

## MEMORANDUM

Agenda Item No. 8(K)(1)

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

**DATE:** May 5, 2020

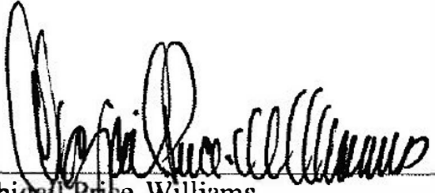
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution authorizing conveyance of a nonexclusive easement to Florida Power and Light Company in exchange for \$1.00 to install and maintain electrical transformers and lines to Brisas del Rio on a County-owned property located in 850 NW 13 Court, Miami, Florida; and authorizing the County Mayor to execute the Underground Easement (Business) and to exercise all provisions contained therein

Resolution No. R-393-20

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The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.

  
Abigail Price-Williams  
County Attorney

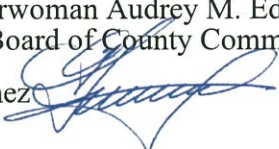
APW/uw

# Memorandum



**Date:** May 5, 2020

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Non-exclusive Easement to Florida Power and Light Company to Install and Maintain  
Electrical Transformers and Lines for Brisas del Rio

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## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a non-exclusive easement to Florida Power and Light Company (FPL) in exchange for \$1.00 to install and maintain electrical transformers and lines to Brisas del Rio located at 850 NW 13 Court, Miami, Florida (Project). It is further recommended that the Board authorize the County Mayor or the County Mayor's designee to execute the "Underground Easement (Business)" and to exercise all provisions contained therein.

## **SCOPE**

The Project and the easement area are located within County Commission District 5 represented by Commissioner Eileen Higgins.

## **FISCAL IMPACT / FUNDING SOURCES**

Granting the easement has no fiscal impact.

## **TRACK RECORD/MONITOR**

Public Housing and Community Development is the entity overseeing this project and the person responsible for monitoring this transfer is Director Michael Liu.

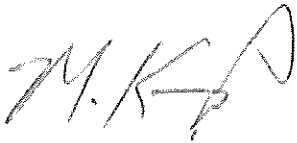
## **BACKGROUND**

On May 21, 2019, the Board adopted Resolution No. R-561-19, which authorized the execution of a 75-year ground lease with Related Urban Development Group, LLC or its subsidiary, Brisas del Rio Apartments, LLC for the redevelopment of Brisas del Rio Apartments, an additional phase of the multi-phase master plan project to redevelop the 22 acre site, on the public housing development sites of Haley Sofge, Robert King High and Martin Fine Villas (collectively referred to as the Senior Campus). The new project will contain 168 units in a mixed-income development. The proposed new 13-story building will provide high quality housing to extremely low income, elderly public housing residents and residents at or below 50 percent, 60 percent, and/or 80 percent of area median income. The construction of this phase of the Project commenced in February 2020 and is scheduled to be completed in August 2021.

The FPL requires a non-exclusive easement to install and maintain electrical transformers and lines to the Project site. The easement area is more fully described in Attachment A of the resolution. As required by Resolution No. R-504-15, the visible elements will be concrete and wooden poles, overhead wires and transformer cabinets on their respective concrete pads which will be screened from view by landscaping,

Honorable Chairwomen Audrey M. Edmonson  
and Members, Board of County Commissioners  
Page 2

and will not adversely impact the surrounding areas. The Department recommends that it is in the County's best interest to grant the easement in order to ensure that electrical power is provided to Brisas del Rio.

A handwritten signature in black ink, appearing to read "M. Kemp", with a large, stylized flourish at the end.

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Maurice L. Kemp  
Deputy Mayor



**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(K)(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(K)(1)  
5-5-20

RESOLUTION NO. R-393-20

RESOLUTION AUTHORIZING CONVEYANCE OF A NONEXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY IN EXCHANGE FOR \$1.00 TO INSTALL AND MAINTAIN ELECTRICAL TRANSFORMERS AND LINES TO BRISAS DEL RIO ON A COUNTY-OWNED PROPERTY LOCATED IN 850 NW 13 COURT, MIAMI, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE UNDERGROUND EASEMENT (BUSINESS) AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**WHEREAS**, the County through the Miami-Dade Public Housing and Community Development Department (PHCD), has partnered with Related Urban Development Group, LLC, and its subsidiary, Brisas del Rio Apartments, LLC to construct a new 13-story building, an additional phase of the multi-phase master plan project to redevelop the 22 acre-site, on the public housing developments of Haley Sofge, Robert King High and Martin Fine Villas (collectively referred to as the Senior Campus); and

