

# MEMORANDUM

Agenda Item No. 8(K)(2)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** July 8, 2021

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

**SUBJECT:** Resolution authorizing conveyance of a nonexclusive easement to Florida Power and Light Company in exchange for \$1.00 to install and maintain electrical transformers and lines to the new 139-unit The Gallery at Smathers affordable housing development for the elderly on a County-owned property located at 1040 SW 29th Court, Miami, Florida; and authorizing the County Mayor to execute the Underground Easement (Business), and to exercise all provisions contained therein

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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 Raquel A. Regalado.



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Geri Bonzon-Keenan  
County Attorney

GBK/uw

# Memorandum



**Date:** July 8, 2021

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava *Daniella Levine Cava*  
Mayor

**Subject:** Nonexclusive Easement to Florida Power and Light Company to Install and Maintain Electrical Transformers and Lines for Gallery at Smathers Affordable Housing Development for the Elderly

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a non-exclusive easement to Florida Power and Light Company in exchange for \$1.00 to install and maintain electrical transformers and lines to the new 139-unit Gallery at Smathers affordable housing development for the elderly located at 1040 SW 29<sup>th</sup> Court, Miami, Florida (project). It is further recommended that the Board authorize the County Mayor or the County Mayor’s designee to execute the “Underground Easement (Business)” and to exercise all provisions contained therein.

## **Scope**

There are two transformers, two electrical cabinets and associated raceways running along the western and southern perimeter of the project located at 1040 SW 29<sup>th</sup> Court, within County Commission District 7 represented by County Commissioner Raquel Regalado.

## **Fiscal Impact/Funding Source**

Granting the easement has no fiscal impact.

## **Track Record/Monitor**

Public Housing and Community Development is the entity overseeing this project and the person responsible for monitoring this transfer is Director Michael Liu.

## **Delegation of Authority**

Upon the adoption of this resolution, the County Mayor or the County Mayor’s designee will be authorized to execute the “Underground Easement (Business)” and to exercise all provisions contained therein.

## **Background**

On November 23, 2011, the Board adopted Resolution No. R-1026-11, which awarded site control through a master ground lease to Related Urban Development Group (RUDG) for the redevelopment of Smathers Plaza public housing development. On July 23, 2019, the Board also adopted Resolution No. R-838-19, which authorized the submission of an amendment to the Smathers Plaza disposition application to the United States Housing and Urban Development, to permit RUDG to construct a third phase of the Smathers redevelopment known as The Gallery at Smathers. The project consists of the development of 139 affordable

Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners  
Page No. 2

units for the elderly in an eight-story residential building. The project will include 74 affordable housing units and 65 units covered under the Section 8 Project-Based Voucher Program

Florida Power and Light requires a non-exclusive easement to install and maintain electrical transformers and lines to the project. The Department recommends that it is in the County's best interest to grant the easement in order to ensure that electrical power is provided to The Gallery at Smathers. In accordance with Resolution No. R-504-15, the electrical lines will be placed underground and surface mounted equipment will be concealed with vegetation cover. The electrical lines and surface mounted will not adversely impact the building's aesthetics.



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Morris Copeland  
Chief Community Services

Attachment



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** July 8, 2021

**FROM:**   
Gen Bonzon-Keenan  
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
- 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(K)(2)  
7-8-21

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

RESOLUTION AUTHORIZING CONVEYANCE OF A NONEXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY IN EXCHANGE FOR \$1.00 TO INSTALL AND MAINTAIN ELECTRICAL TRANSFORMERS AND LINES TO THE NEW 139-UNIT THE GALLERY AT SMATHERS AFFORDABLE HOUSING DEVELOPMENT FOR THE ELDERLY ON A COUNTY-OWNED PROPERTY LOCATED AT 1040 SW 29TH COURT, MIAMI, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE UNDERGROUND EASEMENT (BUSINESS), AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**WHEREAS**, the County, through the Miami-Dade Public Housing and Community Development Department ("PHCD"), has partnered with Related Urban Development Group ("RUDG") to redevelop the public housing development known as Smathers Plaza; and

**WHEREAS**, RUDG is developing the third phase of Smathers Plaza known as The Gallery at Smathers, which includes 139 affordable housing units for the elderly on County-owned property located at 1040 SW 29<sup>th</sup> Court, Miami, Florida; and

