

MEMORANDUM

Agenda Item No. 8(O)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing conveyance of a 6,628 square foot temporary non-exclusive easement to Florida Power and Light Company for a nominal amount of \$1.00 to install and maintain electrical power facilities for construction purposes at the Water and Sewer Department's North District Wastewater Treatment Plant, located at 2575 NE 156 Street, North Miami, Florida; and authorizing the County Mayor to execute the temporary non-exclusive easement and to exercise all provisions contained therein

Resolution No. R-172-21

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



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: March 2, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution Authorizing the Conveyance of a Temporary Non-Exclusive Easement to Florida Power and Light Company for the Installation and Maintenance of Electrical Power for Construction Purposes at the North District Wastewater Treatment Plant- Folio No. 06-2216-000-0062

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the conveyance of a 6,628 square foot temporary non-exclusive easement to Florida Power and Light Company (FP&L) for a period of five years. This temporary non-exclusive easement is needed to provide electrical service for the Miami-Dade Water and Sewer Department's (WASD) Ocean Outfall well drilling construction projects located at the North District Wastewater Treatment Plant (NDWWTP). The FP&L easement will allow for the construction, operation and maintenance of underground electrical utility facilities, including wires, cables, and conduits, as well as electrical switch and metering cabinets, to serve injection well drilling operations initially and, thereafter, future wastewater treatment plant expansion construction activities. Following the initial well construction and prior to construction of the other wastewater treatment facilities, the site elevation will be raised, and the FP&L cabinets will be relocated on site. The proposed relocation will require the release of this temporary easement and future Board approval for a new temporary easement. See the Underground Non-Exclusive Temporary Easement, attached hereto as Exhibit "1".

SCOPE

The NDWWTP is located at 2575 NE 156 Street, North Miami, Florida (Folio No. 06-2216-000-0062) in Commission District 4, which is represented by Commissioner Sally A. Heyman. See the Property Appraiser Summary Report, attached hereto as Exhibit "2".

FISCAL IMPACT / FUNDING SOURCE

FP&L will pay a nominal sum of \$1.00 for the temporary easement and will be responsible for the construction, operation and maintenance of the underground electrical utility facilities, including wiring, cables, conduits and related equipment.

TRACK RECORD/MONITOR

WASD's Real Estate Manager, Liliana Blore, will oversee the conveyance of this temporary 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 June 30, 2008, Governor Charlie Crist signed Senate Bill 1302 related to wastewater disposal/ocean outfalls (Section 403.086(9) of the Florida Statutes) (the "Ocean Outfall Legislation"). This law requires all southeast Florida utilities utilizing ocean outfalls for disposal of treated wastewater to eliminate the normal use of outfalls by the end of 2025. In December 2019, the County submitted an updated five-year Ocean Outfall Legislation Compliance Plan to the Florida Department of Environmental Protection (FDEP). The Compliance Plan developed by WASD limits the use of ocean outfalls by diverting flows to Class I injection wells. This is an FDEP permitted strategy, which WASD is already successfully utilizing at the NDWWTP. Five (5) additional Class I injection wells as well as treatment and pumping facilities are proposed for this construction project to address the Ocean Outfall requirements.

In order to provide underground electrical power to the drilling contractor's substation(s) and other temporary facilities, FP&L has requested a 6,628 square foot easement to install a 13.2 kilo volt service line through a WASD-installed temporary duct bank. The temporary easement will allow FP&L the right to access the site and the ability to maintain the dedicated service needed to provide power for the drilling rigs and for future wastewater treatment plant construction projects.

As requested by Resolution No. R-504-15, the only visible element on the easement will be aboveground switch and metering cabinets mounted on concrete pads and screened from view by landscaping, which will not adversely impact the surrounding area. As noted above, following the initial well construction and prior to construction of the other wastewater treatment facilities, the site elevation will be raised, and the FP&L cabinets will be relocated on site, which require this easement to be released in the future and a new easement granted for the relocated FP&L facilities.



