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

Memorandum

MIAMI-DADE COUNTY

Date: October 21, 2008

Agenda Item No. 10(A)(1)

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

From: George M. Burgess
County Manager

Resolution No. R-1125-08

Subject: RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL) FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE UNDERGROUND ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, LOCATED AT 10900-10950 S.W. 211 STREET, CUTLER BAY, AT THE SITE OF THE SOUTH MIAMI-DADE CULTURAL ARTS CENTER (SMDCAC).

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 located at the site of the South Miami-Dade Cultural Arts Center (SMDCAC). The item was prepared by the Department of Cultural Affairs.

OWNER: Miami-Dade County, Miami-Dade Department of Cultural Affairs User

TAX FOLIO NUMBER: 36-6007-022-0040

LOCATION: 10950 / 10900 S.W. 211 Street, Cutler Bay, Florida 33189

COMMISSION DISTRICT: 8

COMMISSION DISTRICT: IMPACTED: 8

ZONING: BU-2 Special Business District. According to the Department of Planning and Zoning the existing use is a permitted use under the current zoning.

BACKGROUND:

The South Miami-Dade Cultural Arts Center is located in District 8 and in adjacent proximity to District 9. It is the first major new cultural arts facility in the South Miami-Dade area and like theaters in other Miami-Dade County locations, the Center will serve audiences, cultural organizations and artists from throughout the County. On July 7, 2005 by Resolution No. R-880-05, the Board authorized the construction of the SMDCAC on approximately 6.4 acres of county-owned land located south of 211 street and west of 109 Avenue. Construction of the SMDCAC commenced on December 2005 and is expected to be completed by December 2008.

JUSTIFICATION:

The Florida Power and Light Company has requested an easement to construct, maintain, and operate the underground electrical lines that will be located at the site of the South Miami-Dade Cultural Arts Center located at 10900-10950 S.W. 211 Street in Cutler Bay.

TRACK RECORD/MONITOR:

The Miami-Dade County Department of Cultural Affairs (Department) has managed the design of the SMDCAC and is responsible for managing all contracts related to the project's construction. The Department has a reputation for rigorous and conscientious management of services, programs and capital projects.

DELEGATED AUTHORITY:

Authorizes the County Mayor to execute the easement.

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: October 21, 2008

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

SUBJECT: Agenda Item No. 10(A)(1)

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. 10(A)(1)
10-21-08

RESOLUTION NO. **R-1125-08**

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL) FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE UNDERGROUND ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, LOCATED AT 10900-10950 S.W. 211 STREET, CUTLER BAY, IN THE SITE OF THE SOUTH MIAMI-DADE CULTURAL ARTS CENTER (SMDCAC)

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

The foregoing resolution was offered by Commissioner **Dorrin D. Rolle**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** 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	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of October, 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.

Jorge Martinez-Esteve

Work Request No. 2928246
No. 3025454
Sec.07, Twp.56S., Rge. 40 E

Parcel I.D. 36-6007-022-0040
(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 7/94

EASEMENT

This Instrument Prepared By

Name: Jose Palomo
Co. Name: Florida Power & Light Company
Address: 14250 SW 112th Street
Miami, Fl 33186

Reserved for Circuit Court

The undersigned, in consideration of the payment of $1.00 and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns ("Grantee"), an easement forever for the construction, operation and maintenance of underground electric utility facilities (including cables and conduits) 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 5 feet in width described as follows:

See attached Exhibit A (attached hereto and incorporated by reference)(the "Easement Area")

Together with the right to permit Grantee to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for Grantee's 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 said Easement Area.

The County shall have the right and privilege to use the Easement Area in any manner that does not interfere with the rights, use and enjoyment granted hereunder to Grantee.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 2008.

ATTEST:

_____
HARVEY RUVIN, CLERK

Print Name: _____

Approved as to form and legal sufficiency:

_____
Assistant County Attorney

Print Name: _____

Miami-Dade County, Florida

By: _____

Print Name: _____

Print Address: _____

_____

The foregoing was accepted and approved on this _____ day of _____, 2008, by Resolution No. _____ by the Board of County Commissioners for Miami-Dade County.

