MEMORANDUM

Agenda Item No. 8(N)(1)

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	September 1, 2022
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Resolution authorizing conveyance of an easement to Florida Power and Light Company for a nominal sum of \$1.00 to install, operate, and maintain electrical power facilities at the Coconut Grove Metrorail Station, located at 2780 SW 27 Avenue, Miami, Florida for the purpose of providing electrical service; and authorizing the County Mayor to amend Exhibit A to the easement under certain circumstances, execute the easement conveyance, take all actions to effectuate same, and exercise all provisions contained therein

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.

Geri Bonzon-Keenan County Attorney

GBK/ks



Date:	September 1, 2022
То:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners
From:	Daniella Levine Cava Daniella Levine Cava Mayor
Subject:	Conveyance of a Utility Easement to Florida Power and Light Company to Provide Electrical Service to the Coconut Grove Metrorail Station
Subject.	

Executive Summary

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The purpose of this item is to gain approval of the Board of County Commissioners (Board) for conveyance of an easement to Florida Power and Light Company (FPL) for \$1.00 for installation, operation and maintenance of electric power facilities at the Coconut Grove Metrorail Station in connection with the development of a portion of County-owned land adjacent to the Coconut Grove Metrorail Station. The development will promote Metrorail use and further economic development within Miami-Dade County. The scope of work of the development requires the relocation of the existing FPL underground power service to the station. The cost of relocating the FPL power line is solely at the cost of the Developer (Grove Central).

Recommendation

It is recommended that the Board authorize the conveyance of an underground utility easement to FPL to install, operate and maintain electrical power facilities for the purpose of providing electrical service to the Coconut Grove Metrorail Station located at 2780 SW 27 Avenue, Miami, Florida.

Scope

The Coconut Grove Metrorail Station and proposed easement is in District 7, represented by Commissioner Raquel Regalado. However, the impact of the work is countywide.

Delegated Authority

This item authorizes the County Mayor or the County Mayor's designee to execute the easement conveyance and to exercise all provisions contained therein, and to amend Exhibit A of the easement to revise the survey and legal description of the easement area to conform with the as-built location of the utility facilities so long as the utility facilities have been positioned within 25 feet of the originally proposed location and the total area is no larger than 25 percent of the originally proposed easement area.

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

Fiscal Impact/Funding Source

The easement will be conveyed to FPL for a nominal sum of \$1.00. There are no other fiscal impacts to Miami-Dade County associated with the conveyance of this easement.

Track Record/Monitor

The person responsible for monitoring the proposed easement is Javier Bustamante, Chief of Right-of-Way, Utilities and Joint Development, Department of Transportation and Public Works (DTPW).

Background

On December 15, 2015, the Board approved Resolution No. R-1174-15, as later amended on December 15, 2020, by Resolution No. R-1249-20 wherein the County entered into a long-term lease agreement with the GRP Grove Metro Station LLC for the development of a portion of County-owned land adjacent to the Coconut Grove Metrorail Station. The development will promote Metrorail use and further economic development within Miami-Dade County. The scope of work of the development requires the relocation of the existing FPL underground power service to the station.

This resolution provides for the County to convey an underground utility easement within County-owned property to FPL for the installation of power service to the Coconut Grove Metrorail Station. Pursuant to Resolution No. R-504-15, adopted by the Board on June 2, 2015, the FPL lines serving the station shall be buried underground with little or no above-ground appearance.

In the event of complete non-use of the underground utility easement for a period of two consecutive years, or if the County abandons the project and no longer uses the FPL facilities, the easement shall be considered abandoned, and upon written request from the County, FPL shall remove the FPL facilities from the easement area at the expense of the County and deliver a duly executed release of the easement in recordable form to the County.

Jimmy Morales Chief Operations Officer



MEMORANDUM

(Revised)

TO:Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County CommissionersDATE:September 1, 2022

Bonzon-Keenan

County Attorney

FROM:

SUBJECT: Agenda Item No. 8(N)(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	Agenda Item No. 8(N)(1)
Veto	_	9-1-22
Override		

RESOLUTION NO.

