

MEMORANDUM

Agenda Item No. 8(H)(1)

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

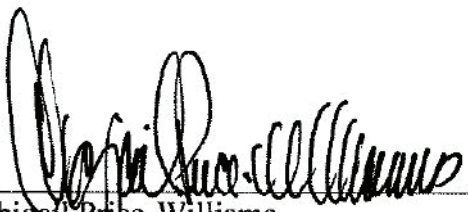
DATE: August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing conveyance of a non-exclusive easement to Florida Power and Light Company for a nominal sum of \$1.00 to install and maintain electric utility facilities on a portion of County-owned property at North Glade Park, for the purpose of providing electrical service to a new community center located at 5105 NW 173 Drive; and authorizing County Mayor to execute the easement and exercise all provisions contained therein

Resolution No. R-856-20

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


Abigail Price-Williams
County Attorney

APW/lmp

Memorandum



Date: August 31, 2020

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the name in the "From" field.

Subject: Resolution Authorizing Conveyance of a Non-Exclusive Easement to the Florida Power and Light Company for the Installation and Maintenance of Electrical Power Transmission Facilities at North Glade Park Community Center

Recommendation

It is recommended that the Board of County Commissioners adopt the attached resolution authorizing the conveyance of an approximately 10-foot by 10-foot square area non-exclusive easement to the Florida Power and Light Company for an underground electrical power transmission line at the North Glade Park Community Center location.

Scope

North Glade Park's Community Center is located at 5105 NW 173 Drive, Miami, FL 33055, in County Commission District 1, represented by Commissioner Barbara J. Jordan.

Fiscal Impact/Funding Source

The fiscal impact is receipt of \$1.00 from FPL, into Index Code PREPLR357060.

Track Record/Monitor

The Miami-Dade Parks, Recreation and Open Spaces Department's (PROS) Landscape Architect II, Jessica Blackwell, will ensure completion of the easement document, its recording, and delivery to the Clerk of the Board.

Background

PROS needs to provide continuous and unobstructed access to Florida Power and Light Company (FPL) to reach all of its electrical facilities that service the North Glade Park Community Center at the referenced location attached. The electrical work has been completed by FPL. The non-exclusive easement (Attachment A) is approximately a 10-feet by 10-feet area. The entire installation will be underground so it will not adversely impact the park's aesthetics, in accordance with Resolution No. R-504-15.

Attachment

A handwritten signature in blue ink, appearing to read "Michael Spring", written over the name in the "From" field.

Michael Spring
Senior Advisor



MEMORANDUM (Revised)

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

DATE: August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(H)(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(H)(1)
8-31-20

RESOLUTION NO. R-856-20

RESOLUTION AUTHORIZING CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL SUM OF \$1.00 TO INSTALL AND MAINTAIN ELECTRIC UTILITY FACILITIES ON A PORTION OF COUNTY-OWNED PROPERTY AT NORTH GLADE PARK, FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO A NEW COMMUNITY CENTER LOCATED AT 5105 NW 173 DRIVE; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, the County, through its Parks, Recreation and Open Spaces Department, has built a new Community Center at North Glade Park, located at 5105 NW 173 Drive, Miami, FL 33055; and

WHEREAS, the new North Glade Park Community Center requires electrical power that the County desires to obtain from Florida Power and Light (FPL); and

WHEREAS, FPL has agreed to provide electric power facilities to the North Glade Park Community Center in exchange for a non-exclusive easement to allow access to install and maintain the electrical power facilities; and

WHEREAS, the non-exclusive easement is for electrical service that includes underground lines that will not impact adversely the park's aesthetics, with no above ground access elements, in accordance with Resolution No. R-504-15; and

WHEREAS, the County shall have the right and privilege to use the non-exclusive easement area in any manner that does not interfere with the rights, use and access granted to FPL; 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.

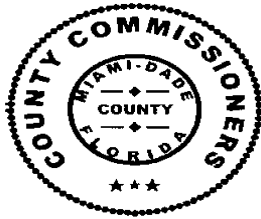
Section 2. This Board hereby authorizes the conveyance of a non-exclusive easement to Florida Power and Light Company for the nominal sum of \$1.00 for installation and maintenance of electric power facilities at North Glade Park Community Center, in substantially the form attached hereto as Attachment A and made a part hereof, and authorizes the County Mayor or County Mayor’s designee to execute the easement and to exercise all provisions contained therein.