**WHEREAS**, Brisas del Rio Apartments, which is scheduled to be completed in approximately August, 2021, is located on County-owned property located in 850 NW 13 Court in Miami, Florida; and

**WHEREAS**, Brisas del Rio Apartments needs to be connected to the Florida Power and Light Company (“FPL”) power grid; and

**WHEREAS**, the FPL needs a non-exclusive easement to install and maintain electrical transformers and lines onsite to make the utility connection, and as required by Resolution No. R-504-15, the only visible elements will be concrete and wooden poles, overhead wires and transformer cabinets on their respective concrete pads, which will be screened from view by landscaping, and will not adversely impact the surrounding areas; and

**WHEREAS**, this Board believes it is in the County's the best interest to convey a non-exclusive easement to FPL to ensure that electrical power is provided to Brisas del Rio Apartments; and

**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:

**Section 1.** This Board adopts the foregoing recitals as if fully set forth herein.

**Section 2.** This Board hereby authorizes the conveyance of a non-exclusive easement to FPL in exchange for \$1.00 to install and maintain electrical transformers and lines to Brisas del Rio Apartments located in the 850 NW 13 Court, in Miami, Florida This Board further authorizes the County Mayor or the County Mayor's designee to execute the "Underground Easement (Business)", in substantially the form attached hereto as Attachment "A" and incorporated herein by reference, 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:

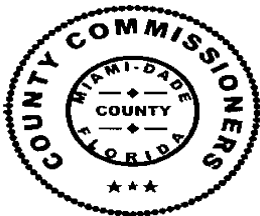
	Audrey M. Edmonson, Chairwoman	<b>aye</b>	
	Rebeca Sosa, Vice Chairwoman	<b>aye</b>	
Esteban L. Bovo, Jr.	<b>absent</b>	Daniella Levine Cava	<b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Sally A. Heyman	<b>aye</b>
Eileen Higgins	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Joe A. Martinez	<b>aye</b>	Jean Monestime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

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

By: Melissa Adames  
Deputy Clerk



Approved by County Attorney  
As to form and legal sufficiency. [Signature]

Terrence A. Smith

Work Request No. \_\_\_\_\_  
Sec. \_\_, Twp \_\_ S, Rge \_\_ E  
Parcel I.D. \_\_\_\_\_  
(Maintained by County Appraiser)  
Form 3722 (Stocked) Rev. 6/11

**UNDERGROUND EASEMENT  
(BUSINESS)**

This Instrument Prepared By

Name: Patricia K. Green  
Co. Name: Stearns Weaver Miller  
Address: Weissler Alhadeff & Sitterson, P.A.  
150 West Flagler Street, Suite 2200  
Miami, FL 33130

Pg 1 of 5

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 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; 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 wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for FPL's communications purposes; 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; 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 heretofore described, 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\_\_.

Witnesses:

Miami-Dade County, a political subdivision  
of the State of Florida

Print: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Print: \_\_\_\_\_

State of Florida  
Miami-Dade County

The foregoing instrument was acknowledged before me by means of physical presence, on this \_\_\_- day of January, 2020, by \_\_\_\_\_ as \_\_\_\_\_ of Miami-Dade County, a political subdivision of the State of Florida. He/she is \_\_\_ personally known to me or \_\_\_ produced \_\_\_\_\_ as identification.

