

MEMORANDUM

Agenda Item No. 8(K)(1)

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

DATE: July 8, 2021

FROM: Geri Bonzon-Keenan
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 the new 160-unit Gallery on the River affordable/workforce housing development on a County-owned property located at 401 N. River Drive, Miami, Florida; and authorizing the County Mayor to execute the Underground Easement (Business) and to exercise all provisions contained therein

Resolution No. R-653-21

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.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: July 8, 2021

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

From: Daniella Levine Cava
Mayor 

Subject: Nonexclusive Easement to Florida Power and Light Company to Install and Maintain Electrical Transformers and Lines for Gallery on the River Affordable Housing Development

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 in exchange for \$1.00 to install and maintain electrical transformers and lines to the new 160-unit Gallery on the River affordable housing development located at 401 N. River Drive, 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

There are two transformers and associated raceways for the project, which are located at southeast and southwest corners of the parking garage at 401 N. River Drive, within County Commission District 5 represented by County Commissioner Eileen Higgins.

Fiscal Impact/Funding Source

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.

Delegation of Authority

Upon the adoption of this resolution, the County Mayor or the County Mayor’s designee will have the authority to execute the “Underground Easement (Business)” and to exercise all provisions contained therein.

Background

On November 23, 2011, the Board adopted Resolution No. R-1026-11, which awarded site control through a master ground lease to Related Urban Development Group (RUDG) for the redevelopment of Jack Orr Plaza public housing development. On December 4, 2012, the Board also adopted Resolution No. R-1020-12, which authorized the execution of a master development agreement with RUDG for the redevelopment of Jack Orr Plaza.

The Gallery on the River project is the second phase of Jack Orr Plaza redevelopment. It consists of the development of 160 additional units in a twelve-story residential building and a separate structure for the parking garage. The residential building will include sixty-five (65) additional affordable housing units and ninety-five (95) workforce units.

Florida Power and Light requires a non-exclusive easement to install and maintain electrical transformers and lines to the project. 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 Gallery on the River. In accordance with Resolution No. R-504-15, the electrical lines will be placed underground and surface mounted equipment will be concealed with vegetation cover. The electrical lines and surface mounted equipment will not adversely impact the building’s aesthetics.



Morris Copeland
Chief Community Services

Attachment



MEMORANDUM

(Revised)

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

DATE: July 8, 2021

FROM: 
Gen Bonzon-Keenan
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)
7-8-21

RESOLUTION NO. _____ R-653-21

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 THE NEW 160-UNIT GALLERY ON THE RIVER AFFORDABLE/WORKFORCE HOUSING DEVELOPMENT ON A COUNTY-OWNED PROPERTY LOCATED AT 401 N. RIVER DRIVE, 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 (“RUDG”) to redevelop the public housing development know as Jack Orr Plaza; and

WHEREAS, RUDG is developing the second phase of Jack Orr Plaza known as Gallery on the River, which includes 160 affordable housing units on County-owned property located at 401 N. River Drive, Miami, Florida; and

WHEREAS, Gallery on the River needs to be connected to the Florida Power and Light Company (“FPL”) power grid; and

WHEREAS, FPL needs a non-exclusive easement to install transformers on site to make the utility connection; and

WHEREAS, as required by Resolution No. R-504-15, the electrical lines will be placed underground and surface mounted equipment will be concealed with vegetation cover; and

WHEREAS, the electrical lines and surface mounted equipment will not adversely impact the building’s aesthetics; and

WHEREAS, this Board believes it is in the County's the best interest to convey a non-exclusive easement to FPL to facilitate the construction of Gallery on the River; 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.

