

MEMORANDUM

Agenda Item No. 8(H)(1)

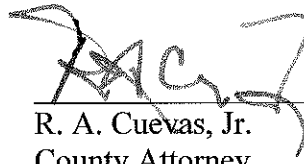
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 5, 2013

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

SUBJECT: Resolution authorizing the
conveyance of an easement to
Florida Power and Light
Company to install and maintain
electric power facilities at
Haulover Park
Resolution No. R-84-13

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney


RAC/smm

Memorandum



Date: February 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Authorizing the Conveyance of an Easement to Florida Power and Light Company for the Installation and Maintenance of Electrical Power Transmission Facilities at Haulover Park

Recommendation

It is recommended that the Board of County Commissioners adopt the attached resolution authorizing the conveyance of a 293.6 square foot easement to Florida Power and Light Company (FPL) for an electrical transformer and related equipment for the Ocean Rescue building located at Haulover Park.

Scope

Haulover Park is located in Commission District 4, at 10800 Collins Avenue; however, Haulover Park is a Countywide asset of regional significance.

Fiscal Impact/Funding Source

Approval of this resolution will have no fiscal impact to Miami-Dade County.

Track Record/Monitor

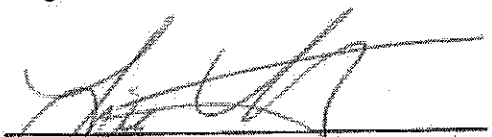
The Property Management Supervisor of the Miami-Dade Parks, Recreation and Open Spaces Department (MDPROS), Randy Koper, will ensure completion of the easement document, its recording, and delivery to the Clerk of the Board.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to execute same for and on behalf of Miami-Dade County; and authorizes the County Mayor or County Mayor's designee to exercise any and all other rights conferred therein.

Background

A new Ocean Rescue building that requires electrical power is under construction at Haulover Park. FPL will provide electrical power to the building in exchange for Miami-Dade County providing a 293.6 square foot easement (Attachment A) for an electrical transformer, power lines and related equipment for the new building. The easement is located to the northwest of the new building, and is approximately 42-feet long and varies in width, from six to ten-feet wide, as shown in the attachment.



Lisa M. Martinez, Senior Advisor
Office of the Mayor

Attachments

ATTACHMENT A

Work Order No. _____

Sec. 44th Twp 52 S, Rge 42 E

Parcel I.D. # _____
(Maintained By County Appraiser)

EASEMENT

This Instrument Prepared By

Name: Manuel Felipe
Co. Name: Manuel Felipe & Assoc., Inc.
Address: 9025 SW 158T
Miami, FL 33174

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 is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant 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 6.00 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:

A PORTION OF LOTS 4 THROUGH 76 INCLUSIVE OF JAIUM OCEAN BEACH PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, AT PAGE 35 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

COMMENCE AT CONCRETE MONUMENT CORP. ENCL. POINT HA-018 / P.P.M. 87-78-A-04 WITH COORDINATES N 578064.004 / E 944599.940; THENCE RUN N 87°42'00" E ALONG THE NORTH LINE OF LOT 75 OF PLAT BOOK 5, AT PAGE 35, SAID LINE IS ALSO THE NORTH LINE OF HAULOVER PARK, FOR 45.43 FEET;

THENCE S 00°59'13" W ALONG THE COASTAL CONSTRUCTION CONTROL LINE FOR 785.53 FEET;
THENCE S 08°46'03" W ALONG THE COASTAL CONSTRUCTION CONTROL LINE FOR 1022.14 FEET;
THENCE S 01°21'09" W ALONG THE COASTAL CONSTRUCTION CONTROL LINE FOR 813.92 FEET;
THENCE S 89°01'18" E FOR 4.98 FEET TO A POINT ON A SOUTH RIGHT-OF-WAY LINE OF COLLINS AVENUE (A1A) COINCIDENT WITH THE POINT OF BEGINNING.

THENCE CONTINUE RUN S 89°01'18" E FOR 4.00 FEET TO A POINT ON A LINE PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF COLLINS AVENUE (A1A);
THENCE RUN S 00°58'42" W FOR 32.27 FEET;
THENCE RUN S 89°01'18" E FOR 4.00 FEET;
THENCE RUN S 00°58'42" E FOR 10.00 FEET;
THENCE RUN N 89°01'18" W FOR 10.00 FEET TO A POINT ON A SOUTH RIGHT-OF-WAY LINE OF COLLINS AVENUE (A1A);
THENCE RUN N 00°58'42" E ALONG THE PREVIOUSLY DESCRIBED LINE FOR 42.27 FEET; TO THE POINT OF BEGINNING.

SAID LAND CONTAINING 293.6 SQUARE FEET.

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for 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 roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____ 2013.

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

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

By: _____
Deputy Clerk

By: _____
County Mayor

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 _____, 2013.

