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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 20, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution authorizing conveyance of an easement to Florida Power and Light Company in exchange for $1.00 to install and maintain electric power facilities at Haulover Park, located at 13700 Collins Avenue; authorizing County Mayor to execute easement and exercise all provisions contained therein
			Resolution No. R-39-16

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.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: January 20, 2016

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 Haulover Park

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Recommendation
It is recommended that the Board of County Commissioners adopt the attached resolution authorizing the conveyance of an 11,150 square foot easement to Florida Power and Light Company (FPL) for underground electrical lines, an electrical transformer, and related equipment for a dry dock storage building located at Haulover Park.

Scope
Haulover Park is located at 13700 Collins Avenue, in County Commission District 4, which is represented by Commissioner Sally A. Heyman.

Fiscal Impact/Funding Source
The fiscal impact is receipt of $1.00 from FPL, into Index Code PREHAU438731.

Track Record/Monitor
The Property Management Supervisor of the Miami-Dade Parks, Recreation and Open Spaces Department (MDPROS), John Bowers, will ensure completion of the easement document, its recording, and delivery to the Clerk of the Board.

Background
A new dry dock storage building requires electrical power at Haulover Park. FPL will provide electrical power in exchange for Miami-Dade County providing an 11,150 square foot easement (Attachment A to the resolution) for underground electrical lines, an electrical transformer, and related equipment. The easement area begins at an entrance on Collins Avenue to a parking lot, continues through the parking lot, and ends at the transformer, located in a maintenance area. It is approximately 10-feet wide and 1,000 feet in length. The only above-ground facility will be the transformer, which has been located in an area out of the public view so that it will not impact adversely the park's aesthetics in accordance with Resolution No. R-504-15.

Michael Spring, Senior Advisor
Office of the Mayor

Attachments

MEMORANDUM

(Revised)

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

DATE: January 20, 2016

FROM: Abigail Price-Williams
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**

_____ **Statement of social equity 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)
1-20-16

RESOLUTION NO. R-39-16

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY IN EXCHANGE FOR $1.00 TO INSTALL AND MAINTAIN ELECTRIC POWER FACILITIES AT HAULOVER PARK, LOCATED AT 13700 COLLINS AVENUE; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE EASEMENT AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, the County, through its Parks, Recreation and Open Spaces Department, is building a dry dock storage building at Haulover Park, located at 13700 Collins Avenue; and

WHEREAS, as part of the building'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 building in exchange for an easement to allow access to install and maintain them; and

WHEREAS, the easement is for electrical service that includes underground lines that will not impact adversely the park's aesthetics, with the only visible element, a power transformer, to be located behind a trash disposal area, out of sight of the public, in accordance with Resolution No. R-504-15; 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:

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 $1.00 for installation and maintenance of electric power facilities at Haulover 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.

The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. 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 Perez

ATTACHMENT A

EASEMENT

Work Request No. _____

This Instrument Prepared By

Name: Randy Koper
Co. Name: Miami Dade County Parks Recreation and Open Spaces Dept.
Address: 275 NW 2 St. #430 Miami, FL 33128

Sec 14 Twp 52 Rge 42

Folio No.
30 2214 008 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 **Haulover Park**, 13700 Collins 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"

LEGAL DESCRIPTION
10 FEET FPL EASEMENT

LEGAL DESCRIPTION

A PORTION OF LOTS 63, 64, 65, 66, 67, 68, 69, 70 AND 71 ON WEST SIDE OF FLORIDA STATE ROAD A1A (COLLINS AVENUE) AS DESCRIBED BELOW, OF TATUM'S 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 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT "A", OF ARLEN HOUSE EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 97, AT PAGE 5 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S 00°58'42' W ALONG THE WEST RIGHT OF WAY LINE OF FLORIDA STATE ROAD A1A (COLLINS AVENUE) FOR A DISTANCE OF 462.02 FEET; TO A POINT 39.39 FEET NORTH OF INTERSECTION OF SOUTH LINE OF LOT 71 OF SAID PLAT OF TATUM'S OCEAN BEACH PARK WITH THE WEST RIGHT OF WAY LINE OF FLORIDA STATE ROAD A1A (COLLINS AVENUE) COINCIDENT WITH THE **POINT OF BEGINNING** OF A 10 FOOT WIDE EASEMENT, LYING 5.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

THENCE RUN S 67°28'56' W FOR A DISTANCE OF 77.23 FEET;
THENCE RUN N 88°48'54" W FOR A DISTANCE OF 294.77 FEET;
THENCE RUN S 00°26'07" W FOR A DISTANCE OF 122.30 FEET;
THENCE RUN S 00°15'53" E FOR A DISTANCE OF 129.38 FEET;
THENCE RUN S 00°16'30" E FOR A DISTANCE OF 115.00 FEET;
THENCE RUN S 00°04'00" W FOR A DISTANCE OF 193.22 FEET;
THENCE RUN S 00°14'23" W FOR A DISTANCE OF 122.15 FEET;
THENCE RUN S 15°46'40" W FOR A DISTANCE OF 89.50 FEET;
THENCE RUN S 00°19'11" E FOR A DISTANCE OF 11.41 FEET TO THE POINT OF TERMINATION.

SAID LAND CONTAINING 11,150 SQUARE FEET MORE OR LESS.

