OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2008

To: Honorable Chairman Bruno A. Barreiro
And Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 8(F)(1)(B)

Resolution No. R-632-08

Subject: Resolution authorizing the conveyance of an easement to the Florida Power and Light Company to service the Naranja Branch Library located south of S.W. 280 Street and west of S.W. 147 Avenue, Miami-Dade County

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RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing the conveyance of an easement to Florida Power and Light Company for the installation of underground electric transmission and distribution lines to service the Naranja Branch Library. The item was prepared by General Services Administration at the request of the Miami-Dade Public Library System.

OWNER: Miami-Dade County, Miami-Dade Public Library System User

TAX FOLIO NUMBER: A portion of 30-7904-000-0011

LOCATION: South of S.W. 280 Street and west of S.W. 147 Avenue, Miami-Dade County

COMMISSION DISTRICT: 9

COMMISSION DISTRICT IMPACTED: 9

ZONING: GU Interim District. According to the Department of Planning and Zoning the existing use is a permitted use under the current zoning. The property is located within the Naranja Lakes Community Redevelopment Area (CRA) and inside the Urban Development Boundary (UDB).

BACKGROUND: On April 13, 2004, by Resolution No. R-392-04, the Board authorized the erection, construction, and operation of the Naranja Branch Public Library on approximately 2 acres of County-owned land located south of S.W. 280 Street and west of S.W. 147 Avenue. The construction of the Naranja Branch Library has commenced and is expected to be completed by November 30, 2008.

JUSTIFICATION:	The Florida Power and Light Company has requested an easement to construct, maintain and operate the underground electrical lines that will provide electrical service to the library as well as the adjacent park site.
MONITOR:	Shannon Clark, Real Estate Officer
DELEGATED AUTHORITY:	Authorizes the County Mayor to execute the easement.

Director,
General Services Administration

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: June 3, 2008

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

SUBJECT: Agenda Item No. 8(F)(1)(B)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(1)(B)
6-3-08

RESOLUTION NO. R-632-08

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL) FOR THE CONSTRUCTION OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, LOCATED WEST OF S.W. 147 AVENUE ON S.W. 280 STREET, MIAMI, IN THE NARANJA LIBRARY SITE, IN SECTION 04, TOWNSHIP 57 SOUTH, RANGE 39 EAST

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 an Easement to the Florida Power & Light Company (FPL), as described in the FPL Easement attached, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor to execute said Easement on behalf of Miami-Dade County; and authorizes the County Mayor to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	absent	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	absent	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

This instrument prepared by:

Thomas Goldstein
Miami-Dade County Attorney's Office
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Sec 04 Twp 57S Rge 39 E
Folio No.: a portion of 30-7904-000-0011
User Department: Library

EASEMENT

The undersigned, Miami-Dade County ("MDC" or "County") 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 ("FPL" or "Company"), its licensees, agents, successors, and assigns, the non-exclusive right, privilege and easement to be used for the construction, operation and maintenance of electric transmission and distribution lines, with all rights necessary and convenient for the full use thereof, including wires, poles, communication lines and necessary appurtenant equipment, within an easement described and shown as follows:

SEE ATTACHED EXHIBITS "A" and "B"

Together with the rights to reconstruct, inspect, alter, improve, add to, enlarge, change the voltage, as well as, the size of and remove or relocate such transmission lines on the County's property, with all rights necessary and convenient for the full enjoyment and use thereof for the above-mentioned purposes, including without limitation, the right of ingress and egress to the property, and to cut and keep clear all trees and undergrowth and other obstructions on the property that may interfere with the proper construction, operation, and maintenance of said electric transmission and distribution lines.

Reserving to the County, however, the right and privilege to use the land described above, except as herein stated or as might interfere with the Company's use thereof, provided that no building or structures, other than fences which do not interfere with the Company's use of said parcel, will be located or constructed by the County on said property, and provided further, that the County shall not excavate any portion of the property without written permission of the Company, which permission shall not be unreasonably withheld by the Company.

This Easement shall be subject to the following restrictions:

1. Prior to the installation of any electric transmission and distribution lines, FPL shall obtain all required regulatory permits including, but not limited to, permission from the Department of Environmental Resources Management (DERM) to install said electric transmission and distribution lines.

