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

Memorandum

MIAMI-DADE COUNTY

Date: September 10, 2010

Agenda Item No. 9(A)(5)

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

From: George M. Burgess
County Manager

Resolution No. R-861-10

Subject: Resolution authorizing the conveyance of an easement to the Florida Power and Light Company (FPL) for the installation of a power pole on County-owned property located at 1401 NW 7th Street (MDPHA site); and delegating authority to the Mayor or his designee to execute additional FPL utility easements within the MDPHA site if necessary for the ballpark project

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RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing the conveyance of an easement to FPL for the installation of a power pole on County-owned property located at the Miami-Dade Public Housing Agency site at 1401 NW 7 Street (the "MDPHA Site"), subject to United States Housing and Urban Development ("HUD") approval. This easement is necessary to accommodate an FPL pole relocation project that is part of the public infrastructure work for the new ballpark. Additionally, while it is anticipated this is the only FPL easement required at the MDPHA Site, if FPL needs other utility easements at the MDPHA Site which are necessary solely for the new ballpark and to accommodate design changes or other changes that may arise during completion of the FPL project for the ballpark project, it is recommended that the Board authorize the Mayor or his designee to execute such easements as necessary in order to avoid potential impacts to the construction schedule, subject to HUD approval.

DEPARTMENT USER: MDPHA

TAX FOLIO NUMBER: 01-3135-021-0160

LOCATION: 1401 NW 7 Street, Miami

COMMISSION DISTRICT: 5

COMMISSION DISTRICT: 5
IMPACTED:

ZONING: Multi-family high density

BACKGROUND

The Florida Power and Light Company has requested an easement encompassing approximately nine (9) square feet of County-owned property located at the MDPHA Site at 1401 NW 7 Street. The easement is needed as part of an FPL pole relocation project that is part of the public infrastructure work

for the new ballpark. The proposed location of the easement is between the sidewalk and the existing metal fence that surrounds the property and will not interfere with the County's use of the property. MDPHA has no objection to this proposed location on this small portion of the property. U.S. HUD has also reviewed this proposed location and advised it has no objection. Final approval from U.S. HUD will be required upon approval by the Board.

MONITOR: Jose A. Galan, Office of Capital Improvements

DELEGATED AUTHORITY: Authorizes the County Mayor to execute this easement in substantially the form attached hereto. Also, if additional FPL utility easements within the MDPHA Site are necessary as part of the ballpark project, this item delegates authority to the Mayor or his designee to execute such easements, also in substantially the form attached hereto. This delegation is necessary to ensure that any changes to the design, pole location, or other unforeseen conditions with the FPL project can be addressed without impacting the construction schedule.

FISCAL IMPACT/ FUNDING SOURCE: No fiscal impact to the County. The cost of this work will be funded solely by the City of Miami.

Ysela Llort
Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: September 10, 2010

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

SUBJECT: Agenda Item No. 9(A)(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**

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

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 9(A)(5)
9-10-10

RESOLUTION NO. R-861-10

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR THE INSTALLATION OF A POWER POLE ON COUNTY-OWNED PROPERTY LOCATED AT 1401 NW 7 STREET, SUBJECT TO U.S. HUD APPROVAL; AND DELEGATING AUTHORITY TO THE MAYOR OR DESIGNEE TO EXECUTE ADDITIONAL FPL EASEMENTS WITHIN SUCH PROPERTY IF NECESSARY FOR THE BALLPARK PROJECT, SUBJECT TO U.S. HUD APPROVAL

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:

Section 1. This Board hereby authorizes the conveyance of an Easement to the Florida Power & Light Company (FPL) on County-owned property located at 1401 N.W. 7th Street (MDPHA Site), in substantially the form attached hereto and made a part hereof, subject to the approval of the United States Department of Housing and Urban Development ("HUD") and authorizes the County Mayor or County Mayor's designee to execute said easement on behalf of Miami-Dade County and to exercise any and all other rights conferred therein.

Section 2. This Board authorizes the County Mayor or County Mayor's designee, if necessary, to convey additional FPL utility easements within the MDPHA Site needed for the ballpark project, in substantially the form attached hereto, subject to the approval of HUD, and authorizes the County Mayor or County Mayor's designee to execute said utility easements on behalf of Miami-Dade County and to exercise any and 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 Sally A. Heyman 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
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 10th day of September, 2010. 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 the County Attorney as
to form and legal sufficiency.

Monica Rizo

5

This instrument prepared by:

Monica Rizo
Miami-Dade County Attorney's Office
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Sec 35 Twp 53 S Rge 41 E

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"

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.