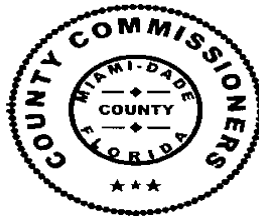
Section 2. This Board hereby authorizes the conveyance of a non-exclusive easement to Florida Power and Light Company in exchange for \$1.00 to install and maintain electrical transformers and lines to Gallery on the River located at 401 N. River Drive, Miami, Florida. This Board further authorizes the 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. This Board, pursuant to Resolution No. R-974-09, (a) directs the County Mayor or County Mayor's designee to record the instrument of conveyance referenced herein 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 execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** 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	absent	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	absent	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 8th day of July, 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.

A handwritten signature in black ink, appearing to be "TAS", written over a horizontal line.

Terrence A. Smith

ATTACHMENT 1

**UNDERGROUND EASEMENT
(BUSINESS)**

Work Request No. 10145201

Sec. 01, Twp 54 S, Rge 41E

Parcel I.D. 01-0107-010-1110
(Maintained by County Appraiser)

This Instrument Prepared By

Name: JOSE PALOMO
Co. Name: FLORIDA POWER & LIGHT COMPANY
Address: 14250 SW 112nd Street
Miami FL 33186

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 _____, 20__.

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 _____, 20__, 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)

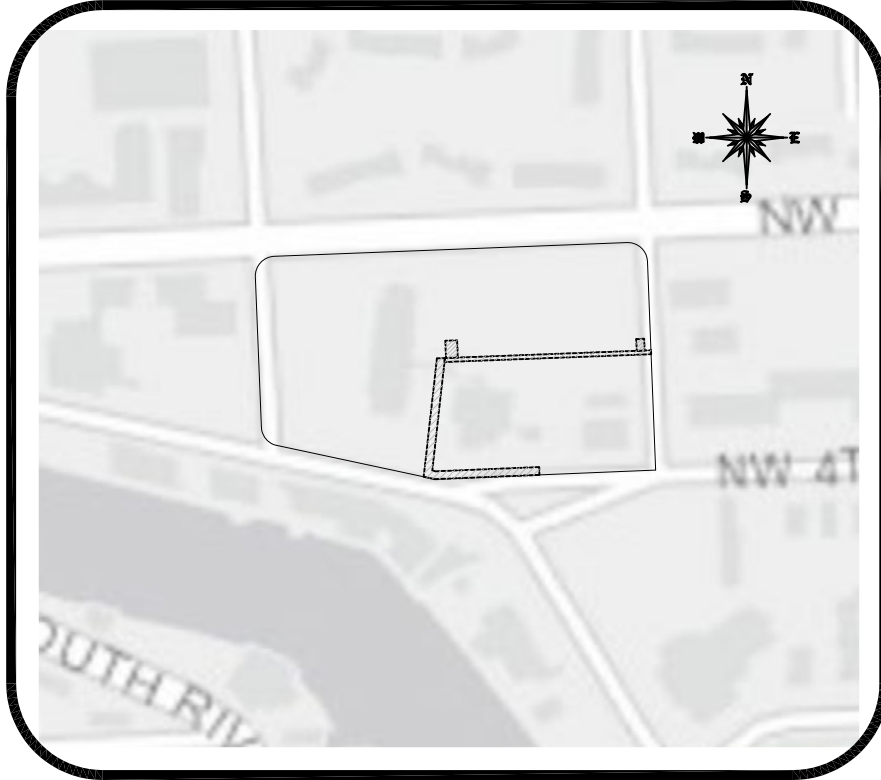
My Commission Expires:

Notary Public, Signature

Print Name _____

EXHIBIT - "A"
SKETCH OF LEGAL DESCRIPTION
FOR F.P.&L. EASEMENT
SECTION 37, TOWNSHIP 54 S, RANGE 41 E
"NOT A BOUNDARY SURVEY"

FOLIO # 01-0107-010-1110
 ADDRESS: 455 NW 6 AVE
 MIAMI, FL 33128



LEGEND:

CL = CENTER LINE
 L.B. = LICENSED BUSINESS
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 P.O.T. = POINT OF TERMINUS
 R/W = RIGHT-OF-WAY
 B.O.B. = BASIS OF BEARINGS

LOCATION SKETCH

SCALE = N.T.S.

