

## MEMORANDUM

Agenda Item No. 8(O)(1)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

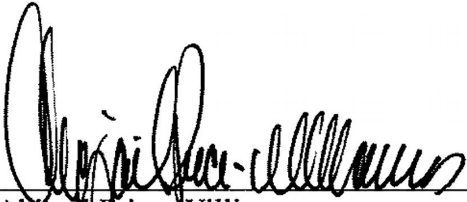
**DATE:** May 5, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution authorizing conveyance of a 100 square foot non-exclusive easement to Florida Power and Light Company, for a nominal payment of \$1.00 to install and maintain electrical power facilities on a portion of County-owned property, located at 2150 NW 87 Street, Miami, Florida, for the purpose of providing electrical service to a new pump station for the water and sewer department; and authorizing the County Mayor to execute easement and to exercise all provisions contained therein

Resolution No. R-409-20

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



Abigail Price-Williams  
County Attorney

APW/uw

# Memorandum



**Date:** May 5, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

**Subject:** Resolution Authorizing the Conveyance of a Non-Exclusive Easement to Florida Power and Light Company for the Installation and Maintenance of Electrical Power Transmission Facility - Folio No. 30-3110-040-0060

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## **RECOMMENDATION:**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the conveyance of a 100 square foot non-exclusive easement to Florida Power and Light Company (FP&L). This non-exclusive easement is needed to provide electrical service to the Miami-Dade Water and Sewer Department's (WASD) new Pump Station at 2150 NW 87 Street. The FP&L easement will allow for the construction and maintenance of underground electrical utility facilities, including wires, poles, cables, conduits and related equipment to exclusively serve the new Pump Station. See the Underground Non-exclusive Easement attached hereto as Attachment 1.

## **SCOPE**

The new Pump Station will be located at 2150 NW 87 Street, Miami, FL (Folio No. 30-3110-040-0060), in Commission District 2, which is represented by Commissioner Jean Monestime. See the Property Appraiser Summary Report attached hereto as Attachment 2.

## **FISCAL IMPACT / FUNDING SOURCE:**

FP&L 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:**

WASD's Liliana Blore, Real Estate Manager will oversee the conveyance of this non-exclusive utility easement to FP&L.

## **DELEGATION OF AUTHORITY**

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

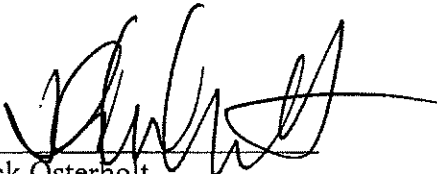
## **BACKGROUND:**

On July 2, 2013, the Board adopted Resolution No. R-597-13, which directed the County Mayor to provide a plan to extend sewer services to commercial and industrial areas, identified but not limited to N.W. 7 Avenue, NW 27 Avenue, NW 79 Street, NE 2 Avenue, Biscayne Boulevard, SW 40 Street (including from Red Road to the Palmetto Expressway), South Dixie Highway (including the Naranja area) and West Dixie Highway.

Pursuant to the above-mentioned Resolution, WASD is proposing to construct a new Pump Station located at 2150 NW 87 Street, Miami, Florida that will provide service to commercial and industrial zoned properties in the area that do not have reasonable access to sewer lines. The sewer extensions are included in the WASD's five-year Capital Program, as it is in the best interest of the County to maximize the economic potential for its business corridors.

In order to provide underground electrical power to the Pump Station, FPL is requesting a 100 square foot easement. The easement will allow FPL the right to access and the ability to operate a new transformer that will provide a dedicated service to operate and maintain the new Pump Station. As required by Resolution No. R-504-15, the only visible element will be an aboveground transformer mounted on a concrete pad and screened from view by landscaping, which will not adversely impact the surrounding area.

Attachments



\_\_\_\_\_  
Jack Osterholt,  
Deputy Mayor

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

**UNDERGROUND EASEMENT  
(BUSINESS)**

Sec 10, Twp 53, Rge 41

Parcel I.D. 30-3110-040-0060  
(Maintained by County Appraiser)

This Instrument Prepared By  
Name: Patricia Palomo  
Co. Name: Miami-Dade County  
Water and Sewer Department  
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, 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 to provide electric 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 electric service for the pump station identified on Exhibit "A"; 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 on \_\_\_\_\_,  
20\_\_.

