

MEMORANDUM

Agenda Item No. 14(A)(3)

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

DATE: October 19, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing 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 120-unit Brisas del Este Phase II affordable housing development at Three Round Towers, a County-owned property located at 2926 NW 18 Avenue, Miami, Florida; and authorizing the County Mayor to execute the Underground Easement (business), and to exercise all provisions contained therein

Resolution No. R-1005-21

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 Keon Hardemon.


Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: October 19, 2021

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

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Non-Exclusive Easement to Florida Power and Light Company to Install and Maintain Electrical Transformers and Lines for Brisas del Este Phase Two

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 (FPL) in exchange for \$1.00 to install and maintain electrical transformers and lines to the new 120-unit Brisas del Este Phase Two affordable housing development at Three Round Towers, which will be comprised of 45 Rental Assistant Demonstration (RAD) project-based voucher elderly units and 75 low-income tax credit units designated as general occupancy (project). The project is located at 2926 NW 18 Avenue, Miami, Florida 33142. 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 is a transformer and pad location and associated raceways running along the eastern, southern and north-western perimeter of the project, which is located within County Commission District 3 represented by County Commissioner Keon Hardemon.

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 be authorized 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 Three Round Towers public housing development. On October 22, 2013, the Board adopted Resolution No. R-855-13, which approved a ground lease granting site control to RUDG to redevelop the Three Round Towers public housing site. On October 3,

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

2019, the Board adopted Resolution No. R-1059-19 to authorize an amendment to and submission of the County's RAD application to the United States Department of Housing and Urban Development for a portfolio award to include Three Round Towers B and C, and to re-loan repaid loans of documentary surtax program funds to RUDG or related entities for the new construction of Brisas del Este.

FPL requires a non-exclusive easement to install and maintain electrical transformers and lines to the project site. The easement area is more fully described in Attachment A of the resolution. 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 the project. 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 will not adversely impact the building's aesthetics.

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

Morris Copeland
Chief Community Services Officer

Attachment



MEMORANDUM

(Revised)

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

DATE: October 19, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 14(A)(3)

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 David L. Levine Carr Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(3)
10-19-21

RESOLUTION NO. R-1005-21

RESOLUTION AUTHORIZING 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 120-UNIT BRISAS DEL ESTE PHASE II AFFORDABLE HOUSING DEVELOPMENT AT THREE ROUND TOWERS, A COUNTY-OWNED PROPERTY LOCATED AT 2926 NW 18 AVENUE, 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, has partnered with Related Urban Development Group ("RUDG") to redevelop the public housing development known as Brisas del Este Phase Two (the "project"); and

WHEREAS, RUDG is developing the Brisas del Este Phase Two, which includes 120 affordable housing units on County-owned property located at 2926 NW 18 Avenue, Miami, Florida; and

WHEREAS, Brisas del Este Phase Two needs to be connected to the Florida Power and Light Company ("FPL") power grid; and

WHEREAS, FPL requires a non-exclusive easement to install and maintain electrical transformers and lines ("electrical lines") on site to make the utility connection; and

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

WHEREAS, such 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 best interest to convey a non-exclusive easement to FPL to facilitate the construction of the project; 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.

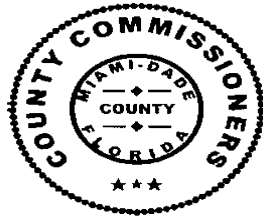
Section 2. This Board hereby authorizes the conveyance of a non-exclusive easement to Florida Power and Light Company in exchange for \$1.00 to install and maintain electrical transformers and lines to Brisas del Este Phase Two located at 2926 NW 18 Avenue, Miami, Florida. This Board further authorizes 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 **Eileen Higgins**,
 who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa**
 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 19th day of October, 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.