Section 3. This Board, pursuant to Resolution No.: R-974-09, (a) directs the County Mayor or County Mayor’s designee to record the easement in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within 30 days of recordation of the non-exclusive easement; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said easement together with this resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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.	aye
Jose “Pepe” Diaz	aye
Eileen Higgins	aye
Joe A. Martinez	absent
Dennis C. Moss	aye
Xavier L. Suarez	aye
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 31st day of August, 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.

A handwritten signature in blue ink, appearing to read "M Rizo", is written over a horizontal line.

Monica Rizo Perez

Attachment A

NON-EXCLUSIVE EASEMENT

Work Request No. _____

This Instrument Prepared By

Sec 7 Twp 52 S Rge 41 E

Name: Jessica Blackwell
Co. Name: Miami Dade County
Parks Recreation and
Open Spaces Dept.

Folio No.
30-2107-003-4320

Address: 275 NW 2 St. 4th FL
Miami, FL 33128

Reserved for Recording

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 (FPL), its licensees, agents, successors, and assigns, ("Grantee") a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities 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 located at North Glade Park Community Center, 5105 NW 173rd Drive, Miami, FL 33055, within the following described property:

See attached "Exhibit A"

Grantors Address:
Miami-Dade County
111 NW 1st Street
Miami, Florida 33128

Grantee Address:
Florida Power and Light Company
9250 West Flagler Street
Miami, Florida 33174

Together with the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Non-Exclusive Easement Area, 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 land heretofore described, over, along, under and across said Non-Exclusive Easement Area. The County shall have the right and privilege to use the Non-Exclusive Easement Area in any manner that does not interfere with the rights, use and access granted hereunder to Grantee. If the Grantee removes all facilities within the Non-Exclusive Easement Area and no longer needs the easement, the non-exclusive easement would terminate on its own accord.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 2020.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

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

By: _____
Deputy Clerk

By: _____
Mayor

Approved as to Form and Sufficiency _____

Print Name _____

The foregoing was authorized and approved by Resolution R-_____-20 of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 2020.

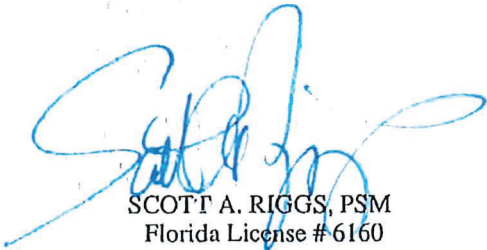
EXHIBIT "A"
NORTH GLADE PARK
FLORIDA POWER & LIGHT EASEMENT
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGAL DESCRIPTION

A portion of Tract "B" of Block 99 of the Third Addition to Carol City plat, as recorded in Plat Book 65, Page 93, of the Public Records of Miami-Dade County, being described as follows:

Commence at the point labeled on the aforementioned plat as "P.R.M." and "P.C." that lies on the Westerly line of said Tract "B" at the Point of Curvature of a tangent 25-foot-radius curve, concave to the Northeast and having a radial bearing of S 89°59'02" W; thence along the Southwesterly boundary of said Tract "B", along the arc of said curve, through a central angle of 88°50'02" for a distance of 38.76 feet to the Point of Tangency, said point lying on the South line of said Tract "B"; thence along the said South line of Tract "B", S 88°51'00" E, for a distance of 72.44 feet to the Point of Beginning; thence continue along the said South line of Tract "B", S 88°51'00" E, for a distance of 10.00 feet; thence N 01°53'47" E, for a distance of 10.00 feet to a point on a line 10 feet North of and parallel with the South line of Tract "B"; thence along said parallel line, N 88°51'00" W, for a distance of 10.00 feet; thence S 01°53'47" W for a distance of 10.00 feet to the Point of Beginning.

Said parcel containing a total of 100 square feet of land more or less.