(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. 2010, 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_____, 2010, 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
My Commission Expires: _____

(Notarial Seal)

EXHIBIT "A"

LEGAL DESCRIPTION:

A portion of Lot 7, of CORRECTED PLAT OF RIVERMONT, according to the plat thereof as recorded in Plat Book B at Page 95, of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of Tract "A", of MIAMI RIVER COMPLEX FLORIDA 5-26, according to the plat thereof as recorded in Plat Book 92 at Page 39, of the Public Records of Miami-Dade County, Florida; thence run South 87°39'37" West along a the Northerly right-of-way line of NW 7th Street, said right-of-way being a line 35.00 feet North of and parallel to the South Line of the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 53 South, Range 41 East, for 77.54 feet to the Point of Beginning of the hereinafter described Florida Power & Light Company Easement; thence continue South 87°39'37" West along said line for 3.08 feet; thence North 02°20'23" West for 3.08 feet; thence North 87°39'37" East for 3.08 feet; thence South 02°20'23" East for 3.08 feet to the Point of Beginning.

SURVEYOR'S NOTES:

- This site lies in Section 35, Township 53 South, Range 41 East, City of Miami, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida, unless otherwise noted.
- Lands shown hereon were NOT abstracted for easements and/or rights-of-way of records.
- Bearings hereon are referred to an assumed value of S87°39'37"W for the Center Line of NW 7th Street.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch # 2009-053.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on August 5, 2010, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

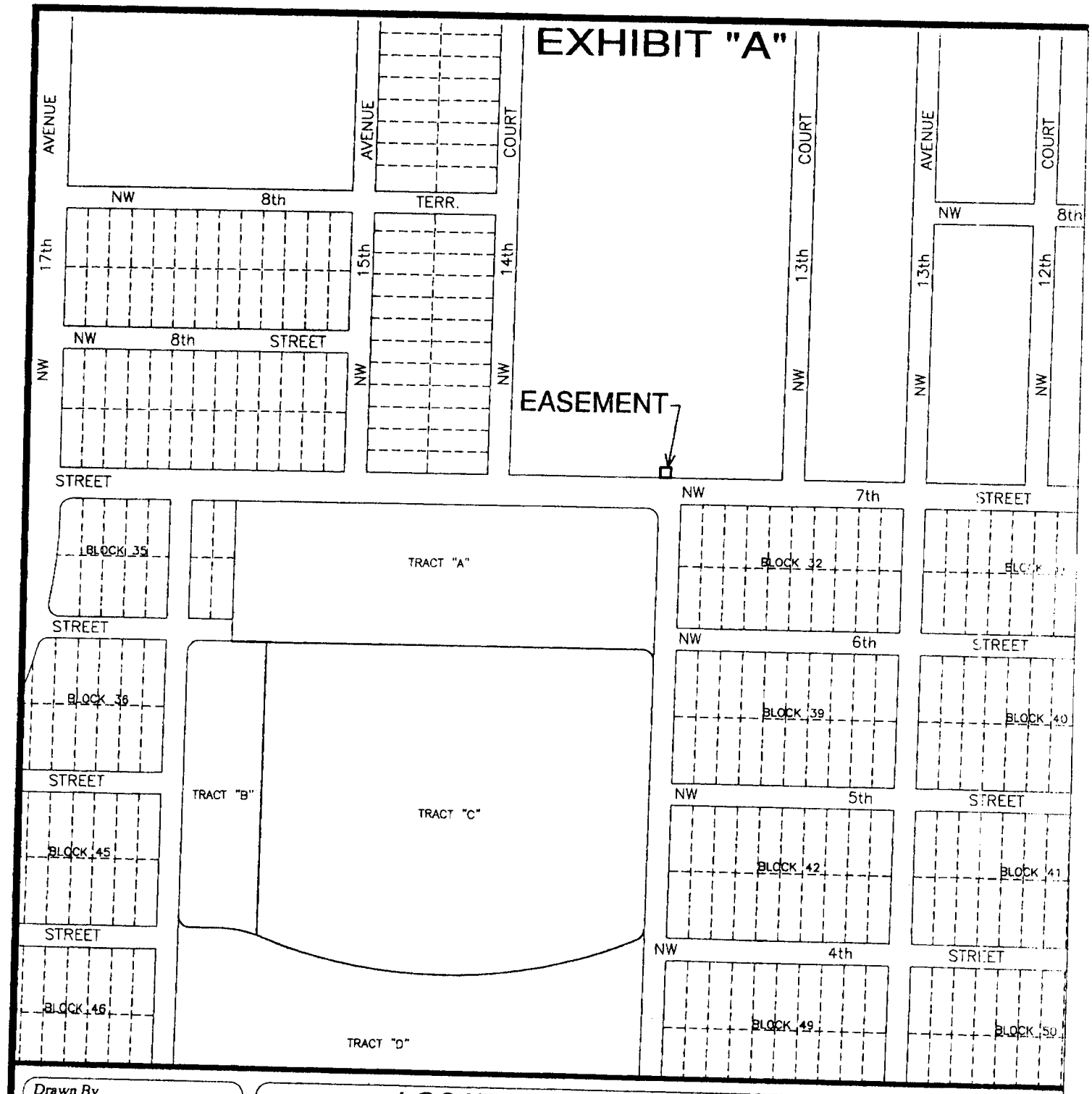
"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By: _____
Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