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

Terrence A. Smith

ATTACHMENT A

Work Request No. 10036185

**UNDERGROUND EASEMENT
(BUSINESS)**

Sec. 27, Twp 53 S, Rge 31 E

This Instrument Prepared By

Parcel I.D. 01-3127-079-0010
(Maintained by County Appraiser)

Name: Jose Palomo
Co. Name: Florida Power & Light Company
Address: 14250 SW 112 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)
Print Name: _____
(Witness)

By: _____

Print Name: _____

Print Address: _____

(Witness' Signature)
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 _____

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
Brisas del Este Phase II, LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

FLORIDA POWER & LIGHT COMPANY EASEMENT

LEGAL DESCRIPTION

EASEMENT No. 1:

A portion of Tract "A", of "FORMAN SUBDIVISION", according to the plat thereof, as recorded in Plat Book 90, at Page 99, of the public records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the SW Corner of said Tract "A"; thence N02°28'42"W along the West Boundary Line of said Tract "A" for 5.00 feet to the POINT OF BEGINNING of a 10 Foot Wide Florida Power & Light Company Easement, lying 5 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land); thence N87°48'06"E along a line parallel with and 5 feet North of the South Boundary Line of said Tract "A", said line also being the North Right of Way Line of NW 28th Street, for 91.55 feet to Reference Point "A"; thence continue N87°48'06"E along said South Boundary Line of Tract "A", also being the North Right of Way Line of NW 28th Street for 191.13 feet; thence N58°35'01"E for 24.91 feet; thence N02°40'49"E for 13.43 feet; thence N03°28'06"W for 160.63 feet; thence N00°00'49"E for 61.04 feet; thence N01°18'52"W for 43.23 feet; thence N11°26'05"W for 37.26 feet; thence N02°30'10"W for 5.39 feet to Reference Point "B"; thence N01°32'10"W for 297.79 feet; thence N07°09'07"W for 66.02 feet to the Point of Termination of the aforementioned centerline.

AND

BEGIN at Reference Point "A", said point being the the POINT OF BEGINNING of a 10 Foot Wide Florida Power & Light Company Easement, lying 5 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land); thence N43°41'03"E for 31.01 feet; thence N01°56'01"W for 126.35 feet; thence N72°00'19"E for 19.05 feet to the Point of Termination of the aforementioned centerline.

AND

BEGIN at Reference Point "B", said point being the the POINT OF BEGINNING of a 10 Foot Wide Florida Power & Light Company Easement, lying 5 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land); thence S87°29'50"W for 21.07 feet to the Point of Termination of the aforementioned centerline.

Containing 11,777 Square Feet, more or less, by calculations.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
Brisas del Este Phase II, LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

FLORIDA POWER & LIGHT COMPANY EASEMENT

EASEMENT No. 2:

A portion of Tract "A", of "FORMAN SUBDIVISION", according to the plat thereof, as recorded in Plat Book 90, at Page 99, of the public records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the SW Corner of said Tract "A"; thence N02°28'42"W along the West Boundary Line of said Tract "A" for 493.39 feet to the POINT OF BEGINNING of a 10 Foot Wide Florida Power & Light Company Easement, lying 5 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land); thence N87°31'18"E for 5.00 feet; thence N02°28'42"W along a line parallel with and 5 feet East of the West Boundary Line of said Tract "A" for 232.37 feet; thence N85°07'03"E for 96.33 feet; thence N87°45'58"E for 45.02 feet; thence S02°14'02"E for 0.84 feet; thence S65°54'10"W for 26.99 feet; thence S56°02'59"W for 23.12 feet; thence S02°07'22"W for 148.48 feet; thence S06°40'35"E for 20.92 feet to the Point of Termination of the aforementioned centerline.

Containing 5,715 Square Feet, more or less, by calculations.