AUTHORIZING CONVEYANCE RESOLUTION OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL SUM OF \$1.00 TO INSTALL, OPERATE, AND MAINTAIN ELECTRICAL POWER FACILITIES AT THE COCONUT GROVE METRORAIL STATION, LOCATED AT 2780 SW 27 AVENUE, MIAMI, FLORIDA FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND EXHIBIT A TO THE EASEMENT UNDER CERTAIN CIRCUMSTANCES. EXECUTE THE EASEMENT CONVEYANCE. TAKE ALL ACTIONS TO EFFECTUATE SAME, AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

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:

<u>Section 1</u>. Incorporates and approves the foregoing recitals as if fully set forth herein.

<u>Section 2.</u> Approves the conveyance of an easement to Florida Power and Light Company ("FPL") for \$1.00 to install, operate, and maintain electrical power facilities at the Coconut Grove Metrorail Station located at 2780 SW 27 Avenue, Miami, Florida, as described in the attached FPL easement, in substantially the form attached hereto as Exhibit "A" (the "easement"), for the purpose of providing electrical service to such County-owned property.

<u>Section 3.</u> Authorizes the County Mayor or County Mayor's designee to execute the easement for and on behalf of Miami-Dade County, exercise all provisions contained therein, to take all actions to effectuate same, and to amend Exhibit A to revise the survey and legal description

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of the easement area to conform with the as-built location of the utility facilities so long as the utility facilities have been positioned within 25 feet of the originally proposed locations and the total area is no larger than 25 percent of the originally proposed easement area.

Section 4. Directs the County Mayor or County Mayor's designee, pursuant to Resolution No. R-974-09, to record the easements, and any amendment thereto as referenced in section 3 above, in the public records of the County and provide a recorded copy to the Clerk of the Board within 30 days of execution of said instruments and directs the Clerk of the Board to permanently store the recorded copies with the 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

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The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2022. 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.

A.

Annery Pulgar Alfonso

Work Request No. 10208416 UNDERGROUND EASEMENT (BUSINESS) Sec 16, Twp 54 S, Rge 41 E This Instrument Prepared By Jorge R. Avino, PSM Parcel I.D. 0141161170010 Name: Co. Name: Avino & Associates, Inc. (Maintained by County Appraiser) 1350 SW 57 Avenue, Suite 207 Address: West Miami, FL 33144 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 nonexclusive 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:

Re irved for Cla

See Exhibit "A" ("Easement Area")

Together with the right to permit FPL 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 FPL's communications purposes in connection with electric service; 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 This forgoing was authorized Commissioners on the	undersigr d and ap _ day of	ned has sig proved by	ned and sealed this instrument on thisday of, 20, 20, Resolution No. R of the Board of Miami-Dade County, 20			
SIGNED, SEALED AND DELI IN THE PRESENCE OF:	VERED		Grantor:			
			MIAMI-DADE COUNTY, a political subdivision of			
Name:	_		the State of Florida			
			Ву:			
			Name:			
Name:			Title:			
ATTEST:			APPROVED AS TO FORM AND LEGAL SUFFICIENCY			
			Ву:			
Harvey Ruvin, Clerk			Name:			
			Title:			
STATE OF FLORIDA)	1.00				
COUNTY OF MIAMI-DADE)) ss:				

The foregoing Underground Utility Easement Agreement was acknowledged before me by means of D physical presence or online notarization, this day of , 20 _, by , who is the of MIAMI-DADE COUNTY and who is personally known to me.

