

# MEMORANDUM

Agenda Item No. 11(A)(28)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners



**DATE:** October 3, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution authorizing conveyance of a non-exclusive perpetual easement to Florida Power and Light Company in exchange for \$1.00 to construct, operate and maintain underground electrical utility facilities at the Public Health Trust hospital campus located in the City of Doral; and authorizing the County Mayor to execute the easement and to exercise all provisions contained therein

Resolution No. R-1098-19

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney 

APW/smm



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** October 3, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(28)

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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) 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. 11(A)(28)  
10-3-19

RESOLUTION NO. R-1098-19

RESOLUTION AUTHORIZING CONVEYANCE OF A NON-EXCLUSIVE PERPETUAL EASEMENT TO FLORIDA POWER AND LIGHT COMPANY IN EXCHANGE FOR \$1.00 TO CONSTRUCT, OPERATE AND MAINTAIN UNDERGROUND ELECTRICAL UTILITY FACILITIES AT THE PUBLIC HEALTH TRUST HOSPITAL CAMPUS LOCATED IN THE CITY OF DORAL; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**WHEREAS**, the Public Health Trust ("Trust") is an agency and instrumentality of Miami-Dade County which is responsible for the operation, maintenance and governance of its "designated facilities" as such term is defined in chapter 154, Part II, Florida Statutes, and chapter 25A of the Code of Miami-Dade County; and

**WHEREAS**, section 25A-4(d) of the Code provides that title to real property must be vested in Miami-Dade County, and as such, the Trust does not have authority to convey easements on its designated facilities; and

**WHEREAS**, the hospital campus located in the City of Doral is a designated facility of the Trust which is presently under construction and is expected to be assigned the street address of 2801 N.W. 79<sup>th</sup> Avenue, Doral, Florida (the "Trust's Doral Hospital Campus"); and

**WHEREAS**, the Trust's Doral Hospital Campus needs to be connected to the Florida Power and Light Company ("FPL") power grid; and

**WHEREAS**, pursuant to Resolution No. R-504-15, the Trust has negotiated with FPL in an effort to minimize any negative visual impact to the public of the easement and will require that the equipment and lines be placed underground or in a concealed location to the extent practical and feasible; and

**WHEREAS**, on May 29, 2019, the Board of Trustees of the Trust adopted Resolution Number PHT 05/2019-026, seeking authority to convey a non-exclusive perpetual easement to FPL for the construction, operation and maintenance of underground electric utility facilities at the Trust's Doral Hospital Campus; and

**WHEREAS**, this Board believes it is in the County's best interest to convey a non-exclusive perpetual easement to FPL to ensure that electrical power is provided to the Trust's Doral Hospital Campus,

**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 a non-exclusive perpetual easement to FPL in exchange for \$1.00 to construct, operate and maintain underground electrical utility facilities at the Trust's Doral Hospital Campus.

**Section 3.** This Board authorizes the County Mayor or County Mayor's designee to execute the easement in substantially the form attached hereto as Attachment "A" and incorporated herein by reference, and to exercise all provisions contained therein.

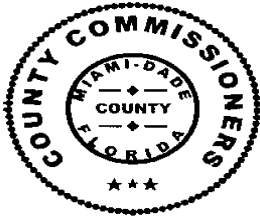
**Section 4.** This Board requires, pursuant to Resolution No. R-504-15, reasonable measures be used to minimize any negative aesthetic impact to the public from the installation of the FPL services.

**Section 5.** This Board directs, pursuant to Resolution No. R-974-09, the County Mayor or the County Mayor’s designee to record the easement conveyance accepted herein in the public records of the County and provide a recorded copy to the Clerk of the Board within 30 days of execution, and further directs the Clerk of the Board to permanently store the recorded copy with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Jose “Pepe” Diaz. It was offered by Commissioner **Esteban L. Bovo, Jr.** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose “Pepe” Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3<sup>rd</sup> day of October, 2019. 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: Linda L. Cave  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in cursive script, appearing to be "JL", is written over a horizontal line. To the right of the signature, the word "FOR" is written in a simple, blocky font.

