54'47" WEST 3.00 FEET; THENCE NORTH 88°05'13" EAST 31.88 FEET; THENCE NORTH 01°54'47" WEST 14.07 FEET; THENCE SOUTH 88°05'13" WEST 9.17 FEET; THENCE RADIAL TO THE NEXT DESCRIBED CURVE NORTH 01°41'35" WEST 8.58 FEET TO A POINT ON A 398.63 FOOT RADIUS CURVE CONCAVE TO THE SOUTH BEING THE SOUTH RIGHT OF WAY LINE OF NW 8th STREET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE THE NEXT TWO (2) COURSES: (1) EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°37'23" AN ARC DISTANCE OF 11.29 FEET TO A POINT OF TANGENCY; (2) NORTH 89°55'48" EAST 0.96 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 253 SQUARE FEET (0.006 ACRES) MORE OR LESS.

SKETCH & DESCRIPTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

9/14/20	REVISED PER WASD COMMENTS	KL	KL
7/16/20	REVISED PER WASD COMMENTS	LP	KL
6/24/20	REVISED PER WASD COMMENTS	SE	KL
DATE	REVISIONS	DRN.	CHK.
DRAWN BY:	LP	CHECKED BY:	KL

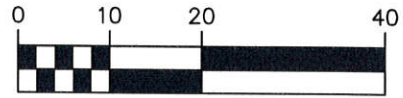
CERTIFIED TO:
MIAMI DADE COUNTY

Rain A. Lynde

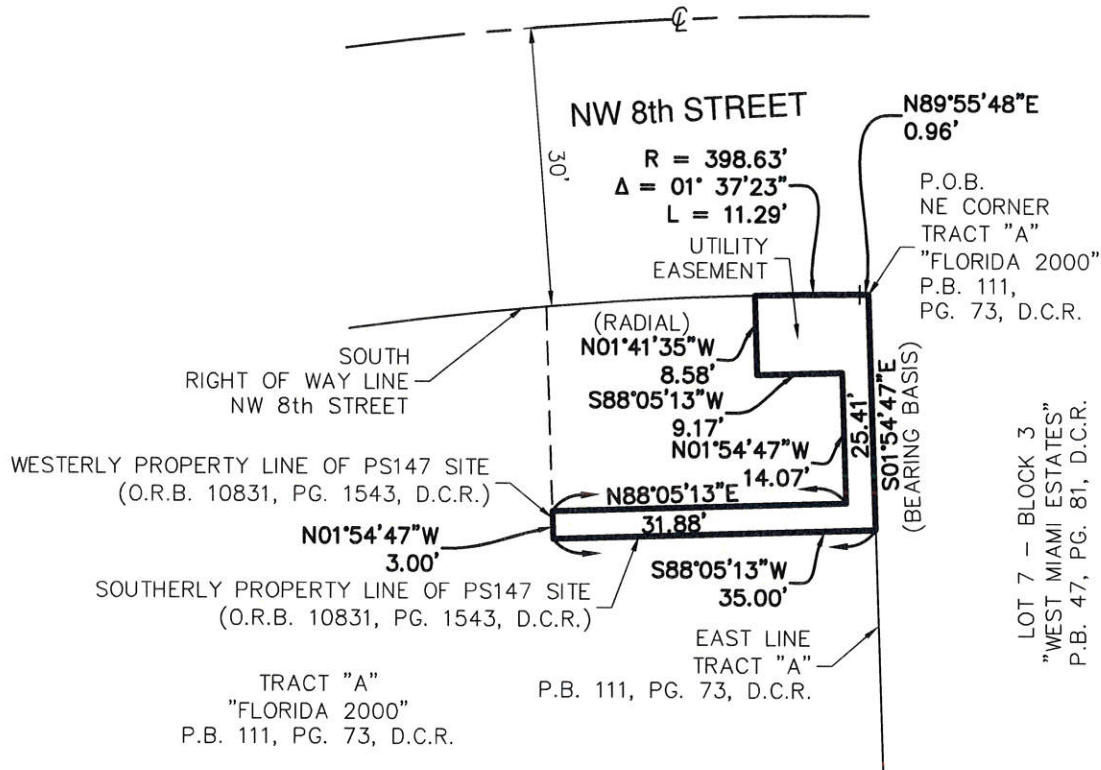
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PROJECT NO: **16-00061** FILE NO: **SH-2**

GRAPHIC SCALE



(IN FEET)
1 INCH = 20 FEET



SKETCH & DESCRIPTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

DATE	REVISIONS	DRN.	CHK.
9/14/20	REVISED PER WASD COMMENTS	KL	KL
7/16/20	REVISED PER WASD COMMENTS	LP	KL
6/24/20	REVISED PER WASD COMMENTS	SE	KL
DRAWN BY: LP		CHECKED BY: KL	

CERTIFIED TO:
MIAMI DADE COUNTY

Kam A. Lopez

MILLER LEGG

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PROJECT NO: **16-00061** FILE NO: **SH-3**