STATE OF FLORIDA AND 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 said county, who are personally known to me or have produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires: _____

Notary Public, Signature

Print Name _____

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 5815-07

CLIENT :
THE TOWER GROUP

EXHIBIT A

EASEMENT LEGAL DESCRIPTION

A PORTION OF TRACT "C" OF "CUTLER RIDGE CENTER FIRST ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGE 74 OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS A STRIP OF LAND FIVE (5) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "C";

THENCE NORTH 88°58'26" EAST ALONG THE SOUTH LINE OF SAID TRACT "C", A DISTANCE OF 18.36 FEET;

THENCE SOUTH 80°57'44" EAST ALONG THE SOUTH LINE OF SAID TRACT "C", A DISTANCE OF 519.65 FEET;

THENCE NORTH 01°01'34" WEST, A DISTANCE OF 277.89 FEET;

THENCE NORTH 88°58'26" EAST, A DISTANCE OF 52.00 FEET;

THENCE NORTH 01°01'34" WEST, A DISTANCE OF 113.00 FEET;

THENCE NORTH 88°58'26" EAST ALONG THE NORTH LINE OF SAID TRACT "C", A DISTANCE OF 214.00 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE;

THENCE SOUTH 41°20'53" EAST, A DISTANCE OF 22.95 FEET;

THENCE NORTH 88°58'26"E, A DISTANCE OF 28.90 FEET TO REFERENCE POINT A;

THENCE SOUTH 62°35'43" WEST, A DISTANCE OF 13.19 FEET;

THENCE SOUTH 00°22'18" EAST, A DISTANCE OF 3.97 FEET TO REFERENCE POINT B;

THENCE CONTINUE SOUTH 00°22'18" EAST, A DISTANCE OF 264.19 FEET;

THENCE NORTH 89°55'57" EAST, A DISTANCE OF 25.88 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE AND REFERENCE POINT D.

TOGETHER WITH:

A STRIP OF LAND FIVE (5) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

BEGIN AT SAID REFERENCE POINT A;

THENCE NORTH 88°58'26" EAST, A DISTANCE OF 89.92 FEET TO A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1982.36 FEET, A CENTRAL ANGLE OF 00°27'40" AND AN ARC DISTANCE OF 15.95 FEET TO REFERENCE POINT C;

THENCE CONTINUE ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1982.36 FEET, A CENTRAL ANGLE OF 08°30'54" AND AN ARC DISTANCE OF 294.61 FEET;

THENCE NORTH 10°00'08" WEST, A DISTANCE OF 17.50 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

TOGETHER WITH:

A STRIP OF LAND SEVEN AND A HALF (7.50) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

BEGIN AT SAID REFERENCE POINT B;

THENCE SOUTH 89°51'46" WEST, A DISTANCE OF 4.99 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

LAND DESCRIPTION CONTINUED NEXT PAGE . . . .

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	-----	AV	REC
REVISED LAND DESCRIPTION & SKETCH	09/03/08	-----	AV	REC

EASEMENT
LEGAL DESCRIPTION
(FPL EASEMENT)

PROPERTY :
10950 S.W. 211TH STREET

SCALE: N/A

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 5815-07

CLIENT :
THE TOWER GROUP

EXHIBIT A

EASEMENT LEGAL DESCRIPTION

LAND DESCRIPTION CONTINUED . . . .

TOGETHER WITH:

A STRIP OF LAND SEVEN AND A HALF (7.50) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

BEGIN AT SAID REFERENCE POINT B;

THENCE NORTH 89°51'46" EAST, A DISTANCE OF 4.99 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

TOGETHER WITH:

A STRIP OF LAND FIVE (5) FEET WIDE, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS:

BEGIN AT SAID REFERENCE POINT C;

THENCE NORTH 01°29'13" WEST, A DISTANCE OF 17.50 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

LESS:

A PORTION OF SAID TRACT "C" BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SAID REFERENCE POINT C, WHICH ALSO BEING A POINT ON A CURVE CONCAVE TO THE NORTHWEST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1982.36 FEET, A CENTRAL ANGLE OF 03°47'40" AND AN ARC DISTANCE OF 131.28 FEET;

THENCE SOUTH 00°00'07" EAST, A DISTANCE OF 1.58 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°59'53" EAST, A DISTANCE OF 9.75 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST (A RADIAL LINE THROUGH SAID POINT BEARS NORTH 05°33'27" WEST);

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1984.86 FEET, A CENTRAL ANGLE OF 00°16'58" ANO AN ARC DISTANCE OF 9.80 FEET;

THENCE NORTH 00°00'07" WEST, A DISTANCE OF 0.92 FEET TO THE POINT OF BEGINNING.

