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

Memorandum

MIAMI-DADE COUNTY

Date: January 22, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 8(M)(1)(A)

Resolution No. R-41-09

Subject: FPL Easement at Bill Bird Marina in Haulover Park

Recommendation
It is recommended that the Board approve the attached resolution authorizing the execution of an easement document for the Florida Power and Light Company (FPL) to install and maintain electric power facilities at the Bill Bird Marina in Haulover Park, located at 10801 Collins Avenue.

Scope
Haulover Park is located in Commission District 4. The easement will allow FPL to maintain electric power facilities in the marina area currently under redevelopment.

Fiscal Impact/Funding Source
The easement will not create any financial impact to Miami-Dade County.

Track Record/Monitor
The County has given easements to FPL in the past. The Planning and Research Section of the Park and Recreation Department (MDPR) will process the easement document for execution once the installation of facilities has been verified.

Background
MDPR is developing the Bill Bird Marina at Haulover Park with new facilities that will require electric transformers to reduce the voltage from the nearest power line. FPL has agreed to provide these facilities in exchange for an easement to allow access to install and maintain them.

Attachments

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: January 22, 2009

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

SUBJECT: Agenda Item No. 8(M)(1)(A)

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(M)(1)(A)
1-22-09

RESOLUTION NO. **R-41-09**

RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR THE INSTALLATION AND MAINTENANCE OF ELECTRIC FACILITIES AT THE BILL BIRD MARINA IN HAULOVER PARK

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

WHEREAS, the County, through its Park and Recreation Department, Is making improvements to the Bill Bird Marina in Haulover Park that require installation of electric power facilities; and

WHEREAS, Florida Power and Light Company is willing to provide the electric facilities and electric power to them in exchange for an easement to allow access to install and maintain them, said easement will not adversely impact natural resources, or the park facilities and uses,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the granting of an easement to Florida Power and Light Company for installation and maintenance of electric power facilities at the Bill Bird Marina in Haulover Park in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor to take appropriate actions to accomplish same; and authorizes the County Mayor or County Mayor's designee to execute the Easement, same for and on behalf of Miami-Dade County, upon approval by the County Attorney's Office.

The foregoing resolution was offered by Commissioner Katy Sorenson, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman aye

Bruno A. Barreiro	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of January, 2009. 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.

Martin W. Sybblis

E A S E M E N T

Work Order No.

Sec 14 **Twp** 52 **Rge** 42

Folio No. 30 2214 008 0010

This Instrument Prepared By

Name: Randy Koper

Co. Name: Miami Dade County
Park & Recreation Department
Address: 275 NW 2nd Street
Suite #430
Miami, FL 33128

Reserved for Recording

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 and Light Company, its licensees, agents, successors, a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including wires, guys, cables, conduits and appurtenance equipment) to serve Haulover Park, located at 10801 Collins Avenue, 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 10 feet in width (the approximate location of which is shown in the sketch on Page 2 of this instrument) located within the following described property:

See Attached Exhibit A

Together with 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 power transmission or distribution; and further grants to the fullest extent the undersigned has the power to grant, if at all, the rights herein above granted on the land heretofore described.

In the event that the easement as set forth above is abandoned, this easement will be cancelled.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 2009.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

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

By: _____
Mayor

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 200__.

5

EXHIBIT "A".

10' UTILITY EASEMENT

Being a portion of Section 23, Township 52 South, Range 42 East, Miami Dade County, Florida, being more particularly described as follows:

Commence at Department of Natural Resources, State of Florida brass disk "87-78-A-05" as recorded in Plat Book 74, at Page 25, of the Miami Dade County, Florida; thence N 10°31'17.6" E, for a distance of 517.54 feet to a point of intersection with the Coastal Construction Control Line as recorded in said Plat Book 74, Page 25, of Miami Dade County, Florida; thence S 0°06'23.9" E along said Coastal Construction Control Line , for a distance of 1001.61 feet; thence S 0°06'23.9" E along said Coastal Construction Control Line, for a distance of 526.00 feet; thence S 07°34'23.1" W, along said Coastal Construction Control Line, for a distance of 281.02 feet; thence N 82°25'37" W, for a distance of 113.10 feet to a the Point of Beginning of the centerline of an Easement 10 feet wide with 5 feet to each side; thence S 86°03'09" W, along said centerline, for a distance of 167.87 feet; thence S 81°20'49" W, for a distance of 185.62 feet; thence N 85°19'18" W, for a distance of 105.83 feet to a point designated "A"; thence N 89°09'55" W, for a distance of 41.67 feet to the Point of Terminus of said centerline.

And

Begin at designated point "A", the Point of Beginning of the centerline of an Easement 10 feet wide with 5 feet to each side; thence S 04°56'24" E, along said centerline, for a distance of 41.62 feet; thence S 05°01'18" W, for a distance of 79.34 feet; thence S 06°58'52" W, for a distance of 106.34 feet; thence S 14°42'42" W, for a distance of 86.79 feet; thence S 25°21'00" W, for a distance of 142.17 feet; thence S 33°43'06" W, for a distance of 79.63 feet; thence N 61°52'24" W, for a distance of 20.47 feet to the Point of Terminus of the aforementioned centerline.

