

MEMORANDUM

Agenda Item No. 11(A)(18)

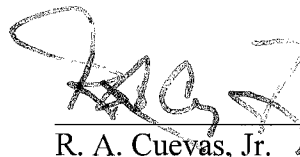
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 5, 2009

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

SUBJECT: Resolution authorizing
conveyance of an easement to
Florida Power and Light
Company to service the
public library and affordable
housing development located
on property at 1398 SW 1st
Street in the City of Miami
Resolution No. R-561-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM
(Revised)

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

DATE: May 5, 2009

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

SUBJECT: Agenda Item No. 11 (A) (18)

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 Mayor'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. 11(A)(18)
5-5-09

RESOLUTION NO. R-561-09

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL) TO SERVICE THE PUBLIC LIBRARY AND AFFORDABLE HOUSING DEVELOPMENT LOCATED ON PROPERTY AT 1398 SW 1ST STREET IN THE CITY OF MIAMI

WHEREAS, the Miami-Dade Homeless Trust is leasing property located at 1398 S.W. 1st Street, on which a public library and affordable housing development have been built; and

WHEREAS, in order to have a Certificate of Occupancy issued for the library and development, it is necessary to install a transformer pad on the property to be able to supply electricity,

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

Section 1. Authorizes the conveyance of an easement to FPL for a transformer pad on a portion of the property located at 1398 SW 1st Street, legally described in Exhibit "A" and shown on Exhibits "B" and "C" of the Easement attached hereto and incorporated herein; and

Section 2. Authorizes the Mayor to execute said FPL Easement in substantially the form attached hereto; and

Section 3. Directs the Mayor or the Mayor's Designee to cause said FPL Easement to be recorded in the Public Records of Miami-Dade County, Florida.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Carlos A. Gimenez** 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	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 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: **Diane Collins**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Work Request No. 2230-31-883

EASEMENT

This Instrument Prepared By

Sec. , Twp. , Rge.

Parcel I.D.
(Maintained by County Appraiser)

Name: Thomas Goldstein
Co. Name: Assistant County Attorney
Address: 111 N.W. 1st Street, S.2810
Miami, FL 33130

Form 3722 (Stocked) Rev. 7/94

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 § feet in width described as follows:

Reserved for Circuit Court

See attached Exhibit A (attached hereto and incorporated by reference) (the "Easement Area")
And shown on attached Exhibits B and C

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:

Miami-Dade County, Florida

HARVEY RUVIN, CLERK

By: _____

Print Name: _____

Print Name: _____

Approved as to form and legal sufficiency:

Print Address: _____

Assistant County Attorney

Print Name: _____

The foregoing was accepted and approved on this ____ day of _____, 2009, by Resolution No. _____ by the Board of County Commissioners for Miami-Dade County.



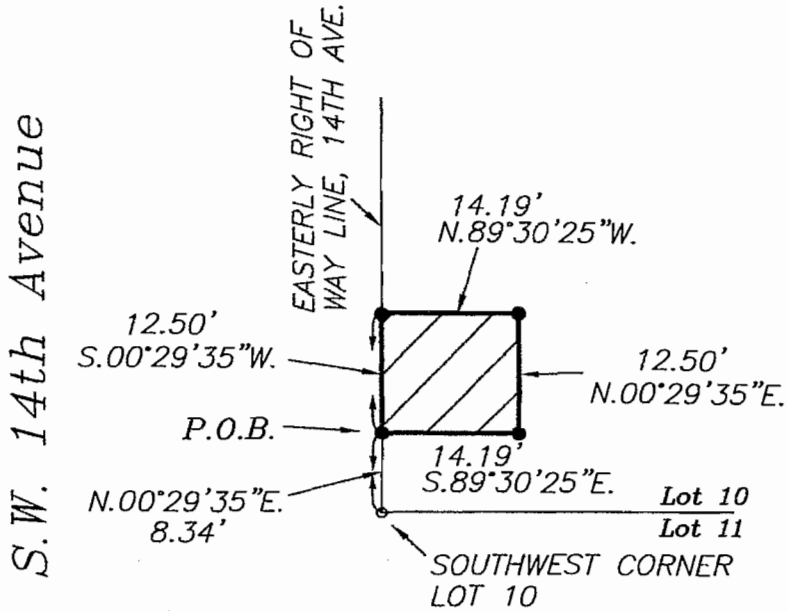
Certificate of Authorization No. LB 6086

HIGH SURVEYING & MAPPING

12360 S.W. 132nd Court, Suite 216, Miami, Fl. 33186

Tel:(305) 252-0698, Fax:(305) 252-9551

DATE: 4-14-09



Legal Description for Florida Power and Light Easement

A parcel of land lying and being in Miami-Dade County, Florida being a portion of Lot 10, of Block 79 of LAWRENCE ESTATE LAND CO'S SUBDIVISION according to the Plat thereof as recorded in Plat Book 2, at page 46 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