ATTEST: HARVEY RUVIN,  
Clerk of Said Board

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

By: \_\_\_\_\_  
Deputy Clerk

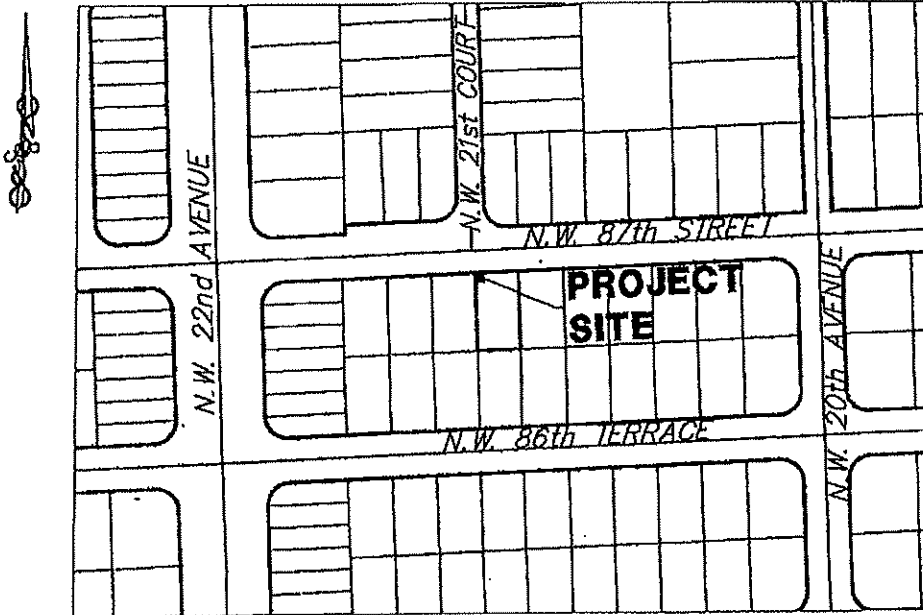
By \_\_\_\_\_  
Mayor

Approved as to Form and  
Legal Sufficiency:

\_\_\_\_\_  
Assistant County Attorney



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



LOCATION MAP  
NOT TO SCALE

**SOURCE OF DATA:**

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

1. PLAT OF "ETHELDALE" RECORDED IN PLAT BOOK 21, AT PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. IN ADDITION THE FOLLOWING DOCUMENTS WERE REVIEWED FOR THE PREPARATION OF THIS SKETCH AND LEGAL DESCRIPTION:
  - a. TOPOGRAPHIC SURVEY BY AVINO & ASSOCIATES, INC., 2150 NW 87th AVENUE, MIAMI, FL, 33147, WITH DATE OF DECEMBER 27th, 2018.

BEARINGS AS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF N.W. 87th STREET WITH AN ASSUMED BEARING OF N87°42'21"E SAID LINE TO BE CONSIDERED A WELL MONUMENTED LINE.

**LIMITATIONS:**

NO INFORMATION WAS PROVIDED AS TO THE EXISTENCE OF ANY EASEMENT OTHER THAN WHAT APPEARS ON THE UNDERLYING PLAT AS RECORD. PLEASE REFER TO THE LIMITATION ITEM WITH RESPECT TO POSSIBLE RESTRICTIONS OF RECORD AND UTILITY SERVICES.

**RESTRICTIONS:**

SINCE NO OTHER INFORMATION WERE FURNISHED OTHER THAN WHAT IS CITED IN THE SOURCES OF DATA, THE CLIENT 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:**

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.

**LEGAL DESCRIPTION:**

THE WEST 10 FEET OF THE NORTH 10 FEET OF LOT 12 IN BLOCK 1, OF "ETHELDALE" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, CONTAINING 100 SQUARE FEET.

