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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: May 5, 2015

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

SUBJECT: Resolution authorizing conveyance of an easement to Florida Power and Light Company to install and maintain electric power facilities at Arcola Lakes Park, located at 8401 NW 14 Avenue; authorizing County Mayor to execute easement and exercise all provisions contained therein; and directing the County Mayor to comply with the requirements of Resolution No. R-974-09
Resolution No. R-397-15

This item was amended from the original version as stated in the County Mayor's memorandum.

The accompanying resolution was prepared by Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: May 5, 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 Arcola Lakes Park

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This item was amended at the April 15, 2015 Metropolitan Services Committee to direct the County Mayor or County Mayor's Designee to negotiate with Florida Power and Light to plant shrubbery or other landscape cover to camouflage any above ground or unsightly utility installations.

Recommendation

It is recommended that the Board of County Commissioners adopt the attached resolution authorizing the conveyance of a 2,495 square foot easement to Florida Power and Light Company (FPL) for an electrical transformer and related equipment for the recreation center located at Arcola Lakes Park.

Scope

Arcola Lakes Park is located in Commission District 2, Commissioner Jean Monestime, at 8401 NW 14 Avenue.

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 Parks, Recreation and Open Spaces Department (PROS), John Bowers, will ensure completion of the easement document, its recording, and delivery to the Clerk of the Board.

Background

A new recreation center designed for senior citizens requires electrical power at Arcola Lakes Park. FPL will provide electrical power to the complex in exchange for Miami-Dade County providing a 2,495 square foot easement (Attachment A) for an electrical transformer, power lines and related equipment for the new building. The easement is located to the south and east of the new complex, and is approximately 6 and 10-feet wide and 250 feet in length.

Michael Spring, Senior Advisor
Office of the Mayor

Attachments

MEMORANDUM
(Revised)

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

DATE: May 5, 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)
5-5-15

RESOLUTION NO. R-397-15

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY TO INSTALL AND MAINTAIN ELECTRIC POWER FACILITIES AT ARCOLA LAKES PARK, LOCATED AT 8401 NW 14 AVENUE; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE EASEMENT AND EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO COMPLY WITH THE REQUIREMENTS OF RESOLUTION NO. R-974-09

WHEREAS, the County, through its Parks, Recreation and Open Spaces Department, is building a recreation center at Arcola Lakes Park, located at 8401 NW 14 Avenue; and

WHEREAS, as part of the center's construction, the County desires to use 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 new center in exchange for an easement to allow access to install and maintain them, and said easement will not adversely impact natural resources, or park facilities and uses; and

>>**WHEREAS,** this Board directs the County Mayor or County Mayor's designee to negotiate with Florida Power and Light to plant shrubbery or other landscape cover to camouflage any above ground or unsightly utility installations; and<<[1]

[1] Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

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 adopts the foregoing recitals as if fully set forth herein.

Section 2. This Board hereby authorizes the conveyance of an easement to Florida Power and Light Company for installation and maintenance of electric power facilities at Arcola Lakes 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 and to exercise all provisions contained therein.

>>Section 3. This Board directs the County Mayor or County Mayor's designee to negotiate with Florida Power and Light to plant shrubbery or other landscape cover to camouflage any unsightly utility installations.<<

Section [[~~3.~~]] >>4.<< Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County Mayor's designee to record the easement in the Public Records of Miami-Dade County, Florida and to provide a recorded copy of the easement to the Clerk of the Board within thirty (30) days of the recordation of the easement; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of the easement together with this resolution.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, 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	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

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

E A S E M E N T

Work Request No. _____

This Instrument Prepared By

Sec 11 Twp 53 Rge 41

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

Folio No.
30 3111 000 0080

ATTACHMENT A

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 Arcola Lakes Park, 8401 NW 14th Avenue , within the following described property:

See attached "Exhibit A"

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

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

Together with 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; 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 _____, 2015.