2. Nothing in this Easement shall restrict the County's right to utilize said property.

3. FPL shall maintain the subject property in a clean and clear state free of debris, trash and vegetation overgrowth.

FPL agrees to indemnify and save harmless forever, Miami-Dade County, its officers, agents and employees from all claims, actions, judgments, liability, loss, cost and expense, including attorney's fees which may be sustained by the County, its officers, agents and other employees due to, caused by, or arising from FPL's use of said easement granted herein, and agrees to defend against any claims brought or actions filed against the County, its officers, agents, and employees in connection with the use of said easement.

This easement shall be subordinate to the rights of the County and, FPL, by acceptance hereof, does hereby release the right to be reimbursed, either now or in the future for any relocation or adjustment of said electric transmission and distribution lines located on the above described property, or if such relocation or adjustment of said electric transmission and distribution lines is caused by present or future uses of the above described property or by the County.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed in its name by its Mayor acting under Authority of County Resolution No. R-795-82.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

By: _____
Mayor

Approved as to form
and legal sufficiency:

_____
Assistant County Attorney

The foregoing was accepted and approved on the ____ day of _____, A.D. 2008, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____ and _____, as Mayor and Clerk, respectively of Miami-Dade County, a political subdivision of the State of Florida, on behalf of the said county. Each is personally known to me.

_____
Notary Public Signature

_____
Print Name

(NOTARIAL SEAL)

My Commission Expires: _____

EXHIBIT "A"

SKETCH AND LEGAL DESCRIPTION OF
FP&L EASEMENT
NARANJA LIBRARY
MIAMI-DADE COUNTY, FLORIDA

A portion of the Northeast ¼ of Section 4, Township 57 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northeast ¼ of Section 4, Township 57 South, Range 39 East;
Thence South 89°10'05" West, along the North line of said Northeast ¼ of Section 4, for a distance of 432.95 feet;
Thence South 00°01'46" West, for a distance of 40.00 feet to the intersection with the Southerly Right-of-Way line of Southwest 280th Street;
Thence South 89°10'05" West along said Southerly Right-of-Way line of Southwest 280th Street, a distance of 213.18 feet to the POINT OF BEGINNING;
Thence South 00°00'00" East, a distance of 10.00 feet;
Thence South 89°10'05" West, a distance of 61.85 feet;
Thence South 00°01'46" West, a distance of 64.81 feet;
Thence South 90°00'00" West, a distance of 10.00 feet;
Thence North 00°01'46" East, a distance of 74.67 feet to the intersection with said Southerly Right-of-Way line of Southwest 280th Street;
Thence North 89°10'05" East, a distance of 71.85 feet to the POINT OF BEGINNING;

Said lands lying and being in Miami-Dade County, Florida, containing 1,366 square feet, (0.031 acres), more or less.

SURVEYOR'S NOTES:

1. Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

2. Lands shown hereon were not abstracted for Rights-of-Way, Easements, Ownership, or other instruments of record by the Surveyor.

3. Bearings shown hereon are relative to the North line of the Northeast ¼ of Section 4, Township 57 South, Range 39 East. Said line bears South 89°10'05" West.

4. Information shown hereon does not represent a Boundary Survey.

5. Found and measured information as shown hereon is based on a Boundary Survey as prepared by this surveyor on September 27, 2007, under Project No. S7030420.4.

CONSUL-TECH SURVEYING & MAPPING, INC.

