

MEMORANDUM

Agenda Item No. 8(O)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing conveyance of a 450 square foot non-exclusive utility easement to Florida Power and Light Company in exchange for a nominal sum of \$1.00 to install, operate, and maintain electrical power facilities at Pump Station No. 1145, located at 15390 S.W. 127 Avenue, Miami, Florida, for the purpose of providing electrical service to the pump station and surrounding area; authorizing the County Mayor to execute the easement, take all actions to effectuate same, and exercise all provisions contained therein; and directing the County Mayor to record the easement in the public records of Miami-Dade County as required by Resolution No. R-974-09

The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/ks


MDC001

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing the Conveyance of a Non-Exclusive Utility Easement to Florida Power and Light Company to Provide Electrical Service to Pump Station No. 1145

EXECUTIVE SUMMARY

The item seeks approval by the Board of County Commissioners (the “Board”) to convey a 450 square foot non-exclusive utility easement to Florida Power and Light Company (“FPL”) for the provision of electrical services to the Miami-Dade Water and Sewer Department’s (“WASD”) Pump Station No. 1145 (“PS 1145”) located on County-owned property at 15390 S.W. 127 Avenue, Miami, Florida 33177, also known by Folio No. 30-5926-017-0050 (the “Property”). During the sale of the adjacent property, it was discovered that the existing easement for the FPL facilities had been recorded on the wrong parcel; therefore, in order to correct the problem, FPL will release the existing utility easement, and, upon Board approval, will receive the new utility easement attached hereto as Exhibit 1. The FPL electrical facilities will continue to provide services to PS 1145 as well as the surrounding area. There is no fiscal impact to the County associated with the conveyance of this easement.

RECOMMENDATION:

It is recommended that the Board authorize the conveyance of an underground non-exclusive utility easement to FPL to install, operate and maintain electrical power facilities that are needed to provide electrical service to PS 1145 and the surrounding area.

SCOPE

The utility easement to be conveyed is located at 15390 SW 127 Avenue, Miami, Florida in Commission District 9, which is represented by Commissioner Kionne L. McGhee. *See* Property Appraisers Summary Report, attached hereto as Exhibit 2.

FISCAL IMPACT / FUNDING SOURCE:

There is no fiscal impact to the County associated with the conveyance of this easement.

TRACK RECORD/MONITOR:

WASD’s Chief of Intergovernmental Affairs Patricia Palomo will oversee the conveyance of this non-exclusive utility easement to FPL.

DELEGATION OF AUTHORITY

The item authorizes the County Mayor or County Mayor’s designee to execute and record the non-exclusive easement in the public records of Miami-Dade County

BACKGROUND:

On September 4, 2013, WASD entered into an Agreement with Coral Reef Commons, LLC, the developer of the land surrounding the Property (the “Developer”). Under the Agreement, the Developer agreed, at its own cost and expense, to design, construct and install all necessary WASD facilities provided for in the

Agreement. As required by the Agreement, the Developer designed and built PS 1145, and on October 31, 2019, WASD received the deed to PS 1145 from the Developer.

In connection with the construction of PS 1145, the Developer conveyed a non-exclusive underground utility easement to FPL to enable FPL to provide power to the pump station; however, it was later discovered that the FPL electrical lines and transformer covered by that easement were not, in fact, located where they were depicted on the as-builts and were not within the area covered by the easement. Consequently, FPL now needs to release the existing incorrect easement and obtain a new easement from the County for the correct location of the electrical facilities providing power to PS 1145. The non-exclusive utility easement will allow FPL the right to access the site and the ability to maintain the service lines. The electrical service lines will continue to provide service to PS 1145 and the surrounding area.

In accordance with Resolution No. R-504-15, the only visible elements within the easement will be vegetative screening around the above ground electrical transformer.

In accordance with Resolution No. R-380-17, written notice was provided to the District Commissioner.

A handwritten signature in blue ink, appearing to read 'JM', with a horizontal line extending to the right from the end of the signature.