Side lines must be shortened or lengthened as the case may be to maintain the 10 feet easement conformation. Having 10,847 Sq. ft. more or less.

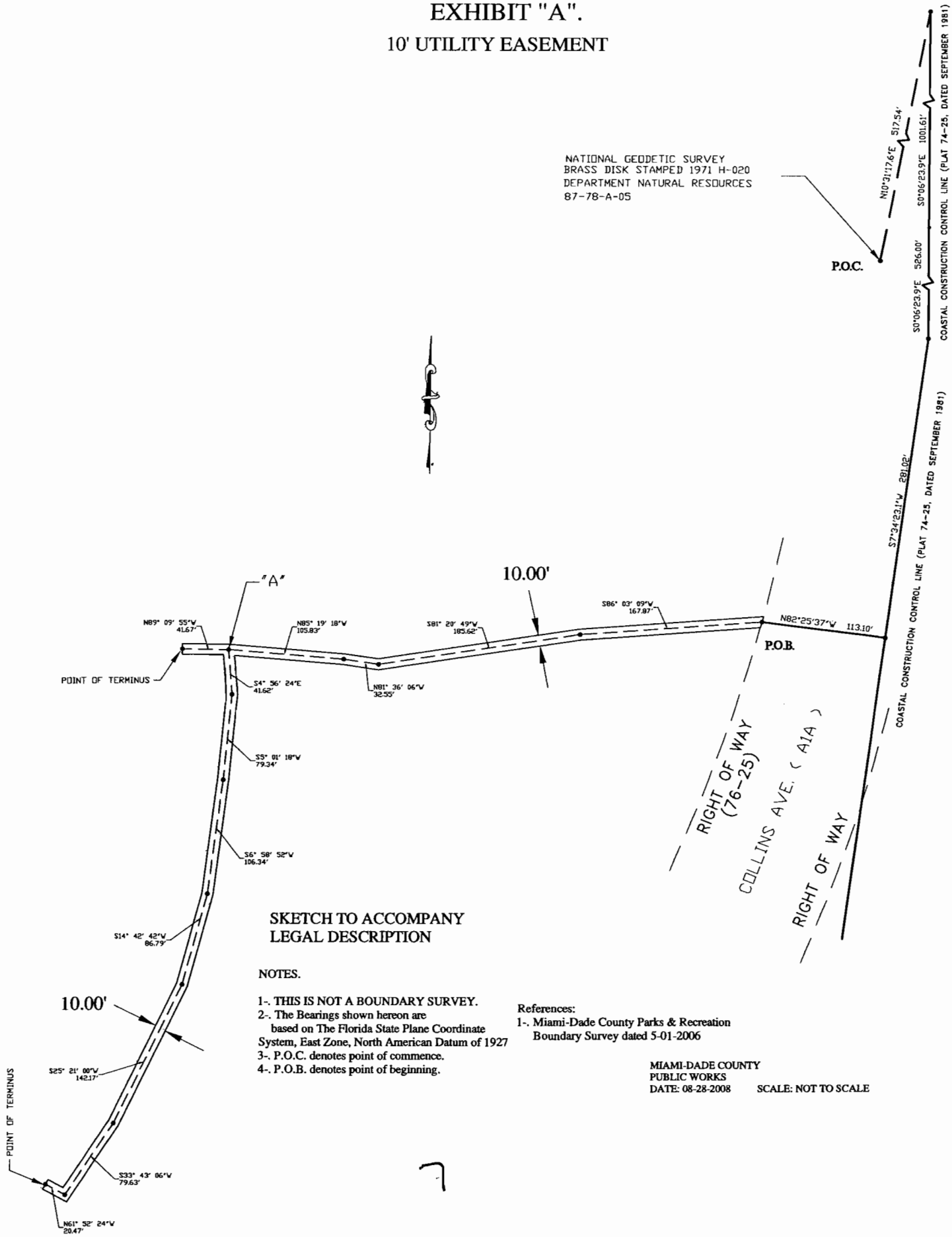
SCOTT A. RIGGS, PSM
Florida License # 6160
140 West Flagler Street, Suite # 805
Miami, Florida 33130 (305) 375-2657
Date: 08-28-2008

This Description and the accompanying sketch are not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper. This description and the accompanying Sketch are not valid one without the other.

6

EXHIBIT "A".

10' UTILITY EASEMENT



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

NOTES.

1-. THIS IS NOT A BOUNDARY SURVEY.
2-. The Bearings shown hereon are based on The Florida State Plane Coordinate System, East Zone, North American Datum of 1927
3-. P.O.C. denotes point of commence.
4-. P.O.B. denotes point of beginning.

References:
1-. Miami-Dade County Parks & Recreation Boundary Survey dated 5-01-2006

MIAMI-DADE COUNTY
PUBLIC WORKS
DATE: 08-28-2008 SCALE: NOT TO SCALE