Jimmy Morales
Chief Operations Officer

EXHIBIT 1

Work Request
No. 9430186 **Error! Bookmark not defined.**

**UNDERGROUND EASEMENT
(BUSINESS)**

Sec. 16, Twp 52, Range 42

Folio No. 06-2216-000-0062
(Maintained by County Appraiser)

This Instrument Prepared By
Name: Miami-Dade County (Grantor)
Co. Name: Miami-Dade Water & Sewer
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, does hereby grants and gives to Florida Power & Light Company ("FPL"), also referred to as "Grantee", its affiliates, licensees, agents, successors, and assigns, a non-exclusive temporary easement, which shall commence on the Effective Date and shall expire within sixty (60) months thereafter 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 in order to provide electrical service to areas of the North District Wastewater Treatment Plant 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; 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, 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. Grantor further grants, to the fullest extent the undersigned has the power to grant, if at all, to the Grantee 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 _____ day of _____, 20____ (Effective Date).

ATTEST: HARVEY RUVIN,
Clerk of Said Board

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

By: _____
Deputy Clerk

By _____
County Mayor

Approved as to Form and
Legal Sufficiency:

Sandra Patricia Davis 1/11/21
Assistant County Attorney

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

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ☐ physical presence; or
☐ remote audio-visual means e notarization, this _____ day of _____, 20____. by
_____, as _____, and _____,
as _____ on behalf of the County, who is personally known to me or has
produced (type of identification) as identification.

[Notary Seal]

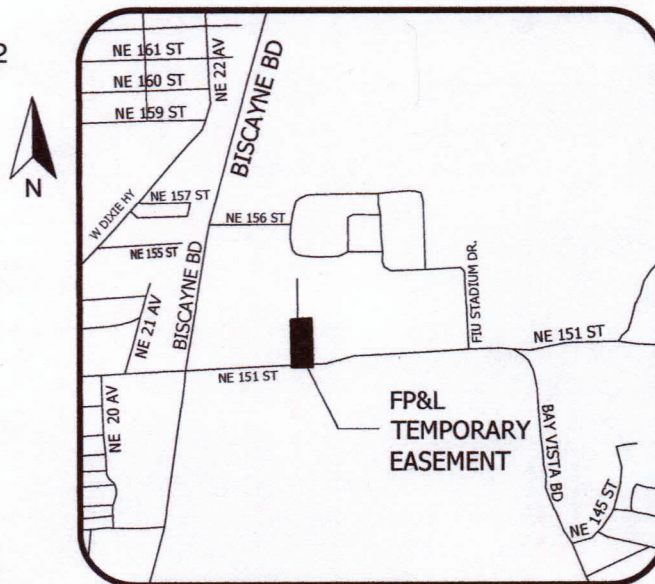
(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Serial number, if any)

City of North Miami
Miami-Dade County
Section 16,
Township 52 S,
Range 42 E
Parcel Id: 06-2216-000-0062

Exhibit "A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



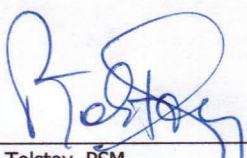
VICINITY MAP
NOT TO SCALE

SURVEYOR'S NOTES

1. This is not a Boundary Survey.
2. The purpose of this survey is to provide a Sketch and Legal Description for an Florida Power & Light Temporary Easement.
3. Bearings are relative to the Florida State Plane Coordinate System, East Zone - 901, North American Datum or 1983, 2011 adjustment (NAD1983/2011), with a bearing of N87°03'00"E being established for the south line of the S.E. 1/4 of Section 16, Township 52 South, Range 42 East; said line to be considered a well-monumented line.
4. All dimensions are in US Survey foot.

SURVEYOR'S CERTIFICATE

I certify that this sketch and legal description of the hereon described property was performed under my direction and is true and correct to the best of my knowledge and belief as delineated under my direction on September 9, 2020, that said Sketch and Legal Description meets the intent of the applicable provisions of the Standards of Practice, pursuant to Rule Chapter 5J-17 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

By:  10/5/2020
Lis Tolstoy, PSM
Registered Surveyor and Mapper L.S. #6759
State of Florida



F.R. Aleman & Associates, Inc.
Florida Certificate of Authorization Number L.B. 6785

Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

This Sketch & Legal Description is not full and complete without sheet 2 of 3 and 3 of 3.