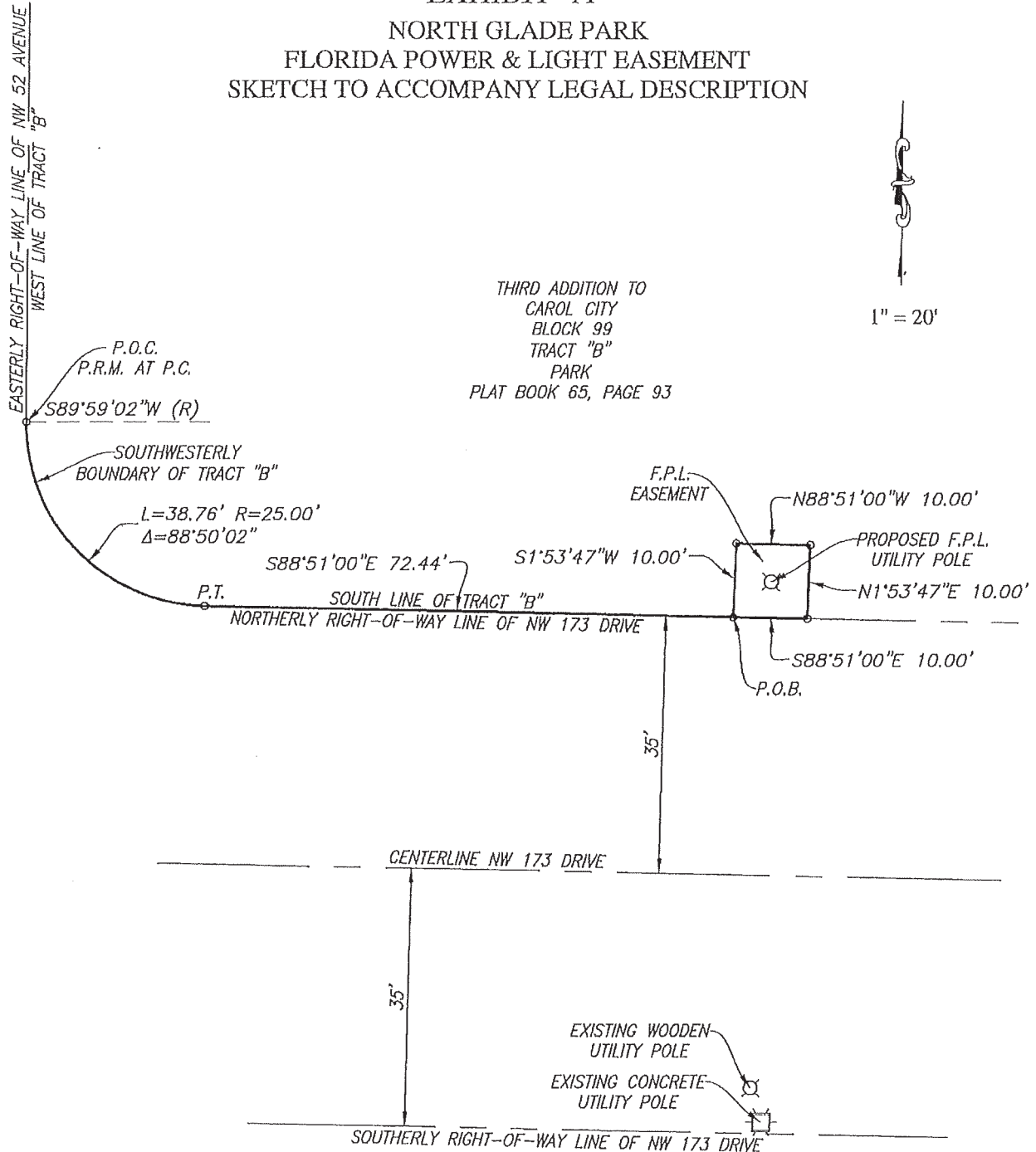


SCOTT A. RIGGS, PSM
Florida License #6160

MIAMI-DADE COUNTY
Department of Transportation
and Public Works
111 NW First Street, Suite # 1610
Miami, Florida 33128 (305) 375-2657
Date: 11-19-2018

This Description and the accompanying sketch are not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper. This description and the accompanying Sketch are not valid one without the other.

EXHIBIT "A"
NORTH GLADE PARK
FLORIDA POWER & LIGHT EASEMENT
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. The bearings shown hereon are referenced to the bearing of S 88° 51' 00" E for the south line of Tract B of the Third Addition to Carol City plat, as recorded in Plat Book 65, Page 93, of the Public Records of Miami-Dade County.
3. "P.O.C." denotes "Point of Commencement".
4. "P.O.B." denotes "Point of Beginning".
5. "F.P.L." denotes "Florida Power & Light Company".
6. "(R)" denotes "Radial".
7. "P.C." denotes "Point of Curvature".
8. "P.T." denotes "Point of Tangency".
9. "P.R.M." denotes "Permanent Reference Marker".