

MEMORANDUM

Agenda Item No. 8(O)(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 a 90-square foot non-exclusive easement to Florida Power and Light Company for a nominal amount of \$1.00 to install and maintain electrical power facilities for the Water and Sewer Department's Pump Station No. 0442, located at 20591 NW 30 Court, Miami Gardens, Florida; and authorizing the County Mayor to execute the underground utility easement and to exercise all provisions contained therein

The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: September 1, 2022

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

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

Subject: Resolution Authorizing the Conveyance of a Non-Exclusive Easement to Florida Power and Light Company for the Installation and Maintenance of an Electrical Power Transmission Facility for upgrades to Pump Station 0442

EXECUTIVE SUMMARY

This item seeks Board approval for the conveyance of a 90-square foot non-exclusive easement to Florida Power and Light Company (“FPL”) for the provision of electrical services to the Miami-Dade Water and Sewer Department’s (“WASD’s”) upgraded Pump Station 0442.

RECOMMENDATION

It is recommended that the Board of County Commissioners (“Board”) approve the attached resolution authorizing the conveyance of a 90-square foot non-exclusive easement to FPL. This non-exclusive easement is needed to provide electrical service to WASD’s Pump Station 0442. The FPL easement will allow for the construction and maintenance of underground electrical utility facilities, including wires, poles, cables, conduits and related equipment, that will exclusively serve the upgrades to Pump Station 0442. See the Underground Non-Exclusive Easement, attached hereto as Exhibit “1”.

SCOPE

Pump Station 0442 is located at 20591 NW 30th Court, Miami Gardens, FL 33056 (Folio No. 34-1133-024-0015), within Buccaneer Park. Buccaneer Park is located in County Commission District 1, which is represented by Vice Chairman Oliver G. Gilbert, III. See the Property Appraiser Summary Report, attached hereto as Exhibit “2”.

FISCAL IMPACT / FUNDING SOURCE

FPL will pay a nominal sum of \$1.00 for the easement and will be responsible for the construction, operation, and maintenance of the underground electrical utility facilities, including wiring, poles, cables conduits and related equipment.

TRACK RECORD/MONITOR

Marisela Aranguiz, P.E., Deputy Director for WASD, will oversee the conveyance of this non-exclusive utility easement to FPL.

DELEGATION OF AUTHORITY


This item authorizes the County Mayor or County Mayor’s designee to execute the attached easement and to exercise any and all rights conferred herein.

BACKGROUND

In 2013, WASD created a capital program dedicated to the assessment, rehabilitation, and improvement of its wastewater pump stations that were classified as “out of compliance” by the United States Environmental Protection Agency (“USEPA”). The USEPA defines a wastewater pump station as “out of compliance” when its Nominal Average Pump Operating Time exceeds ten hours per day. This program, referred to as the Pump Station Improvement Program, adheres to the regulatory requirements that govern utilities in Miami-Dade County. These regulations include maintaining the wastewater collection and transmission system within acceptable levels of service as well as ensuring that wastewater pump stations operate under the established ten hour per day criteria. Pump Station 0442 was found to be “out of compliance” and needs to be upgraded.

In order to provide underground electrical power to Pump Station 0442, FPL has requested a 90-square foot easement. The easement will allow FPL the right to access, and the ability to operate, a new transformer that will provide dedicated electrical service needed to operate and maintain the upgraded Pump Station.

As required by Resolution No. R-504-15, the only visible element will be an above-ground transformer mounted on a concrete pad, which will be screened from view by landscaping and will, therefore, not adversely impact the surrounding area.



Jimmy Morales
Chief Operations Officer

Work Request No. _____

Sec. 33, Twp 51S, Range 41E

Parcel I.D. 34-1133-024-0015
(Maintained by County Appraiser)

**UNDERGROUND EASEMENT
(BUSINESS)**

This Instrument Prepared By
Name: Miami-Dade Water & Sewer
Co. Name: Miami-Dade Water & Sewer
Address: 3071 SW 38 Avenue
Miami, Florida 33146

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, does hereby 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 for the sole purpose of providing electrical service to the pump station identified on Exhibit "A"; 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" ("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 electrical service for the pump station identified on Exhibit "A"; 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; while still maintaining 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 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 _____ day of _____, 20____,

ATTEST: HARVEY RUVIN,
Clerk of Said Board

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

By: _____
Deputy Clerk

By _____
Mayor

Approved as to Form and
Legal Sufficiency:

Assistant County Attorney

The foregoing was authorized and approved by Resolution _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 20____,

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence; or remote audio-visual means e notarization, this _____ day of _____, 2020. by _____, as _____, and _____, as _____ on behalf of the County, who is personally known to me or has produced (type of identification) as identification.

