

MEMORANDUM

Agenda Item No. 9(A)(2)

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

DATE: June 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing conveyance of an easement to Florida Power and Light Company in exchange for the one-time payment of \$1.00 to install and maintain electric power facilities at Westchester Regional Library, located at 9445 Coral Way; authorizing County Mayor to execute easement and exercise all provisions contained therein

Resolution No. R-565-21

The accompanying resolution was prepared by the Library Department and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: June 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 an Easement to Florida Power and Light Company for the Installation and Maintenance of Electrical Power Transmission Facilities at Westchester Regional Library

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the conveyance of a 5,717-square-foot easement to Florida Power and Light Company (FPL) for underground electrical lines, an electrical transformer, and related equipment at the Westchester Regional Library for the Westchester Health and Wellness Information Center (Center).

Scope

Westchester Regional Library is located at 9445 Coral Way, Miami, FL 33165 in County Commission District 10, which is represented by Commissioner Javier D. Souto.

Fiscal Impact/Funding Source

The fiscal impact is one-time receipt of \$1.00 from FPL, into Index Code CPL305ND2046.

Track Record/Monitor

Miami-Dade Public Library System (MDPLS) Capital Projects Manager Alice Argüelles will ensure completion of the easement document, its recording, and delivery to the Clerk of the Board.

Delegated Authority

This item delegates the authority to 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.

Background

Located adjacent to the Westchester Regional Library, the 3,800-square-foot Center will provide health and wellness programs and information to the community on topics such as preventative care, exercise and nutrition, and overall wellness. The Center will be free and open to the public. The new Center requires electrical power. FPL will provide electrical power in exchange for Miami-Dade County providing a 5,717-square-foot easement (Attachment A to the resolution) for underground electrical lines, an electrical transformer, and related equipment. It is approximately 10-feet wide and 571.67 feet in length. The only above-ground facility will be the transformer, which will be screened from public view and

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
Page No. 2

will not adversely impact the library's aesthetics in accordance with Resolution No. R-504-15.



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: June 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 9(A)(2)

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. 9(A)(2)
6-2-21

RESOLUTION NO. R-565-21

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY IN EXCHANGE FOR THE ONE-TIME PAYMENT OF \$1.00 TO INSTALL AND MAINTAIN ELECTRIC POWER FACILITIES AT WESTCHESTER REGIONAL LIBRARY, LOCATED AT 9445 CORAL WAY; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE EASEMENT AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, the County, through its Miami-Dade Public Library System, has built a new Health and Wellness Information Center at Westchester Regional Library, located at 9445 Coral Way, Miami, FL 33165; and

WHEREAS, the new Westchester Health and Wellness Information 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 Westchester Health and Wellness Information 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 adversely impact the aesthetics at Westchester Regional Library, and the only visible element, a power transformer, will be screened from public view, 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 this Board:

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

Section 2. Authorizes the conveyance of an easement to Florida Power and Light Company, for the one-time payment of \$1.00, for the installation and maintenance of electric power facilities at Westchester Regional Library, 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.

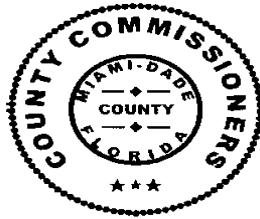
Section 3. Pursuant to Resolution No. R-974-09, (1) directs the County Mayor or County Mayor's designee to record the easement in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within 30 days of recordation of the easement; and (2) directs 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:

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 June, 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

By: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

mjs

Melanie J. Spencer

Attachment A

NON-EXCLUSIVE EASEMENT

UNDERGROUND EASEMENT

Work Request No. _____
Sec 9, Twp 54 S, Rge 40E

Parcel I.D. 30-4009-000-0170
(Maintained by County Appraiser)

This Instrument Prepared By

Name: Miami-Dade County
Dept Name: MDPLS
Address: 101 West Flagler
Miami, FL 33160

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 successors and assigns, ("Grantee") 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 of any of them located at Westchester Regional Library, 9455 Coral Way, Miami, FL 33165, within the following described property:

Reserved for Circuit Court

See attached Exhibit "A" ("Easement Area")

Grantors Address:
Miami-Dade County
111 NW 1 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 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 and the obligation to maintain 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 removed all facilities within the Non-Exclusive Easement 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 _____, 20 ____.