**WHEREAS**, Gallery at Smathers needs to be connected to the Florida Power and Light Company ("FPL") power grid; and

**WHEREAS**, FPL needs a non-exclusive easement to install transformers on site to make the utility connection; and

**WHEREAS**, as required by Resolution No. R-504-15, the electrical lines will be underground and the only visible elements will be surface mounted equipment, which said equipment will be concealed with vegetation cover; and

**WHEREAS**, such electrical lines and surface mounted equipment will not adversely impact the building's aesthetics; and

**WHEREAS**, this Board believes it is in the County's the best interest to convey a non-exclusive easement to FPL to facilitate the construction of The Gallery at Smathers; 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 a non-exclusive easement to Florida Power and Light Company in exchange for \$1.00 to install and maintain electrical transformers and lines to The Gallery at Smathers located at 1040 SW 29<sup>th</sup> Court, Miami, Florida. This Board further authorizes the County Mayor or the County Mayor's designee to execute the "Underground Easement (Business)", in substantially the form attached hereto as Attachment A and incorporated herein by reference, and to exercise all provisions contained therein.

**Section 3.** This Board, pursuant to Resolution No. R-974-09, (a) directs the County Mayor or County Mayor's designee to record the instrument of conveyance referenced herein in the Public Records of Miami-Dade County, Florida, and to provide a recorded copy of the instrument to the Clerk of the Board within 30 days of execution of said instrument; and (b) 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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 8<sup>th</sup> day of July, 2021. 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.



Terrence A. Smith

**ATTACHMENT A**

**UNDERGROUND EASEMENT  
(BUSINESS)**

Work Request No. \_\_\_\_\_

Sec.9, Twp 54 S, Rge 41 E

Parcel I.D.01-4109048-0010  
(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 6/11

This Instrument Prepared By

Name: JOSE PALOMO  
Co. Name: FLORIDA POWER & LIGHT COMPANY  
Address: 14250 SW 112nd Street  
Miami FL 33186

pg 1 of 4.

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 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 Attached Sketch and Legal Description of Easement

Together with the right to permit FPL to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for FPL's 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; 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 heretofore described, 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)

Entity Name

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 \_\_\_\_\_



**LEGAL DESCRIPTION (PROPOSED 10' WIDE FP&L EASEMENT):**

A FLORIDA POWER AND LIGHT COMPANY EASEMENT LYING OVER AND ACROSS A PORTION OF TRACT "A" OF "PUBLIC HOUSING PROJECT FLORIDA 5-18", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 81 AT PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT "A" OF "PUBLIC HOUSING PROJECT FLORIDA 5-18"; THENCE N90°00'00"W, ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT "A" FOR A DISTANCE OF 90.02 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED 10 FOOT WIDE EASEMENT, LYING 5 FEET ON EITHER AND BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE (SHORTENING OR EXTENDING THE SIDE LINES SO AS TO CREATE A CONTINUOUS STRIP OF LAND); THENCE N21°46'18"E FOR A DISTANCE OF 42.11 FEET TO A POINT; THENCE N19°24'05"E FOR A DISTANCE OF 28.03 FEET TO A POINT; THENCE N27°35'13"E FOR A DISTANCE OF 27.22 FEET TO A POINT; THENCE N30°46'20"E FOR A DISTANCE OF 27.50 FEET TO A POINT; THENCE N33°06'01"E FOR A DISTANCE OF 14.55 FEET TO A POINT; THENCE N22°16'47"E FOR A DISTANCE OF 11.07 FEET TO A POINT; THENCE N15°42'20"E FOR A DISTANCE OF 9.90 FEET TO A POINT; THENCE N11°56'09"E FOR A DISTANCE OF 12.56 FEET TO A POINT; THENCE N01°04'21"E FOR A DISTANCE OF 28.92 FEET TO A POINT; THENCE N00°47'10"E FOR A DISTANCE OF 23.24 FEET TO A POINT OF TERMINATION AND ALSO NAMED POINT "A" AND POINT OF BEGINNING OF THE FOLLOWING DESCRIBED FP&L EASEMENT:

BEGIN AT THE AFOREMENTIONED POINT "A" OF THE FOLLOWING DESCRIBED FP&L CABINET EASEMENT; THENCE S88°33'09"W FOR A DISTANCE OF 7.21 FEET TO A POINT; THENCE N01°26'51"W FOR A DISTANCE OF 15.00 FEET TO A POINT; THENCE N88°33'09"W FOR A DISTANCE OF 7.50 FEET TO A POINT "B"; THENCE N88°33'09"W FOR A DISTANCE OF 7.50 FEET TO A POINT; THENCE S01°26'51"E FOR A DISTANCE OF 15.00 FEET TO A POINT; THENCE S88°33'09"W FOR A DISTANCE OF 7.79 FEET TO A POINT OF BEGINNING.

