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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(H)(1)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	January 21, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing the conveyance of an easement to Florida Power and Light Company for $1.00 to install and maintain electric power facilities at Pelican Harbor Park, located at 1295 N.E. 79th Street, and authorizing the County Mayor to execute easement and to exercise all rights contained therein Resolution No. R-19-15

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 Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

Date: January 21, 2015

To: Honorable Chairman Jean Monestime
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 Pelican Harbor Park

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Recommendation
It is recommended that the Board of County Commissioners adopt the attached resolution authorizing the conveyance of a 13,343 square foot easement to Florida Power and Light Company (FPL) for electrical transformers and related equipment that serve Pelican Harbor Park.

Scope
Pelican Harbor Park is located in County Commission District 3, Commissioner Audrey H. Edmonson, at 1295 N.E. 79th Street; however, Pelican Harbor 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
John Bowers, Property Management Supervisor of the Miami-Dade Parks, Recreation and Open Spaces Department (MDPROS) will ensure completion of the easement document, its recording, and delivery to the Clerk of the Board.

Background
MDPROS is upgrading electrical facilities that currently serve Pelican Harbor Park. The facilities occupy approximately 13,343 square feet of park property and consist of transformers and underground power lines. FPL desires to formalize their use of the park property by obtaining an easement from the County.

FPL will continue to provide electrical power to the park in exchange for Miami-Dade County providing an easement (Attachment A) for the transformer, underground power lines and related equipment. The easement starts at the entrance and runs in branches, varying in width, from six to ten-feet wide, as shown in the easement legal description.

Michael Spring, Senior Advisor
Office of the Mayor

Attachments

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: January 21, 2015

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)
1-21-15

RESOLUTION NO. R-19-15

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR $1.00 TO INSTALL AND MAINTAIN ELECTRIC POWER FACILITIES AT PELICAN HARBOR PARK, LOCATED AT 1295 N.E. 79th STREET, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE EASEMENT AND TO EXERCISE ALL RIGHTS CONTAINED THEREIN

WHEREAS, the County, through its Parks, Recreation and Open Spaces Department, operates Pelican Harbor Park, located at 1295 N.E. 79th Street; and

WHEREAS, as part of the park's operation, the County uses electric power facilities from the Florida Power and Light Company; and

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

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 Florida Power and Light Company for $1.00 for installation operation and maintenance of electric power facilities at Pelican Harbor Park, in substantially the form attached hereto as attachment A 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 rights contained therein.

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

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**aye**
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**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 21st day of January, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Monica Rizo

ATTACHMENT A

E A S E M E N T

Work Request No. _____ This Instrument Prepared By

Sec 8 Twp 53 Rge 42

Name: Randy Koper
Co. Name: Miami Dade County
PROS Dept.
Address: 275 NW 2nd Street
Suite #430
Miami, FL 33128

Folio No.
01 3208 028 0010

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, and assigns, ("Grantee") an easement forever for the construction, operation and maintenance of underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenance 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 located at **Pelican Harbor Park**, 1275 NE 79 Street, within the following described property:

See attached "Exhibit A"

Grantor's Address:
Miami-Dade County
111 NW 1st Street
Miami, Florida 33128

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

Together with the right to permit Grantee the right 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 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 _____, 20___.

IN WITNESS WHEROF 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 as to Form and Sufficiency _____
Print Name_____

The foregoing was authorized and approved by Resolution._____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____day of _____,20___.

EXHIBIT "A"

10' UTILITY EASEMENT

A parcel of land being a portion of "Pelican Harbor Park" in Section 8, Township 53 South, Range 42 East, according to the Plat thereof, as recorded in Plat Book 134 at Page 18 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of "Pelican Harbor N°1" according to the Plat thereof, as recorded in Plat Book 105 at Page 69 of the Public Records of Miami-Dade County, Florida; thence S 87°40'29" W along the South line of said Plat and the North Right of Way Line of State Road 828 for a distance of 107.97 feet; thence N 14°38'47" W for a distance of 68.43 feet to the Point of Beginning of the centerline of an Easement 10 feet wide with 5 feet to each side; thence S 87°54'25" W, along said centerline, for a distance of 59.40 feet; thence N 3°00'41" W, for a distance of 221.13 feet to a point designated "A"; thence N 86°59'16" E, for a distance of 47.12 feet; thence N 79°40'20" E, for a distance of 87.48 feet; thence S 84°59'22" E, for a distance of 88.78 feet to a point designated "B"; thence S 67°34'20" E, for a distance of 30.60 feet; thence N 89°32'32" E, for a distance of 141.25 feet to a point designated "C"; thence N 89°32'32" E, for a distance of 93.22 feet to a point designated "D"; thence N 89°32'32" E, for a distance of 15.59 feet; thence N 69°27'50" E, for a distance of 36.81 feet to the Point of Terminus of the aforementioned centerline.

And

Begin at designated point "A"; thence N 29°01'57" W, for a distance of 41.74 feet; thence N 78°17'40" W, for a distance of 28.44 feet; thence S 72°41'33" E, for a distance of 58.58 feet to a point designated "E"; thence S 72°41'33" W, for a distance of 53.14 feet; thence S 47°32'39" W, for a distance of 61.18 feet to the Point of Terminus of the aforementioned centerline.

