



MEMORANDUM

Agenda Item No. 8(F)(14)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2011

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

SUBJECT: Resolution authorizing the conveyance of an easement to the Florida Power and Light Company (FPL), for \$1.00, to service the West Lot Multi-Use Facility, through County-owned land located at 220 N.W. 3 Street, Miami; and authorizing the County Mayor to execute an easement

Resolution R-1048-11

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: December 6, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Edward Marquez 
Deputy Mayor

Subject: Resolution Authorizing the Conveyance of an Easement to the Florida Power and Light Company through County-owned Land Located at 220 N.W. 3 Street, Miami, FL

RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing the conveyance of an easement to the Florida Power and Light Company (FPL), to service the West Lot Multi-Use Facility, through County-owned land located at 220 N.W. 3 Street, Miami, FL. The item was prepared by the Internal Services Department.

OWNER: Miami-Dade County, Internal Services Department

TAX FOLIO NUMBER: 01-0109-050-1010

SIZE: Approximately 2,023 square feet

LOCATION: 220 N.W. 3 Street, Miami, FL

COMMISSION DISTRICT: 5

COMMISSION DISTRICT IMPACTED: 5

ZONING: G/I – Government and Institutions. According to Permitting, Environment and Regulatory Affairs, the existing use is a permitted use under the current zoning.

BACKGROUND: On February 8, 2010, the County Manager approved the Recommendation for Award for a design-build contract for the West Lot Multi-Use Facility, located at 220 NW 3 Street, Miami, FL. The construction commenced on February 25, 2010 and is expected to be completed by February 24, 2012.

JUSTIFICATION: FPL has requested a ten foot wide easement, located in close proximity to the building along the north side of the property, for the construction, operation and maintenance of underground electrical facilities to service the FPL Vault.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
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FISCAL IMPACT/
FUNDING SOURCES:

The grant of easement has no fiscal impact to the County. The West Lot Multi-Use Facility project is funded by Capital Asset Acquisition Bonds 2009 proceeds. Index Code CPES9BGSMUFC Sub object Code 94210.

MONITOR:

Shannon Clark, Real Estate Officer

DELEGATED
AUTHORITY:

Authorizes the County Mayor or County Mayor's designee to execute this easement in substantially the form attached hereto.



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2011

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

SUBJECT: Agenda Item No. 8(F)(14)

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. 8(F)(14)
12-6-11

RESOLUTION NO. R-1048-11

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO THE FLORIDA POWER AND LIGHT COMPANY (FPL), FOR \$1.00, TO SERVICE THE WEST LOT MULTI-USE FACILITY, THROUGH COUNTY-OWNED LAND LOCATED AT 220 N.W. 3 STREET, MIAMI; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN EASEMENT

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), for \$1.00, as described in the Easement, in substantially the form attached hereto and made a part hereof, and authorizing the County Mayor or County Mayor's Designee to execute said Easement on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	aye		
Audrey M. Edmonson, Vice Chairwoman	aye		
Bruno A. Barreiro	aye	Lynda Bell	aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 2011. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Hugo Benitez", is written over a horizontal line.

Hugo Benitez

EASEMENT

Work Request Nos. 4153841 & 4134860

Name: Miami-Dade County West Lot Multi-Use Facility

Sec. 1 Twp. 54 South

Co. Name: Miami-Dade County

Parcel I.D. 01-0109-050-1010

Internal Services Department

Form 3722 (Stocked) Rev 7/94

Address: 111 N.W. 1st Street, Suite 2460

Miami, FL 33128

Instrument Prepared by: General Services Administration Real Estate Management

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 and 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 the size and remove such facilities or any of them within an easement 10 feet in width described as follows:

See attached Exhibits "A" and "B"

Grantors Address:
Miami Dade County
111 NW 1st Street, Suite 2460
Miami, Florida 33128

Grantee Address:
Florida Power and Light
9250 West Flagler Street
Miami, Florida 33174

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 communication purposes; the right to 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 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 or Mayor's designee of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

, CLERK

MIAMI-DADE COUNTY FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mayor or Mayor's Designee

Approved for Legal Sufficiency: _____

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, 2011.

Memorandum



Date: October 31, 2011

To: Edward Marquez
Deputy Mayor

From: Mayor Carlos A. Gimenez

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Design Build Contract No. W80052

In accordance with the letter opinion issued by Robert Meyers, Executive Director, Miami-Dade Commission on Ethics and Public Trust, dated August 31, 2011 ("Ethics Opinion"), I hereby delegate to you all delegable authority relating to the administration of Design Build Contract No. W80052 between Munilla Construction Management, LLC dba MCM and Miami-Dade County (hereinafter the "MCM Contract") for the West Lot Multi-Use Facility. You should exercise this authority and utilize your own judgment and should take all actions which are in the best interest of Miami-Dade County and consistent with the County Code, regulations, rules and the contract documents. Consistent with the Ethics Opinion, I will not be participating in any decisions made regarding this contract. In the event an issue arises in the exercise of delegated authority which requires action by the County Mayor and that action is not delegable under Florida law, the Miami-Dade County Home Rule Charter (e.g., waiver of competitive bidding) or the County Code (e.g., Mayoral sponsorship of an agenda item to be considered by the County Commission), please seek an opinion from the Ethics Commission regarding the appropriate course of action as recommended in the Ethics Opinion.

c: Robert A. Cuevas, Jr., County Attorney
Joe Centorino, Executive Director, Commission on Ethics and Public Trust
Christopher Agrippa, Clerk of the Board
Lester Sola, Director, Internal Services
Wendi Norris, Internal Services