FLORIDA POWER & LIGHT COMPANY EASEMENT

Drawn By	DANJR	DESCRIPTION, NOTES & CERTIFICATION	Date August 5, 2010
Cad. No.	100653	FORTIN, LEAVY, SKILES, INC.	Scale NONE
Ref. Dwg.	2009-053	CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Job. No. 100653
		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Dwg. No. 1010-047
Plotted:	8/5/10 9:04a	180 Northeast 168th Street / North Miami Beach, Florida 33162	Sheet 1 of 3
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	



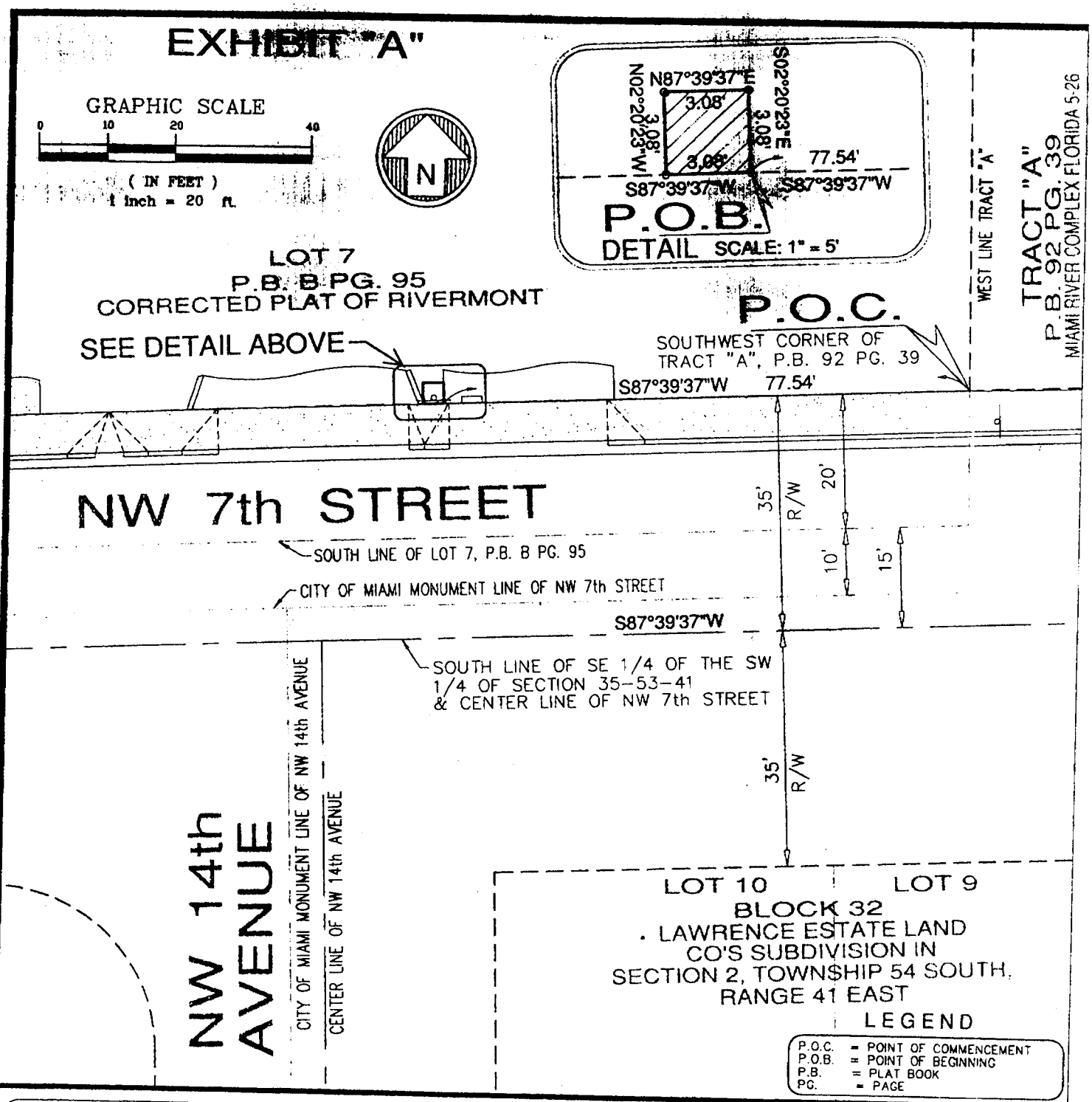
Drawn By	DANJR
Cad. No.	100653
Ref. Dwg.	2009-053
Plotted:	8/5/10 9:04a

LOCATION SKETCH

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	August 5, 2010
Scale	NOT TO SCALE
Job. No.	100653
Dwg. No.	1010-047
Sheet	2 of 3

EXHIBIT "A"



Drawn By	DANJR
Cad. No.	100653
Ref. Dwg.	2009-053
Plotted:	8/5/10 9:04a

SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	August 5, 2010
Scale	1" = 20'
Job. No.	100653
Dwg. No.	1010-047
Sheet	3 of 3

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