TOGETHER WITH

BEGIN AT THE AFOREMENTIONED POINT "B", THE 10 FOOT WIDE EASEMENT, LYING 5 FEET ON EITHER AND BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE (SHORTENING OR EXTENDING THE SIDE LINES SO AS TO CREATE A CONTINUOUS STRIP OF LAND); THENCE N01°26'51"W FOR A DISTANCE OF 24.32 FEET TO A POINT; THENCE N89°53'38"W FOR A DISTANCE OF 28.35 FEET TO A POINT; THENCE N89°45'40"W FOR A DISTANCE OF 142.77 FEET TO A POINT; THENCE N62°13'27"W FOR A DISTANCE OF 49.43 FEET TO A POINT; THENCE N23°49'02"E FOR A DISTANCE OF 34.52 FEET TO A POINT; THENCE N40°07'13"E FOR A DISTANCE OF 23.02 FEET TO A POINT; THENCE N89°44'00"E FOR A DISTANCE OF 135.28 FEET TO A POINT; THENCE N00°01'41"E FOR A DISTANCE OF 66.55 FEET TO A POINT OF TERMINATION AND ALSO NAMED POINT "C" AND POINT OF BEGINNING OF THE FOLLOWING DESCRIBED FP&L EASEMENT:

BEGIN AT THE AFOREMENTIONED POINT "C" OF THE FOLLOWING DESCRIBED FP&L CABINET EASEMENT; THENCE N89°58'19"W FOR A DISTANCE OF 7.50 FEET TO A POINT; THENCE N00°01'41"E FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE N89°58'19"W FOR A DISTANCE OF 15.00 FEET TO A POINT; THENCE S00°01'41"W FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE N89°58'19"W FOR A DISTANCE OF 7.50 FEET TO A POINT OF BEGINNING.

SAID EASEMENT CONTAINS 0.18 ACRES / 7,968.3 SQUARE FEET MORE OR LESS.

**NOTES:**

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS ARE BASED ON AN ASSUMED SYSTEM, WHEREBY THE EAST BOUNDARY LINE OF TRACT "A", PUBLIC HOUSING PROJECT FLORIDA 5-18, PLAT BOOK 81, PAGE 26, BEARS S00°18'34"W.
3. THIS DESCRIPTION AND SKETCH ARE NOT VALID ONE WITHOUT THE OTHER.

**SURVEYOR'S CERTIFICATION:**

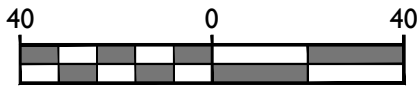
THIS IS TO CERTIFY TO THE HEREIN NAMED FIRM AND/OR PERSONS THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" OF THE HEREIN DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED AND PLATTED UNDER OUR DIRECTION ON SEPTEMBER 3RD, 2020. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE REQUIREMENTS AS SET FORTH IN RULE 5J-17.051 AND 5J-17.052 AS ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES.

COLLIERS ENGINEERING & DESIGN

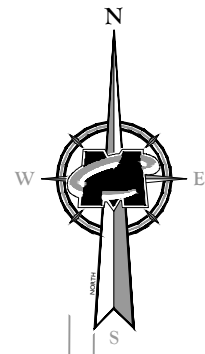
-----  
 JOSE D. MORALES  
 PROFESSIONAL SURVEYOR AND MAPPER # 6733  
 STATE OF FLORIDA  
 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.