REVISIONS	DATE	BY	CKD	FB/PG	FRALEMAN FR Aleman & Associates, INC. 10305 NW 41 Street, Suite 200, Doral, FL 33178 Phone: 305.591.8777 Fax: 305.599.8749 LB: 6785	DRAWN BY: RMB	SHEET 1 OF 3 SHEETS
						CHECKED BY: LT	
						DATE: 09-09-2020	
						SCALE: NOT TO SCALE	
						JOB No.: 2866W05	

Exhibit "A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGAL DESCRIPTION

A parcel of land lying in the Southeast 1/4 of Section 16, Township 52 South, Range 42 East, City of North Miami, Miami Dade County, Florida, being also a portion of the land described in Official Records Book 16040, at Page 1033 of the Public Records of Miami-Dade County, Florida, and more particularly described as follows:

Commence at the Southwest corner of the Southeast 1/4 of Section 16, Township 52 South, Range 42 East; thence N 87°03'00" E along the South line of the Southeast 1/4 of said Section 16, for a distance of 793.86 feet; thence N 00°23'04" W for a distance of 110.11 feet to a point on the northerly right-of-way line of NE 151 Street said point being the **POINT OF BEGINNING** of the following described parcel; thence continue N 00°23'04" W for a distance of 494.07 feet; thence East for a distance of 19.04 feet; thence North for a distance of 23.50 feet, thence East for a distance of 40.00 feet, thence South for a distance of 40.00 feet, thence West for a distance of 40.00 feet, thence North for a distance of 6.50 feet, thence West for a distance of 8.97 feet, thence S 00°23'04" E for a distance of 483.55 feet to a point on the Northerly right of way line of NE 151 Stret; thence S 87°03'00" W along the previously described line for a distance of of 10.01 feet the **POINT OF BEGINNING**.

Containing 6,628 square feet or 0.152 acres more or less, lying and being in City of North Miami, Miami-Dade County, Florida.

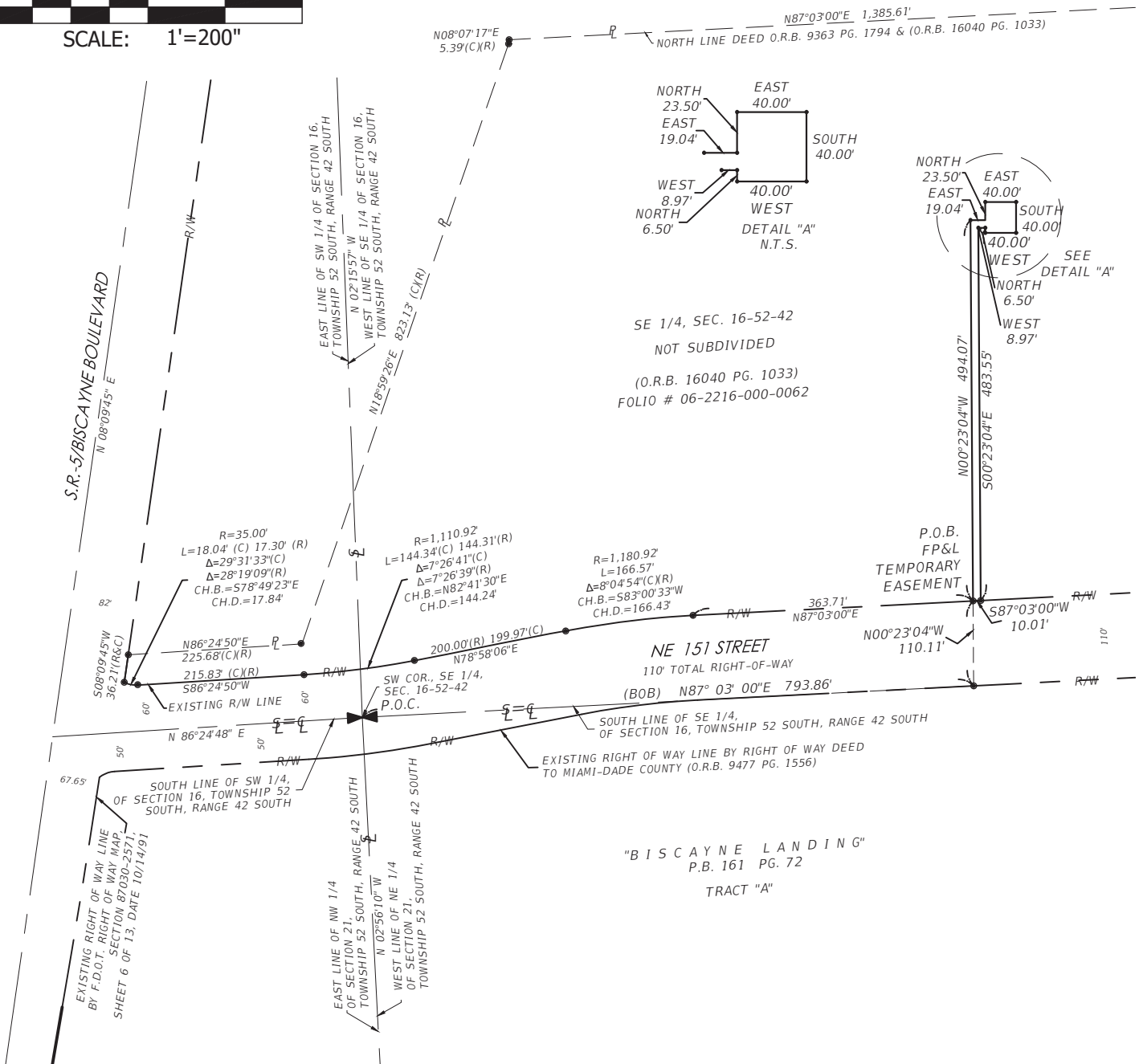
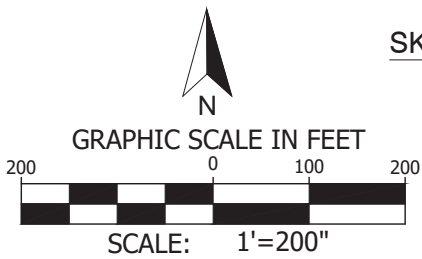
Lis Tolstoy, PSM
Registered Surveyor and Mapper L.S. #6759
State of Florida