Section 14-23, Township 52 South, Range 42 East
Miami-Dade County, Florida Scale: 1" = 20'

FPL Work Order No. _____

Form 3723-A, Pg. 2 (Stocked) Rev. 7/94

Reserved for Circuit Court

SKETCH TO ACCOMPANY EASEMENT LEGAL DESCRIPTION

Indicate North

P.O.C.
 CONCRETE MONUMENT
 CORP. ENG.
 POINT HA-018
 P.R.M. 87-78-A-04
 N 578064.004
 E 744699.960

N87°46'00"E 45.43'
 NORTH LINE LOT 75 (PB. 5 - PG. 35)
 and NORTH LINE HAULOVER PARK

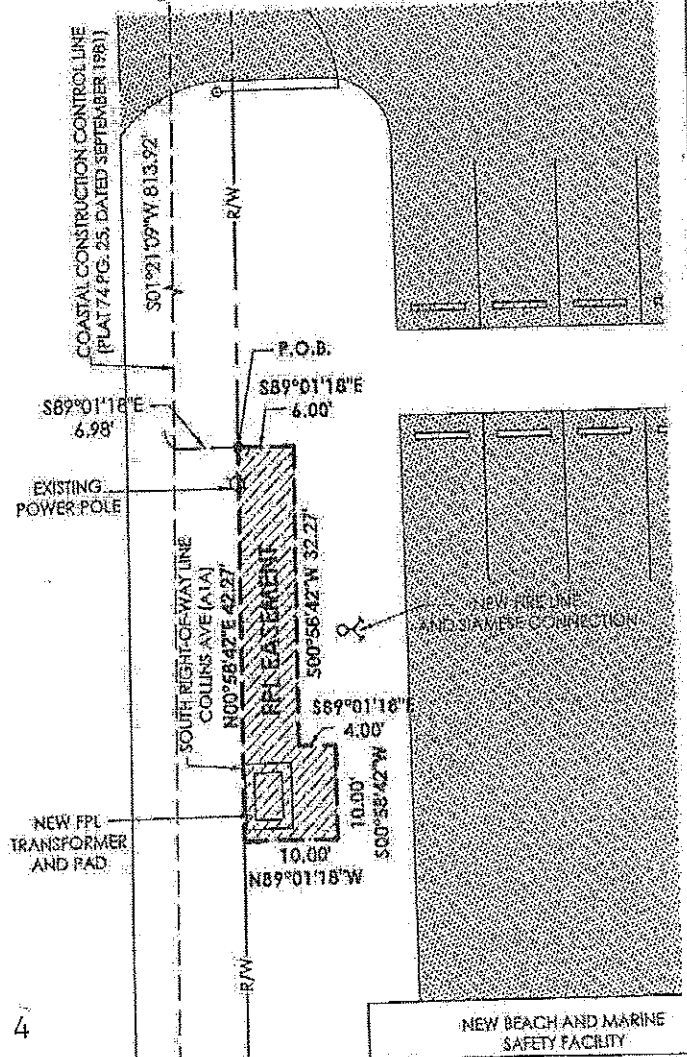
THIS SKETCH AND LEGAL DESCRIPTION ARE BASED ON PARTIAL SITE PLAN - PROPOSED LOCATION OF NEW FPL TRANSFORMER PAD DRAWING PREPARED BY RJ HEISENBOTTE ARCHITECTS (ADDRESS: 2199 PONCE DE LEON BLVD., SUITE 400, CORAL GABLES, FL 33134 / PH: (305) 446-7799) SHEET SK-4 DATED 07-12-2012 AND FURNISHED BY THE CLIENT.
 BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED MERIDIAN ALONG THE COASTAL CONSTRUCTION CONTROL LINE, WHICH BEARS IS S-00°59'13" W.

LEGEND:
 P.O.C. - POINT OF COMMENCE
 P.O.B. - POINT OF BEGINNING
 PG. - PAGE
 P.B. - PLAT BOOK
 R/W - RIGHT OF WAY LINE

MANUEL FELIPE, P.E.S.
 (FOR THE FIRM)
 CERTIFICATE NO. 4146
 STATE OF FLORIDA

SHEET 2 OF 2

COLLINS AVENUE (A1A)





MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 5, 2013

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

SUBJECT: Agenda Item No. 8(H) (1)

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 Mayor’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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(H)(1)
2-5-13

RESOLUTION NO. R-84-13

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY TO INSTALL AND MAINTAIN ELECTRIC POWER FACILITIES AT HAULOVER PARK, LOCATED AT 10800 COLLINS AVENUE, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE 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 granting of an easement to Florida Power and Light Company for installation and maintenance of electric power facilities at Haulover Park, in substantially the form attached hereto and made a part hereof, 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, and to exercise all provisions therein; and pursuant to Resolution No. R-974-09, directs the County Mayor or County Mayor's designee to record the instruments of easement conveyance accepted herein in the Public Records of Miami-Dade County, Florida; directs the County Mayor or County Mayor's designee to provide a recorded copy of the instruments to the Clerk of the Board within thirty (30) days of the execution of said instruments; and directs the Clerk of the Board to attach and permanently store the recorded copies together with this resolution.

