

MEMORANDUM

Agenda Item No. 8(K)(1)

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

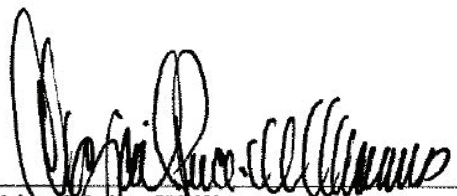
DATE: August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing conveyance of a non-exclusive underground easement to Florida Power and Light Company (FPL), for a nominal amount of \$1.00, for the purpose of allowing FPL to construct, operate and maintain underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed on the Liberty Square Phase Two Site (Folio No. 01-3114-002-0010), a County-owned property located in the area bounded by NW 67th Street to the north, NW 65th Street to the south, NW 14th Avenue to the west and NW 13th Avenue to the east, in Miami, Florida; and authorizing the County Mayor to execute the underground easement (business) and to exercise all provisions contained therein

Resolution No. R-859-20

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Chairwoman Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

APW/smm

Date: August 31, 2020

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

From: Carlos A. Gimenez
Mayor 

Subject: Nonexclusive Easement for Liberty Square Phase Two to Florida Power and Light Company to Install and Maintain Electrical Transformers and Lines

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a non-exclusive Underground Easement (Business) to Florida Power and Light Company (FPL) (Easement Agreement) for a nominal amount of \$1.00, for the purpose of allowing FPL to construct, operate and maintain underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed on the Liberty Square Phase Two site (Folio No. 01-3114-002-0010), which is located in the area bounded by NW 67th Street to the North, NW 65th Street to the South, NW 14th Avenue to the West and NW 13th Avenue to the East in Miami, Florida (Project). It is further recommended that the Board authorize the County Mayor or the County Mayor's designee to execute the Easement Agreement and to exercise all provisions contained therein.

Scope

The easement area, which is located on the Project site, is located within County Commission District 3 represented by Chairwoman Audrey M. Edmonson.

Fiscal Impact/Funding Source

Granting the easement will have no fiscal impact.

Track Record/Monitor

Public Housing and Community Development is the entity overseeing the Project and the person responsible for monitoring the Easement Agreement is Director Michael Liu.

Background

On July 6, 2016, the Board adopted Resolution No. R-636-16, which authorized the execution of a master development agreement and ground lease with Related Urban Development Group, LLC for the redevelopment of Liberty Square and Lincoln Gardens. The redevelopment of Liberty Square and Lincoln Gardens is a multi-phase project. The Liberty Square Phase Two site includes a total of 204 housing units including 73 public housing units and 131 affordable and workforce housing units. The construction of Phase Two of the Project commenced in November 2019 and is scheduled to be completed in May 2021.

FPL requires a non-exclusive easement to install and maintain electrical transformers and lines at 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 six above-ground transformers on a concrete pads and shrubbery to shield equipment. The Department recommends that it is in the County's best interest to grant FPL an easement in order to ensure that electrical power is provided to the Project.

Attachments

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

Maurice L. Kemp
Deputy Mayor

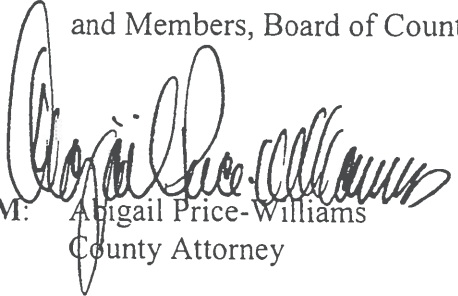


MEMORANDUM

(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(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)
8-31-20

RESOLUTION NO. R-859-20

RESOLUTION AUTHORIZING CONVEYANCE OF A NON-EXCLUSIVE UNDERGROUND EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL), FOR A NOMINAL AMOUNT OF \$1.00, FOR THE PURPOSE OF ALLOWING FPL TO CONSTRUCT, OPERATE AND MAINTAIN UNDERGROUND ELECTRIC UTILITY FACILITIES (INCLUDING CABLES, CONDUITS, APPURTENANT EQUIPMENT, AND APPURTENANT ABOVE-GROUND EQUIPMENT) TO BE INSTALLED ON THE LIBERTY SQUARE PHASE TWO SITE (FOLIO NO. 01-3114-002-0010), A COUNTY-OWNED PROPERTY LOCATED IN THE AREA BOUNDED BY NW 67TH STREET TO THE NORTH, NW 65TH STREET TO THE SOUTH, NW 14TH AVENUE TO THE WEST AND NW 13TH AVENUE TO THE EAST, IN 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, to redevelop the public housing developments known as Liberty Square and Lincoln Gardens; and