Signature Date

This Sketch & Legal Description is not full and complete without sheet 1 of 3 and 3 of 3

REVISIONS	DATE	BY	CKD	FB/PG	FRALEMAN FR Aleman & Associates, INC. 10305 NW 41 Street, Suite 200, Doral, FL 33178 Phone: 305.591.8777 Fax: 305.599.8749 LB: 6785	DRAWN BY: RMB	2 OF 3 SHEETS
						CHECKED BY: LT	
						DATE: 09-09-20	
						SCALE: NOT TO SCALE	
						JOB No.: 2866WO5	

Exhibit "A" SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LEGEND AND ABBREVIATIONS

BOB	Basis of Bearing	PL	Property Line	FP&L	Florida Power & Light Company
C	Centerline	PG.	Page	F.D.O.T.	Florida Department of Transportation
SL	Section Line	P.O.B.	Point of Beginning	S.R.	State Road
R/W	Right of Way	P.O.C.	Point of Commence		
PB	Plat Book	O.R.B.	Official Records Book		

This Sketch & Legal Description is not full and complete without sheet 1 of 3 and 2 of 3

Lis Tolstoy, PSM
Registered Surveyor and Mapper L.S. #6759
State of Florida

Signature Date

FRALEMAN

FR Aleman & Associates, INC.
10305 NW 41 Street, Suite 200, Doral, FL 33178
Phone: 305.591.8777 Fax: 305.599.8749 LB: 6785

DRAWN BY: RMB

CHECKED BY: LT

DATE: 09-09-2020

SCALE: 1" = 180'

JOB No.: 2866W05

SHEET

3

OF 3 SHEETS



EXHIBIT 2

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 10/14/2020

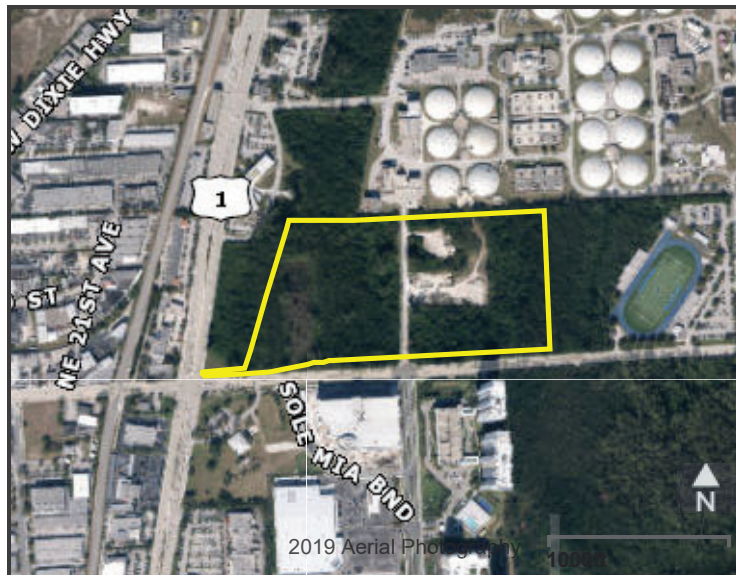
Property Information	
Folio:	06-2216-000-0062
Property Address:	
Owner	MIAMI-DADE COUNTY WATER AND SEWER
Mailing Address	3071 SW 38 AVE MIAMI, FL 33146-1520
PA Primary Zone	9300 PLANNED UNIT DEVELOPMENT
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	1,177,675 Sq.Ft
Year Built	0

