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

MEMORANDUM

Agenda Item No. 8(K)(2)

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

DATE: October 6, 2015

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

SUBJECT: Resolution authorizing the conveyance of a non-exclusive easement to the Florida Power and Light Company for the construction, operation, and maintenance of underground electric utility facilities, including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment, to be installed from time to time on property owned by Miami-Dade County located generally at the intersection of Mundy Street and Day Avenue in conjunction with the development of Stirrup Plaza Phase Two; authorizing the County Mayor to execute Easement and to exercise all provisions contained therein; and authorizing the County Mayor to comply with the requirements of Resolution No. R-974-09

Resolution No. R-853-15

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Conveyance of a Non-exclusive Easement to Florida Power and Light Company, for the Construction, Operation, and Maintenance of Underground Electric Utility Facilities for the New Stirrup Plaza Phase Two Development and the Existing Stirrup Plaza (Phase One) and Gibson Plaza Developments

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the conveyance of a non-exclusive easement to Florida Power and Light Company, for the construction, operation, and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed from time to time, with the right to reconstruct, improve, add to, enlarge, change the voltage and size, and remove such facilities or any of them within the easement.

The easement will serve the new Stirrup Plaza Phase Two development (Phase Two), the existing Stirrup Plaza (Phase One) and Gibson Plaza developments. The folios contained in the easements are 01-4121-005-0010, 01-4121-006-0330 for Stirrup Plaza (Phases One and Two) and 01-4121-005-0030 for Gibson Plaza. The easement is within Commission District 7, represented by Commissioner Xavier L. Suarez.

Scope

The new easement is required because the existing underground utility lines are located where Phase Two will be built. Additionally, the new easement will provide the increased power to serve Phase Two, Phase One and Gibson Plaza. The extent of the easement is more specifically described in the legal description that is part of the non-exclusive Underground Easement (Business) Agreement attached to the resolution.

Fiscal Impact/Funding Source

There is no fiscal impact to the County. The cost of this work will be funded through the Phase Two developer, RUDG, LLC, as part of its Master Development Agreement with the County.

Track Record/Monitor

This project will be monitored by Jorge R. Cibran, AIA, Director of Facilities and Development for Public Housing and Community Development (Department).

Background

Phase Two will consist of one new mid-rise building with 68 units (seven (7) will be public housing units and 61 affordable housing units), that will be developed on a vacant portion of the existing Stirrup Plaza public housing site. Phase Two is approximately 40,000 square feet with an estimated development cost of $12,735,921.00, funded through Low Income Housing Tax Credits, HOME Investment Partnerships Program funds, Documentary Surtax, and other private funds.

In compliance with Resolution No. R-504-15, electric utility lines will be located underground and landscaping will be provided around the Florida Power and Light Company above-ground transformer.

A Master Development Agreement was approved by the Board pursuant to Resolution No. R-1115-14 and executed on May 29, 2015 between Miami-Dade County and RUDG, LLC for the development of Phase Two. Phase Two is anticipated to be completed by mid 2016.

The granting of this easement will provide utility services to Phase Two, Phase One and Gibson Plaza. The Department has no objection to the proposed location of the easement.

Russell Benford, Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: October 6, 2015

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

SUBJECT: Agenda Item No. 8(K)(2)

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(K)(2)
10-6-15

RESOLUTION NO. R-853-15

RESOLUTION AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO THE FLORIDA POWER AND LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES, INCLUDING CABLES, CONDUITS, APPURTENANT EQUIPMENT, AND APPURTENANT ABOVE-GROUND EQUIPMENT, TO BE INSTALLED FROM TIME TO TIME ON PROPERTY OWNED BY MIAMI-DADE COUNTY LOCATED GENERALLY AT THE INTERSECTION OF MUNDY STREET AND DAY AVENUE IN CONJUNCTION WITH THE DEVELOPMENT OF STIRRUP PLAZA PHASE TWO; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE EASEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO COMPLY WITH THE REQUIREMENTS OF RESOLUTION NO. R-974-09

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 incorporated as if fully set forth herein.

Section 2. This Board hereby authorizes the conveyance of a non-exclusive easement to the Florida Power and Light Company for the construction, operation and maintenance of underground electric utility facilities, including cables, conduits, appurtenant equipment and appurtenant above-ground equipment, to be installed from time to time on Miami-Dade County-owned property located generally at the intersection of Mundy Street and Day Avenue in

conjunction with the development of Stirrup Plaza Phase Two, in substantially the form attached hereto as Exhibit 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. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or the 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 the 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 recorded copies together with this resolution.

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 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.

