Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(1)(B)
1-25-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-35-07

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO BELLSOUTH TELECOMMUNICATIONS, INC., FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND TELEPHONE AND CABLE TV (CATV) LINES LOCATED EAST OF 107TH AVENUE AND NORTH OF 12TH STREET, DORAL, FLORIDA, WITHIN THE LIMITS OF THE INTERNATIONAL MALL SHOPPING CENTER, DORAL, FLORIDA, IN SECTION 32, TOWNSHIP 53, RANGE 40

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 hereby authorizes the conveyance of an Easement to BellSouth Telecommunications, Inc., as described in the BellSouth Easement attached, in substantially the form attached hereto and made a part hereof; and authorizes the Mayor to execute said Easement on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner Sally A. Heyman , who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of January, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

COUNTY COMMISSIONERS DADE COUNTY FLORIDA

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Jorge Martinez-Esteve

Memorandum

MIAMI-DADE COUNTY

Date: January 25, 2007

Agenda Item No. 8(F)(1)(B)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution authorizing the conveyance of an Easement on County property to BellSouth Telecommunications, Inc.

It is recommended the Board approve the attached resolution authorizing the conveyance of an Easement to BellSouth Telecommunications, Inc. This item was prepared by General Services Administration at the request of the Miami-Dade Public Library System.

OWNER: Miami-Dade County.

TAX FOLIO NUMBER: A portion of 35-3032-008-0015

LOCATION: East of N.W. 107th Avenue & North of N.W. 12th Street, Doral, Florida, adjacent to the International Mall Shopping Center.

BACKGROUND: On October 18, 2005, by Resolution No. R-1127-05, the Board of County Commissioners authorized the acceptance of a Special Warranty Deed from West Dade Associates and West Dade Associates II, for the donation of 4.402 acres of land, located within the boundaries of the International Mall Shopping Center, to be utilized as a Library and/or a Head Start facility and/or a senior housing development.

JUSTIFICATION: The construction of the International Mall Library has commenced and is expected to be completed in August 2007. BellSouth Telecommunications, Inc., requires an easement to construct, maintain and operate the underground communication lines that will provide service to the library as well as any future buildings.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg, County Attorney

SUBJECT: Agenda Item No. 8(F)(1)(B)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

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Return to:
Miami-Dade County
General Services Administration
111 N.W. 1st Street, Suite 2460
Miami, FL 33128
Att: Shannon Clark

Prepared By:
Jorge Martinez-Esteve
Miami-Dade County Attorney's Office
111 N.W. 1st Street, Suite 2810
Miami, FL 33128
Folio No.: A Portion of 35-3032-008-0015

NON-EXCLUSIVE GRANT OF EASEMENT

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

THIS EASEMENT, Made this _____ day of _____, A.D. 2006, between Miami-Dade County, a political subdivision of the State of Florida, and having its office and principal place of business at 111 NW First Street, Miami, Florida 33128,Suite 2460, party of the first part, and BellSouth Telecommunications, Inc., a Georgia corporation, whose mailing address is 7650 N.W. 19th Street, Suite 600, Miami, Florida 33126, hereinafter called GRANTEE:

WITNESSETH:

THAT, the GRANTOR, for and in consideration of the sum of one dollar ($1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged by the GRANTOR, has granted and does hereby grant, to the GRANTEE, its successors and assigns, licensees and agents the non-exclusive right, privilege and easement to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect underground telephone and cable TV (CATV) lines that will provide service to the library as well as any future buildings and all appurtenances thereto, with full right of ingress thereto and egress there from on the property of the GRANTOR described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

GRANTEE agrees to indemnify and save harmless forever, GRANTOR, its officers, agents and employees from all claims, actions, judgments,

liability, loss, cost and expense, including attorney's fees which may be sustained by the GRANTOR, its officers, agents and other employees due to, caused by, or arising from GRANTEE'S use of said non-exclusive easement granted herein, and agrees to defend against any claims brought or actions filed against GRANTOR, its officers agents and employees in connection with the use of the non-exclusive easement.

This easement shall be subordinate to the rights of the GRANTOR and, the GRANTEE, by acceptance hereof, does hereby release the right to be reimbursed, either now or in the future for any relocation or adjustment of said facilities located on the above described property, or if such relocation or adjustment of said facilities is caused by present or future uses of the above described property or by the GRANTOR.

IN WITNESS WHEREOF, the party of the first part has cause these presents to be executed in its name by its Mayor acting under Authority of County Resolution No. R-795-82.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

MIAMI-DADE COUNTY
BY ITS MAYOR

By: _____
Carlos Alvarez

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing was accepted and approved on the ____ day of _____, A.D. 20__, by Resolution No. _____, of the Board of County Commissioners of Miami-Dade County, Florida.