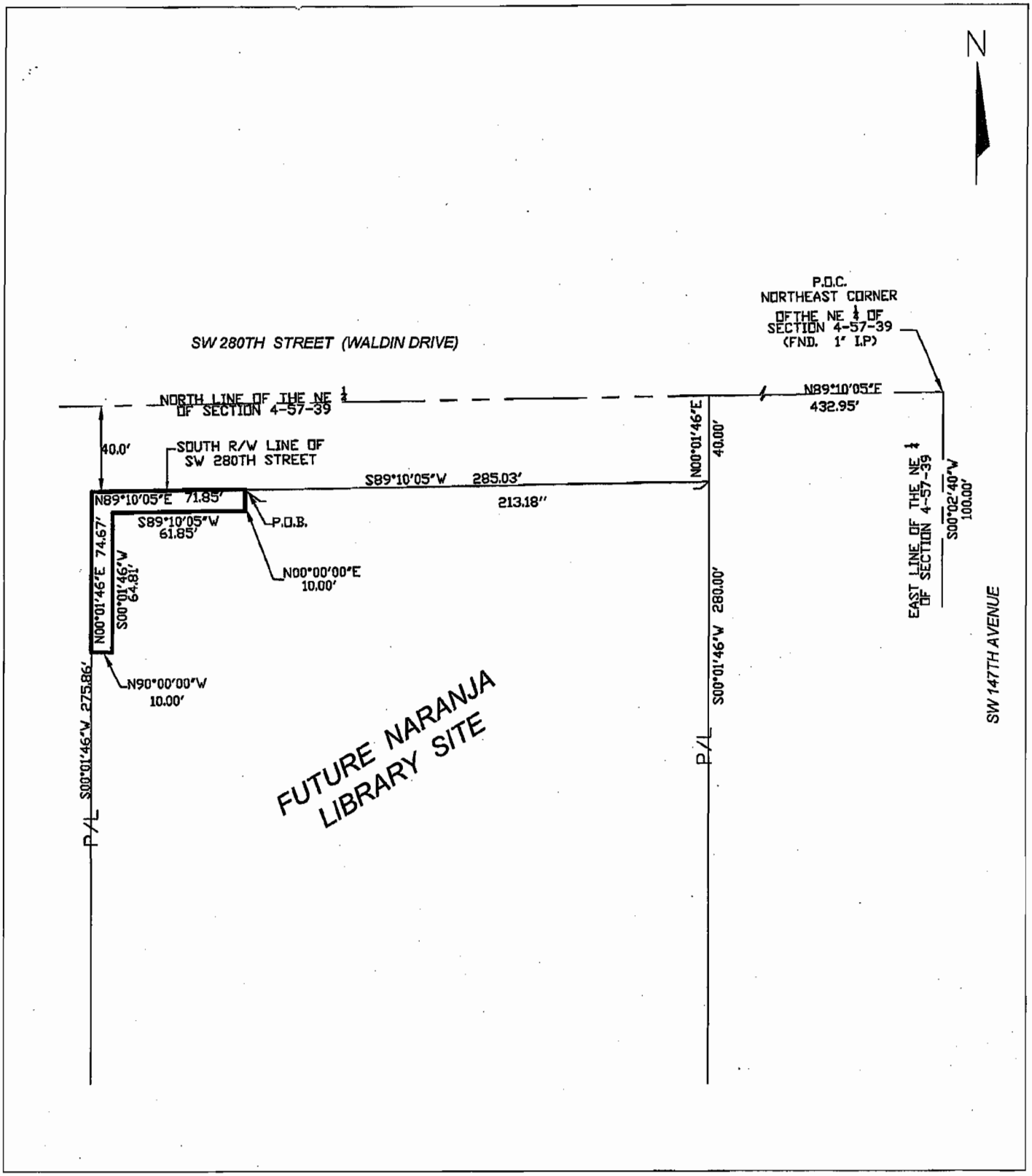
Date: 11/19/07

Selvin P. Bruce
Professional Surveyor and Mapper
Florida Registration Number LS 5290

Prepared by:
CONSUL-TECH SURVEYING & MAPPING, INC.
3141 Commerce Parkway
Miramar, Florida 33027
Ph: (954) 438-4300
Fax: (954) 438-1433
November 19, 2007

G:\2007 Projects\07030420 - City of Miami\4 - Naranja Library\Survey\Legal Descriptions\Naranja Library - FPL ESMT.doc

EXHIBIT "B"