Print or stamp name: \_\_\_\_\_

Commission No. \_\_\_\_\_

My Commission expires: \_\_\_\_\_



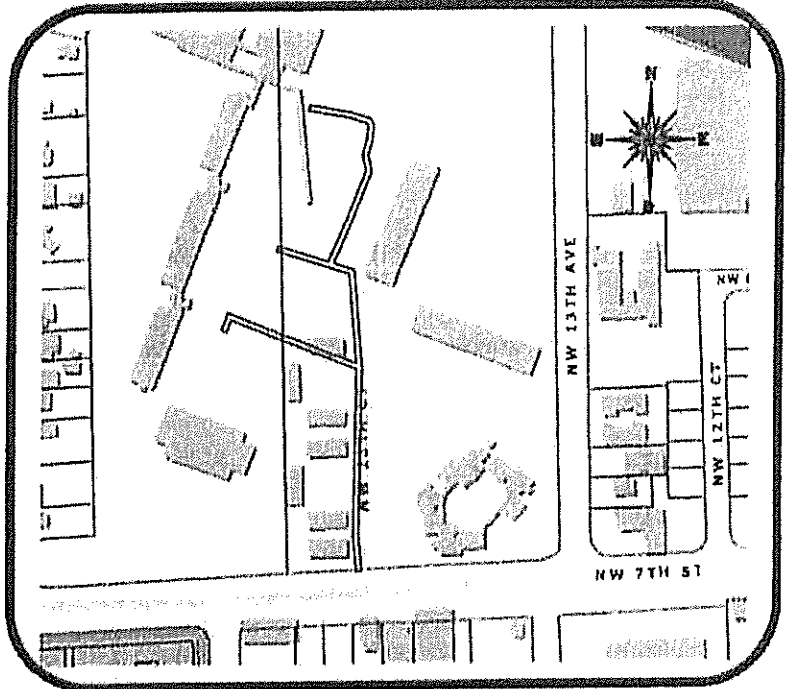
**SPECIFIC PURPOSE SURVEY**  
**SKETCH AND LEGAL DESCRIPTION FOR 10' F.P.L. EASEMENT**  
 SECTION 35, TOWNSHIP 53, RANGE 41  
 THIS IS NOT A SURVEY

**ABBREVIATIONS:**

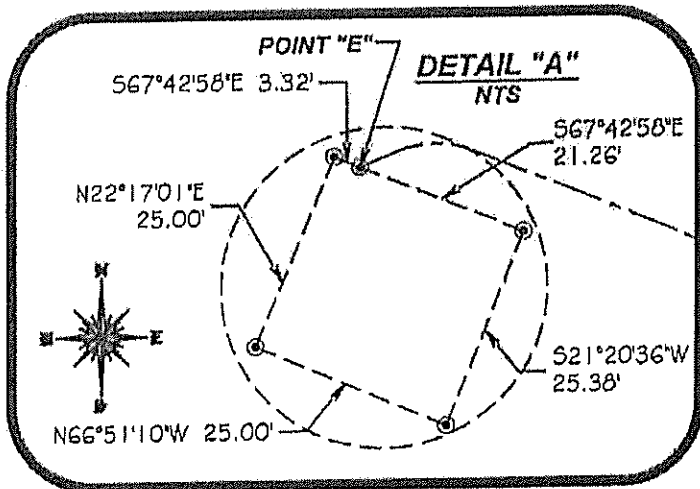
- B.B.L. = BUILDING BASE LINE
- B.O.B. = BASIS OF BEARING
- C. = CENTER LINE
- EXIST. = EXISTING
- F.P.L. = FLORIDA POWER AND LIGHT COMPANY
- P.B. = PLAT BOOK
- P.G. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- M. = MONUMENT LINE
- L.B. = LICENSED BUSINESS
- R.W. = RIGHT OF WAY
- SW = SOUTHWEST

**SURVEYOR'S NOTES:**

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY JOHN IBARRA & ASSOCIATES, INC.
2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.
3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. BEARINGS SHOWN HEREON ARE BASED ON CENTERLINE OF NW 7th STREET BEARING N88°50'45"E.



**LOCATION SKETCH**  
SCALE = N.T.S.



**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THIS TOURNAMENT SURVEY OF THE PROPERTY DESCRIBED HEREON, WAS RECENTLY ORIGINALLY SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLIES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 53-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

Digitally signed by John Ibarra  
 Date: 2019.11.26 09:42:22 -05'00'  
 Adobe Acrobat version: 2019.02.1.20056  
 BY: *John Ibarra*  
**JOHN IBARRA** (DATE OF FIELD WORK)

PROFESSIONAL LAND SURVEYOR NO.: 5204 STATE OF FLORIDA  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DRAWN BY:	DA
DATE:	11/18/2019
SURVEY NO.:	18-002928-23
SHEET:	1 OF 4