0662A - Gallery at Smathers Plaza Survey.dwg\20000662A-FPL EASEMENT.dwg\J.FERNANDEZ

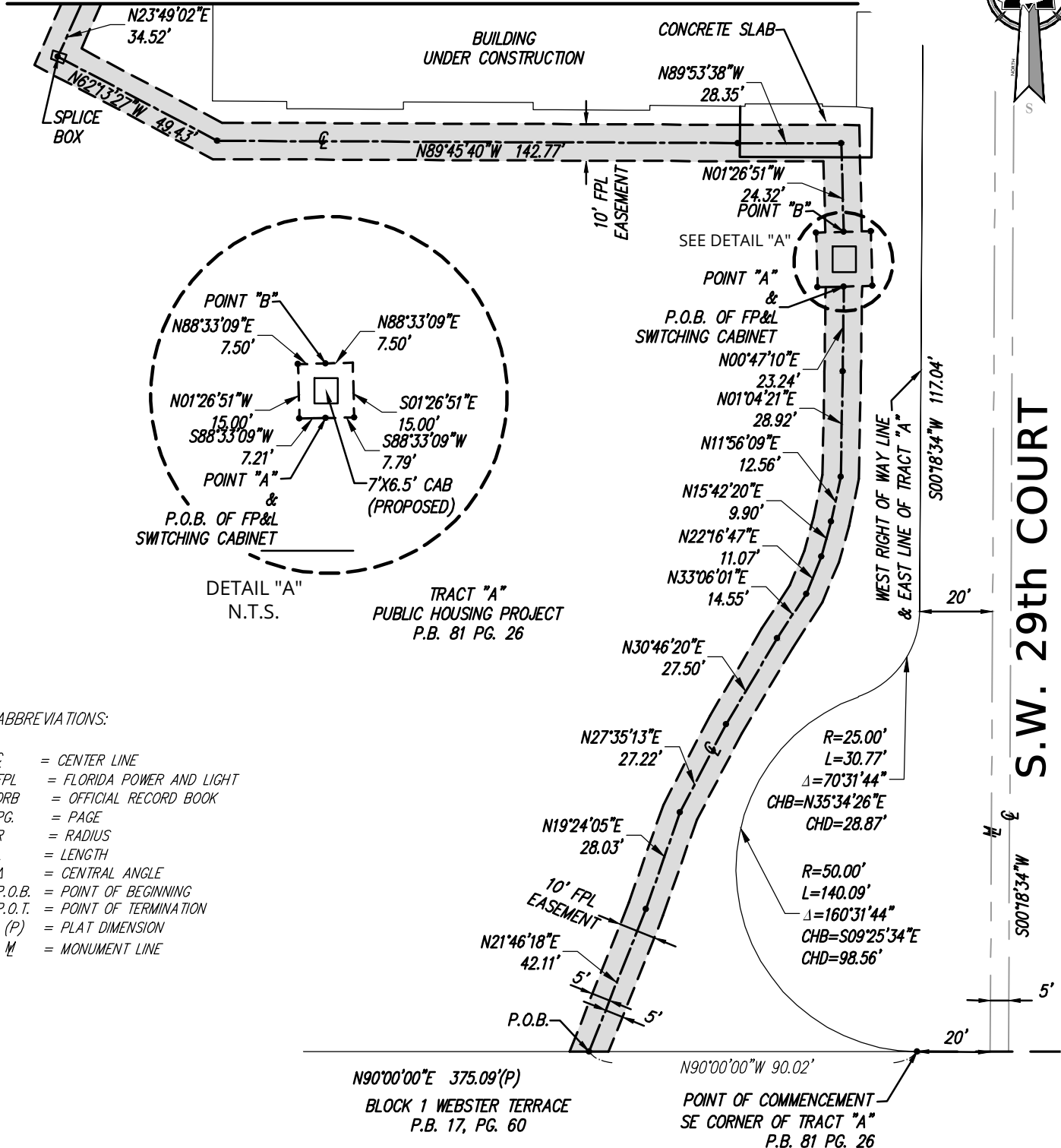
 <b>Engineering &amp; Design</b>  www.colliersengineering.com 	LEGAL DESCRIPTION FOR <b>GALLERY AT SMATHERS</b>  TRACT "A" PUBLIC HOUSING PROJECT CITY OF MIAMI MIAMI DADE COUNTY FLORIDA	<div style="border: 1px solid black; padding: 2px;">                   PROTECT YOURSELF                  ALL STATES REQUIRE NOTIFICATION OF EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN ANY STATE                  Know what's below. Call before you dig.                  FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT: WWW.CALL811.COM             </div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">                   MIAMI                  8290 NW                  64th Street                  Miami, FL 33166                  Phone: 305.597.9701                  COLLIERS ENGINEERING &amp; DESIGN, INC.                  DOING BUSINESS AS MASER CONSULTING             </div>																																				
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="4" style="text-align: center;">FLORIDA POWER AND LIGHT EASEMENT</td> </tr> <tr> <td>SCALE:</td> <td>DATE:</td> <td>DRAWN BY:</td> <td>CHECKED BY:</td> </tr> <tr> <td>AS SHOWN</td> <td>04/07/2021</td> <td>JCF</td> <td>JDM</td> </tr> <tr> <td colspan="2">PROJECT NUMBER:</td> <td colspan="2">DRAWING NAME:</td> </tr> <tr> <td colspan="2">- GALLER</td> <td colspan="2">20000662A-FPL EASEMENT</td> </tr> <tr> <td colspan="4">SHEET TITLE:</td> </tr> <tr> <td colspan="4" style="text-align: center;">EXHIBIT "A"</td> </tr> <tr> <td colspan="4">SHEET NUMBER:</td> </tr> <tr> <td colspan="4" style="text-align: center;">1 of 3</td> </tr> </table>	FLORIDA POWER AND LIGHT EASEMENT				SCALE:	DATE:	DRAWN BY:	CHECKED BY:	AS SHOWN	04/07/2021	JCF	JDM	PROJECT NUMBER:		DRAWING NAME:		- GALLER		20000662A-FPL EASEMENT		SHEET TITLE:				EXHIBIT "A"				SHEET NUMBER:				1 of 3			
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SCALE : 1" = 40'