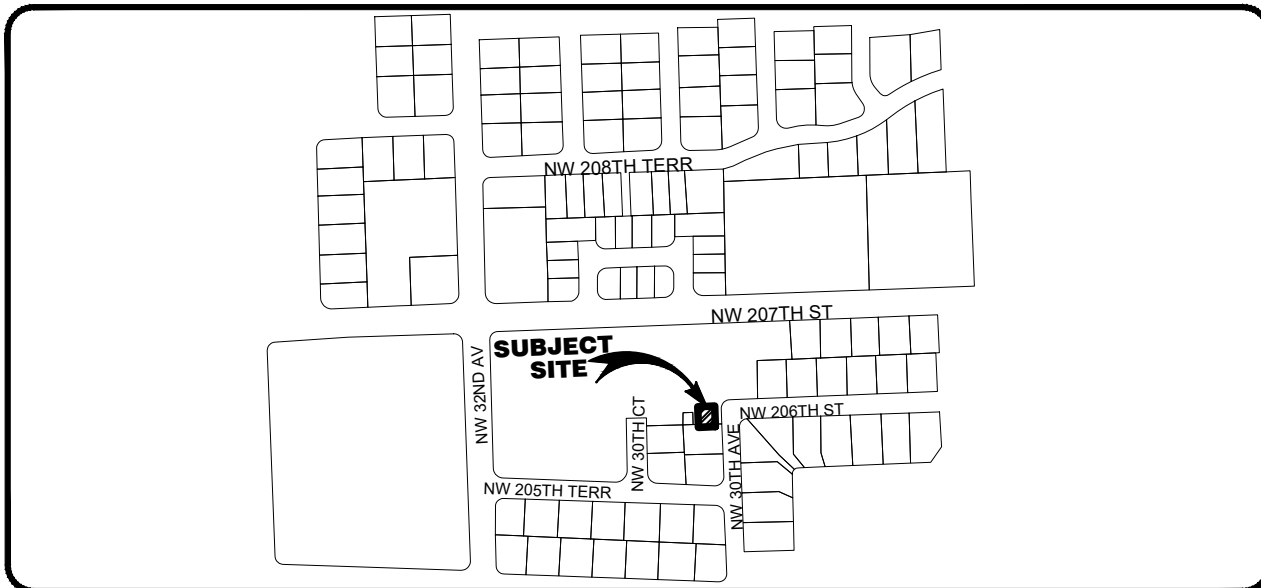
[Notary Seal]

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Serial number, if any)

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PROPOSED FLORIDA POWER & LIGHT COMPANY EASEMENT
FOR PUMP STATION No. 0442
EXHIBIT 'A'



LOCATION MAP

SECTION 33-51S-41E

(NOT TO SCALE)

PERTINENT INFORMATION USED FOR THE PREPARATION OF THIS DOCUMENT:

The Legal Description of the Subject Parcel was generated from the following documents:

1. Plat of "LAKEWOOD ESTATES", recorded in Plat Book 75, at Page 84, Miami-Dade County Public Records.
2. Plat of "BUCCANEER PARK", recorded in Plat Book 129, at Page 69, Miami-Dade County Public Records.
3. Client provided Easement Plan.
4. CAD file for Sketch to Accompany Legal Description for Florida Power and Light Company Easement, prepared by Longitude Surveyors, LLC, dated January 4, 2018, Job No. 16427.0.06.

Bearings shown hereon are based upon the West Right of Way Line of N.W. 30th Avenue, with an assumed bearing of N 01°49'13" W, said line to be considered a well established and monumented line.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

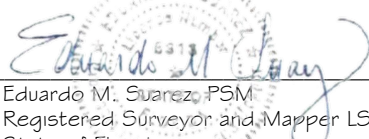
LIMITATIONS:

Since no other information were furnished other than what is cited above, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on this 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:

I hereby certify: That this "Sketch to Accompany Legal Description" was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said "Sketch to Accompany Legal Description" meets the intent of the applicable provisions of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
Florida Certificate of Authorization Number LB7335

By:  01-10-2022
Eduardo M. Suarez, PSM
Registered Surveyor and Mapper LS6313
State of Florida

THIS IS NOT A SURVEY

NOTICE:
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.

