

# MEMORANDUM

Agenda Item No. 8(C)(1)

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**TO:** Honorable Vice Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** November 19, 2020

**FROM:** Geri Bonzon-Keenan  
Successor County Attorney

**SUBJECT:** Resolution authorizing conveyance of an easement to Florida Power and Light Company in exchange for the one-time payment of \$1.00 to install and maintain electric power facilities at Vizcaya Museum and Gardens, located at 3251 South Miami Avenue; authorizing County Mayor to execute easement and exercise all provisions contained therein

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The accompanying resolution was prepared by the Cultural Affairs Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

  
\_\_\_\_\_  
Geri Bonzon-Keenan  
Successor County Attorney

GBK/lmp

# Memorandum



**Date:** November 12, 2020

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the printed name of the 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 Vizcaya Museum and Gardens

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the conveyance of a 4,756-square foot easement to Florida Power and Light Company (FPL) for underground electrical lines, an electrical transformer, and related equipment at the Vizcaya Museum and Gardens' Vizcaya Village.

## **Scope**

Vizcaya Museum and Gardens is located at 3251 South Miami Avenue, Miami, FL 33129 in County Commission District 7, which is represented by Commissioner Xavier L. Suarez.

## **Fiscal Impact/Funding Source**

The fiscal impact is one-time receipt of \$1.00 from FPL.

## **Track Record/Monitor**

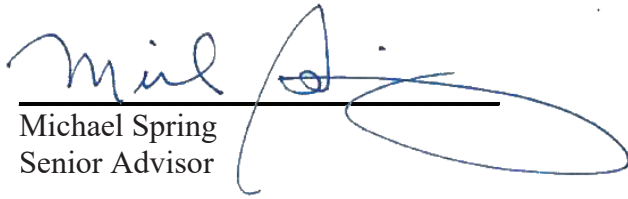
The County's Operating and Management Agreement with Vizcaya Trust (approved through Ordinance No. 17-42) delegates authority to Vizcaya Trust to repair, conserve and restore Vizcaya in a manner that is consistent with the U.S. Secretary of the Interior's standards for historic properties. Vizcaya Trust has a track record of fulfilling its responsibilities under the Operating and Management Agreement. Lisa D'Andrea-Thompson, Construction Projects Manager from the Department of Cultural Affairs, will ensure the execution and recordation of the easement and delivery to the Clerk of the Board and Vizcaya will ensure that all work performed by FPL is consistent with the grant of easement.

## **Background**

In 1952 and 1955, the heirs of James Deering conveyed Vizcaya's main house, gardens and the Vizcaya Village to the County. For several decades, Vizcaya was operated as a subdivision of the County's Park and Recreation Department, monitored by a Policy Committee, before it became a freestanding County agency. Following approval by the Board, responsibility for Vizcaya's operations transitioned to the 501(c)(3) nonprofit organization, Vizcaya Trust on October 1, 2017.

In 2017, the Board approved the Vizcaya Museum and Gardens Master Plan (Resolution No.R-670-17), which included restoring the Vizcaya Village. Built at the same time as Vizcaya, the Village was designed to make Vizcaya self-sufficient. The Village's 11 historic buildings housed staff quarters, a garage, workshops, barns, greenhouses and fields that supplied fresh flowers,

fruits, and vegetables. The first phase of the Master Plan aims at restoring and revitalizing the Village and re-introducing it to Miami-Dade County residents and guests. This project will relocate visitor arrival to the Village and create a new café and offices in three of the historic buildings. The existing FPL line that serves most of the Vizcaya Village will be removed. The new FPL power feed and easement will be the primary source of power to the site. The FPL easement area is ten feet wide and approximately 470 feet in length. The only above-ground facility is an electrical transformer mounted on a concrete pad. It will be screened with landscaping so that it will not impact adversely the property's aesthetics, in accordance with Resolution No. R-504-15.

  
Michael Spring  
Senior Advisor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Vice Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** November 19, 2020

**FROM:**   
Geri Bonzon-Keenan  
Successor County Attorney

**SUBJECT:** Agenda Item No. 8(C)(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 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. 8(C)(1)  
11-19-20

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY IN EXCHANGE FOR THE ONE-TIME PAYMENT OF \$1.00 TO INSTALL AND MAINTAIN ELECTRIC POWER FACILITIES AT VIZCAYA MUSEUM AND GARDENS, LOCATED AT 3251 SOUTH MIAMI AVENUE; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE EASEMENT AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

**WHEREAS**, the County owns Vizcaya Museum and Gardens, located at 3251 South Miami Avenue and has an Operating and Management Agreement with the non-profit Vizcaya Museum and Gardens Trust, Inc. to manage this historic property; and

**WHEREAS**, the Board, through Resolution No. R-670-17, approved the Vizcaya Museum and Gardens Master Plan, which included restoring the Vizcaya Village, located on the north side of the property across South Miami Avenue; and

**WHEREAS**, the first phase of the Master Plan aims at restoring and revitalizing the Village and reintroducing it to Miami-Dade County residents and guests by relocating visitor arrival to the Village and creating a new café and offices in three of the historic buildings; and

**WHEREAS**, the project requires electrical power that the County desires to obtain from the Florida Power and Light Company; and

**WHEREAS**, Florida Power and Light Company agreed to provide electric power facilities to Vizcaya Village 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 Vizcaya's aesthetics, and the only visible element, a power transformer, will be screened from public view, 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 this Board:

**Section 1.** Incorporates and approves the foregoing recitals, as if fully set forth herein.

**Section 2.** Authorizes the conveyance of an easement to Florida Power and Light Company, for the one-time payment of \$1.00, for the installation and maintenance of electric power facilities at Vizcaya Village, 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.** Pursuant to Resolution No. R-974-09, (1) directs the County Mayor or County Mayor's designee to record the easement in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within 30 days of recordation of the easement; and (2) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Vice Chairwoman

Jose "Pepe" Diaz

Oliver G. Gilbert, III

Sally A. Heyman

Joe A. Martinez

Jean Monestime

Sen. Javier D. Souto

Sen. René García

Keon Hardemon

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

District 8 - Vacant

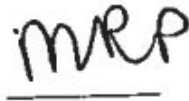
The Chairperson thereupon declared this resolution duly passed and adopted this 19<sup>th</sup> day of November, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Monica Rizo Perez

Attachment A

NON-EXCLUSIVE EASEMENT

UNDERGROUND EASEMENT

Work Request No. \_\_\_\_\_  
Sec 14, Twp 54 S, Rge 41 E

Parcel I.D. 01-4114-0005-0010  
(Maintained by County Appraiser)

This Instrument Prepared By

Name: Karen Lynch  
Co. Name: Miller Legg  
Address: 5747 N. Andrews Way  
Ft. Lauderdale, FL 33309

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(FPL), its successors and assigns, ("Grantee") 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 of any of them located at Vizcaya Museum and Gardens, 3251 S. Miami Avenue, Miami, FL 33129, within the following described property:

Reserved for Circuit Court

See attached Exhibit "A" ("Easement Area")

Grantors Address:  
Miami-Dade County  
111 NW 1 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 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 and the obligation to maintain vegetative screening around the above ground electrical transformer in accordance with Resolution No. R-504-15; 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 Non-Exclusive Easement Area. The County shall have the right and privilege to use the Non-Exclusive Easement Area in any manner that does not interfere with the rights, use and access granted hereunder to Grantee. If the Grantee removed all facilities within the Non-Exclusive Easement and no longer needs the easement, the non-exclusive easement would terminate on its own accord.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 20 \_\_\_\_.

IN WITNESS WHEREOF 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 hear aforesaid.

(OFFICIAL SEAL)

ATTEST:  
  
HARVEY RUVIN, CLERK

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

By: \_\_\_\_\_  
Deputy Clerk

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

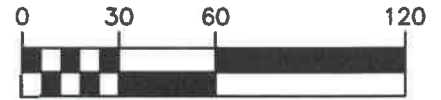
Approved as to Form and Sufficiency \_\_\_\_\_  
Print Name \_\_\_\_\_

The foregoing was authorized and approved by Resolution R-\_\_\_\_\_-20 of the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_ day of \_\_\_\_\_, 2020.





GRAPHIC SCALE



( IN FEET )  
1 INCH = 60 FEET

ABBREVIATIONS:

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- PG. - PAGE
- P.B. - PLAT BOOK
- D.C.R. - DADE COUNTY RECORDS
- R - RADIUS
- Δ - DELTA ANGLE
- L - ARC LENGTH

BLOCK 1  
"FIRST ADDITION TO BAY HEIGHTS"  
P.B. 53, PG. 30, D.C.R.

EAST LINE  
BLOCK 1

N37°12'15"W  
10.05'

N37°12'15"W  
117.29'

P.O.B.

N46°51'41"E  
47.72'

R=18.50'  
Δ=28°33'38"  
L=9.22'

S46°51'41"W  
48.00'

R=11.50'  
Δ=28°33'32"  
L=5.73'

TRACT 3  
"VIZCAYA JAMES DEERING ESTATE"  
P.B. 34, PG. 46, D.C.R.

S68°05'55"W  
(BEARING BASIS)

622.06'

SOUTH DIXIE HWY

NORTHERLY LINE  
TRACT 3

N75°25'13"E  
320.37'

S75°25'13"W  
319.61'

SURVEY NOTES:

BEARINGS SHOWN HEREON  
ARE BASED ON PLAT  
BEARING OF S 68°05'55" W  
ALONG THE NORTH LINE OF  
TRACT 3 OF "VIZCAYA  
JAMES DEERING ESTATE"  
AS RECORDED IN PLAT BOOK  
34, PAGE 46 OF THE PUBLIC  
RECORDS OF MIAMI COUNTY,  
FLORIDA.

R=8.50'  
Δ=67°21'27"  
L=9.99'

N37°13'20"W  
24.69'

N52°46'40"E  
8.92'

R=20.00'  
Δ=90°01'29"  
L=31.42'

N37°14'49"W  
17.19'

S52°45'11"W  
10.00'

S37°14'49"E  
17.19'

R=10.00'  
Δ=90°01'29"  
L=15.71'

S52°46'40"W  
18.92'

R=18.50'  
Δ=67°21'27"  
L=21.75'

P.O.C.  
NE CORNER TRACT 3  
"VIZCAYA JAMES DEERING ESTATE"  
P.B. 34, PG. 46, D.C.R.

S37°12'15"E  
SW 32nd  
ROAD



South Florida Office: 5747 N. Andrews Way  
Ft. Lauderdale, Florida - 33309-2364  
954-436-7000 · Fax: 954-436-8664  
www.millerlegg.com

Certificate of Authorization L.B. 6680

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

SKETCH & DESCRIPTION

PROJECT NO.  
20-P0267

FILE NO.  
SD-2