Christopher C. Kokoruda

Agenda Item 5 (d)  
Public Health Trust Board of Trustees  
May 29, 2019

RESOLUTION NO. PHT 05/2019 – 026

**RESOLUTION CONSENTING TO THE GRANT OF A NON-EXCLUSIVE PERPETUAL EASEMENT TO FLORIDA POWER & LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES AT THE JACKSON WEST MEDICAL CENTER, LOCATED AT 7800 NORTHWEST 29<sup>th</sup> STREET, DORAL, FLORIDA; DIRECTING THE PRESIDENT, OR HIS DESIGNEE, TO OBTAIN ALL NECESSARY APPROVALS FROM THE BOARD OF COUNTY COMMISSIONERS FOR THE EXECUTION AND RECORDING OF SAID EASEMENT**

*(Rosa Costanzo, Vice President, Strategic Sourcing and Supply Chain Management and Chief Procurement Officer, Jackson Health System)*

WHEREAS, the continued construction and development of the Jackson West Medical Center, located at 7800 Northwest 29<sup>th</sup> Street, Doral, Florida, requires the installation of underground utilities from the Florida Power & Light Company (“FPL”); and

WHEREAS, the construction of underground utilities on County-owned property requires the grant of an easement; and

WHEREAS, title to the Jackson West property is in the name of Miami-Dade County, Florida and, if required, the execution and recording of the easement would require the approval of the Board of County Commissioners pursuant to Chapter 25A of the Code of Miami-Dade County, Florida; and

WHEREAS, the President, the Purchasing and Facilities Subcommittee and the Fiscal Committee recommend approval of this resolution.

-Page 2-

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA, that:

**Section 1.** This Board incorporates the foregoing recitals in this resolution and approves the same.

**Section 2.** This Board consents to the grant of a non-exclusive perpetual easement to the Florida Power & Light Company for the construction, operation and maintenance of underground electric utility facilities at the Jackson West Medical Center, located at 7800 Northwest 29<sup>th</sup> Street, Doral, Florida.

**Section 3.** This Board directs the President, or his designee, to obtain all necessary approvals from the Board of County Commissioners for the execution and recording of said easement.

Agenda Item 5 (d)  
Public Health Trust Board of Trustees  
May 29, 2019

-Page 3-


The foregoing resolution was offered by Irene Lipof and the motion was seconded by William J. Heffernan as follows:

Joe Arriola	Aye
Bryan Avila	Absent
William J. Heffernan	Aye
Mojdeh L. Khaghan	Absent
Irene Lipof	Aye
Amadeo Lopez-Castro, III	Aye
Walter T. Richardson	Absent

The Chairperson thereupon declared the resolution duly passed and adopted this 29<sup>th</sup> day of May 2019.

**PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA**

BY:   
William J. Heffernan, Treasurer

Approved by the Miami-Dade County Attorney's Office as to form and legal sufficiency 

Work Request No. \_\_\_\_\_  
Sec. 27, Twp 53 S, Rge 40 E  
Parcel I.D. 35-3027-037-0010  
(Maintained by County Appraiser)

# UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By  
Name: Jamil S. Fraser  
Co. Name: Miami-Dade/Public Health Trust  
Address: 1500 Northwest 12 Avenue  
Miami, FL 33136

Attachment A

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:

Reserved for Circuit Court

see Exhibit A attached

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:

MIAMI-DADE COUNTY, FLORIDA, a political subdivision  
of the State of Florida

\_\_\_\_\_  
(Witness' Signature)

By: \_\_\_\_\_

Print Name: \_\_\_\_\_  
(Witness)

Print Name: \_\_\_\_\_

\_\_\_\_\_  
(Witness' Signature)

Print Address: \_\_\_\_\_

Print Name: \_\_\_\_\_  
(Witness)