THE SIDE LINES OF THESE EASEMENTS ARE TO BE SHORTENED OR LENGTHENED, SO AS TO INTERSECT THE RELEVANT LOT, BLOCK, TRACT OR EASEMENT LINES.

TOGETHER WITH RIGHT TO MAINTAIN AND OPERATE THE FACILITIES LOCATEO INSIDE THE ELECTRICAL VAULT LOCATED ADJACENT TO THE POT (POINT OF TERMINATION). MORE PARTICULARLY DESCRIBED AS FOLLOWING:

A PORTION OF SAID TRACT "C", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SAID POINT OF TERMINATION AND REFERENCE POINT D;

THENCE NORTH 00°04'03" WEST, A DISTANCE OF 17.56 FEET;

THENCE NORTH 89°55'57" EAST, A DISTANCE OF 38.29 FEET;

THENCE SOUTH 00°04'03" EAST, A DISTANCE OF 23.67 FEET;

THENCE SOUTH 89°55'57" WEST, A DISTANCE OF 38.29 FEET;

THENCE NORTH 00°04'03" WEST, A DISTANCE OF 6.11 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED LINES OF THE ELECTRICAL VAULT ARE TO BE EXTENDED VERTICALLY DOWNWARDS TO A LIMIT OF TEN (10) FEET BELOW THE FINISHED FLOOR AND TO BE EXTENDED VERTICALLY UPWARDS TO THE CEILING OF SAID VAULT (BEING SIXTEEN (16) FEET ABOVE THE FINISHED FLOOR). THESE UPPER AND LOWER VERTICAL LIMITS TOGETHER WITH THE COURSES AND DISTANCES AROUND THE ELECTRICAL VAULT DEFINE THOSE CERTAIN RIGHTS TO MAINTAIN AND OPERATE THE FACILITIES WITHIN SAID VAULT.

SAID LAND SITUATE, LYING AND BEING IN MIAMI/DADE COUNTY, FLORIDA.

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	-----	AV	REC
REVISED LAND DESCRIPTION & SKETCH	09/03/08	-----	AV	REC

EASEMENT
LEGAL DESCRIPTION
(FPL EASEMENT)