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 hear aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

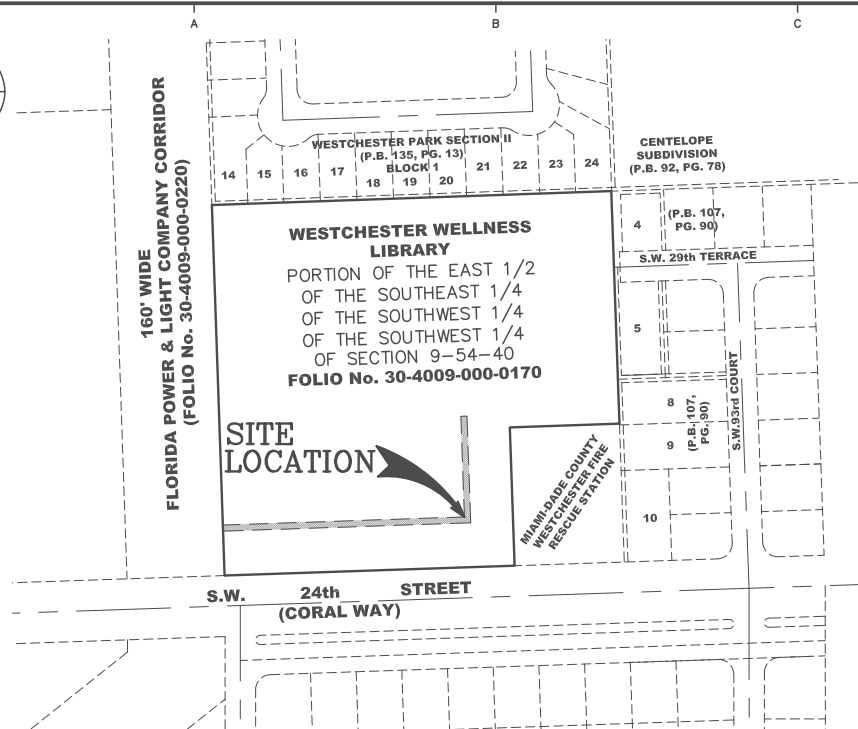
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mayor

Approved as to Form and Sufficiency _____
Print Name _____

The foregoing was authorized and approved by Resolution R-_____-21 of the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, 2021.



LOCATION MAP

A PORTION OF SECTION 9, TOWNSHIP 54 SOUTH, RANGE 40 EAST
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

SURVEYOR'S NOTES:

- 1) This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) North Arrow direction and bearings shown hereon are based on an assumed value of S88°03'40"W, along the South Line of Section 9, Township 54 South, Range 40 East, Miami-Dade County, Florida.
- 3) Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 4) There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of TITLE COMMITMENT will have to be made to determine recorded instruments, if any affecting this property.
- 5) The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 6) No Title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon.

I further certify that this survey was prepared in accordance with the applicable provisions of Chapter 5J-17.051 (Formerly 61G17-6), Florida Administrative Code, and conforms to the Standards of Practices set forth by the Florida Board of Land Surveyors and Mappers pursuant to Section 472.027, Florida Statutes.

Ford, Armenteros & Fernandez, Inc.

L.B. #6557

Date: FEBRUARY 22nd, 2021



Digitally signed by
Ricardo Rodriguez
Date: 2021.02.22
10:08:06 -05'00'

By: Ricardo Rodriguez, P.S.M., for the firm
Professional Land Surveyor
State of Florida, LS No. 5936

WESTCHESTER WELLNESS LIBRARY - F.P.L. EASEMENT



FORD, ARMENTEROS & FERNANDEZ, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
DORAL, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION	
SHEET NAME:	LOCATION MAP, NOTES AND SURVEYOR'S CERTIFICATE	
PREPARED FOR:	JOHN BELL CONSTRUCTION	
DRAWN BY:	R. RODRIGUEZ	DATE: 02-22-2021
DWG. CHECKED BY:		SCALE: AS SHOWN
CHECKED BY:		PROJECT No: 20-059-1000
		SHEET: 1
		OF 3 SHEETS

LEGAL DESCRIPTION:

A PORTION OF THE EAST HALF OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 14, BLOCK 1, OF "WESTCHESTER PARK SECTION II", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 135, AT PAGE 13, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID POINT LYING ON THE EASTERLY LINE OF A 160 FEET WIDE FLORIDA POWER AND LIGHT COMPANY CORRIDOR UNDER FOLIO NUMBER 30-4009-000-0220; THENCE S01°57'44"E, ALONG SAID EASTERLY LINE OF A 160 FEET WIDE FLORIDA POWER AND LIGHT COMPANY CORRIDOR FOR A DISTANCE OF 530.18 FEET TO THE POINT OF BEGINNING OF A 10.00 FEET WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SHORTENING OR EXTENDING THE SIDE LINES SO AS TO CREATE A CONTINUOUS STRIP OF LAND); THENCE N88°03'40"E FOR A DISTANCE OF 401.61 FEET; THENCE N02°00'19"W FOR A DISTANCE OF 170.06 FEET TO A POINT OF TERMINATION.

CONTAINING 5,717 SQUARE FEET OR 0.13 ACRES MORE OR LESS.