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 \_\_\_\_\_

**LEGAL DESCRIPTION:**

(1) A 10.00' WIDE UTILITY EASEMENT LYING OVER AND ACROSS A PORTION OF TRACT "A", BLUE HERON LAKE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 144, PAGE 2 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING WITHIN SECTION 27, TOWNSHIP 53 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "A", ALSO BEING A POINT ON THE SOUTH RIGHT OF WAY LINE OF N.W. 29TH STREET; THENCE SOUTH 04°18'50" WEST, ALONG THE EAST LINE OF SAID TRACT "A", 5.02 FEET TO THE POINT OF BEGINNING OF SAID 10.00 UTILITY EASEMENT, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; SOUTH 89°50'23" WEST, ALONG A LINE 5' SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT "A", 655.36 FEET TO A POINT HEREAFTER REFERRED TO AS REFERENCE POINT "A"; THENCE CONTINUE ALONG SAID LINE, SOUTH 89°50'23" WEST, 347.50 FEET; THENCE SOUTH 01°38'04" EAST, ALONG A LINE 5' EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "A", 342.28 FEET; THENCE SOUTH 89°33'18" EAST, 392.28 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

SIDE LINES TO BE LENGTHENED OR SHORTENED TO MAINTAIN A CONTINUOUS 10.00 FOOT WIDE EASEMENT, MEASURED PERPENDICULAR TO THE CENTERLINE.

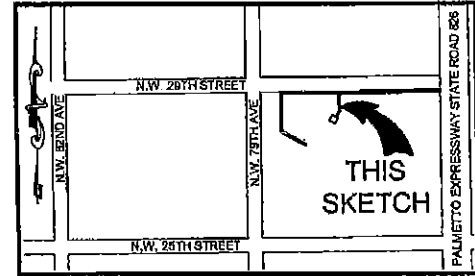
(2) TOGETHER WITH A 10.00 UTILITY EASEMENT LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; BEGINNING AT THE AFOREMENTIONED REFERENCE POINT "A"; THENCE SOUTH 00°00'02" EAST, 106.45 FEET; THENCE SOUTH 14°40'10" WEST, 20.02 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE, SAID POINT HEREAFTER REFERRED TO AS REFERENCE POINT "B".

SIDE LINES TO BE LENGTHENED OR SHORTENED TO MAINTAIN A CONTINUOUS 10.00 FOOT WIDE EASEMENT, MEASURED PERPENDICULAR TO THE CENTERLINE.

(3) TOGETHER WITH A PORTION OF SAID TRACT "A", MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AFOREMENTIONED REFERENCE POINT "B"; THENCE SOUTH 75°19'50" EAST, 8.30 FEET; THENCE SOUTH 14°40'10" WEST, 52.00 FEET; THENCE NORTH 75°19'50" WEST, 41.30 FEET; THENCE NORTH 14°40'10" EAST, 52.00 FEET; THENCE SOUTH 75°19'50" EAST, 33.00 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED LANDS HEREON LYING IN THE CITY OF DORAL, MIAMI-DADE COUNTY FLORIDA, AND CONTAINING 20727 SQUARE FEET (0.48 ACRES), MORE OR LESS.



**LOCATION MAP:**  
NOT TO SCALE

**SURVEY NOTES:**

1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR, BASED ON A DUCT BANK (FPL) AS-BUILT FOR JACKSON WEST CAMPUS PHASE 1, PROVIDED BY EFRAIN LOPEZ, PSM, THE INTENT OF THIS DESCRIPTION IS TO ENCOMPASS THE IMPROVEMENTS SHOWN THEREON. THE DESCRIPTION SHOWN HEREON FORMS A CLOSED GEOMETRIC FIGURE.
2. KEITH AND ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NUMBER IS L.B.#6860.
3. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE PURSUANT TO RULE 6J-17 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SURVEY WITHOUT THE EXPRESS PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND/OR DELETIONS MADE TO THE FACE OF THIS SURVEY WILL MAKE THIS SURVEY INVALID.
5. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
6. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF NORTH 89°50'23" EAST ALONG THE NORTH LINE OF TRACT "A", BLUE HERON LAKE, AS RECORDED IN PLAT BOOK 144, ON PAGE 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
8. THE INTENDED DISPLAY SCALE FOR THIS SKETCH IS 1"=80' OR SMALLER