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PROPOSED FLORIDA POWER & LIGHT COMPANY EASEMENT
FOR PUMP STATION No. 0442
EXHIBIT 'A'**

LEGAL DESCRIPTION:

A parcel of land being a portion of Tract "A" of "BUCCANEER PARK", according to the plat thereof, as recorded in Plat Book 129, Page 69 of the Public Records of Miami-Dade County, Florida, and being particularly described as follows:

COMMENCE at the point of intersection of the South Line of said Tract "A", with the West Right of Way Line of N.W. 30th Avenue; thence run N 01°49'13" W, along said West Right of Way Line, for a distance of 15.00 feet, to the point of intersection with the North Line of the 15-foot-wide Access Easement as shown on said plat of "BUCCANEER PARK"; thence run S 87°49'42" W, along said North Line of the 15-foot-wide Access Easement, for a distance of 34.75 feet, to the POINT OF BEGINNING; thence continue S 87°49'42" W, along said North Line of the Access Easement, for a distance of 9.00 feet; thence run N 01°49'13" W, for a distance of 10.00 feet; thence run N 87°49'42" E, for a distance of 9.00 feet; thence run S 01°49'13" E, for a distance of 10.00 feet, to the POINT OF BEGINNING.

Containing 90 square feet, more or less, by calculations.

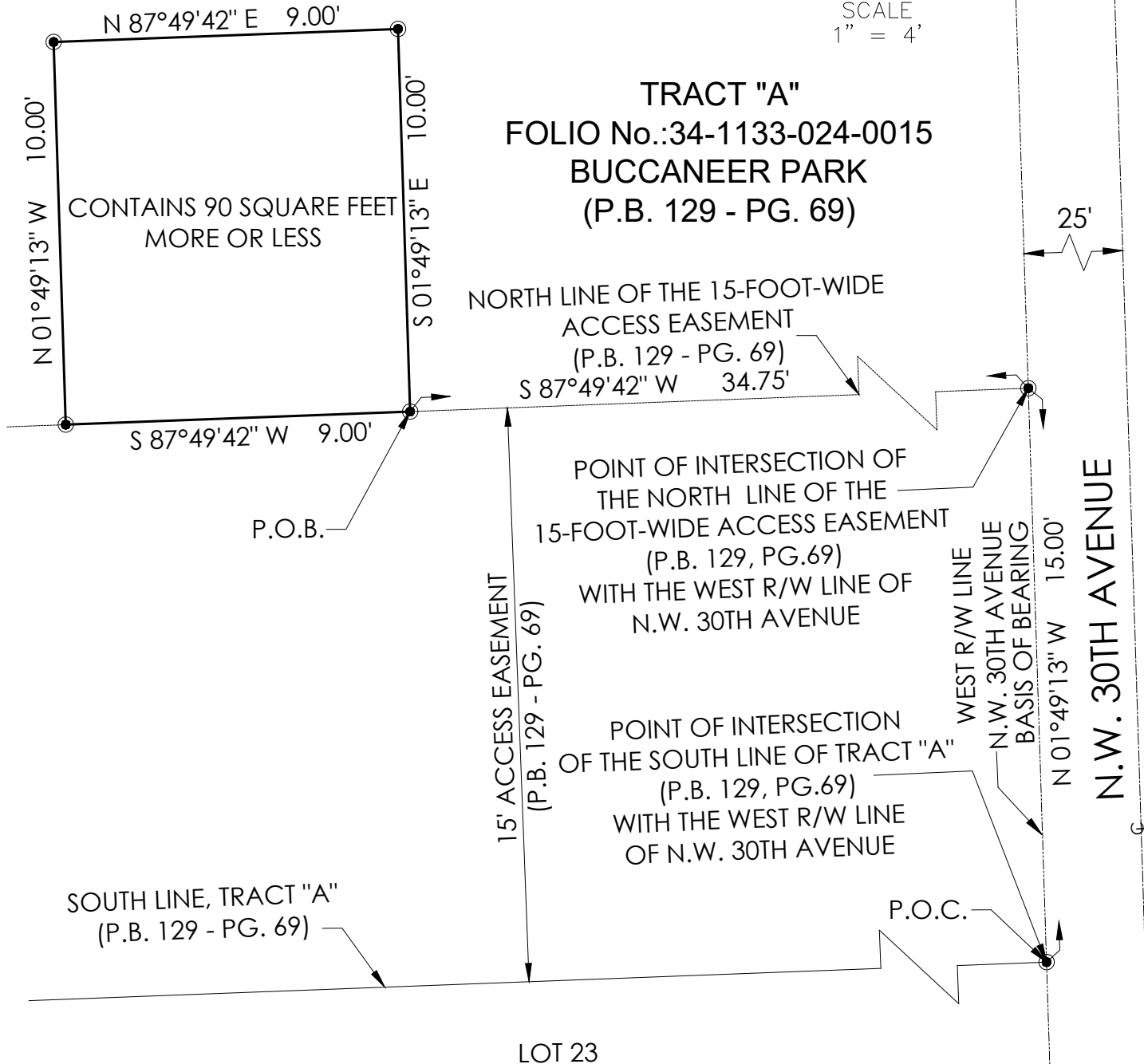
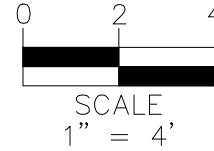
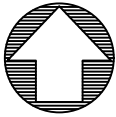
THIS IS NOT A SURVEY