MATCH LINE "A"  
(SEE SHEET 3 OF 3)



ABBREVIATIONS:

- CL = CENTER LINE
- FPL = FLORIDA POWER AND LIGHT
- ORB = OFFICIAL RECORD BOOK
- PG. = PAGE
- R = RADIUS
- L = LENGTH
- Δ = CENTRAL ANGLE
- P.O.B. = POINT OF BEGINNING
- P.O.T. = POINT OF TERMINATION
- (P) = PLAT DIMENSION
- M = MONUMENT LINE

0662A - Gallery at Smathers Plaza Survey.dwg 20000662A-FPL EASEMENT.dwg V-EXHIBIT 2 By: J.MORALES



SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
FOR  
GALLERY AT  
SMATHERS

TRACT "A"  
PUBLIC HOUSING PROJECT  
CITY OF MIAMI  
MIAMI DADE COUNTY  
FLORIDA



PROTECT YOURSELF  
ALL STATES REQUIRE NOTIFICATION  
OF EXCAVATORS, DESIGNERS OR  
ANY PERSON PREPARING TO  
DISTURB THE EARTH'S SURFACE  
ANYWHERE IN ANY STATE  
Know what's below.  
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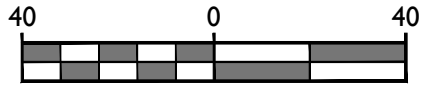
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COLLIERS ENGINEERING & DESIGN, INC.  
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FLORIDA POWER AND LIGHT EASEMENT

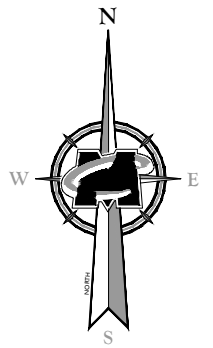
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AS SHOWN	04/07/2021	JCF	JDM
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- GALLER	20000662A-FPL EASEMENT		