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON APRIL 22, 2019 MEETS THE STANDARDS OF PRACTICE PURSUANT TO RULE 6J-17 OF THE FLORIDA ADMINISTRATIVE CODE AS APPLICABLE TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & ASSOCIATES, INC.  
CONSULTING ENGINEERS



Timothy H Gray  
2019.08.13  
16:58:37-04'00'

TIMOTHY H. GRAY  
PROFESSIONAL SURVEYOR AND MAPPER  
REGISTRATION No. 8604  
STATE OF FLORIDA

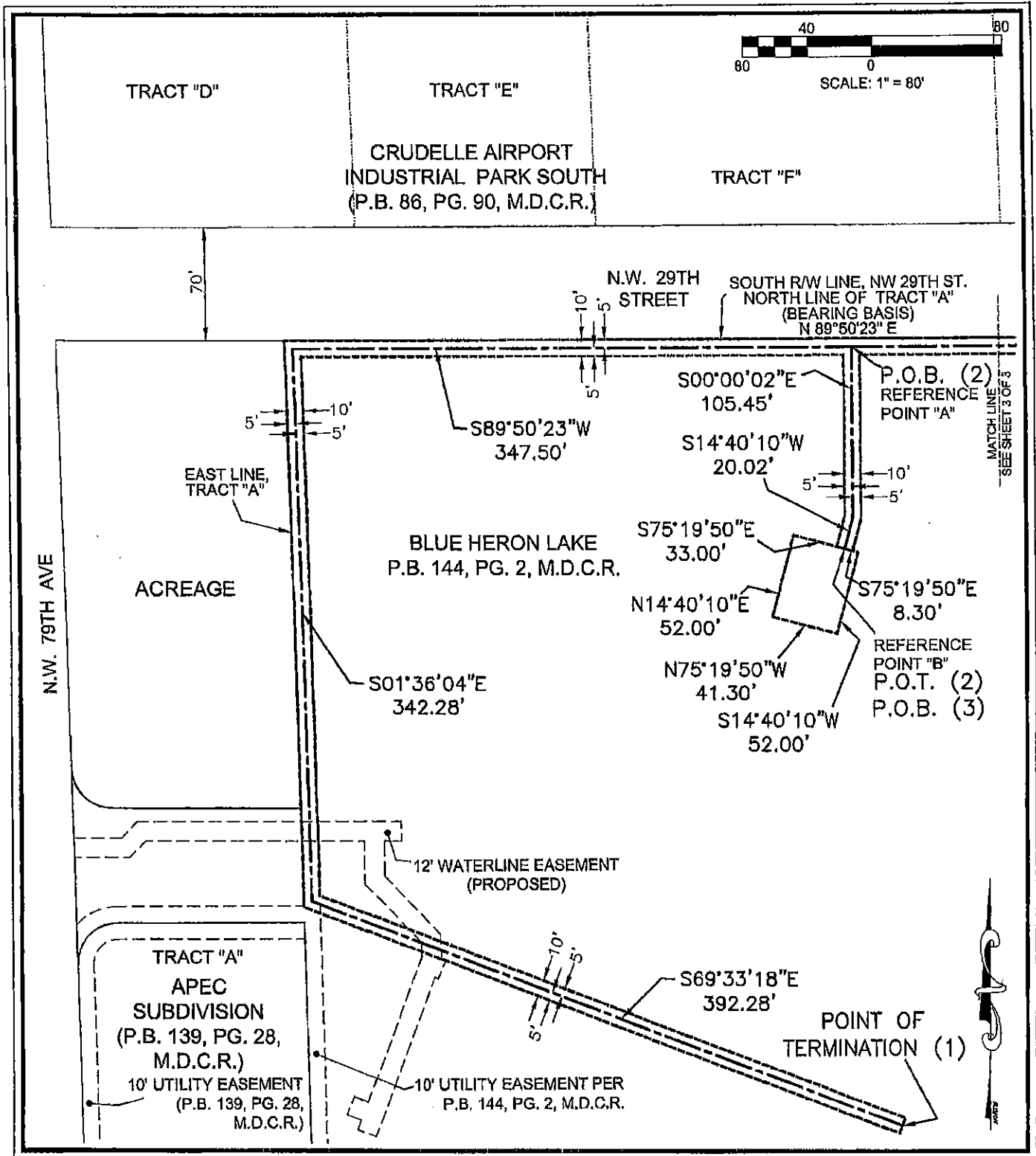
**EXHIBIT "A"**

**SKETCH & DESCRIPTION**  
**FPL DUCT BANK EASEMENT**  
FPL EASEMENT OVER A PORTION OF  
TRACT "A"  
BLUE HERON LAKE  
P.B. 144, PG. 2, M.D.C.R.  
SECTION 27, TOWNSHIP 53 S., RANGE 40 E.  
CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA

**KEITH**  
301 EAST ATLANTIC BOULEVARD  
POMPANO BEACH, FLORIDA 33060-6643  
(954) 788-3400  
EMAIL: mail@KEITHteam.com LB NO. 6860  
SHEET 1 OF 2  
DRAWING NO. 033403-SKETCH & DESCRIPTION.DWG