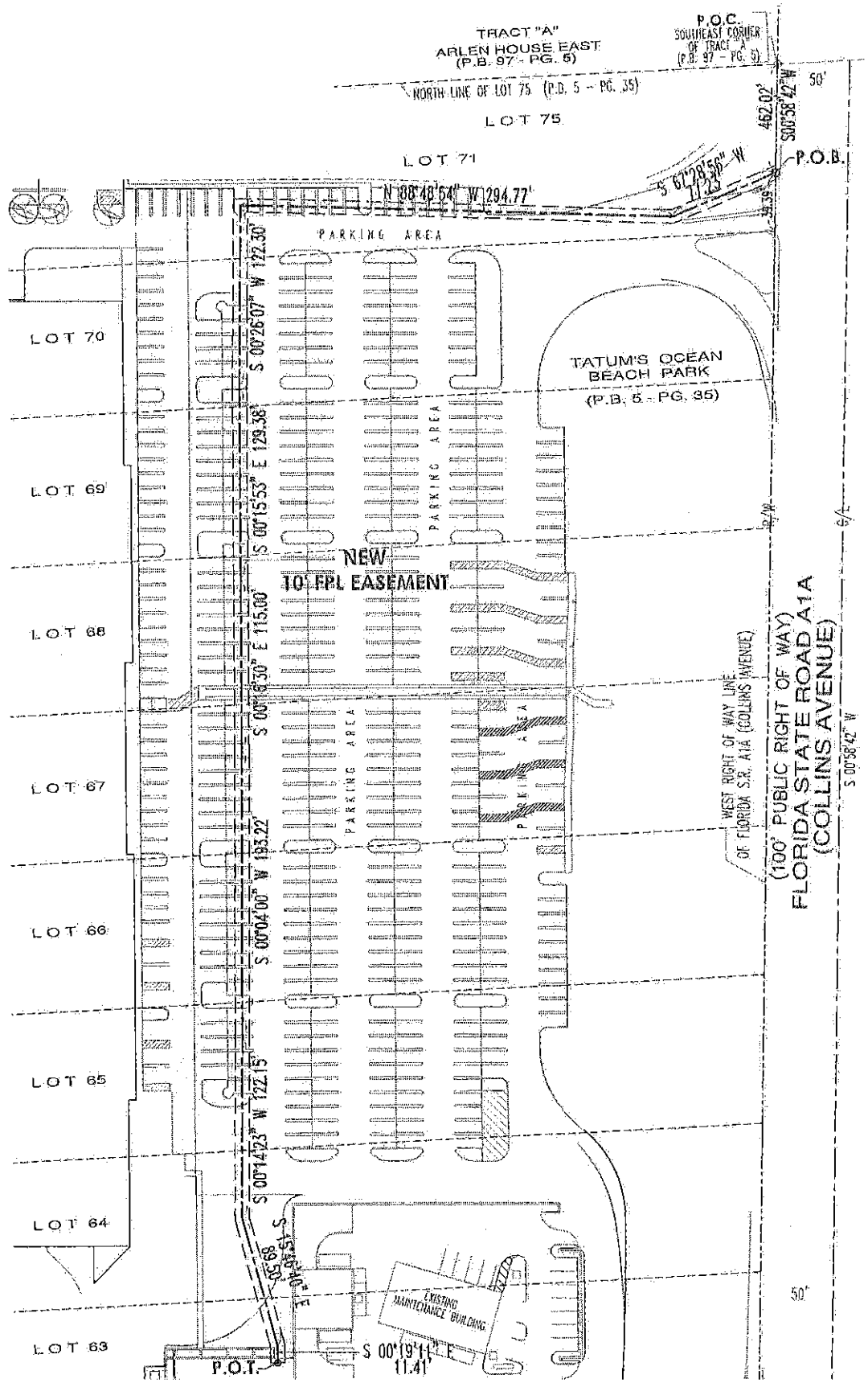
I HEREBY CERTIFY, THAT THE ATTACHED SKETCH TO ACCOMPANY LEGAL DESCRIPTION IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY PREPARED UNDER MY DIRECTION, AND MEETS THE INTENT OF THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS IN CHARTER 5J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF FLORIDA STATUTES. NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR' SEAL.

CERTIFICATE N°:3102
STATE OF FLORIDA

ARTURO R. TOIRAC P.L.S.
(FOR THE FIRM.)

- FOR SKETCH SEE PAGE 2 of 2 -

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
10 FEET FPL EASEMENT



BEARINGS AND COORDINATES ARE RELATIVE TO STATE PLANE COORDINATES, FLORIDA EAST ZONE, NORTH AMERICAN DATUM (NAD83) 1983 OF 1990 ADJUSTMENT, ALONG THE CENTERLINE OF FLORIDA STATE ROAD A1A (COLLINS AVENUE), WHICH IS S. 00°58'42" W.

THE SIDE LINES OF SAID EASEMENTS TO BE EXTENDED OR SHORTENED TO MEET AT ANGLE POINTS.

THIS SKETCH AND LEGAL DESCRIPTION ARE BASED ON AS-BUILT OF FPL LINE AND THE CENTERLINE OF 10' FPL EASEMENT IS APPROXIMATELY COINCIDENT WITH THE FPL LINE.

LEGEND

C/L - CENTERLINE
R/W - RIGHT-OF-WAY LINE
P.B. - PLAT BOOK
PG. - PAGE
P.O.C. - POINT OF COMMENCE
P.O.B. - POINT OF BEGINNING
P.O.T. - POINT OF TERMINATION
S.R. - STATE ROAD

ARTURO R. TOIRAC P.L.S.
(FOR THE FIRM.)
CERTIFICATE N°:3102
STATE OF FLORIDA

Sheet 2 of 2