**NOTICE:**

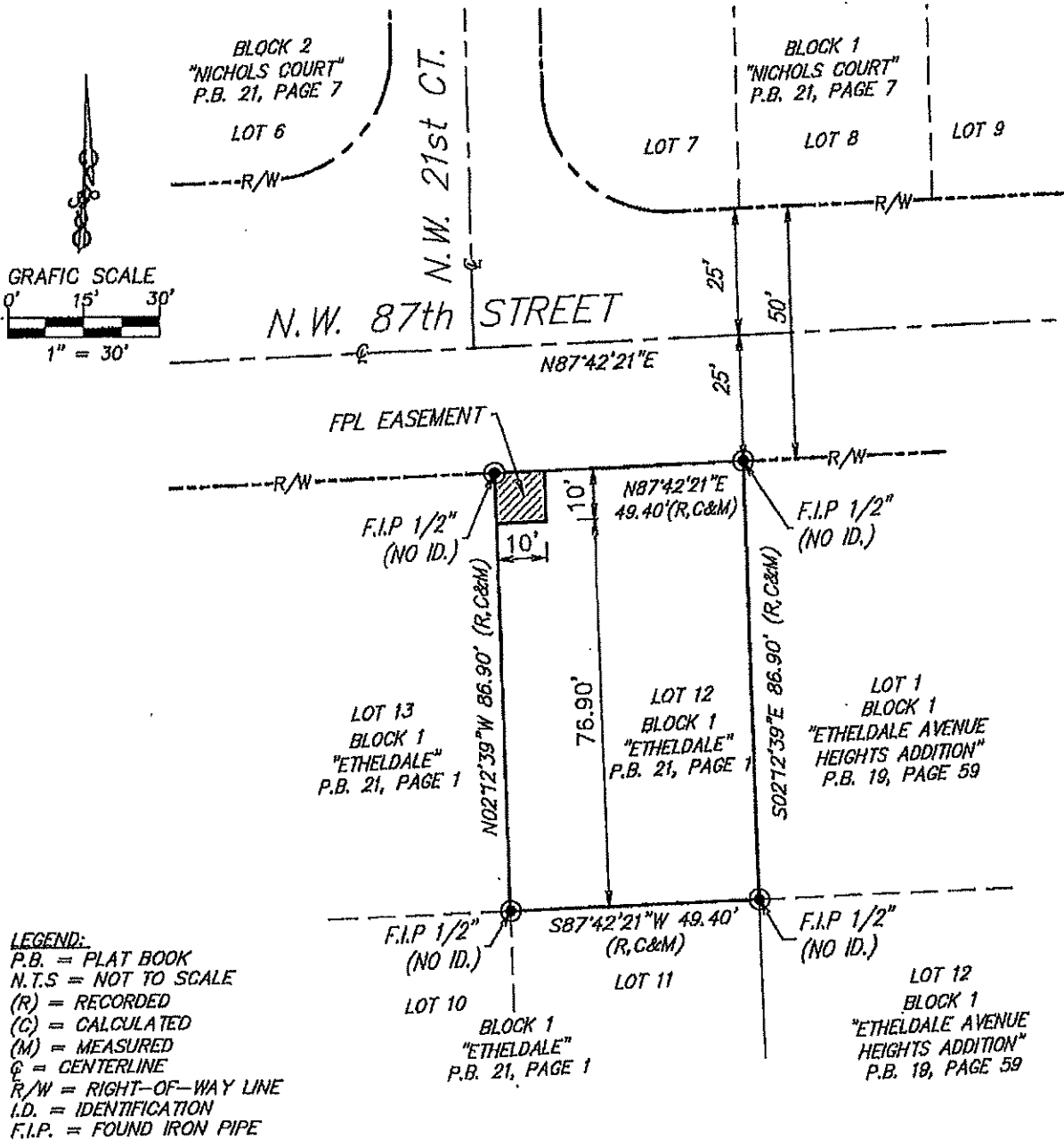
THIS DOCUMENT IS NOT VALID, FULL AND COMPLETE WITHOUT ALL PAGES.

**Avino & Associates**  
 1350 S.W. 57TH AVENUE  
 SUITE 207  
 WEST MIAMI, FLORIDA 33144  
 TEL: (305) 265-5030 - FAX: (305) 265-5033  
 CERTIFICATE OF AUTHORIZATION EB # 6098  
 CERTIFICATE OF AUTHORIZATION LB # 6098  
 E-MAIL: J.AVINO@AVINOANDASSOCIATES.COM

**FPL EASEMENT**

SEAL JUDGE R. AVINO, PE, PS/J 4994	DRAWN BY: AB	SHEET
	CHECKED BY: JH	1
	DATE: 10-30-2018	
	SCALE: N/A	OF 2 SHEETS

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



**LEGEND:**  
P.B. = PLAT BOOK  
N.T.S = NOT TO SCALE  
(R) = RECORDED  
(C) = CALCULATED  
(M) = MEASURED  
& = CENTERLINE  
R/W = RIGHT-OF-WAY LINE  
I.D. = IDENTIFICATION  
F.I.P. = FOUND IRON PIPE

**NOTICE:**  
THIS DOCUMENT IS NOT VALID, FULL AND COMPLETE WITHOUT ALL PAGES.

**Aviño & Associates**  
1350 SW 57th Avenue  
Suite 207  
West Miami, Florida 33144  
Tel: (305) 265-5080 - Fax: (305) 265-5033  
Certificate of Authorization EB # 5098  
Certificate of Authorization LB # 5098  
E-MAIL: JRAVINO@AVINOANDASSOCIATES.COM