PROPERTY :
10950 S.W. 211TH STREET

SCALE: N/A

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COUSINS SURVEYORS & ASSOCIATES, INC.
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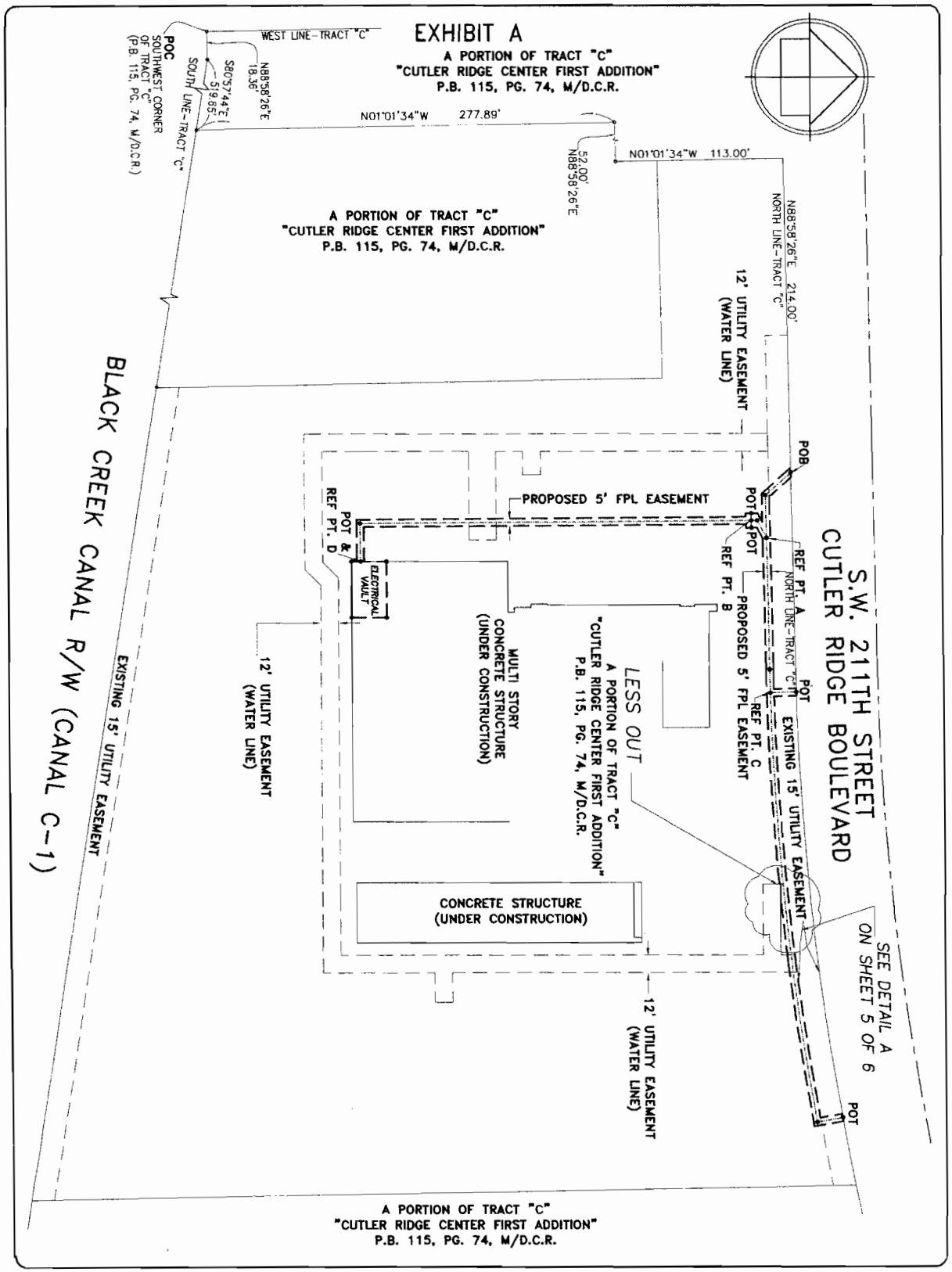
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 5815-07

CLIENT :
THE TOWER GROUP



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	----	AV	REC
REVISED LAND DESCRIPTION & SKETCH	09/03/08	----	AV	REC

SKETCH TO ACCOMPANY
EASEMENT
LEGAL DESCRIPTION
(FPL EASEMENT)

PROPERTY :
10950 S.W. 211TH STREET

SCALE: 1"= 80'