Assessment Information			
Year	2020	2019	2018
Land Value	\$3,061,955	\$3,061,955	\$2,944,188
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$3,061,955	\$3,061,955	\$2,944,188
Assessed Value	\$3,061,955	\$3,061,955	\$2,944,188

Benefits Information				
Benefit	Type	2020	2019	2018
County	Exemption	\$3,061,955	\$3,061,955	\$2,944,188

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

Short Legal Description
16 52 42 27.036 AC
BEG 1030FT S 87 DEG W & 110FT
N 2 DEG W OF SE COR OF SEC 16
CONT N758FT S 87 DEG W 1385.61FT
S 8 DEG W 5.39FT S 19 DEG W



Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$3,061,955	\$3,061,955	\$2,944,188
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$3,061,955	\$3,061,955	\$2,944,188
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$3,061,955	\$3,061,955	\$2,944,188
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$3,061,955	\$3,061,955	\$2,944,188
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing 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/disclaimer.asp>

Version:



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: 
Gen Bonzon-Keenan
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)
3-2-21

RESOLUTION NO. R-172-21

RESOLUTION AUTHORIZING CONVEYANCE OF A 6,628 SQUARE FOOT TEMPORARY NON-EXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL AMOUNT OF \$1.00 TO INSTALL AND MAINTAIN ELECTRICAL POWER FACILITIES FOR CONSTRUCTION PURPOSES AT THE WATER AND SEWER DEPARTMENT'S NORTH DISTRICT WASTEWATER TREATMENT PLANT, LOCATED AT 2575 NE 156 STREET, NORTH MIAMI, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE TEMPORARY NON-EXCLUSIVE EASEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, on June 30, 2008, Governor Charlie Crist signed Senate Bill 1302 related to wastewater disposal/ocean outfalls (section 403.086(9) of the Florida Statutes) (the "Ocean Outfall Legislation") requiring all southeast Florida utilities utilizing ocean outfalls for disposal of treated wastewater to eliminate the normal use of outfalls by the end of 2025; and

WHEREAS, in order to comply with the requirements and regulations set forth by the Ocean Outfall Legislation, the County, through its Water and Sewer Department, must upgrade and expand the North District Wastewater Treatment Plant ("NDWWTP") facilities and deep injection well system located at 2575 NE 156th Street, North Miami, Florida, Folio No. 06-2216-000-0062; and

WHEREAS, Florida Power and Light Company ("FP&L") agreed to provide temporary electric power to facilitate the construction of the injection well drilling projects in exchange for a temporary non-exclusive easement to allow access to install and maintain the facilities; and

WHEREAS, with the exception of metering cabinets that will be screened from public view in accordance with Resolution R-504-15, FP&L's electrical facilities within the easement will be entirely underground; 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 the Board:

Section 1. Incorporates and approves the foregoing recitals, as if fully set forth herein.

Section 2. Authorizes the conveyance of a temporary non-exclusive easement to FP&L, in substantially the form attached to the Mayor's Memorandum as Exhibit "1", for a period of five years and a one-time payment of \$1.00, for the purposes of allowing FP&L to install and maintain electric power facilities for construction expansion projects at the NDWWTP, and authorizes the County Mayor or County Mayor's designee to execute the easement and to exercise all provisions set forth therein.

Section 3. Directs the County Mayor or County Mayor's designee, pursuant to Resolution No. R-974-09: (1) to record the temporary 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 **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of March, 2021. 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.

SED

Sarah E. Davis