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

By: _____
Deputy Clerk

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

By: _____
Mayor

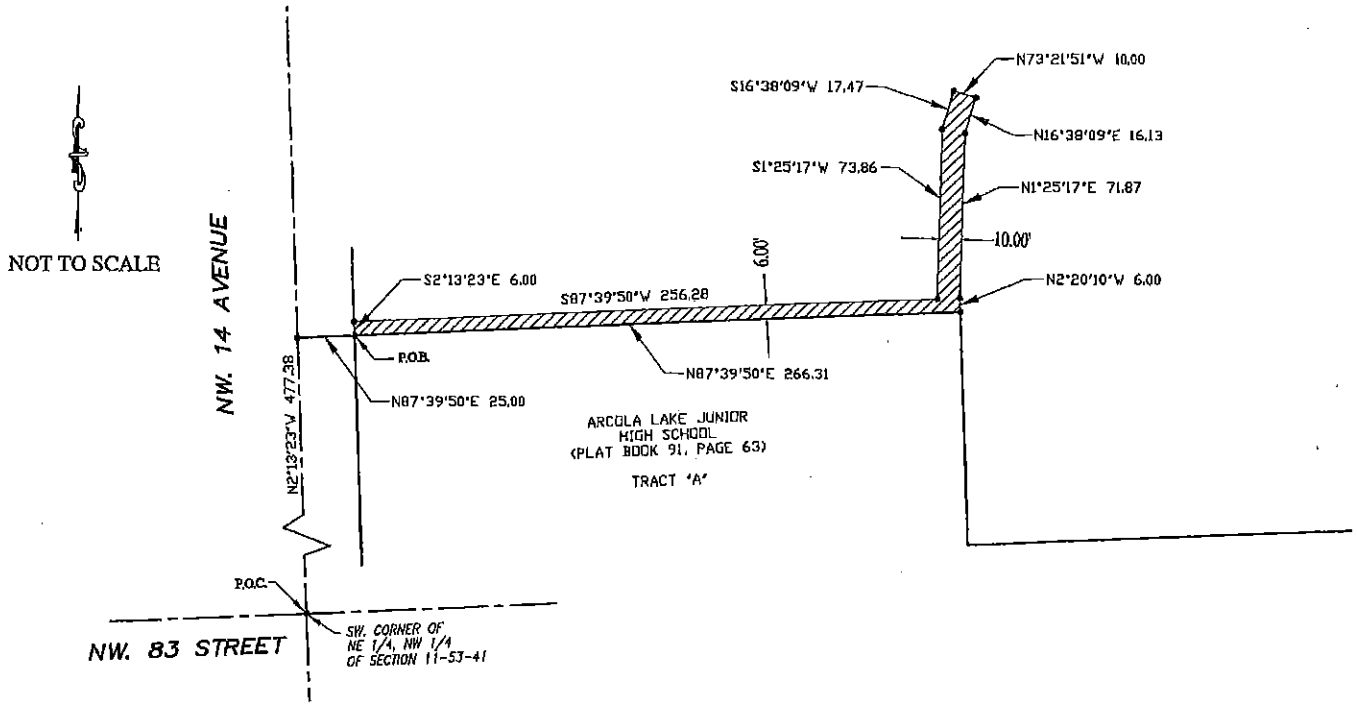
Approved as to Form and Sufficiency _____
Print Name_____

The foregoing was authorized and approved by Resolution_____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____day of _____,2015.

EXHIBIT "A"

6' AND 10' UTILITY EASEMENT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LEGAL DESCRIPTION

A parcel of land lying in the Northeast ¼, Northwest ¼ of Section 11, Township 53 South, Range 41 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Northeast ¼, Northwest ¼ of Section 11, Township 53 South, Range 41 East; thence N 02°13'23" W along the centerline of Northwest 14 Avenue for a distance of 477.38 feet; thence N 87°39'50" E for a distance of 25.00 feet to the Northwesterly Property Corner of Tract "A" of "Arcola Lake Junior High School" according to the Plat thereof, as recorded in Plat Book 91 at Page 63 of the Public Records of Miami-Dade County, Florida and the Point of Beginning of the herein described track of land; thence N 87°39'50" E, along the Northwesterly line of said Plat for a distance of 266.31 feet; thence N 02°20'10" W, for a distance of 6.00 feet; thence N 01°25'17" E, for a distance of 71.87 feet; thence N 16°38'09" E for a distance of 16.13 feet; thence N 73°21'51" W, for a distance of 10.00 feet; thence S 16°38'09" W, for a distance of 17.47 feet; thence S 01°25'17" W, for a distance of 73.86 feet; thence S 87°39'50" W, for a distance of 256.28 feet; thence S 02°13'23" E, for a distance of 6.00 feet to the Point of Beginning. Lying and Being in Miami-Dade County, Florida and containing 2,495 square feet or 0.06 acres, more or less.

NOTES.

1-. THIS IS NOT A BOUNDARY SURVEY.
2-. The Bearings shown hereon are based on the Bearing of N 2°13'23" W for the centerline of NW 14 Avenue
3-. P.O.C. denotes point of commencement.
4-. P.O.B. denotes point of beginning.

SCOTT A. RIGGS, PSM
Florida License # 6160
111 NW First Street, Suite # 1610
Miami, Florida 33128 (305) 375-2657
Date: 11-04-2014

MIAMI-DADE COUNTY
PUBLIC WORKS AND WASTE MANAGEMENT

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.