Commence at the Southwest corner of said Lot 10, Block 79, and proceed $N00^{\circ}29'35''E$, along the Easterly right of way line of S.W. 14th Avenue as it appears on the said plat of LAWRENCE ESTATE LAND CO'S SUBDIVISION, 8.34 feet to the POINT OF BEGINNING of the following described parcel; thence proceed the following bearings and distances: $S89^{\circ}30'25''E$, 14.19 feet; $N00^{\circ}29'35''E$, 12.50 feet; $N89^{\circ}30'25''W$, 14.19 feet to the aforementioned Easterly right of way line of S.W. 14th Avenue; thence $S00^{\circ}29'35''W$, along the said Easterly right of way line of S.W. 14th Avenue, 12.50 feet to the POINT OF BEGINNING.

By: _____

William O. High

Professional Land Surveyor No. 4632

State of Florida

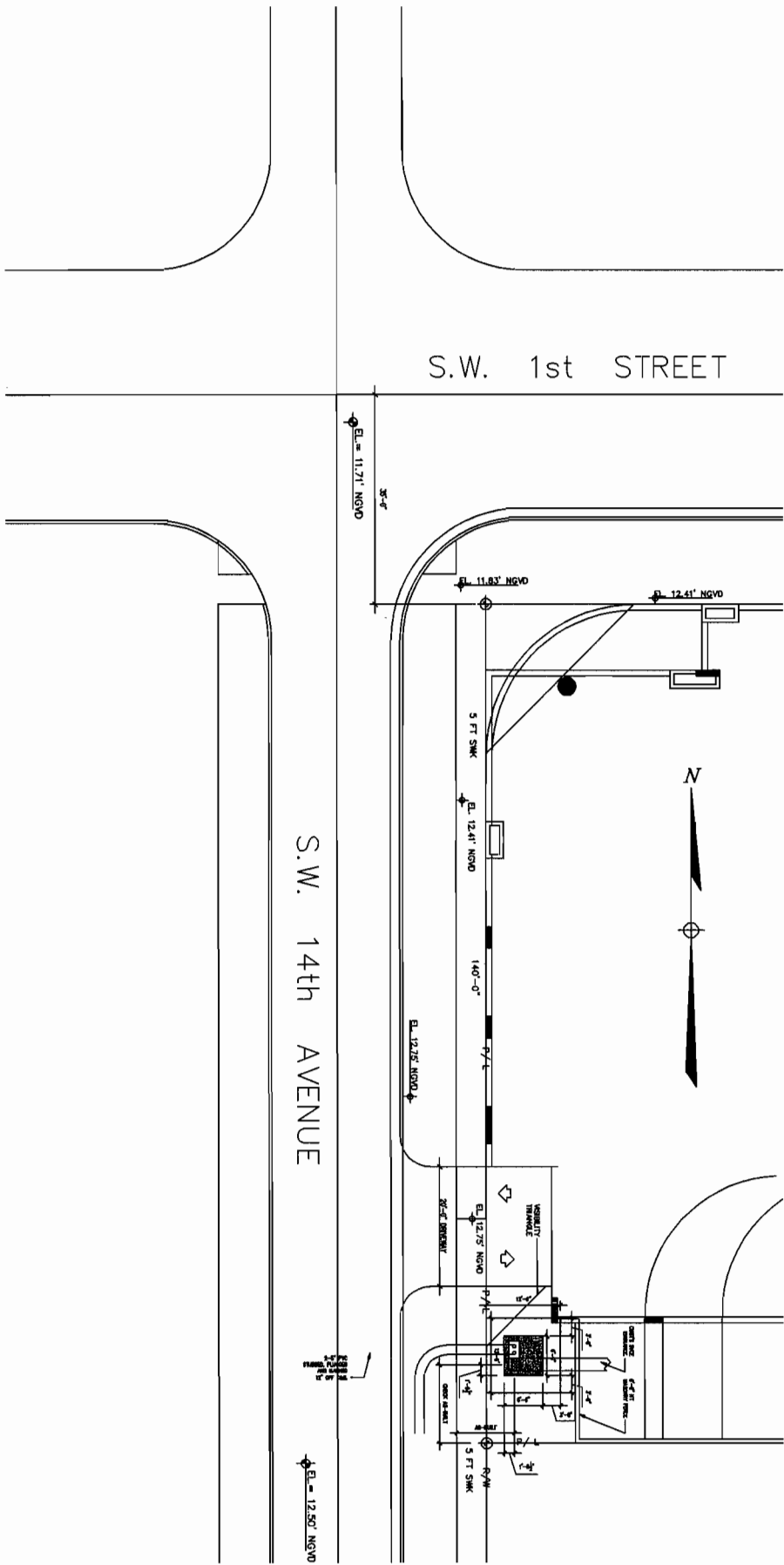
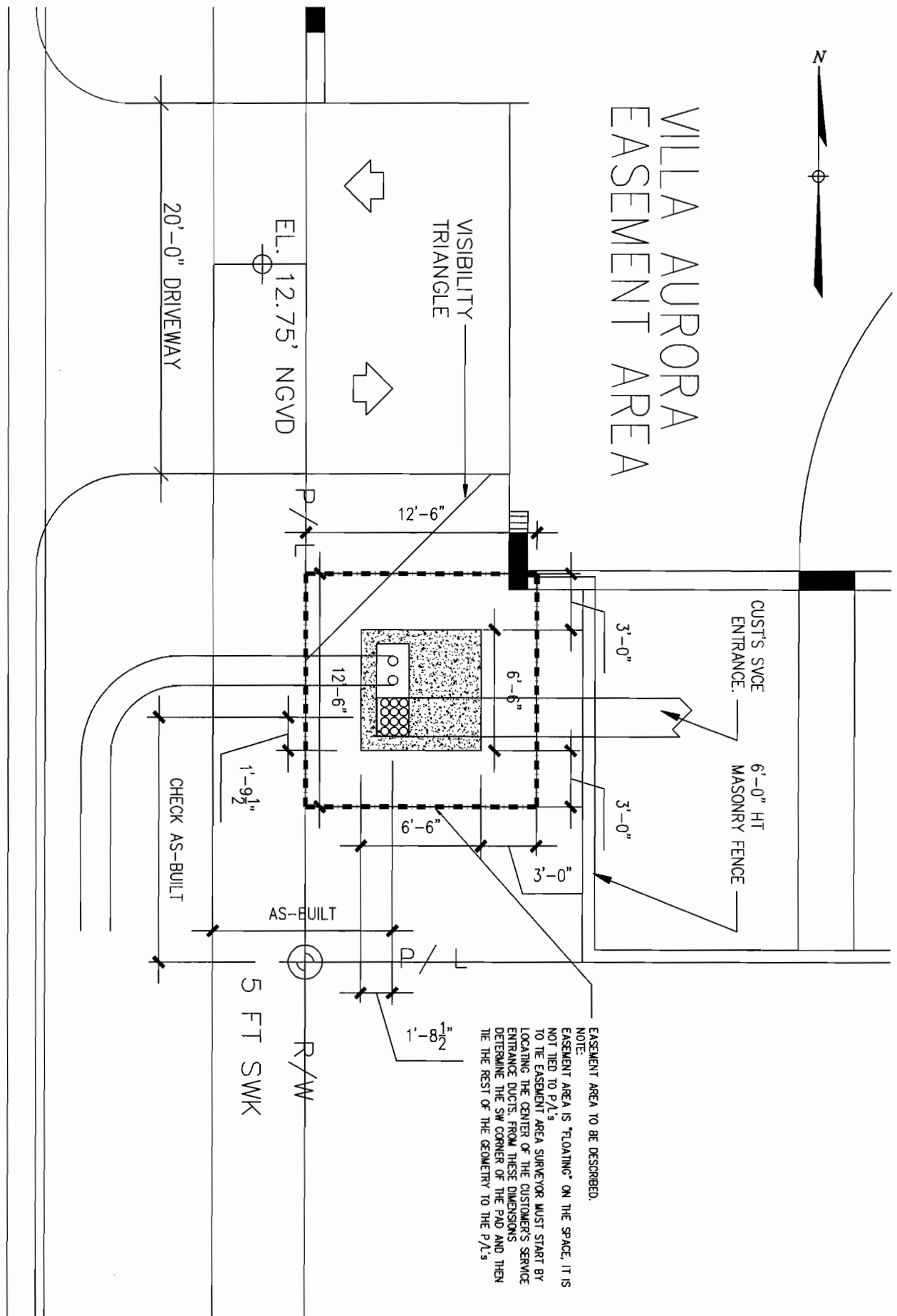


EXHIBIT "B"



VILLA AURORA EASEMENT AREA



EASEMENT AREA TO BE DESCRIBED.
NOTE:
EASEMENT AREA IS "FLOATING" ON THE SPACE, IT IS NOT TIED TO P/L's TO THE EASEMENT AREA SURVEYOR MUST START BY LOCATING THE CENTER OF THE CUSTOMER'S SERVICE ENTRANCE DUCTS, FROM THESE DIMENSIONS DETERMINE THE SW CORNER OF THE PAD AND THEN TIE THE REST OF THE GEOMETRY TO THE P/L's