SHEET 3 OF 6

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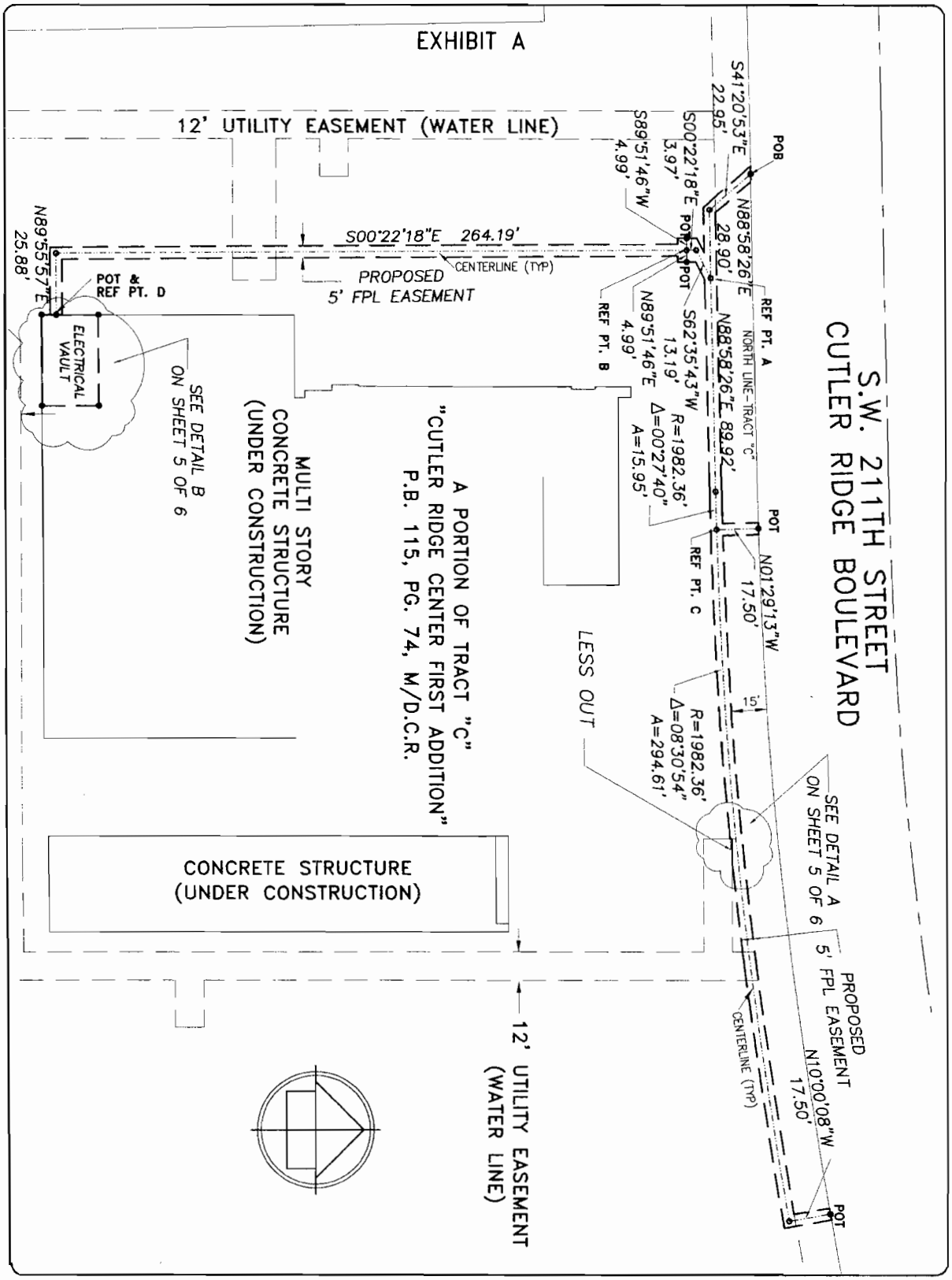
COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 5815-07

CLIENT :
THE TOWER GROUP



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	----	AV	REC
REVISED LAND DESCRIPTION & SKETCH	09/03/08	----	AV	REC

SKETCH TO ACCOMPANY
EASEMENT
LEGAL DESCRIPTION
(FPL EASEMENT)

PROPERTY :
10950 S.W. 211TH STREET

SCALE: 1"= 50'