**FPL EASEMENT**

SEAL JORGE R. AVINO, P.E. PS44 4894	DRAWN BY: A.B.	SHEET
	CHECKED BY: J.R.	<b>2</b>
	DATE: 10-30-2010	
	SCALE: 1"=30'	OF 2 SHEETS

# ATTACHMENT 2



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On: 1/9/2020

Property Information	
Parcel:	30-3110-040-0000
Property Address:	2150 NW 87 ST Miami, FL 33147-4234
Owner:	MIAMI-DADE COUNTY WATER AND SEWER DEPT
Mailing Address:	3071 SW 88 AVE MIAMI, FL 33146
PA Primary Zone:	0100 SINGLE FAMILY - GENERAL
Primary Land Use:	8090 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:	4,207.8 Sq.Ft
Year Built:	0



Assessment Information			
Year	2019	2018	2017
Land Value	\$10,141	\$10,141	\$10,141
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$10,141	\$10,141	\$10,141
Assessed Value	\$12,230	\$11,110	\$10,109

Benefits Information				
Benefit	Type	2019	2018	2017
Non-Homestead Cap	Assessment Reduction	\$3,911	\$6,022	\$0,032
County	Exemption	\$12,230	\$11,110	\$10,109

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

Short Legal Description
ETHELDALE PB 21-1
LOT 12 BLK 1
PR ADD 2150 NW 87 ST
LOT SIZE 49,400 X 87
CLERKS #04A01314 0405

Taxable Value Information			
	2019	2018	2017
<b>County</b>			
Exemption Value	\$12,230	\$11,110	\$10,109
Taxable Value	\$0	\$0	\$0
<b>School Board</b>			
Exemption Value	\$10,141	\$10,141	\$10,141
Taxable Value	\$0	\$0	\$0
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
<b>Regional</b>			
Exemption Value	\$12,230	\$11,110	\$10,109
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually adding 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/taclaimer.asp>

Version:





**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** May 5, 2020

**FROM:** Abigail Price-Williams  
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)  
5-5-20

RESOLUTION NO. R-409-20

RESOLUTION AUTHORIZING CONVEYANCE OF A 100 SQUARE FOOT NON-EXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY, FOR A NOMINAL PAYMENT OF \$1.00 TO INSTALL AND MAINTAIN ELECTRICAL POWER FACILITIES ON A PORTION OF COUNTY-OWNED PROPERTY, LOCATED AT 2150 NW 87 STREET, MIAMI, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO A NEW PUMP STATION FOR THE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE EASEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**WHEREAS**, the County, adopted Resolution 597-13, which directed the County Mayor to provide a plan to extend sewer services to commercial and industrial areas identified but not limited to NW 7 Avenue, NW 79 Street, NE 2 Avenue, Biscayne Boulevard, SW 40 Street (including from Red Road to the Palmetto Expressway), South Dixie Highway (including the Naranja area) and West Dixie; and

**WHEREAS**, the County through the Water and Sewer Department is constructing a new Pump Station, located at 2150 NW 87 Street, Miami, Florida, to extend sewer services to commercial and industrial zoned properties that do not have reasonable access to sewer lines; and

**WHEREAS**, Florida Power and Light Company agreed to provide electric power facilities to the new Pump Station in exchange for an easement to allow access to install and maintain the electrical facilities; and

**WHEREAS**, the non-exclusive easement is for electrical service that includes underground lines that will not adversely impact the surrounding area, and the only visible element are three transformers that will be screened from public view, in accordance with Resolution No. R-504-15; and

**WHEREAS**, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**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 Florida Power and Light Company, for a one-time payment of \$1.00, for the installation and maintenance of electric power facilities for a new Pump Station, in substantially the form attached to the Mayor's Memorandum as Attachment "1" and 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 **Audrey M. Edmonson** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	absent	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

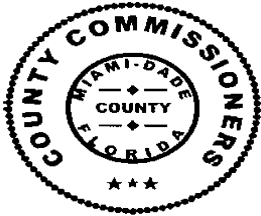
The Chairperson thereupon declared this resolution duly passed and adopted this 5<sup>th</sup> day of May, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an 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

Melissa Adames

By: \_\_\_\_\_  
 Deputy Clerk



Approved by County Attorney as  
 to form and legal sufficiency.

Henry N. Gillman