WHEREAS, Liberty Square Phase Two, which is scheduled to be completed in May 2021, is located on County-owned property bounded by NW 67th Street to the north, NW 65th Street to the south, NW 14th Avenue to the west and NW 13th Avenue to the east in in Miami, Florida; and

WHEREAS, Liberty Square Phase Two needs to be connected to the Florida Power and Light Company (“FPL”) power grid; and

WHEREAS, 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 six above-ground transformers on concrete pads and shrubbery to shield equipment; and

WHEREAS, this Board believes it is in the County's best interest to convey a non-exclusive easement to FPL to ensure that electrical power is provided to Liberty Square Phase Two; 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, for a nominal amount of \$1.00, for the purpose of allowing FPL to construct, operate and maintain underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed on the Liberty Square Phase Two site , (Folio No. 01-3114-002-0010), which is located in the area bounded by NW 67th Street to the north, NW 65th Street to the south, NW 14th Avenue to the west and NW 13th Avenue to the east, 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.

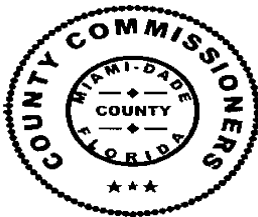
The foregoing resolution was offered by Commissioner **Rebeca Sosa**,
 who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman**
 and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	absent	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 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



By: **Melissa Adames**
 Deputy Clerk

Approved by County Attorney
 as to form and legal sufficiency.

Terrence A. Smith

Work Request No. _____

Sec. 14, Twp 53 S, Rge 41 E

Parcel I.D. 01-3114-002-0010
(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Arturo R. Toirac, P.S.M.

Co. Name: Losada Surveyors

Address: 13217 S.W. 46th Lane

Miami, Florida 33175

ATTACHMENT A

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; 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 any other person, firm, or corporation 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 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; 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; 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 _____, 2020

Signed, sealed and delivered in the presence of:

Entity Name:

(Witness' Signature)

By: _____

Print Name: _____
(Witness)

Print Name: _____

(Witness' Signature)

Print Address: _____

Print Name: _____
(Witness)

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by _____, the _____ of _____ a _____, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

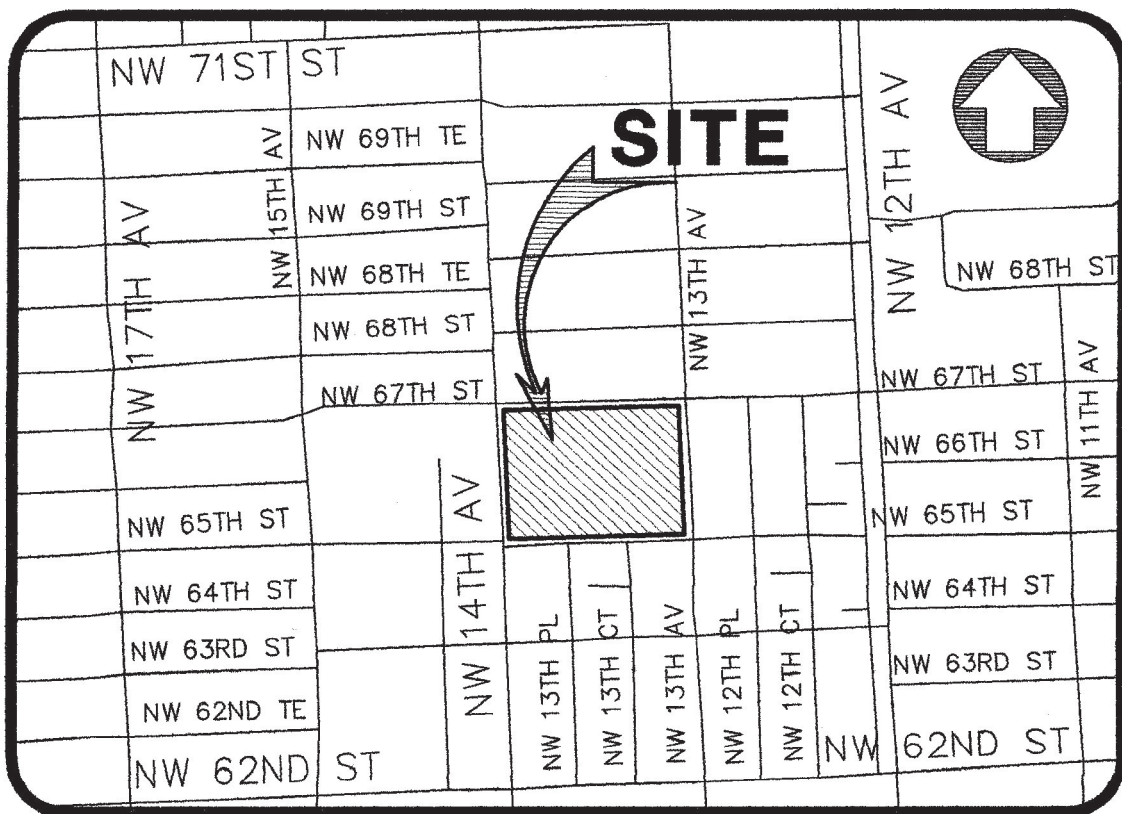
My Commission Expires:

Notary Public, Signature

Print Name _____

EXHIBIT "A"
SKETCH AND LEGAL DESCRIPTION
LIBERTY SQUARE PHASE II
N.W. 67th STREET & S.W. 14th AVENUE,
MIAMI, FLORIDA 33147
8' FP&L EASEMENT

A PORTION OF THE S.E. 1/4 OF THE N.W. 1/4
SECTION 14, TOWNSHIP 53 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA



LOCATION MAP
NOT TO SCALE

NOTES:

- THE MINIMUM VERTICAL CLEARANCE OF THIS EASEMENT IS TWENTY FIVE (25) FEET ABOVE GRADE.
- THESE EASEMENT STRIPS FORM A CLOSED GEOMETRIC FIGURE.

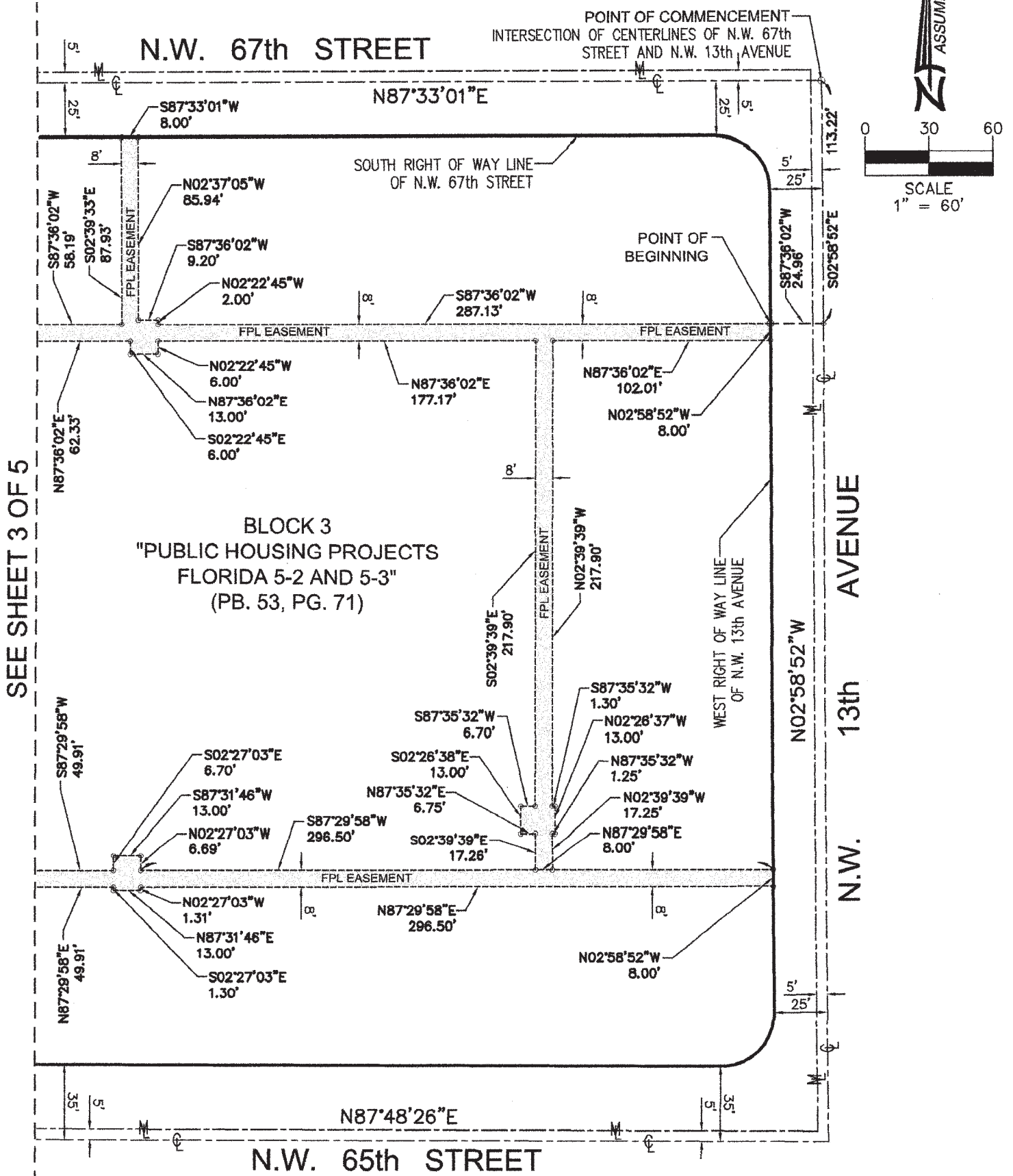
SURVEYOR'S NOTES

1. THIS IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF NW, 14TH AVENUE, N02°55'41"W AS SHOWN.

ABBREVIATIONS

SYMBOL	DEFINITION
CL	CENTERLINE
R/W	RIGHT-OF-WAY
PB.	PLAT BOOK
PG.	PAGE
P/L	PROPERTY LINE
ML	MONUMENT LINE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PLAN

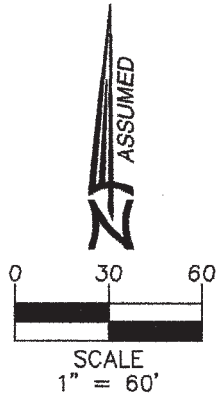
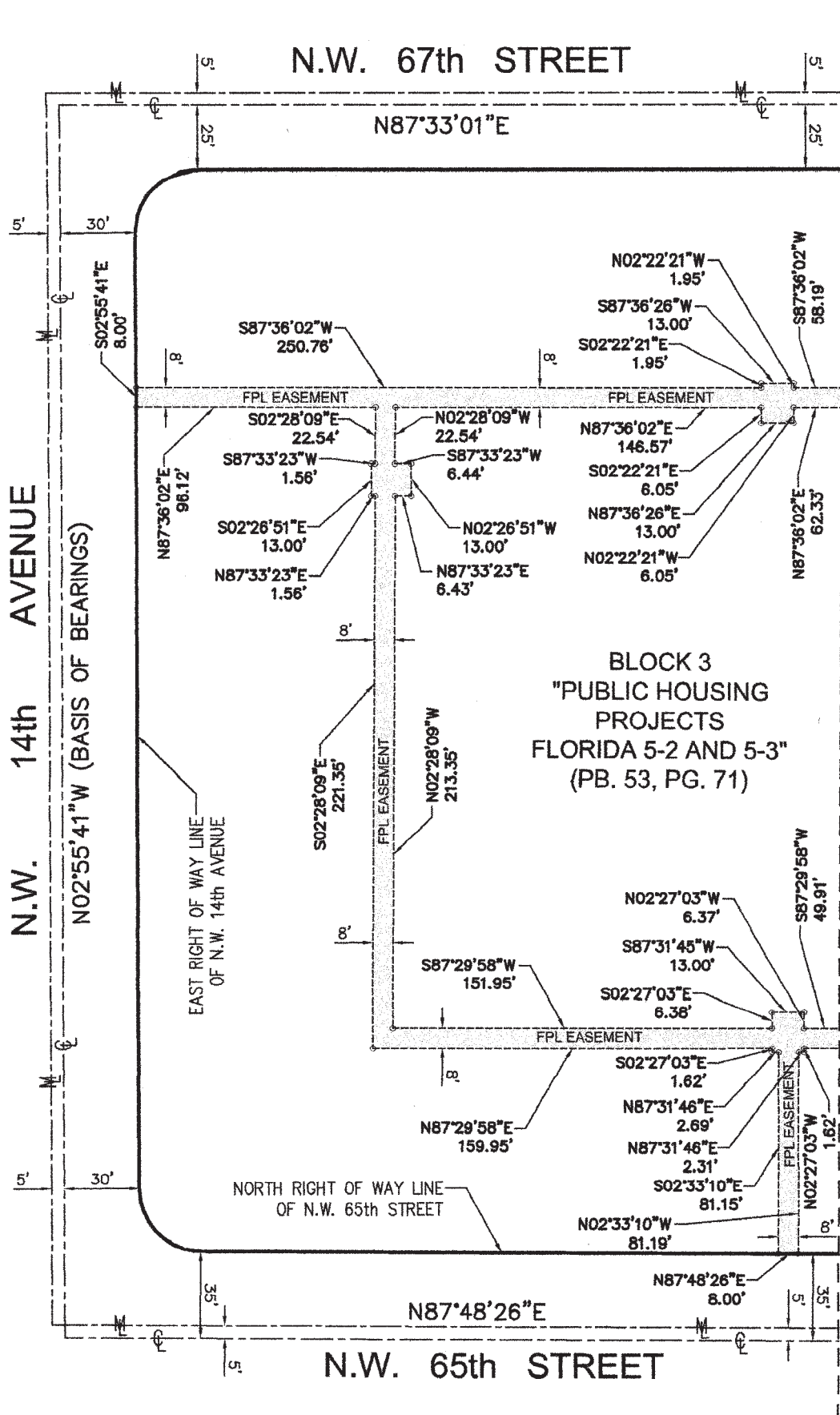


SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF N.W. 14TH AVENUE, N02°55'41"W AS SHOWN.

NOTICE: Not full and complete without pages 1, 3, 4 & 5 of 510

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PLAN



SEE SHEET 2 OF 5

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF N.W. 14TH AVENUE, N02°55'41"W AS SHOWN.

NOTICE: Not full and complete without pages 1, 2, 4 & 5 of 5 1

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
LEGAL DESCRIPTION

A 8 feet Wide Easement for a Florida Power & Light Company, that is a portion of Blocks 3, "PUBLIC HOUSING PROJECTS FLORIDA 5-2 AND 5-3" according to the Plat thereof, as recorded in Plat Book 53 at Page 71, of the Public Records of Miami-Dade County, Florida. Lying & being in Miami-Dade County, Florida; being more particularly described as follows:

COMMENCE at the Intersection of the Centerlines of N.W. 67th Street and N.W. 13th Avenue; THENCE run S02°58'52"E along said Centerline of N.W. 13th Avenue, for a distance of 113.22 feet; THENCE run S87°36'02"W for a distance of 24.96 feet to a point in the West Right of Way Line of N.W. 13th Avenue, that point is also the **POINT OF BEGINNING** of the 8 feet Wide Easement for a Florida Power & Light Company; THENCE continue S87°36'02"W for a distance of 287.13 feet; THENCE run N02°22'45"W for a distance of 2.00 feet; THENCE run S87°36'02"W for a distance of 9.20 feet; THENCE run N02°37'05"W for a distance of 85.94 feet to a point in the South Right of Way Line of N.W. 67th Street; THENCE run S87°33'01"W for a distance of 8.00 feet; THENCE run S02°39'33"E for a distance of 87.93 feet; THENCE run S87°36'02"W for a distance of 58.19 feet; THENCE run N02°22'21"W for a distance of 1.95 feet; THENCE run S87°36'26"W for a distance of 13.00 feet; THENCE run S02°22'21"E for a distance of 1.95 feet; THENCE run S87°36'02"W for a distance of 250.76 feet to a point in the East Right of Way Line of N.W. 14th Avenue; THENCE run S02°55'41"E along said East Right of Way Line, for a distance of 8.00 feet; THENCE run N87°36'02"E for a distance of 96.12 feet; THENCE run S02°28'09"E for a distance of 22.54 feet; THENCE run S87°33'23"W for a distance of 1.56 feet; THENCE run S02°26'51"E for a distance of 13.00 feet; THENCE run N87°33'23"E for a distance of 1.56 feet; THENCE run S02°28'09"E for a distance of 221.35 feet; THENCE run N87°29'58"E for a distance of 159.95 feet; THENCE run S02°27'03"E for a distance of 1.62 feet; THENCE run N87°31'46"E for a distance of 2.69 feet; THENCE run S02°33'10"E for a distance of 81.15 feet to a point in the North Right of Way Line of N.W. 65th Street; THENCE run N87°48'26"E along said North Right of Way Line, for a distance of 8.00 feet; THENCE run N02°33'10"W for a distance of 81.19 feet; THENCE run N87°31'46"E for a distance of 2.31 feet; THENCE run N02°27'03"W for a distance of 1.62 feet; THENCE run N87°29'58"E for a distance of 49.91 feet; THENCE run S02°27'03"E for a distance of 1.30 feet; THENCE run N87°31'46"E for a distance of 13.00 feet; THENCE run N02°27'03"W for a distance of 1.31 feet; THENCE run N87°29'58"E for a distance of 296.50 feet to a point in the West Right of Way Line of N.W. 13th Avenue; THENCE run N02°58'52"W along said North Right of Way Line, for a distance of 8.00 feet; THENCE run S87°29'58"W for a distance of 296.50 feet; THENCE run N02°27'03"W for a distance of 6.69 feet; THENCE run S87°31'46"E for a distance of 13.00 feet; THENCE run S02°27'03"E for a distance of 6.70 feet; THENCE run S87°29'58"W for a distance of 49.91 feet; THENCE run N02°27'03"W for a distance of 6.37 feet; THENCE run S87°31'45"W for a distance of 13.00 feet; THENCE run S02°27'03"E for a distance of 6.38 feet; THENCE run S87°29'58"W for a distance of 151.95 feet; THENCE run N02°28'09"W for a distance of 213.35 feet; THENCE run N87°33'23"E for a distance of 6.43 feet; THENCE run N02°26'51"W for a distance of 13.00 feet; THENCE run S87°33'23"W for a distance of 6.44 feet; THENCE run N02°28'09"W for a distance of 22.54 feet; THENCE run N87°36'02"E for a distance of 146.57 feet;