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 THE CENTERLINE OF NW 4TH STREET, BASIS OF BEARING IS S87°38'29"W.
5. THIS IS NOT A BOUNDARY SURVEY.

SURVEYOR'S CERTIFICATION:

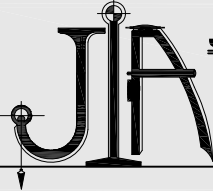
I HEREBY CERTIFY: THIS "SKETCH & DESCRIPTION" OF THE PROPERTY DESCRIBED HEREON, HAS RECENTLY BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLIES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY _____ **10/05/2020**
JOHN IBARRA (DATE OF FIELD WORK)

PROFESSIONAL LAND SURVEYOR NO.: 5204 STATE OF FLORIDA

REVISED ON: _____

DRAWN BY:	MDP / DA
DATE :	10/05/2020
SCALE:	NA
SURVEY NO:	20-003115-6
SHEET:	1 OF 3



JOHN IBARRA & ASSOCIATES, INC.
Professional Land Surveyors & Mappers
WWW.IBARRALANDSURVEYORS.COM

777 N.W. 72nd AVENUE
 SUITE 3025
 MIAMI, FLORIDA 33126
 PH: (305) 262-0400
 FAX: (305) 262-0401

3725 DEL PRADO BLVD SOUTH
 SUITE B
 CAPE CORAL, FL 33904
 PH: (239) 540-2660
 FAX: (239) 540-2664

L.B.# 7806 SEAL

EXHIBIT - "A"
SKETCH OF LEGAL DESCRIPTION
FOR F.P.&L. EASEMENT
SECTION 37, TOWNSHIP 54 S, RANGE 41 E
"NOT A BOUNDARY SURVEY"

LEGAL DESCRIPTION:

A PART OF LOTS 1 THROUGH 6 AND LOTS 15 THROUGH 20, BLOCK 72N ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 99 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LYING IN SECTION 37, TOWNSHIP 54 S, RANGE 41 E, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

F.P.L. EASEMENT 1:

A 10.00 FEET WIDE PARCEL OF LAND LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED EASEMENT CENTERLINE: COMMENCING AT THE CENTERLINE INTERSECTION OF SOUTHWEST 5TH AVENUE (50.00 FEET WIDE) AND NORTHWEST 4TH STREET (50.00 FEET WIDE); THENCE S87°38'29"W ALONG THE CENTERLINE OF SAID NORTHWEST 4TH STREET A DISTANCE OF 173.16 FEET; THENCE N02°21'31"W A DISTANCE OF 25.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID NORTHWEST 4TH STREET; THENCE CONTINUE N02°21'31"W A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING 1 OF THE EASEMENT CENTERLINE; THENCE S87°38'29"W A DISTANCE OF 132.62 FEET; THENCE N77°58'44"W A DISTANCE OF 9.63 FEET; THENCE N06°23'36"E A DISTANCE OF 148.07 FEET, TO THE POINT OF TERMINATION 1.
CONTAINING 2,903 SQUARE FEET, MORE OR LESS.

F.P.L. EASEMENT 2:

A 5.00 FEET WIDE PARCEL OF LAND LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED EASEMENT CENTERLINE: COMMENCING AT THE CENTERLINE INTERSECTION OF SOUTHWEST 5TH AVENUE (50.00 FEET WIDE) AND NORTHWEST 4TH STREET (50.00 FEET WIDE); THENCE N02°16'02"W ALONG THE CENTERLINE OF SAID NORTHWEST 5TH AVENUE A DISTANCE OF 175.26 FEET; THENCE S87°43'58"W A DISTANCE OF 25.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NORTHWEST 5TH STREET, ALSO THE POINT OF BEGINNING 2 OF THE EASEMENT CENTERLINE; THENCE S87°50'31"W A DISTANCE OF 263.18 FEET, TO THE POINT OF TERMINATION 2.
CONTAINING 1,316 SQUARE FEET, MORE OR LESS.