Jimmy Morales
Chief Operations Officer

Work Request No. _____

Sec. 25, Twp 55S, Range 39E

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 electric service to the Pump Station 1145 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 electric service for the Pump Station 1145 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: JUAN FERNANDEZ-BARQUIN,
Clerk of the Court and Comptroller

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

By: _____
Deputy Clerk Signature

By _____
County Mayor

Print Name: _____ Date: _____

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 _____, 20____. 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
FLORIDA POWER & LIGHT COMPANY

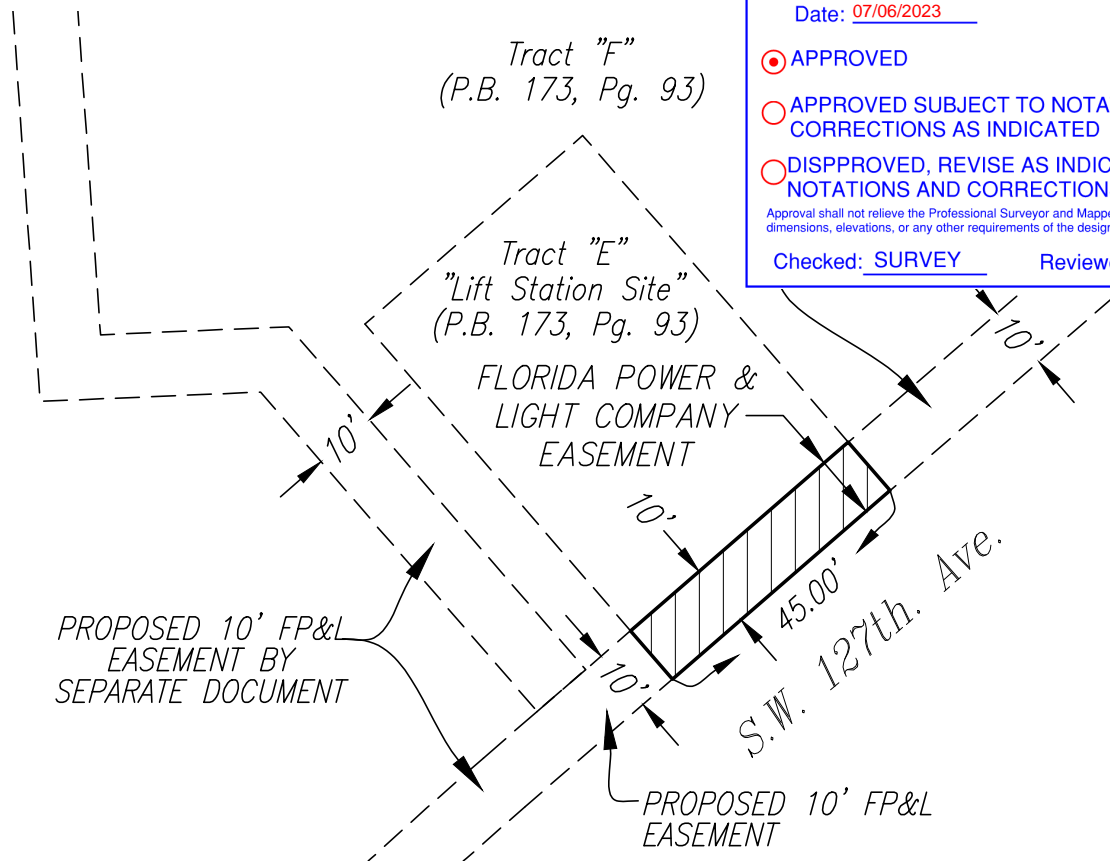
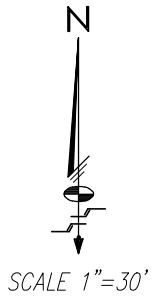
MIAMI-DADE WATER AND
SEWER DEPARTMENT



Date: 07/06/2023

- APPROVED
 - APPROVED SUBJECT TO NOTATIONS AND CORRECTIONS AS INDICATED
 - DISAPPROVED, REVISE AS INDICATED BY NOTATIONS AND CORRECTIONS, AND RESUBMIT
- Approval shall not relieve the Professional Surveyor and Mapper of the responsibility for correct dimensions, elevations, or any other requirements of the design.

Checked: SURVEY Reviewed: Jose B.



FLORIDA POWER & LIGHT COMPANY EASEMENT
LEGAL DESCRIPTION:

THE SOUTHEASTERLY 10.00 FEET OF TRACT "E", OF "CORAL REEF COMMONS," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 173 AT PAGE 93, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE NORTHWEST ONE-QUARTER (1/4) OF SECTION 25, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA. CONTAINING 450± SQUARE FEET (0.010± ACRES)

NOTE:

1. AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE SIGNATURE AND EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL SURVEYOR AND MAPPER.
2. THIS SKETCH HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITY (ENTITIES) NAMED HEREON ONLY. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
3. THE EASEMENT LOCATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.
4. P.B. - DENOTES "PLAT BOOK"
Pg. - DENOTES "PAGE"
5. THIS SKETCH IS NOT A BOUNDARY SURVEY.