> Print Name: Notary Public. State of Florida

My Commission Expires:

[NOTARIAL SEAL]

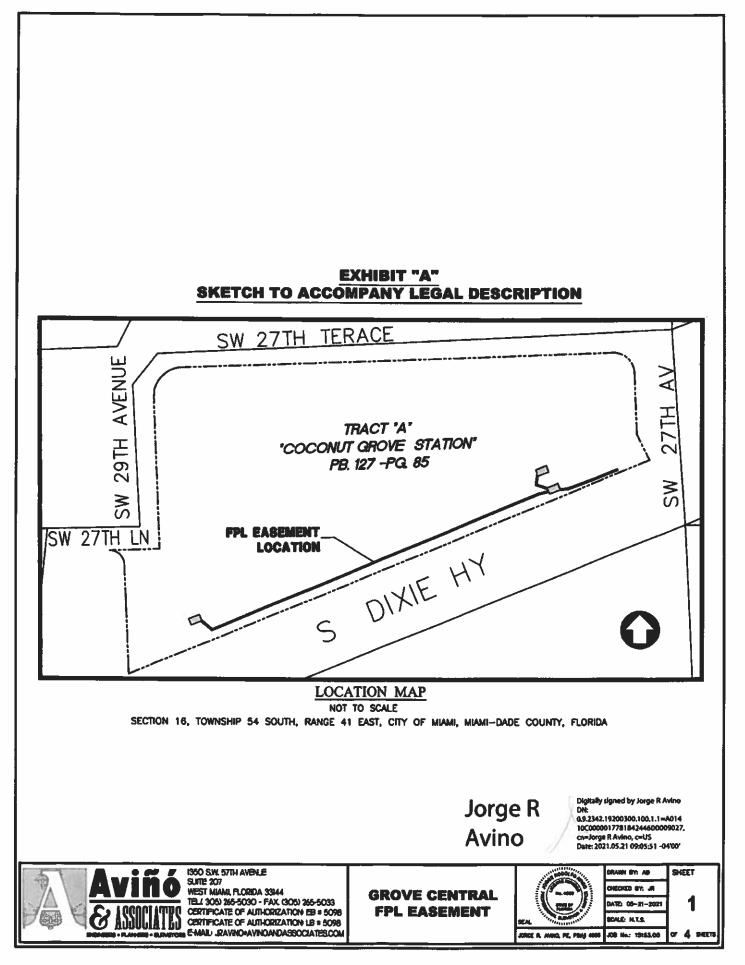


EXHIBIT "A" **SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

SOURCE OF DATA:

THE LEGAL DESCRIPTION OF THE SUBJECT PARCEL WAS GENERATED FROM THE FOLLOWING DOCUMENTS:

- t.
- SECTION 16, TOWNSHIP 54 SOUTH, RANGE 41 EAST OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. PLAT OF "COCONUT GROVE STATION" RECORDED IN PLAT BOOK 127, AT PAGE 85, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, 2. FLORIDA.
- IN ADDITION THE FOLLOWING DOCUMENTS WERE REVIEWED FOR THE PREPARATION OF THIS SKETCH AND LEGAL DESCRIPTION:
- a. BOUNDARY AND TOPOGRAPHIC SURVEY UPDATE 10 BY AVINO & ASSOCIATES, INC., "COCONUT GROVE METRORAIL STATION", WITH DATE OF AUGUST 8th, 2020.
 b. FPL DUCT BANK AT METRO STATION AS-BUILT SURVEY BY BISCAYNE ENGINEERING, DATED FEBRUARY 8th, 2021.

BEARINGS AS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF \$8742'45"W (R) \$87'43'35"W (C) ALONG SOUTH DIXIE HIGHWAY - (U.S. No. 1 - S.R. 5), SAID LINE TO BE CONSIDERED A WELL MONUMENTED LINE.

LIMITATIONS: NO INFORMATION WAS PROVIDED AS TO THE EXISTENCE OF ANY EASEMENT OTHER THAT WHAT APPEARS ON THE UNDERLYING PLAT AS RECORD.

RESTRICTIONS: SINCE NO OTHER INFORMATION WERE FURNISHED OTHER THAN WHAT IS CITED IN THE SOURCES OF DATA, THE CLIENT IS HEREBY ADVISED THAT THERE MAY BE LEGAL RESTRICTIONS ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THE SKETCH OR CONTAINED WITHIN THIS REPORT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA OR ANY OTHER PUBLIC AND PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

SURVEYOR'S CERTIFICATE: THIS IS TO CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" OF THE HEREIN DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS SURVEYED UNDER OUR DIRECTION. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE REQUIREMENTS AS SET FORTH IN CHAPTERS 5J-17.051 THROUGH 5J-17.052, FLORIDA ADMINISTRATIVE CODE, AS ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO 472.027 FLORIDA STATUTES.