CONTINUE IN PAGE 5 OF 5

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
LEGAL DESCRIPTION

CONTINUE FROM PAGE 4 OF 5

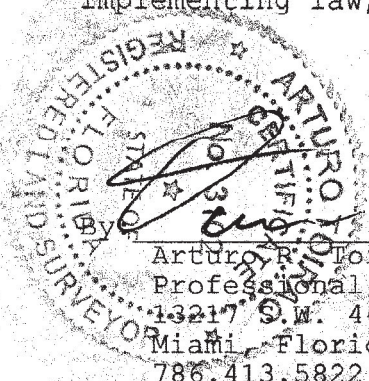
THENCE run S02°22'21"E for a distance of 6.05 feet; THENCE run N87°36'26"E for a distance of 13.00 feet; THENCE run N02°22'21"W for a distance of 6.05 feet; THENCE run N87°36'02"E for a distance of 62.33 feet; THENCE run S02°22'45"E for a distance of 6.00 feet; THENCE run N87°36'02"E for a distance of 13.00 feet; THENCE run N02°22'45"W for a distance of 6.00 feet; THENCE run N87°36'02"E for a distance of 177.17 feet; THENCE run S02°39'39"E for a distance of 217.90 feet; THENCE run S87°35'32"W for a distance of 6.70 feet; THENCE run S02°26'38"E for a distance of 13.00 feet; THENCE run N87°35'32"E for a distance of 6.75 feet; THENCE run S02°39'39"E for a distance of 17.26 feet; THENCE run N87°29'58"E for a distance of 8.00 feet; THENCE run N02°39'39"W for a distance of 17.25 feet; THENCE run N87°35'32"W for a distance of 1.25 feet; THENCE run N02°26'37"W for a distance of 13.00 feet; THENCE run S87°35'32"W for a distance of 1.30 feet; THENCE run N02°39'39"W for a distance of 217.90 feet; THENCE run N87°36'02"E for a distance of 102.01 feet to a point in the West Right of Way Line of N.W. 13th Avenue; THENCE run N02°58'52"W along said North Right of Way Line, for a distance of 8.00 feet to the **POINT OF BEGINNING**.

Containing 15,211 square feet or 0.35 acres more or less by calculations.

SURVEYOR'S CERTIFICATE:

I hereby certify to that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the applicable provisions of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

Date: 03-24-2020

By:  Arthur R. Toirac, P.S.M.
Professional Surveyor and Mapper LS3102
13217 S.W. 46th Lane
Miami, Florida 33175
786.413.5822 phone

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required pursuant to Rule 5J-17.051 through 5J-17.053 of the Florida Administrative.