ATTEST: HARVEY RUVIN,
Clerk of the Board

_____

By: _____
Assistant County Attorney

NOTARY PUBLIC:

Sign: _____

(Affix Notarial Stamp or Seal)

Print: _____

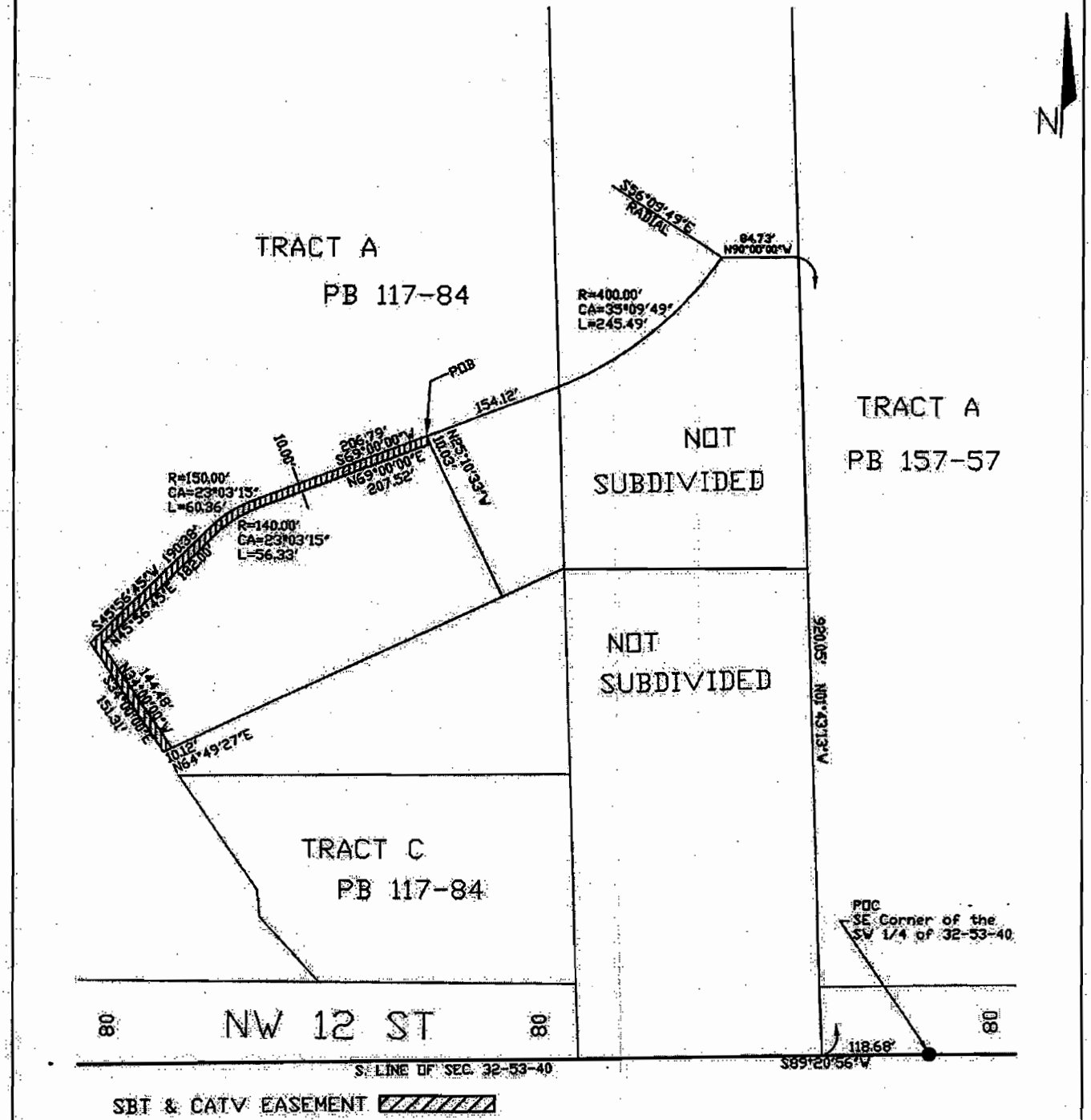
Approved as to form and legal sufficiency____

LEGAL DESCRIPTION
TELEPHONE/CATV EASEMENT

A strip of land 10 feet wide lying in the South half of Section 32, Township 53 South, Range 40 East, Miami-Dade County, Florida and lying in a portion of Tract "A" of MIAMI INTERNATIONAL MALL PROPERTIES according to the plat thereof as recorded in Plat Book 117, page 84 of the Public Records of Miami-Dade County, Florida; said strip of land being more particularly described as follows;

COMMENCE at the Southeast corner of the Southwest quarter (SW 1/4) of said Section 32; thence South 89°20'56" West along the South line of said Section 32 for 118.68 feet; thence North 1°43'13" West for 920.05 feet; thence due West for 84.73 feet to the intersection with a non tangent circular curve which is concave to the Northwest; said point of intersection bearing South 56°09'49" East from the center of said curve; thence Southwesterly along the arc of said curve to the right, having a radius of 400.00 feet, through a central angle of 35°09'49" for 245.49 feet to the point of tangency; thence South 69°00'00" West for 154.12 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence continue South 69°00'00" West for 206.79 feet to the point of curvature of a circular curve concave to the Southeast; thence Southwesterly along the arc of said curve to the left, having a radius of 150.00 feet, through a central angle of 23°03'15", for 60.36 feet to the point of tangency; thence South 45°56'45" West for 190.38 feet; thence South 34°00'00" East for 151.31 feet; thence North 64°49'27" East for 10.12 feet; thence North 34°00'00" West for 144.48 feet; thence North 45°56'45" East for 182.00 feet to the point of curvature of a circular curve concave to the Southeast; thence Northeasterly along the arc of said curve to the right; having a radius of 140. 00 feet, through a central angle of 23°03'15" for 56.33 feet to the point of tangency; thence North 69°00'00" East for 207.52 feet; thence North 25°10'33" West for 10.03 feet to the POINT OF BEGINNING.

EXHIBIT "B" 2 of 2



THIS IS NOT A SURVEY

80 60 40 20

SCALE: 1"=150'

MIAMI INTERNATIONAL MALL BRANCH LIBRARY

SBT & CATV EASEMENT

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