- NOTICE: 1. THIS IS NOT A BOUNDARY SURVEY 2. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.

NOTICE: THIS DOCUMENT IS NOT VALID, FULL AND COMPLETE WITHOUT ALL PAGES.		rge R ino	Digitally signed by Jorge DN: 0.9.2342.19200300.100. 0C00000177818424460 cn=Jorge R Avino, c=US Date: 2021.05.21 09:05:2	1,1=A0141 0009027,
Avino Solution	GROVE CENTRAL FPL EASEMENT		DRAIN ON A8 ORCORD DY A DATE 05-21-2021 SCALE M.T.S. 4009 JOB Ma: 13153.00	SHEET 2 or 4 sheets

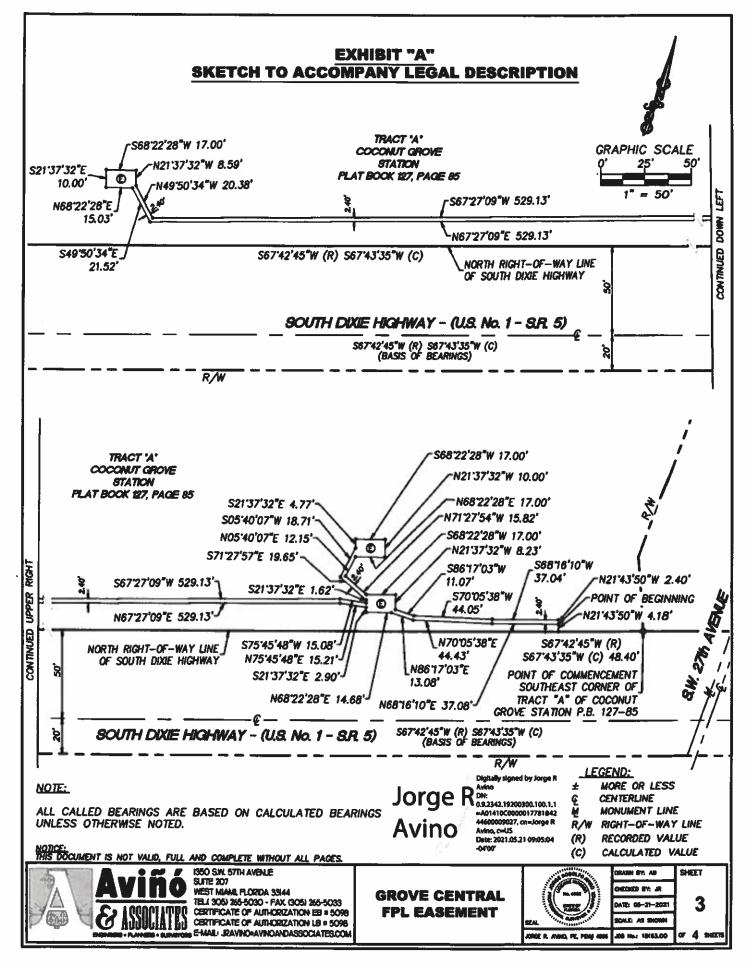


EXHIBIT "A" SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A STRIP OF LAND FOR FPL UTILITY EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY, LOCATED WITHIN A PORTION OF TRACT "A" OF COCONUT GROVE STATION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 127, AT PAGE 85, 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 COCONUT GROVE STATION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 127, AT PAGE 85, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN ALONG THE NORTH RIGHT-OF-WAY LINE OF SOUTH DIXIE HIGHWAY - (U.S. No. 1 - S.R. 5) S67'42'45"W (R) S67'43'35"W (C) FOR A DISTANCE OF 48.40 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF SOUTH DIXIE HIGHWAY - (U.S. No. 1 -S.R. 5); THENCE RUN N21'43'50"W FOR A DISTANCE OF 4.18 FEET TO THE POINT OF BEGINNING; THENCE RUN N21'43'50"W FOR A DISTANCE OF 2.40 FEET TO A POINT; THENCE RUN 568'16'10"W FOR A DISTANCE OF 37.04 FEET TO A POINT; THENCE RUN S70'05'38"W FOR A DISTANCE OF 44.05 FEET TO A POINT; THENCE RUN S86'17'03"W FOR A DISTANCE OF 11.07 FEET TO A POINT; THENCE RUN N21'37'32"W FOR A DISTANCE OF 8.23 FEET TO A POINT; THENCE RUN S68'22'28"W FOR A DISTANCE OF 17.00 FEET TO A PONT; THENCE RUN N71'27'54"W FOR A DISTANCE OF 15.82 FEET TO A POINT; THENCE RUN N05'40'07"E FOR A DISTANCE OF 12.15 FEET TO A POINT; THENCE RUN N68"22"28"E FOR A DISTANCE OF 17.00 FEET TO A POINT; THENCE RUN N21'37'32"W FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE RUN S68'22'28"W FOR A DISTANCE OF 17.00 FEET TO A POINT; THENCE RUN S21'37'32"E FOR A DISTANCE OF 4.77 FEET TO A POINT; THENCE RUN S05'40'07"W FOR A DISTANCE OF 18.71 FEET TO A POINT; THENCE RUN S71'27'57"E FOR A DISTANCE OF 19.65 FEET TO A POINT; THENCE RUN S21'37'32"E FOR A DISTANCE OF 1.62 FEET TO A POINT; THENCE RUN S75'45'48"W FOR A DISTANCE OF 15.08 FEET TO A POINT; THENCE RUN S67'27'09"W FOR A DISTANCE OF 529.13 FEET TO A POINT; THENCE RUN N49'50'34"W FOR A DISTANCE OF 20.38 FEET TO A POINT; THENCE RUN N21'37'32"W FOR A DISTANCE OF 8.59 FEET TO A POINT; THENCE RUN S68'22'28"W FOR A DISTANCE OF 17.00 FEET TO A POINT; THENCE RUN S21'37'32"E FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE RUN N68'22'28"E FOR A DISTANCE OF 15.03 FEET TO A POINT; THENCE RUN \$49'50'34"E FOR A DISTANCE OF 21.52 FEET TO A POINT; THENCE RUN N67'27'09"E FOR A DISTANCE OF 529.13 FEET TO A POINT; THENCE RUN N75'45'48"E FOR A DISTANCE OF 15.21 FEET TO A POINT; THENCE RUN S21'37'32"E FOR A DISTANCE OF 2.90 FEET TO A POINT; THENCE RUN N68'22'28"E FOR A DISTANCE OF 14.68 FEET TO A POINT; THENCE RUN FOR A DISTANCE OF N8647'03"E FOR A DISTANCE OF 13.08 FEET TO A POINT; THENCE RUN N70'05'38"E FOR A DISTANCE OF 44.43 FEET TO A POINT; THENCE RUN N68'16'10"E FOR A DISTANCE OF 37.08 FEET TO THE POINT OF BEGINNING. ALL LYING AND BEING IN MIAMI-DADE COUNTY FLORIDA.

CONTAINING 2,168 SQUARE FEET.

NOTE:

ALL CALLED BEARINGS ARE BASED ON CALCULATED BEARINGS UNLESS OTHERWISE NOTED.

NOTICE: THIS DOCUMENT IS NOT VALID, FULL AND COMPLETE WITHOUT ALL PAGES.	Jor Avi	yen 🚆	stally signed by Jorge R Avia 2342.19200300.100.1.1=A0 0000017781842446000902 Lorge R Avino, ceUS te: 2021.05.21 09:04:25 -04'0	14) 7,
Avindo Salar Solar	GROVE CENTRAL FPL EASEMENT		01ANN 67: A5 CHEOKED 87: A8 DATE: 08-27-2021 SCALE: A5 SHOWN 4865 JOB Ma: 18153.00	SHEET 4 or 4 sheets
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