And

Begin at designated point "B"; thence N 2°20'29" W, for a distance of 28.80 feet; thence N 12°46'46" W, for a distance of 156.77 feet; thence S 89°39'13" W, for a distance of 14.61 feet to the Point of Terminus of the aforementioned centerline.

And

Begin at designated point "C"; thence N 0°27'28" W, for a distance of 15.78 feet to the Point of Terminus of the aforementioned centerline.

And

Begin at designated point "D"; thence N 0°27'28" W, for a distance of 8.74 feet to the Point of Terminus of the aforementioned centerline.

And

Begin at designated point "E"; thence S 17°18'27" E, for a distance of 51.57 feet; thence S 34°03'49" E, for a distance of 18.90 feet to the Point of Terminus of the aforementioned centerline.

Exhibit "A" Having a total of 13,343 Sq. ft. more or less.
Side lines must be shortened or lengthened as the case may be to maintain the 10 feet easement conformation.

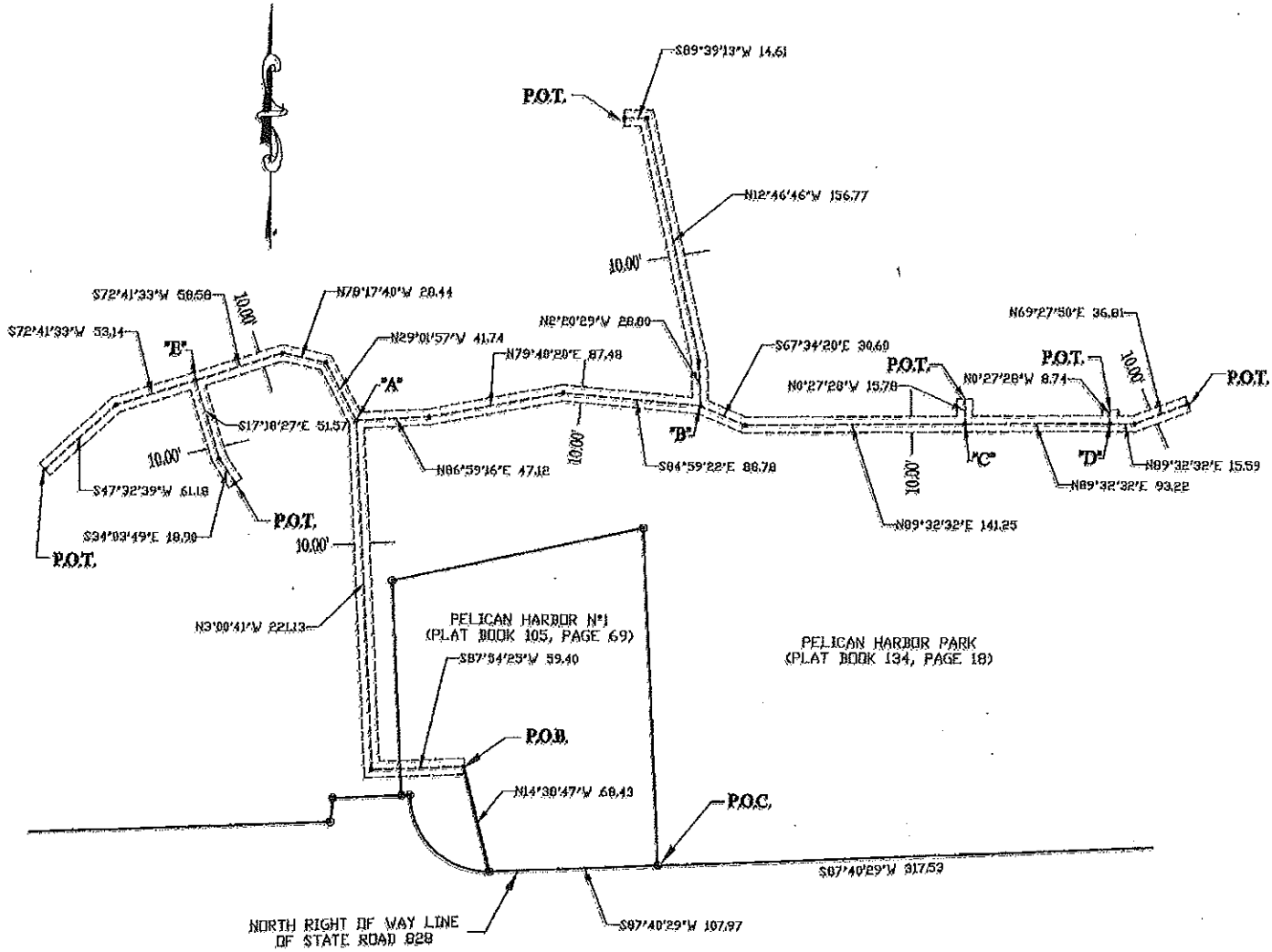
SCOTT A. RIGGS, PSM
Florida License # 6160
140 West Flagler Street, Suite # 805
Miami, Florida 33130 (305) 375-2657
Date: 06-13-2014

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.

EXHIBIT "A"

10' UTILITY EASEMENT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



MIAMI-DADE COUNTY
PUBLIC WORKS AND WASTE MANAGEMENT
DATE: 06-13-2014 SCALE: NOT TO SCALE

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 1983
3-. P.O.C. denotes point of commencement.
4-. P.O.B. denotes point of beginning.
5-. P.O.T. denotes point of terminus