MIAMI-DADE

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION

FEBRUARY 1,2008

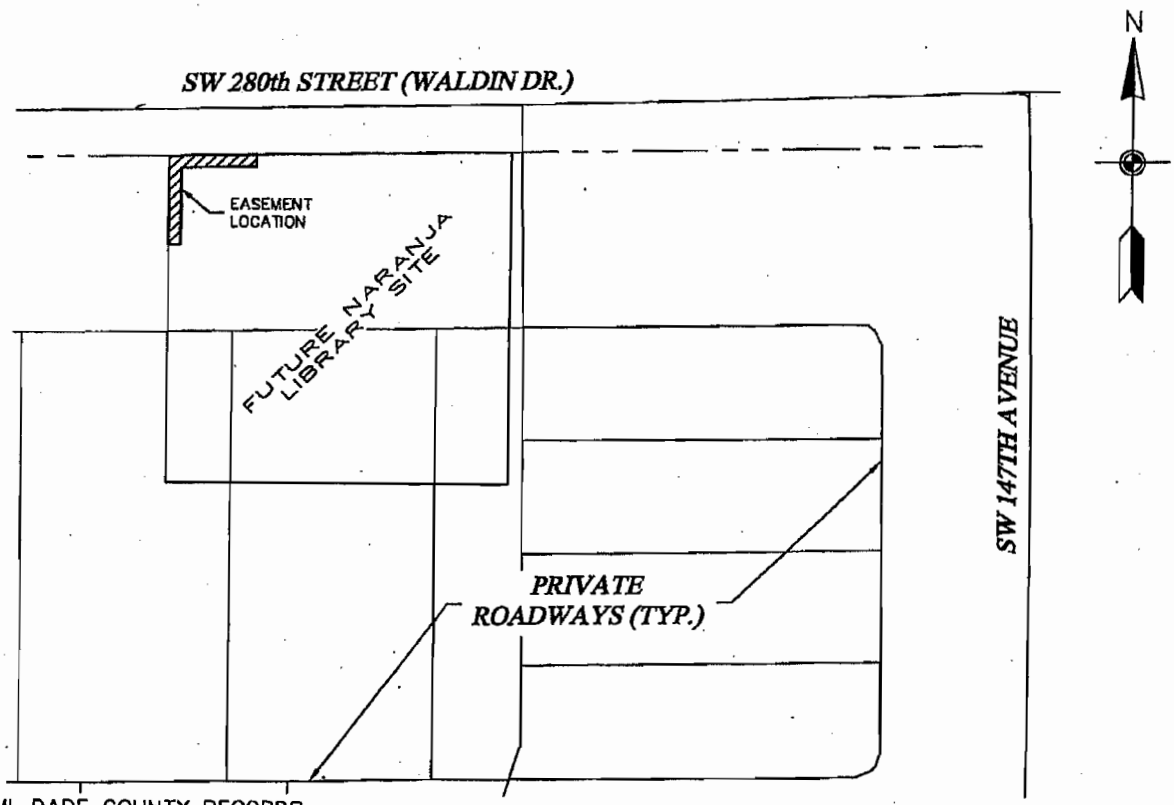
ConsulTech
L.B. #7121

Surveying & Mapping, Inc.
CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS
3141 Commerce Parkway
Miramar, Florida 33025
Phone (954) 438-4300 Fax (954) 438-1433

FP&L EASEMENT
NARANJA LIBRARY

SEE ATTACHED LEGAL DESCRIPTION	TYPE OF SURVEY: FOR:	SKETCH OF DESCRIPTION FP&L EASEMENT

LOCATION SKETCH
(NOT TO SCALE)



LEGEND:

D.C.R. = MIAMI-DADE COUNTY RECORDS
FND. = FOUND
I.P. = IRON PIPE
MDC = MIAMI-DADE COUNTY
(M) = MEASURED DATA
P.B. = PLAT BOOK
PG. = PAGE
P.O.B = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SEC. = SECTION
SQ.FT. = SQUARE FEET
TYP. = TYPICAL
(T) = DATA OBTAINED FROM MIAMI-DADE COUNTY TOWNSHIP MAP FOR TOWNSHIP 57 SOUTH, RANGE 39 EAST.