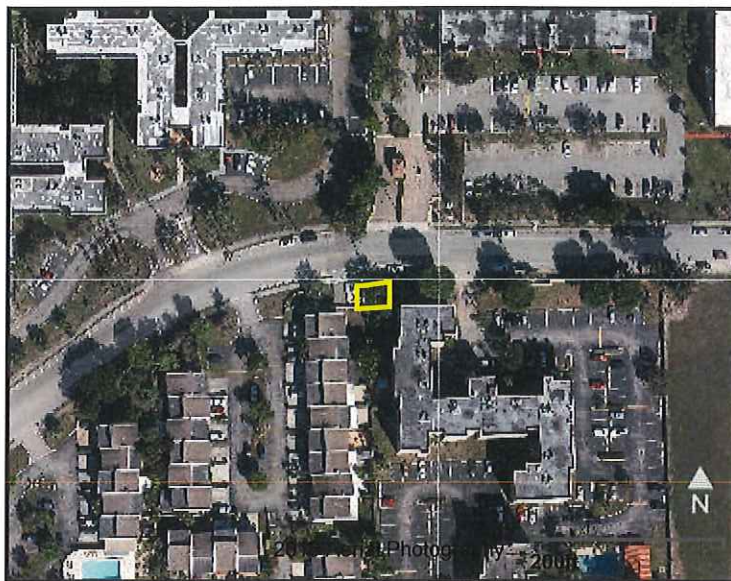


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 5/27/2020

Property Information	
Folio:	30-3053-029-0020
Property Address:	8502 NW 8 ST Miami, FL 33126-3709
Owner	MIAMI-DADE COUNTY WATER AND SEWER
Mailing Address	3071 SW 38 AVE MIAMI, FL 33146-1520
PA Primary Zone	3800 MULTI-FAMILY - 22-37 U/A
Primary Land Use	8066 VACANT GOVERNMENTAL : EXTRA FEA OTHER THAN PARKING
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	871 Sq.Ft
Year Built	0



Assessment Information			
Year	2019	2018	2017
Land Value	\$1,000	\$1,000	\$1,000
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$1,000	\$1,000	\$1,000
Assessed Value	\$1,000	\$1,000	\$1,000

Benefits Information				
Benefit	Type	2019	2018	2017
County	Exemption	\$1,000	\$1,000	\$1,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
FLORIDA 2000
PB 111-73 .020 AC M/L
PORT OF TR A DESC BEG NE COR OF
TR A S25.41FT W35FT N25.08FT E
ALG S/R/W/L OF NW8 ST 31.02FT

Taxable Value Information			
	2019	2018	2017
County			
Exemption Value	\$1,000	\$1,000	\$1,000
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$1,000	\$1,000	\$1,000
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$1,000	\$1,000	\$1,000
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>


Version:



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: 
Gen Bonzon-Keenan
Successor 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
- 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(O)(5)
1-20-21

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE OF A 253 SQUARE FOOT NON-EXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL AMOUNT OF \$1.00 TO INSTALL AND MAINTAIN ELECTRICAL POWER FACILITIES FOR THE WATER AND SEWER DEPARTMENT'S PUMP STATION NO. 0147, LOCATED AT 8502 N.W. 8 STREET, MIAMI, FLORIDA; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE UNDERGROUND UTILITY EASEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, the Miami-Dade Water and Sewer Department (WASD) created a capital program dedicated to the assessment, rehabilitation, and improvement of its wastewater pump stations that were classified as out of compliance by the United States Environmental Protection Agency (USEPA); and

WHEREAS, in order to comply with the requirements and regulations set forth by USEPA, WASD must upgrade Pump Station 0147 located at 8502 N.W. 8 Street, Miami, Florida, Folio No. 30-3053-029-0020; and

WHEREAS, the new Pump Station 0147 requires electrical power; and

WHEREAS, Florida Power and Light Company (FP&L) agreed to provide electric power facilities to the new Pump Station 0147 in exchange for an easement to allow it to access, install and maintain the facilities; and

WHEREAS, the non-exclusive easement is for electrical service that includes underground lines that will not adversely impact the surrounding area, and in accordance with

Resolution No. R-504-15, the only visible element will be a transformer that will be screened from public view; and

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated by reference,

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

Section 1. Incorporates and approves the foregoing recitals, as if fully set forth herein.

Section 2. Authorizes the conveyance of a non-exclusive easement to FP&L, for a nominal amount of \$1.00, for the purpose of allowing FP&L to install and maintain electric power facilities for the new Pump Station 0147, in substantially the form attached to the accompanying County Mayor's Memorandum as Exhibit "1." The Board further authorizes the County Mayor or County Mayor's designee to execute the easement and to exercise all provisions contained therein.

Section 3. Pursuant to Resolution No. R-974-09, the Board: (1) directs the County Mayor or 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:

	Jose "Pepe" Diaz, Chairman
	Oliver G. Gilbert, III, Vice-Chairman
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of January, 2021. 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