**JOHN IBARRA & ASSOCIATES, INC.**  
 Professional Land Surveyors & Mappers  
 www.jibarra.com

777 N.W. 72nd AVENUE SUITE 3025 MIAMI, FLORIDA 33126  
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3725 DEL PRADO BLVD. S. SUITE 20 CAPE CORAL, FL 33904  
 PH: (239) 540-2660 FAX: (239) 540-2664

Digitally signed by John Ibarra  
 Date: 2019.11.26 09:42:42 -05'00'

*Exhibit A to Easement*

**SPECIFIC PURPOSE SURVEY**  
**SKETCH AND LEGAL DESCRIPTION FOR 10' F.P.L. EASEMENT**  
 SECTION 35, TOWNSHIP 53, RANGE 41  
 THIS IS NOT A SURVEY

**LEGAL DESCRIPTION:**

A 10.00 FOOT STRIP OF LAND LYING 5 FOOT ON EACH SIDE OF A CENTERLINE, BEING A PORTION OF TRACT "A", OF MIAMI RIVER COMPLEX FLORIDA 5-26, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGE 39, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND A PORTION OF LOT 7, RIVERMONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 95, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS LYING AND BEING IN SECTION 35, TOWNSHIP 53 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWING ON THE 6 CENTERLINES:

**CENTERLINE 1:**

COMMENCE AT THE EXISTING SOUTHEAST CORNER OF SAID TRACT "A", THENCE RUN S88°50'45"W ALONG THE SOUTHERLY LINE OF SAID TRACT "A", FOR A DISTANCE OF 339.20 FEET TO THE POINT OF BEGINNING "A" OF SAID CENTERLINE OF A 10 FOOT STRIP OF LAND; THENCE RUN N05°38'46"W, ALONG SAID CENTERLINE, A DISTANCE OF 65.12 FEET; THENCE RUN N01°04'58"E, FOR A DISTANCE OF 83.45 FEET; THENCE RUN N00°57'21"E FOR A DISTANCE OF 225.22 FEET, TO POINT "A"; THENCE RUN N04°35'56"W FOR A DISTANCE OF 49.41 FEET; THENCE RUN N16°03'37"E FOR A DISTANCE OF 15.22 FEET, TO A POINT OF TANGENCY OF A CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE WEST, SAID CURVE HAVING A CHORD BEARING OF N06°08'58"W, AND A CHORD DISTANCE OF 9.83 FEET; THENCE RUN ALONG SAID CIRCULAR CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 13.00 FEET, THROUGH A CENTRAL ANGLE OF 44°28'11", FOR AN ARC DISTANCE OF 10.08 FEET, TO A POINT OF TANGENCY; THENCE RUN N28°21'34"W FOR A DISTANCE OF 115.26; TO A POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE, CONCAVE TO THE EAST, SAID CURVE HAVING A CHORD BEARING OF N02°32'43"W, AND A CHORD DISTANCE OF 10.47 FEET; THENCE RUN ALONG SAID CIRCULAR CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 12.57 FEET, THROUGH A CENTRAL ANGLE OF 49°14'20", FOR AN ARC DISTANCE OF 10.80 FEET, TO A NON-TANGENT POINT; THENCE RUN N23°25'46"E FOR A DISTANCE OF 90.15 FEET; THENCE RUN N12°34'25"W FOR A DISTANCE OF 2.87 FEET, TO POINT "B"; THENCE CONTINUE N23°25'46"E FOR A DISTANCE OF 90.15 FEET; THENCE RUN N12°34'25"W FOR A DISTANCE OF 18.70 FEET, TO POINT "C"; THENCE CONTINUE N12°34'25"W FOR A DISTANCE OF 12.37 FEET; THENCE RUN N16°18'33"E FOR A DISTANCE OF 10.96 FEET, TO POINT "D"; THENCE CONTINUE N16°18'33"W FOR A DISTANCE OF 15.35 FEET; THENCE RUN N05°53'12"E FOR A DISTANCE OF 28.15 FEET; THENCE RUN N24°57'20"W FOR A DISTANCE OF 10.79 FEET; THENCE RUN N71°52'59"W FOR A DISTANCE OF 31.88 FEET; THENCE RUN N79°50'18"W FOR A DISTANCE OF 74.86 FEET; THENCE RUN N80°08'41"W FOR A DISTANCE OF 31.26 FEET TO THE POINT OF TERMINATION OF CENTERLINE 1.