Terrence A. Smith

Work Request No. 6062537

Sec.21, Twp 54 S, Rge 41 E

Parcel I.D.1-4121-006-0330
(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By
Name: Stirrup Plaza Phase Two, LLC.
Co. Name: Luis Castellon
Address: 315 S. Biscayne Blvd
Miami, Fl 33131

EXHIBIT A

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 affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment, 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 as the size of, and remove such facilities or any of them within an easement described as follows:

See Exhibit "A" ("Easement Area")

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right 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 Easement Area, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed and delivered in the presence of:

_____
(Witness' Signature)

Print Name: _____
(Witness)

_____
(Witness' Signature)

Print Name: _____
(Witness)

Miami DadeCounty, Florida

By: _____

Print Name: _____

Print Address: _____

_____

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, the _____ of _____ a _____, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

_____
Notary Public, Signature

Print Name _____

EXHIBIT A

SKETCH OF LEGAL DESCRIPTION
5' UTILITY EASEMENT

A portion of land in the N.W. $\frac{1}{4}$, N.W. $\frac{1}{4}$, Section 21, Township 54 South, Range 41 East
City of Miami, Miami-Dade County, Florida.

Scale 1" = 40'

For: STIRRUP PLAZA PHASE II

Address: 3160 Mundy Street, Miami, FL 33133

Centerline legal description of a 5 foot Utility Easement located in the N.W. $\frac{1}{4}$, N.W. $\frac{1}{4}$ in Section 21, Township 54 South, Range 41 East, City of Miami, Miami-Dade County, Florida, more particularly described as follows:

Commence at the southeast corner of Lot 2, MUNDY'S ADDITION, according to the Plat thereof, as recorded in Plat Book 15, Page 29 of the Public Records of Miami-Dade County, Florida; thence North on an assumed bearing, on and along the East line of said Lot 2, said line also being the west right of way line of Mundy Street, for 214.50 feet to the Point of Beginning; thence West for 2.50 feet; thence North parallel to the aforesaid west right of way line of Mundy Street for 96.12 feet; thence S89°09'04"W for 97.50 feet; thence S57°51'31"W for 65.00 feet; thence S05°27'58"W for 105.00 feet, to the Point of Termination of said easement centerline.

Date: 05 / 06 / 2015
This Sketch is not a Boundary Survey.
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

PREPARED BY:

RENE AIGUESVIVES
PROFESSIONAL SURVEYOR AND MAPPER No. 4327, State of Florida.

11-15242 SHEET 1 OF 2

Not valid unless it bears the signature and the original raised seal of Florida licensed Surveyor and Mapper.

Alvarez, Aiguesvives and Associates, Inc.
L.B. No. 6867
Surveyors, Mappers and Land Planners
5701 S.W. 107th Avenue # 204, Miami, FL 33173
Phone 305-220-2424 Fax 305-552-8181

EXHIBIT A

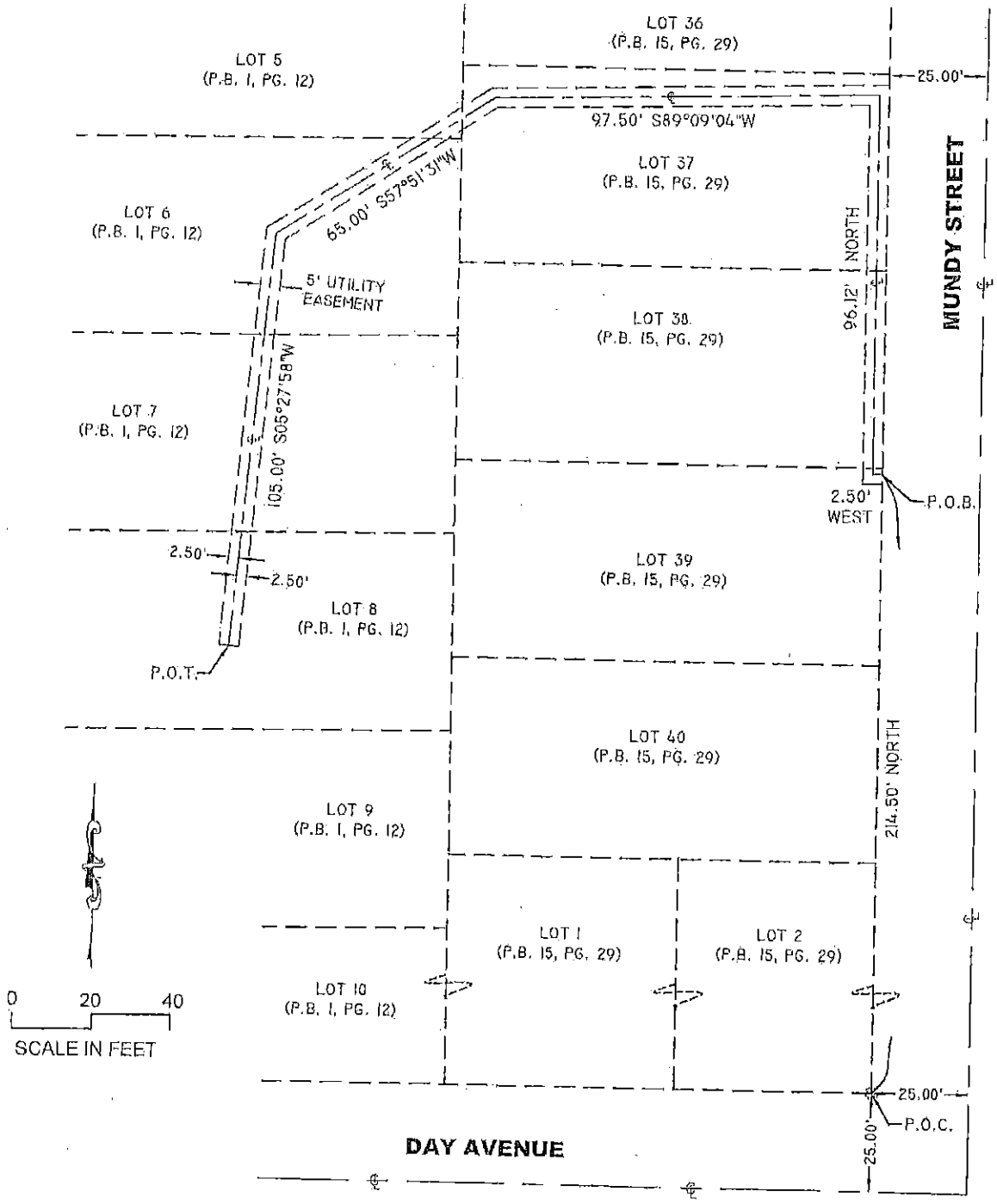
SKETCH OF LEGAL DESCRIPTION
5' UTILITY EASEMENT