SHEET 4 OF 6

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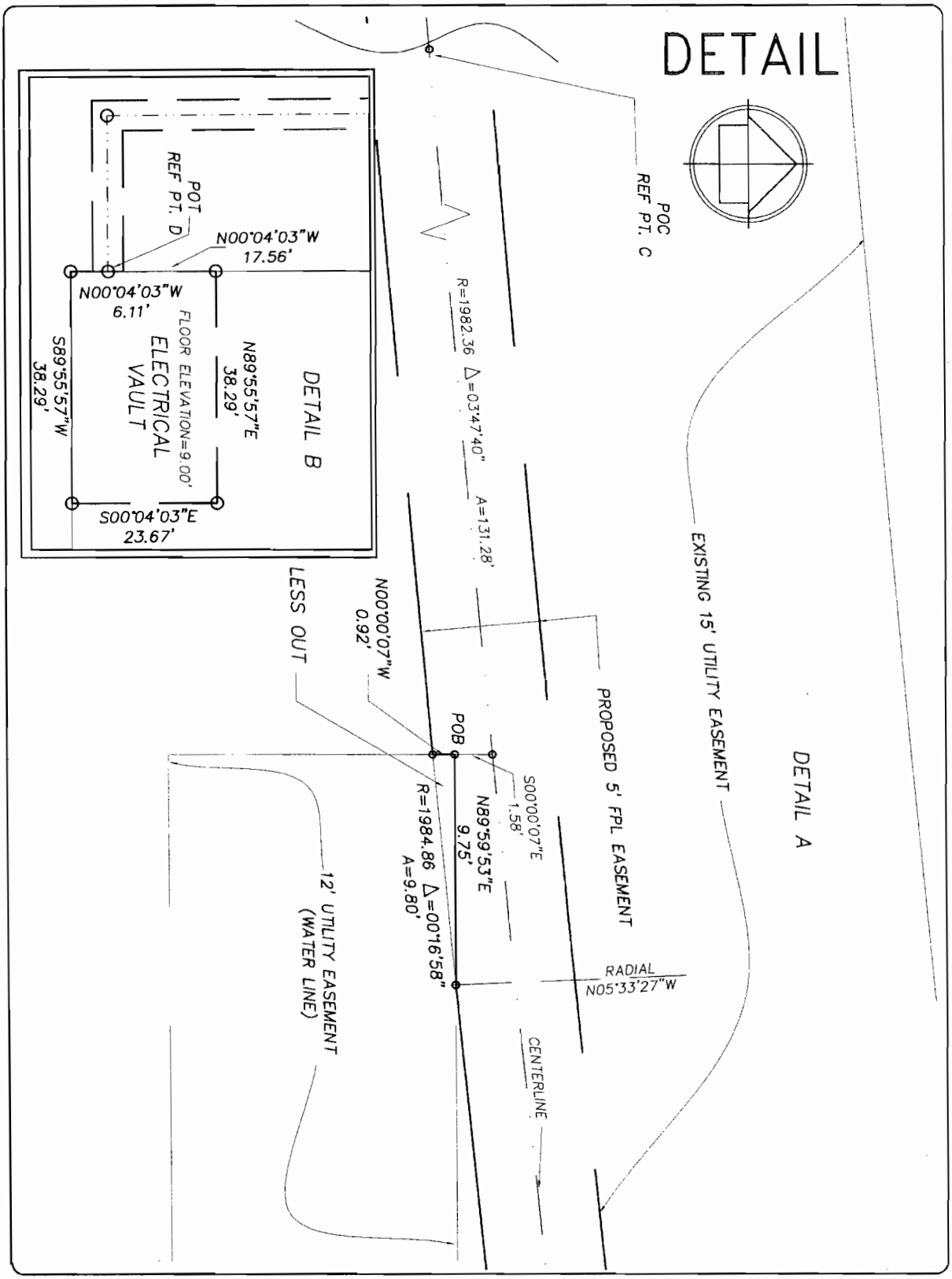
COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 5815-07

CLIENT :
THE TOWER GROUP



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	----	AV	REC
REVISED LAND DESCRIPTION & SKETCH	09/03/08	----	AV	REC

SKETCH TO ACCOMPANY
EASEMENT
LEGAL DESCRIPTION
(FPL EASEMENT)

PROPERTY :
10950 S.W. 211TH STREET

SCALE: 1"= 5'

SHEET 5 OF 6

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COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 5815-07

CLIENT :
THE TOWER GROUP

EXHIBIT A

LEGEND:

CKD	CHECKED BY
CONC	CONCRETE
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
SIR	SET 5/8" IRON ROD & CAP #6448
SNC	SET NAIL AND CAP #6448
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
FNC	FOUND NAIL AND CAP
FND	FOUND NAIL & DISC
P.B.	PLAT BOOK
M/D.C.R.	MIAMI/DADE COUNTY RECORDS
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
P.O.T.	POINT OF TERMINATION
REF. PT.	REFERENCE POINT
FPL	FLORIDA POWER & LIGHT
R/W	RIGHT OF WAY
TYP	TYPICAL
R	RADIUS
A	ARC DISTANCE
Δ	CENTRAL ANGLE

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE 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.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF TRACT "C" "CUTLER RIDGE CENTER FIRST ADDITION", P.B. 115, PG. 74, M/D.C.R. SAID LINE BEARS S 01°01'34" E.

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN SEPTEMBER, 2008. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 61G17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: Richard E. Cousins

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	08/06/08	-----	AV	REC
REVISED LAND DESCRIPTION & SKETCH	09/03/08	-----	AV	REC

NOTES, LEGEND & CERTIFICATION TO ACCOMPANY EASEMENT LEGAL DESCRIPTION (FPL EASEMENT)

PROPERTY :
10950 S.W. 211TH STREET

SCALE: N/A

SHEET 6 OF 6

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