**CENTERLINE 2:**

BEGINNING AT POINT "A", RUN N67°20'44"W FOR A DISTANCE OF 257.20 FEET; THENCE RUN S14°08'55"W FOR A DISTANCE OF 44.17 FEET; THENCE RUN S67°57'39"E FOR A DISTANCE OF 14.26 FEET TO THE POINT OF TERMINATION OF CENTERLINE 2.

**CENTERLINE 3:**

BEGINNING AT POINT "B", RUN S72°31'24"E FOR A DISTANCE OF 42.47 FEET TO THE POINT OF TERMINATION OF CENTERLINE 3.

**CENTERLINE 4:**

BEGINNING AT POINT "B", RUN N72°31'24"W FOR A DISTANCE OF 101.54 FEET TO THE POINT OF TERMINATION OF CENTERLINE 4.

**CENTERLINE 5:**

BEGINNING AT POINT "C", RUN N67°46'50"W FOR A DISTANCE OF 56.39 FEET, TO A POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE, CONCAVE TO THE SOUTH, SAID CURVE HAVING A CHORD BEARING OF N89°00'45"W, AND A CHORD DISTANCE OF 9.73 FEET; THENCE RUN ALONG SAID CIRCULAR CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 12.04 FEET, THROUGH A CENTRAL ANGLE OF 47°38'08", FOR AN ARC DISTANCE OF 10.01 FEET, TO A POINT OF TANGENCY; THENCE RUN S67°10'11"W FOR A DISTANCE OF 4.78 FEET TO POINT "D", AND POINT OF TERMINATION OF CENTERLINE 5.

**CENTERLINE 6:**

BEGINNING AT POINT "D", RUN S67°47'24"E FOR A DISTANCE OF 86.13 FEET TO THE POINT OF TERMINATION OF CENTERLINE 6.  
 AND

BEGINNING AT POINT "E", RUN S67°42'58"E FOR A DISTANCE OF 21.26 FEET; THENCE RUN S21°20'36"W FOR A DISTANCE OF 25.38 FEET; THENCE RUN N68°51'10"W FOR A DISTANCE OF 25.00 FEET; THENCE RUN N22°17'01"E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S67°42'58"E FOR A DISTANCE OF 3.32 FEET, TO SAID POINT "E".

CONTAINING 16,480 SQUARE FEET MORE OR LESS.

DRAWN BY:	DA
DATE:	11/16/2019
SURVEY NO:	19-002928-23
SHEET:	2 OF 4

**JOHN IBARRA & ASSOCIATES, INC.**  
 Professional Land Surveyors & Mappers  
[WWW.MARKLANDSURVEYORS.COM](http://WWW.MARKLANDSURVEYORS.COM)