SHEET TITLE:  
**EXHIBIT "A"**

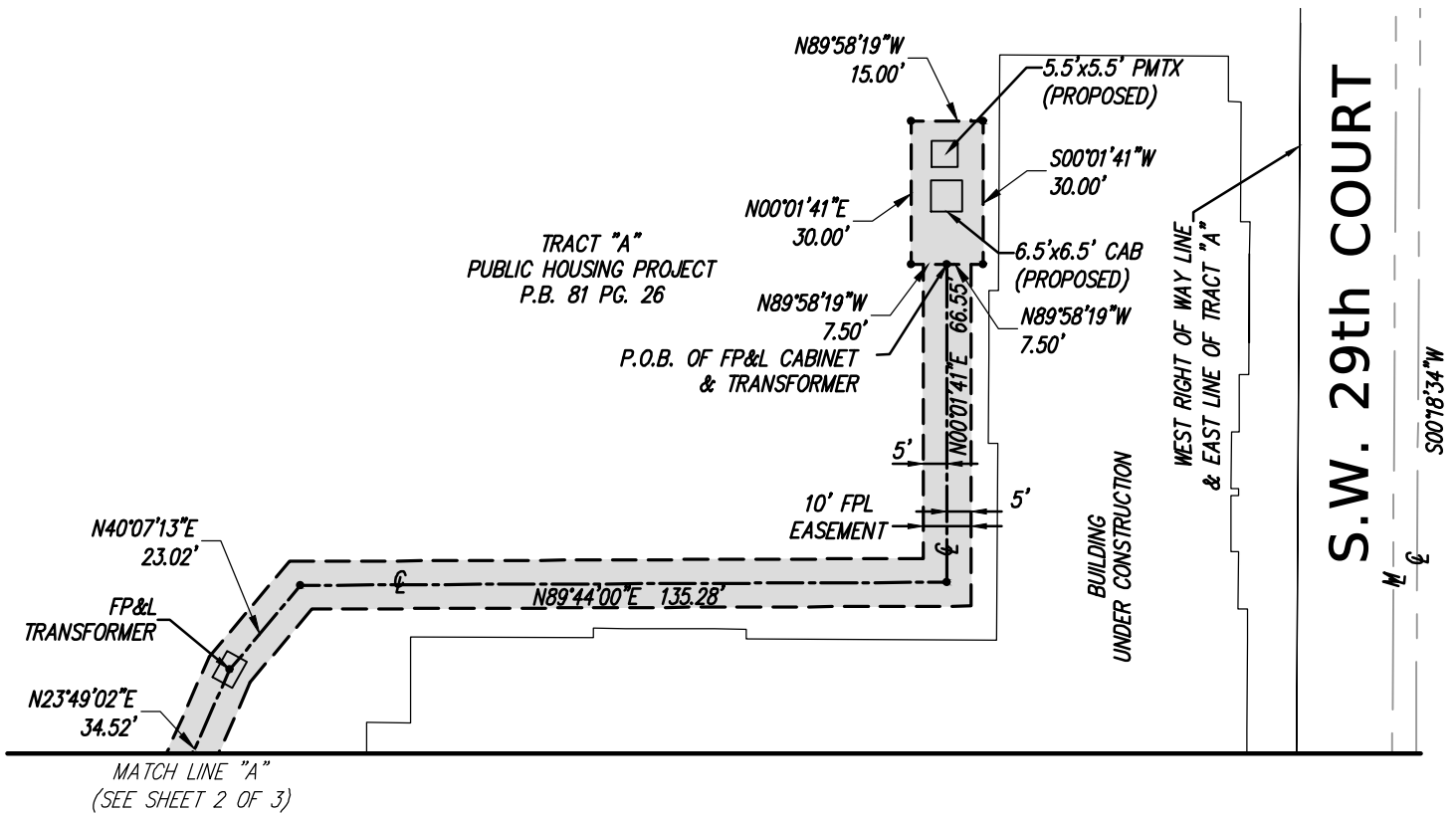
SHEET NUMBER:  
2 of 3



SCALE : 1" = 40'



TRACT "A"  
PUBLIC HOUSING PROJECT  
P.B. 81 PG. 26  
P.O.B. OF FP&L CABINET  
& TRANSFORMER



S.W. 29th COURT

ABBREVIATIONS:

- ⊕ = CENTER LINE
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SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
FOR  
GALLERY AT  
SMATHERS

TRACT "A"  
PUBLIC HOUSING PROJECT  
CITY OF MIAMI  
MIAMI DADE COUNTY  
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FLORIDA POWER AND LIGHT EASEMENT

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	04/07/2021	JCF	JDM
PROJECT NUMBER:		DRAWING NAME:	
- GALLER		20000662A-FPL EASEMENT	

SHEET TITLE:  
**EXHIBIT "A"**

SHEET NUMBER:  
**3 of 3**