UPDATES/REVISIONS	DATE	BY	CK'D

File No.	Job No. S7030420.4	Scale: N.T.S.	Page: 2
Drawn By: JEQ	Checked By: PSR	F.B. PG.	Of: 3

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L.B. #7121

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FP&L EASEMENT
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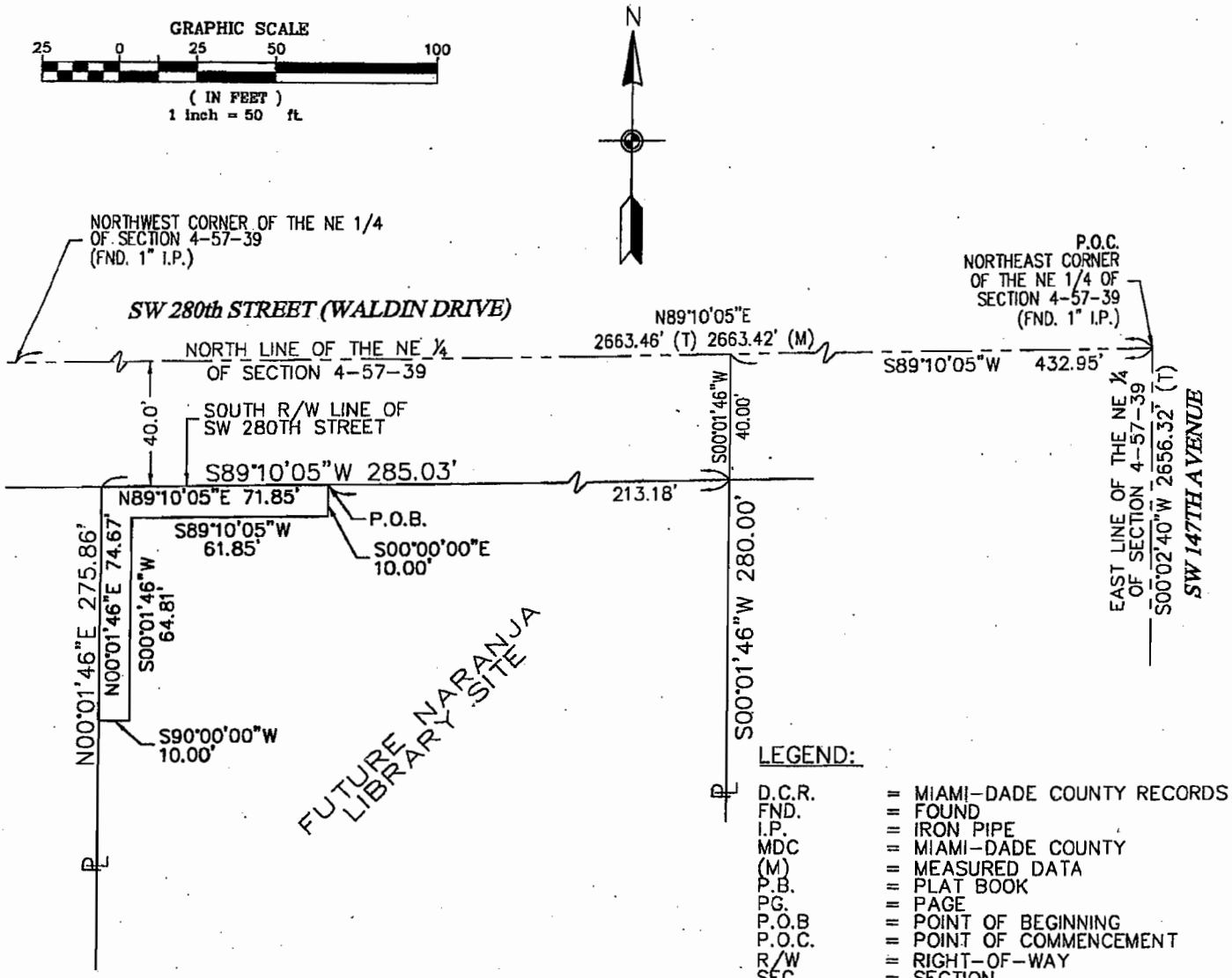

LEGEND:

D.C.R.	=	MIAMI-DADE COUNTY RECORDS
FND.	=	FOUND
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