DATE	4/22/19
SCALE	N/A
FIELD BK.	N/A
DWG. BY	TG
CHK. BY	LP

DATE	REVISIONS
8/13/19	ADD FPL VAULT

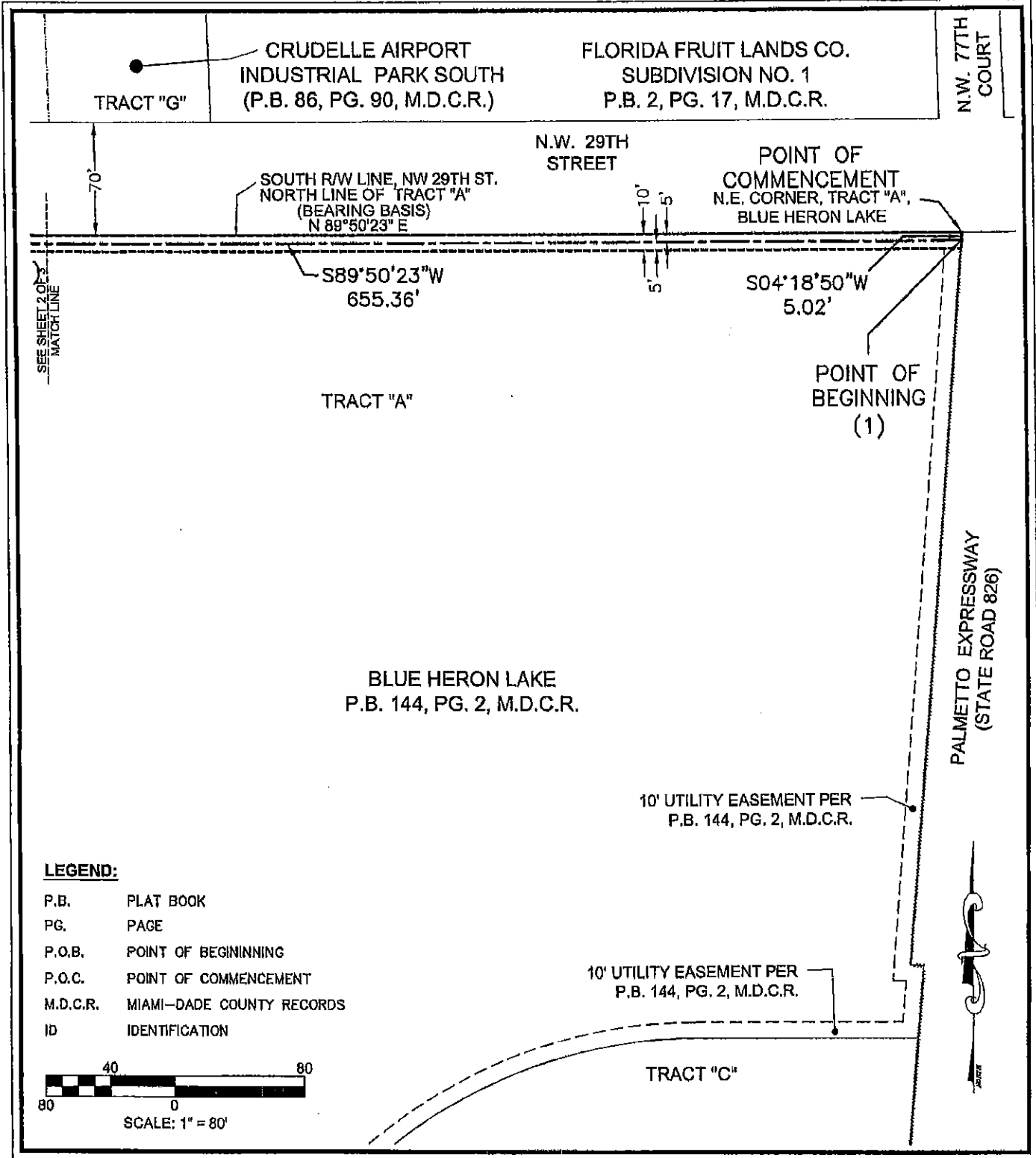


**SKETCH & DESCRIPTION**  
**FPL DUCT BANK EASEMENT**  
 EASEMENT OVER A PORTION OF  
 TRACT "A"  
 BLUE HERON LAKE  
 P.B. 144, PG. 2, M.D.C.R.  
 SECTION 27, TOWNSHIP 53 S., RANGE 40 E.  
 CITY OF DORAL, MAIMI-DADE COUNTY, FLORIDA

**KEITH**  
 301 EAST ATLANTIC BOULEVARD  
 POMPANO BEACH, FLORIDA 33060-6643  
 (954) 788-3400  
 EMAIL: mail@KEITHteam.com LB NO. 6860  
 SHEET 2 OF 3  
 DRAWING NO. 0854.03-SKETCH & DESCRIPTION-FPL EASING

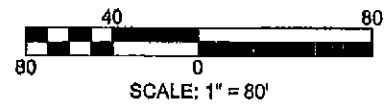
DATE 4/22/19  
 SCALE 1"=80'  
 FIELD BK. N/A  
 DWNG. BY TG  
 CHK. BY LP

DATE	REVISIONS
8/13/19	ADD FPL VAULT



**LEGEND:**

- P.B. PLAT BOOK
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- M.D.C.R. MIAMI-DADE COUNTY RECORDS
- ID IDENTIFICATION



**SKETCH & DESCRIPTION  
FPL DUCT BANK EASEMENT**  
EASEMENT OVER A PORTION OF  
TRACT "A"  
BLUE HERON LAKE  
P.B. 144, PG. 2, M.D.C.R.  
SECTION 27, TOWNSHIP 53 S., RANGE 40 E.  
CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA

**KEITH**  
301 EAST ATLANTIC BOULEVARD  
POMPANO BEACH, FLORIDA 33080-6643  
(954) 788-3400  
EMAIL: mail@KEITHteam.com LB NO. 6860  
SHEET 3 OF 3  
DRAWING NO. 0264.03-SKETCH & DESCRIPTION-FPL CIVIL/2019

DATE	4/22/19
SCALE	1"=80
FIELD BK.	N/A
DWNG. BY	TG
CHK. BY	LP

DATE	REVISIONS
8/13/19	ADD FPL VAULT