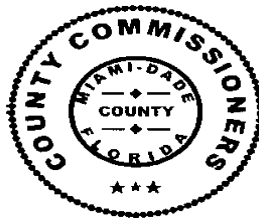
The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of February, 2013. 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.

MR

Monica Rizo



CFN 2013R0173132
 OR Bk 28516 Pgs 1898 - 1899; (2pgs)
 RECORDED 03/05/2013 15:27:59
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

ATTACHMENT A

Work Order No. _____

Sec. 14th Twp 52 S, Rge 42 E

Parcel I.D. # _____
 (Maintained by County Appraiser)

EASEMENT

This Instrument Prepared By

Name: Manuel Felipe
 Co. Name: Manuel Felipe Assoc., Inc.
 Address: 9825 SW 15th
Miami, Fl. 33174

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 is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant 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 6.10 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:

A PORTION OF LOTS 4 THROUGH 75 INCLUSIVE OF TATUM OCEAN BEACH PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, AT PAGE 35 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

COMMENCE AT CONCRETE MONUMENT CORP. ENG. POINT HA-018 / P.R.M. 87-78-A-D4 WITH COORDINATES N 570064.004 / E 944597.960; THENCE RUN N 87°44'00" E ALONG THE NORTH LINE OF LOT 75 OF PLAT BOOK 6, AT PAGE 35, SAID LINE IS ALSO THE NORTH LINE OF HAULOVER PARK, FOR 45.43 FEET;

THENCE S 00°52'13" W ALONG THE COASTAL CONSTRUCTION CONTROL LINE FOR 785.58 FEET;
 THENCE S 06°48'03" W ALONG THE COASTAL CONSTRUCTION CONTROL LINE FOR 1092.14 FEET;
 THENCE S 01°21'09" W ALONG THE COASTAL CONSTRUCTION CONTROL LINE FOR 313.92 FEET;
 THENCE S 89°01'18" E FOR 6.98 FEET TO A POINT ON A SOUTH RIGHT-OF-WAY LINE OF COLLINS AVENUE (A1A) COINCIDENT WITH THE POINT OF BEGINNING.
 THENCE CONTINUE RUN S 89°01'18" E FOR 4.00 FEET TO A POINT ON A LINE PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF COLLINS AVENUE (A1A);
 THENCE RUN S 00°58'42" W FOR 32.27 FEET;
 THENCE RUN S 89°01'18" E FOR 4.00 FEET;
 THENCE RUN S 00°58'42" E FOR 10.00 FEET;
 THENCE RUN N 89°01'18" W FOR 10.00 FEET TO A POINT ON A SOUTH RIGHT-OF-WAY LINE OF COLLINS AVENUE (A1A);
 THENCE RUN N 00°58'42" E ALONG THE PREVIOUSLY DESCRIBED LINE FOR 42.27 FEET; TO THE POINT OF BEGINNING.

SAID LAND CONTAINING 293.8 SQUARE FEET.

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for 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 roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on Mar. 5th 2013.

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

Approved for Legal Sufficiency: _____

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

By: _____
 County Mayor

The foregoing was authorized and approved by Resolution No. RB13 of the Board of County Commissioners of Miami-Dade County, Florida, on the 5th day of FEBRUARY, 2013.

Section 14E23 Township 52 South, Range 42 East
Miami-Dade County, Florida Scale: 1"=20'

FPL Work Order No. _____

Form 3723-A, Pg. 2 (Stocked) Rev. 7/94

Reserved for Circuit Court

SKETCH TO ACCOMPANY EASEMENT LEGAL DESCRIPTION

Indicate North

P.O.C. _____
CONCRETE MONUMENT
CORP. ENG.
POINT HA-018
P.R.M. 87-78-A-04
N 578064.004
E 944599.960

N87°46'00"E 45.43'
NORTH LINE LOT 75 (PB. 5 - PG. 35)
and NORTH LINE HAULOVER PARK

THIS SKETCH AND LEGAL DESCRIPTION ARE BASED ON PARTIAL SITE PLAN - PROPOSED LOCATION OF NEW FPL TRANSFORMER PAD DRAWING PREPARED BY R.J. HEISENBOTTLE ARCHITECTS (ADDRESS: 2199 PONCE DE LEON BLVD., SUITE 400, CORAL GABLES, FL 33134 / PH: (305) 446-7799) SHEET SK-6 DATED 07-12-2012 AND FURNISHED BY THE CLIENT.

BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED MERIDIAN ALONG THE COSTAL CONSTRUCTION CONTROL LINE, WHICH BEARS IS S 00°59'13" W.

LEGEND:

- P.O.C. - POINT OF COMMENCE
- P.O.B. - POINT OF BEGINNING
- PG. - PAGE
- P.B. - PLAT BOOK
- R/W - RIGHT-OF-WAY LINE

MANUEL FELIPE P.L.S.
(FOR THE FIRM.)
CERTIFICATE N° 4146
STATE OF FLORIDA