FOLIO No. 30-4009-000-0170

WESTCHESTER WELLNESS LIBRARY - F.P.L. EASEMENT

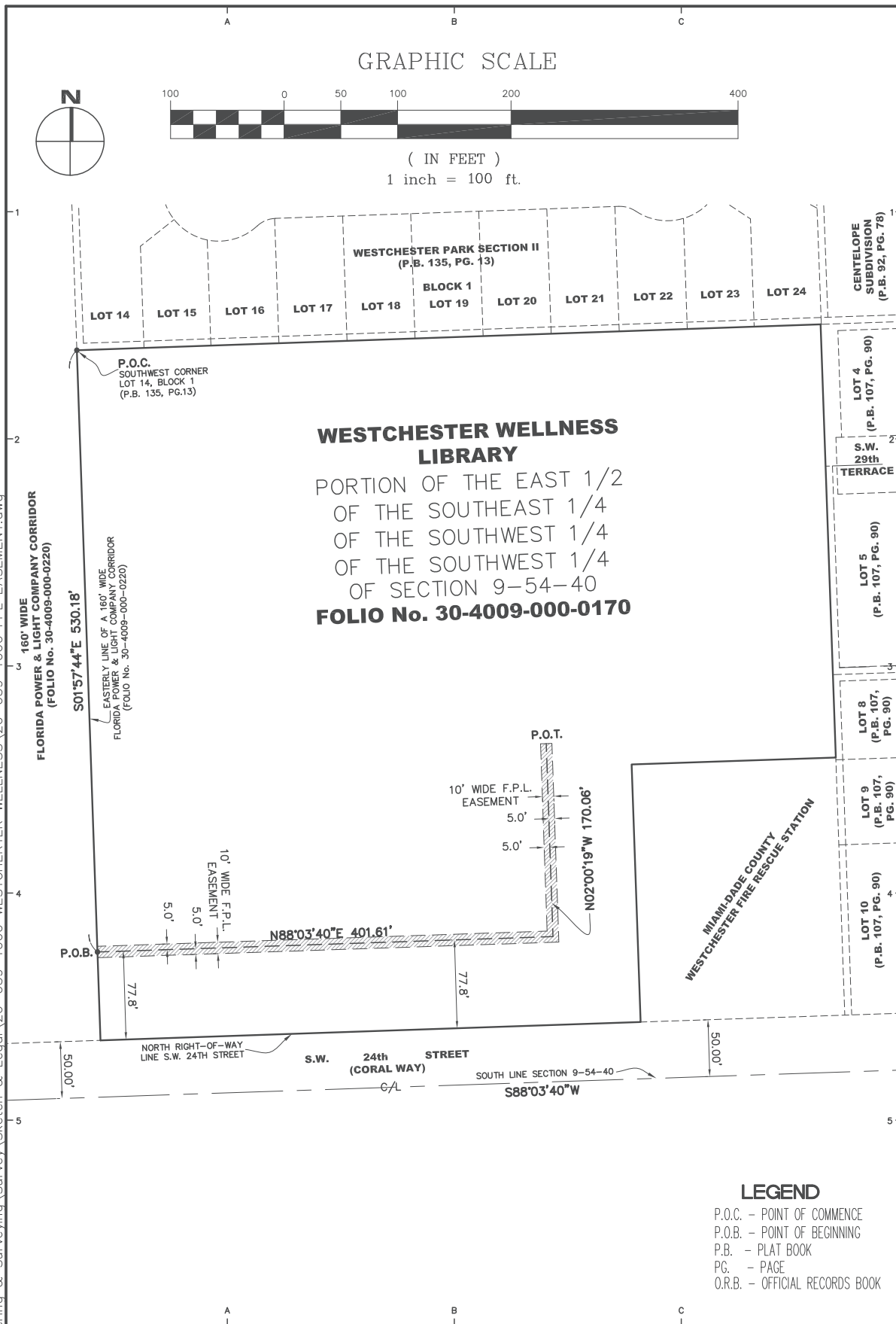


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PH. (305) 477-6472
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TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION		
SHEET NAME: LEGAL DESCRIPTION TO ACCOMPANY SKETCH		
PREPARED FOR: JOHN BELL CONSTRUCTION		
DRAWN BY: R.RODRIGUEZ	DATE: 02-22-2021	SHEET: 2 of 3 SHEETS
DWG. CHECKED BY:	SCALE: AS SHOWN	
CHECKED BY:	PROJECT No: 20-059-1000	

C:\FORD COMPANIES\Engineering & Surveying\Survey\Sketch & Legal\20-059-1000 WESTCHERTER WELLNESS\20-059-1000 FPL EASEMENT.dwg

C:\FORD COMPANIES\Engineering & Surveying\Survey\Sketch & Legal\20-059-1000 WESTCHERTER WELLNESS\20-059-1000 FPL EASEMENT.dwg



LEGEND

P.O.C. - POINT OF COMMENCE
P.O.B. - POINT OF BEGINNING
P.B. - PLAT BOOK
PG. - PAGE
O.R.B. - OFFICIAL RECORDS BOOK

WESTCHESTER WELLNESS LIBRARY - F.P.L. EASEMENT



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DRAWN BY:	R. RODRIGUEZ	DATE:	02-22-2021
DATE CHECKED BY:		SCALE:	AS SHOWN
CHECKED BY:		PROJECT No:	20-059-1000

SHEET:

3

OF 3 SHEETS