A portion of land in the N.W. ¼, N.W. ¼, Section 21, Township 54 South, Range 41 East
City of Miami, Miami-Dade County, Florida.

Scale 1" = 40'

For: STIRRUP PLAZA PHASE II

Address: 3160 Mundy Street, Miami, FL 33133



ABBREVIATIONS:
P.O.C. = Denotes Point of Commencement
P.O.B. = Denotes Point of Beginning
P.O.T. = Denotes Point of Termination

11-15242 SHEET 2 OF 2

Not valid unless it bears the signature and the original raised seal of Florida licensed Surveyor and Mapper.

Alvarez, Alguesvives and Associates, Inc.
L.B. No. 6867
Surveyors, Mappers and Land Planners
5701 S.W. 107th Avenue # 204, Miami, FL 33173
Phone 305-220-2424 Fax 305-552-8181

STIRRUP PLAZA PHASE II

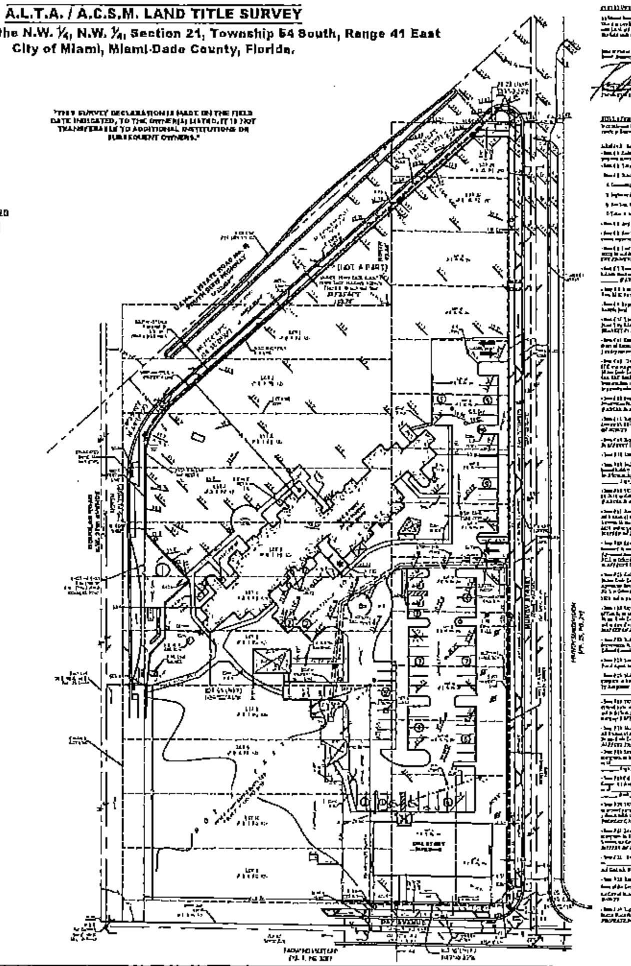
A.L.T.A. / A.C.S.M. LAND TITLE SURVEY

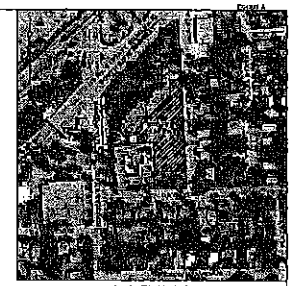
A portion of land in the N.W. ¼, N.W. ¼, Section 21, Township 54 South, Range 41 East
City of Miami, Miami-Dade County, Florida.

"THIS SURVEY DECLARATION IS MADE ON THE FIELD DATE INDICATED, TO THE OWNER(S) LISTED, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

0 40 80 120

SCALE: 1"=40'
(GRAPHIC SCALE)





LOCATION MAP

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