NOTE: Prepared For: Ram Realty Advisors

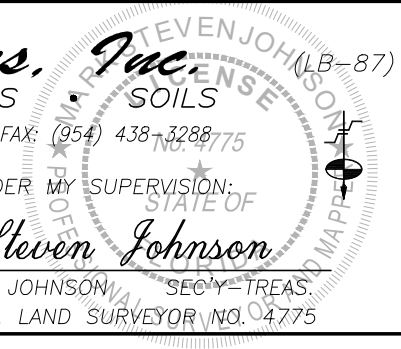
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

Schuelke - Shiskin & Associates, Inc.

LAND SURVEYORS • ENGINEERS • LAND PLANNERS

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025

TEL: BROWARD: (954) 435-7010 FAX: (954) 438-3288



THIS IS NOT A "LAND SURVEY."
 ORDER NO.: 216445
 DATE: MAY 12, 2023
 SHEET 1 OF 1 SHEET(S)
 F.B.: N.A.

PREPARED UNDER MY SUPERVISION:

Mark Steven Johnson

MARK STEVEN JOHNSON, SEC'Y-TREAS.
FLORIDA PROF. LAND SURVEYOR NO. 4775

MDC006



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 7/10/2023

Property Information	
Folio:	30-5926-017-0050
Property Address:	15390 SW 127 AVE Miami, FL 33177-0000
Owner	MIAMI DADE COUNTY C/O MIAMI DADE WATER & SEWER
Mailing Address	PO BOX 330316 MIAMI, FL 33233 USA
PA Primary Zone	6400 COMMERCIAL - CENTRAL
Primary Land Use	8663 COUNTY : UTILITY
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	280 Sq.Ft
Living Area	280 Sq.Ft
Adjusted Area	280 Sq.Ft
Lot Size	3,301 Sq.Ft
Year Built	2020



Assessment Information			
Year	2023	2022	2021
Land Value	\$100	\$100	\$100
Building Value	\$11,970	\$11,970	\$10,534
XF Value	\$4,692	\$4,701	\$4,710
Market Value	\$16,762	\$16,771	\$15,344
Assessed Value	\$16,762	\$16,771	\$15,344

Benefits Information				
Benefit	Type	2023	2022	2021
County	Exemption	\$16,762	\$16,771	\$15,344

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
CORAL REEF COMMONS PB 173-093 T-23293 TR E (LIFT STATION) LOT SIZE 3301 SQ FT M/L FAU 30 5926 000 0060

Taxable Value Information			
	2023	2022	2021
County			
Exemption Value	\$16,762	\$16,771	\$15,344
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$16,762	\$16,771	\$15,344
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$16,762	\$16,771	\$15,344
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
10/31/2019	\$0	31689-0273	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:

MDC007



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

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)
12-12-23

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE OF A 450 SQUARE FOOT NON-EXCLUSIVE UTILITY EASEMENT TO FLORIDA POWER AND LIGHT COMPANY IN EXCHANGE FOR A NOMINAL SUM OF \$1.00 TO INSTALL, OPERATE, AND MAINTAIN ELECTRICAL POWER FACILITIES AT PUMP STATION NO. 1145, LOCATED AT 15390 S.W. 127 AVENUE, MIAMI, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO THE PUMP STATION AND SURROUNDING AREA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT, TAKE ALL ACTIONS TO EFFECTUATE SAME, AND EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD THE EASEMENT IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY AS REQUIRED BY RESOLUTION NO. R-974-09

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying County Mayor's 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. Adopts and incorporates the foregoing recital as if fully set forth herein.

Section 2. Approves the conveyance of a 450 square foot non-exclusive utility easement to Florida Power and Light Company in exchange for \$1.00 to install, operate, and maintain underground electrical service to Pump Station 1145, located at 15390 S.W. 127 Avenue, Miami, Florida, in substantially the form attached to the accompanying County Mayor's memorandum as Exhibit 1; and authorizes the County Mayor or County Mayor's designee to execute the same for and on behalf of Miami-Dade County, Florida and to exercise the provisions contained therein.

Section 3. Directs, pursuant to Resolution No. R-974-09, the County Mayor or County Mayor's designee to record the easement 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 instrument, and further directs the Clerk of the Board to permanently store the recorded copy 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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

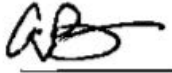
The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Angela F. Benjamin