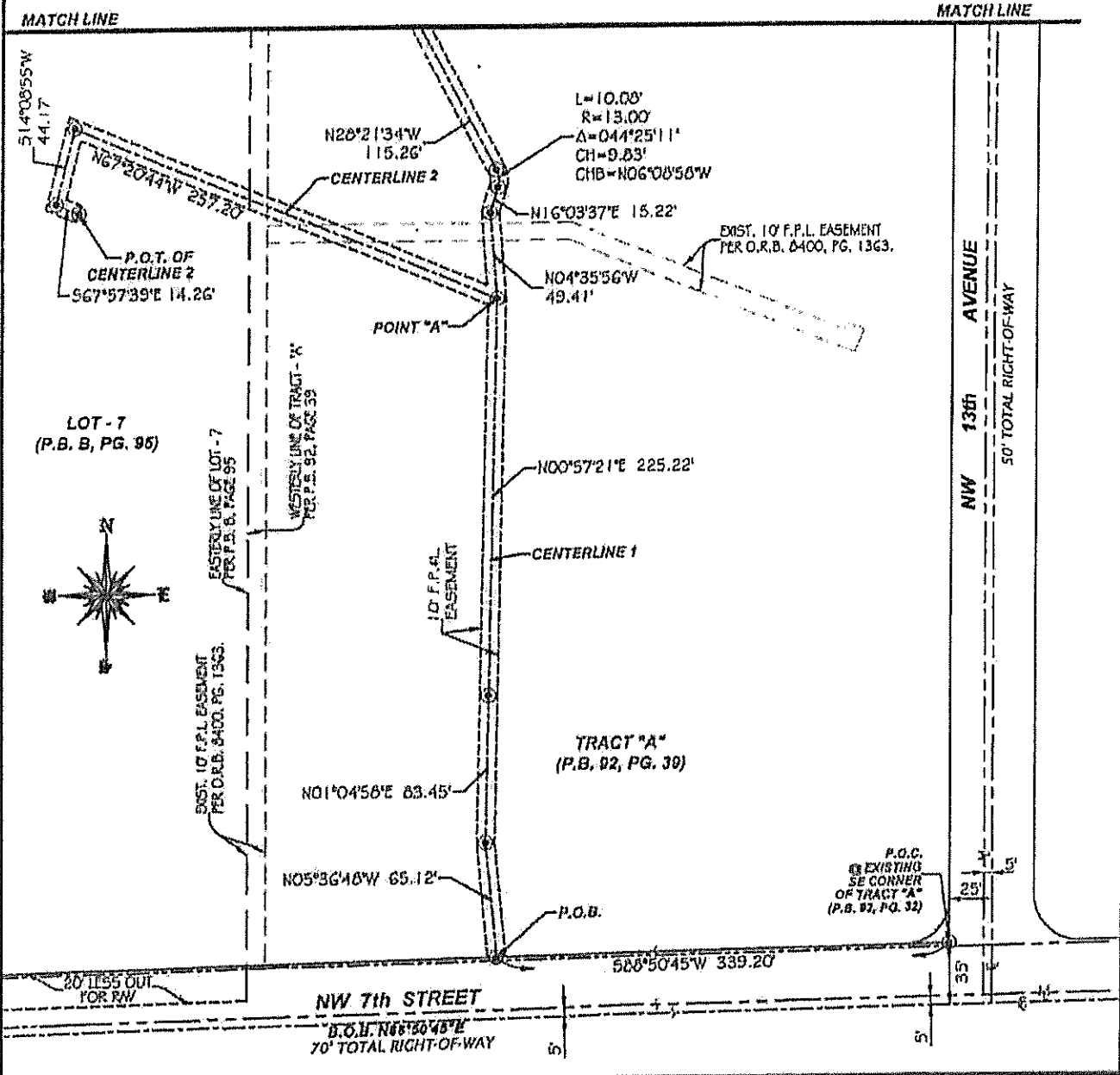
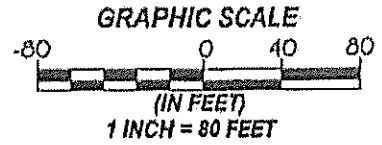
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5728 DEL PRADO BLVD. S.  
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LE 81104 SEAL

Digitally signed by  
 John Ibarra  
 Date: 2019.11.26  
 09:41:55 -05'00'

**SPECIFIC PURPOSE SURVEY  
SKETCH AND LEGAL DESCRIPTION  
FOR 10' F.P.L. EASEMENT  
SECTION 35, TOWNSHIP 53, RANGE 41  
THIS IS NOT A SURVEY**