F.P.L. EASEMENT 3:

A 15 FEET WIDE BY A 10 FEET WIDE PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTERLINE INTERSECTION OF SOUTHWEST 5TH AVENUE (50.00 FEET WIDE) AND NORTHWEST 4TH STREET (50.00 FEET WIDE); THENCE N02°16'02"W ALONG THE CENTERLINE OF SAID NORTHWEST 5TH AVENUE A DISTANCE OF 177.77 FEET; THENCE S87°43'58"W A DISTANCE OF 33.15 FEET TO THE POINT OF BEGINNING 3; THENCE S87°50'31"W A DISTANCE OF 10.00 FEET; THENCE N02°16'36"W A DISTANCE OF 15.00 FEET; THENCE N87°50'31"E A DISTANCE OF 10.00 FEET; THENCE S02°16'36"E A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING 3.
CONTAINING 150 SQUARE FEET, MORE OR LESS.

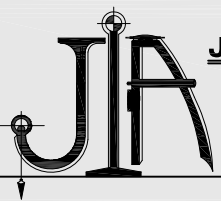
F.P.L. EASEMENT 4:

A 22 FEET WIDE BY A 15 FEET WIDE PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF SOUTHWEST 5TH AVENUE (50.00 FEET WIDE) AND NORTHWEST 4TH STREET (50.00 FEET WIDE); THENCE N02°16'02"W ALONG THE CENTERLINE OF SAID NORTHWEST 5TH AVENUE A DISTANCE OF 200.23 FEET; THENCE S87°43'58"W A DISTANCE OF 271.38 FEET TO THE POINT OF BEGINNING 4; THENCE S02°16'36"E A DISTANCE OF 22.00 FEET; THENCE S87°50'31"W A DISTANCE OF 15.00 FEET; THENCE N02°16'36"W A DISTANCE OF 22.00 FEET; THENCE N87°50'31"E A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING 4.
CONTAINING 330 SQUARE FEET, MORE OR LESS.

THE SIDE LINES OF SAID EASEMENT TO BE PROLONGED OR SHORTENED TO MEET AT ANGLE-POINT INTERSECTIONS TO INSURE A CLOSED BOUNDARY FIGURE.