NOTICE: This document is not valid, full and complete without all pages.

LONGITUDE SURVEYORS

7769 NW 48TH STREET, SUITE 375, DORAL, FLORIDA 33166 * PHONE:(305)463-0912 * FAX:(305)513-5680 * WWW.LONGITUDESURVEYORS.COM

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PROPOSED FLORIDA POWER & LIGHT COMPANY EASEMENT
FOR PUMP STATION No. 0442
EXHIBIT 'A'**



THIS IS NOT A SURVEY



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 12/14/2021

Property Information	
Folio:	34-1133-024-0015
Property Address:	
Owner	MIAMI DADE COUNTY MIAMI DADE WATER & SEWER DEPT
Mailing Address	3071 SW 38 AVE MIAMI, FL 33146 USA
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	875 Sq.Ft
Year Built	0



Assessment Information			
Year	2021	2020	2019
Land Value			
Building Value			
XF Value			
Market Value			
Assessed Value			

Benefits Information				
Benefit	Type	2021	2020	2019
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
BUCCANEER PARK
PB 129-69
PORT OF TR A DESC AS BEG 15FTN
OF X OF S/L OF TR A W/L OF R/W
OF NW 30 AVE CONT N 01 DEG W 20FT

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value			
Taxable Value			
School Board			
Exemption Value			
Taxable Value			
City			
Exemption Value			
Taxable Value			
Regional			
Exemption Value			
Taxable Value			

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
07/22/2020	\$0	32789-3230	Federal, state or local government agency

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



MEMORANDUM
(Revised)

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

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(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(O)(1)
9-1-22

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE OF A 90-SQUARE FOOT NON-EXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL AMOUNT OF \$1.00 TO INSTALL AND MAINTAIN ELECTRICAL POWER FACILITIES FOR THE WATER AND SEWER DEPARTMENT'S PUMP STATION NO. 0442, LOCATED AT 20591 NW 30 COURT, MIAMI GARDENS, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE UNDERGROUND UTILITY EASEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, the Miami-Dade Water and Sewer Department ("WASD") created a capital program dedicated to the assessment, rehabilitation, and improvement of its wastewater pump stations that were classified as out of compliance by the United States Environmental Protection Agency ("USEPA"); and

WHEREAS, in order to comply with the requirements and regulations set forth by USEPA, WASD must upgrade Pump Station 0442, located at 20591 NW 30 Court, Miami Gardens, Florida, Folio No. 34-1133-024-0015; and

WHEREAS, the upgrade to Pump Station 0442 requires new electrical power; and

WHEREAS, Florida Power and Light Company ("FPL") agreed to provide electrical power facilities to upgrade Pump Station 0442 in exchange for an easement to allow it to access, install and maintain the facilities; and

WHEREAS, the non-exclusive easement is for electrical service that includes underground lines that will not adversely impact the surrounding area; and

WHEREAS, in accordance with Resolution No. R-504-15, the only visible element from FPL will be a transformer, which will be screened from public view by landscaping; and

WHEREAS, the 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 the Board:

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

Section 2. Authorizes the conveyance of a non-exclusive easement to FPL, in substantially the form attached to the accompanying the County Mayor’s Memorandum as Exhibit “1,” for a nominal amount of \$1.00 for the purpose of allowing FPL to install and maintain electrical power facilities to the upgraded Pump Station 0442. The Board further 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, the Board: (1) directs the County Mayor or County Mayor’s designee to record the easement 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 recordation of the easement; and (2) directs the Clerk of the Board to attach and permanently store a recorded copy 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

Sally A. Heyman

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Sen. Javier D. Souto

Keon Hardemon

Danielle Cohen Higgins

Joe A. Martinez

Jean Monestime

Rebeca Sosa

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.

SED

Sarah E. Davis