DRAWN BY:	DA
DATE:	09/16/2019
SCALE:	1"=80'
SURVEY NO:	19-002928-23
SHEET:	3 OF 4

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Professional Land Surveyors & Mappers  
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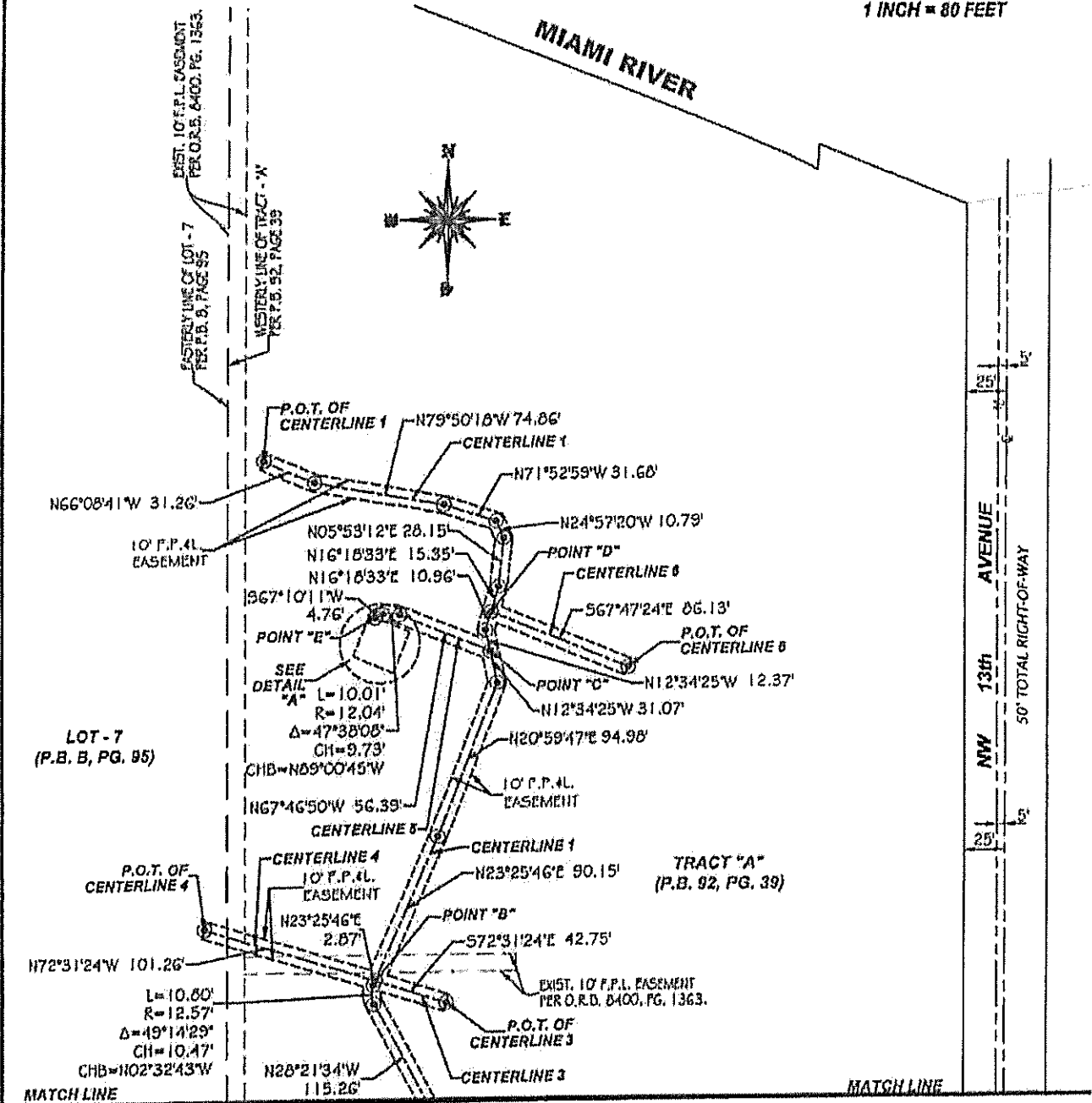
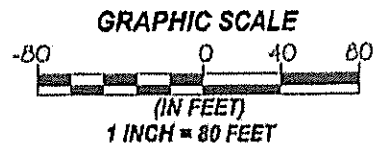
**JIA**

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Digitally signed by  
John Ibarra  
Date: 2019.11.26  
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**SPECIFIC PURPOSE SURVEY**  
**SKETCH AND LEGAL DESCRIPTION FOR A 10' F.P.L. EASEMENT**  
 SECTION 35, TOWNSHIP 53, RANGE 41  
 THIS IS NOT A SURVEY



DRAWN BY:	DA
DATE:	11/16/2019
SCALE:	1"=80'
SURVEY NO:	18-002028-23
SHEET:	4 OF 4

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**JIA**

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 FAX: (239) 840-2664

Digitally signed by  
 John Ibarra  
 Date: 2019.11.26  
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