DRAWN BY:	MDP / DA
DATE :	10/05/2020
SCALE:	NA
SURVEY NO:	20-003115-6
SHEET:	2 OF 3



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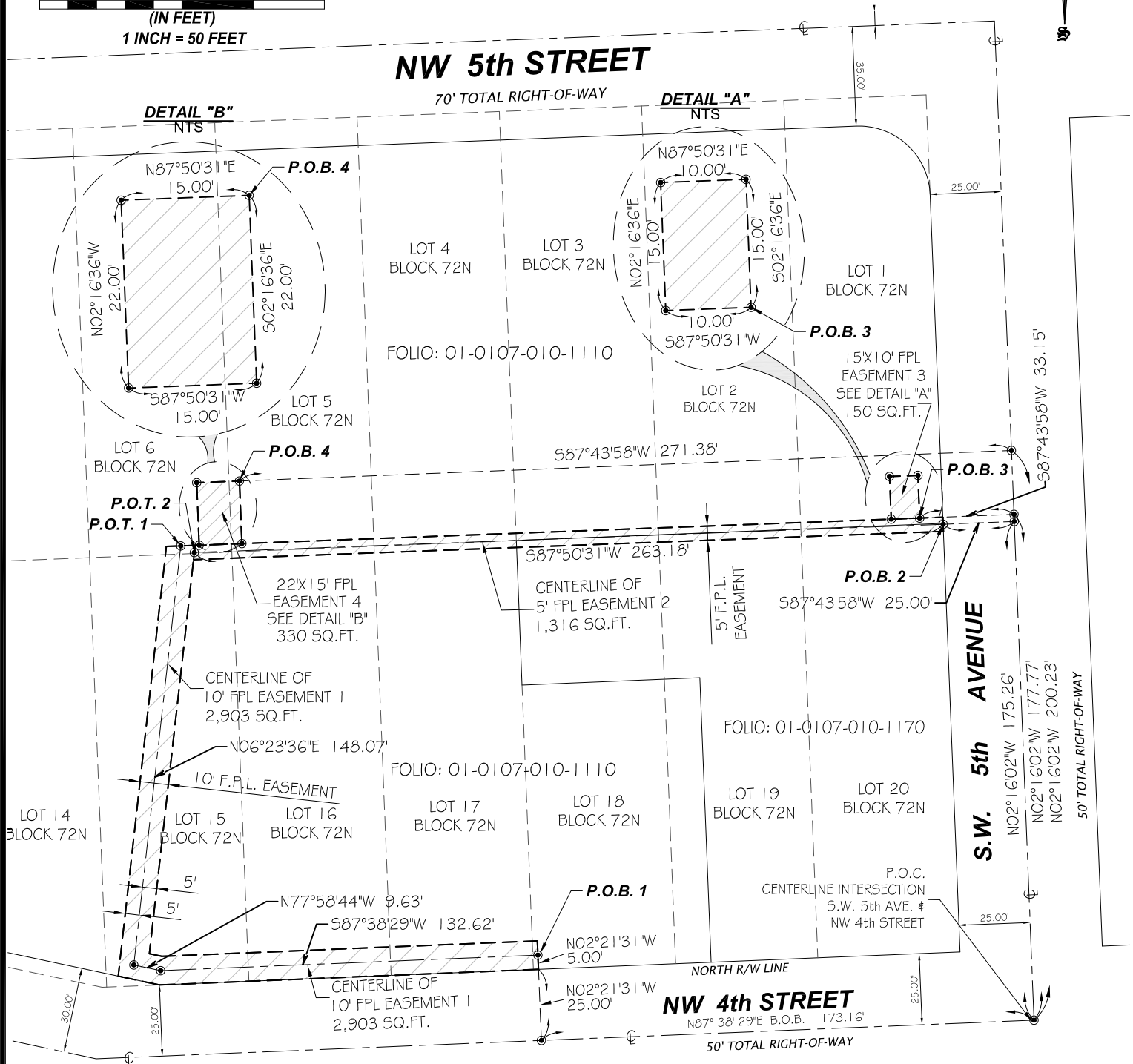
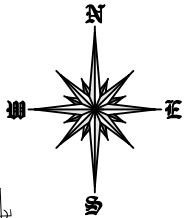
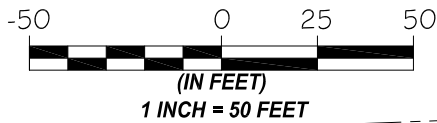
3725 DEL PRADO BLVD SOUTH
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CAPE CORAL, FL 33904
PH: (239) 540-2660
FAX: (239) 540-2664

L.B.# 7806 **SEAL**

FOLIO # 01-0107-010-1110
 ADDRESS: 455 NW 6 AVENUE
 MIAMI, FL 33128

EXHIBIT - "A"
SKETCH OF LEGAL DESCRIPTION
FOR F.P.&L. EASEMENT
SECTION 37, TOWNSHIP 54 S, RANGE 41 E
"NOT A BOUNDARY SURVEY"

GRAPHIC SCALE



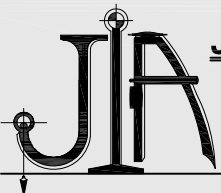
DRAWN BY: MDP / DA

DATE : 10/05/2020

SCALE: 1"=50'

SURVEY NO: 20-003115-6

SHEET: 3 OF 3



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SEAL