for

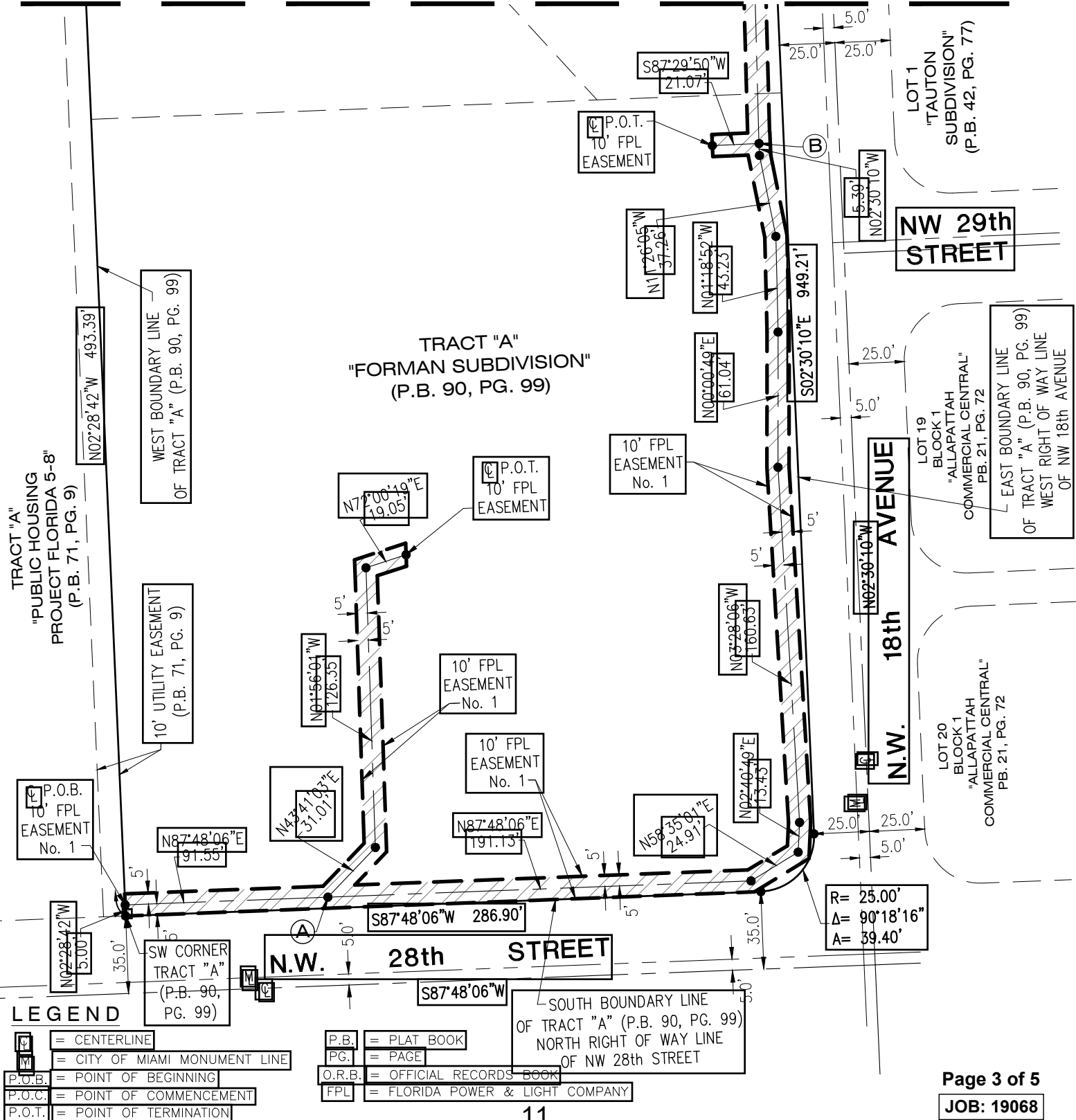
prepared by:

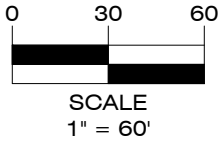


EXHIBIT "A"

MATCH LINE (SEE SHEET 4 OF 5)

MATCH LINE (SEE SHEET 4 OF 5)





SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for

Brisas del este Phase II, LLC

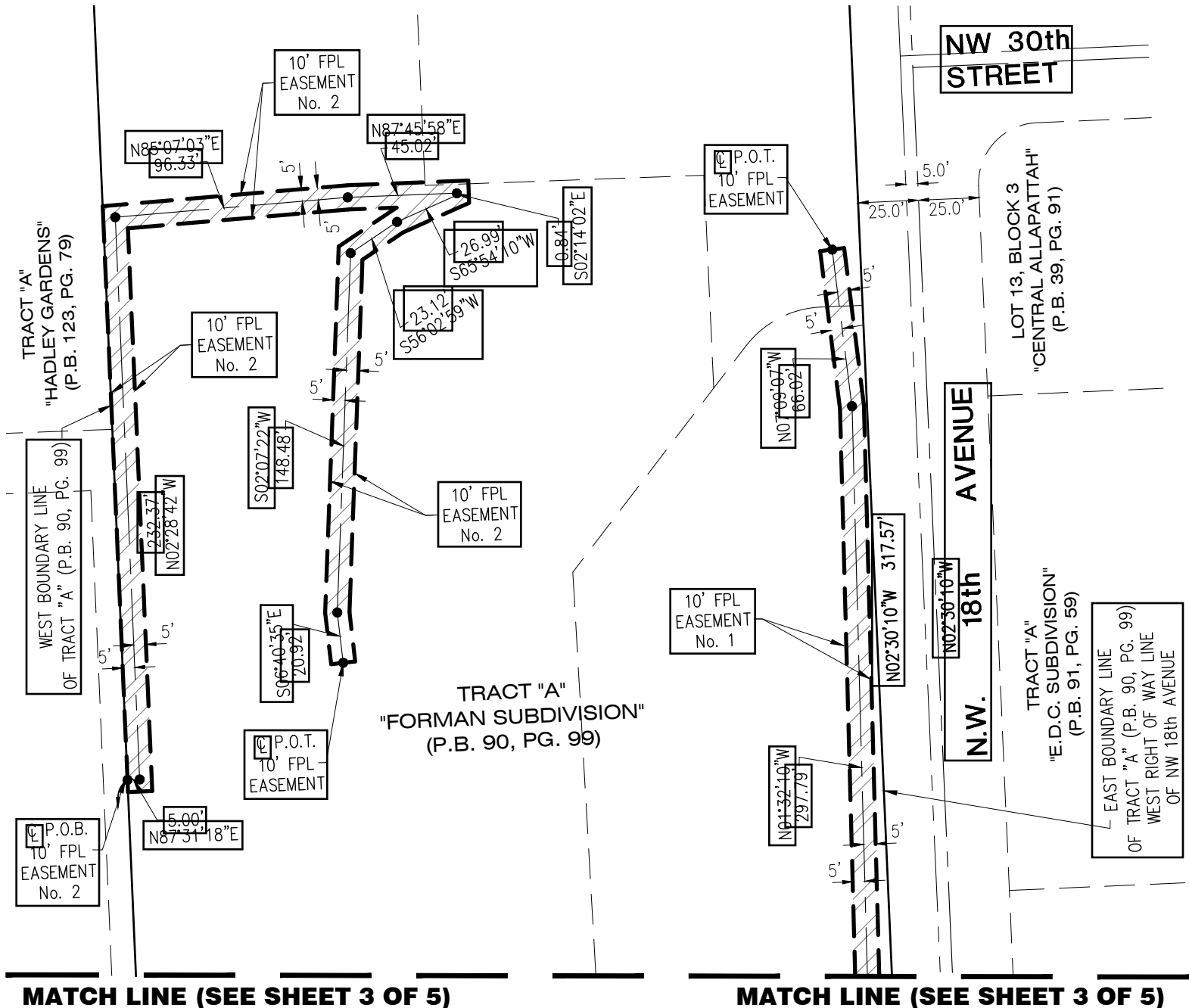
prepared by:



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3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

FLORIDA POWER & LIGHT COMPANY EASEMENT



LEGEND

	= CENTERLINE		= PLAT BOOK
	= CITY OF MIAMI MONUMENT LINE		= PAGE
	= POINT OF BEGINNING		= OFFICIAL RECORDS BOOK
	= POINT OF COMMENCEMENT		= FLORIDA POWER & LIGHT COMPANY
	= POINT OF TERMINATION		

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for

Brisas del Este Phase II, LLC

prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

FLORIDA POWER & LIGHT COMPANY EASEMENT

SOURCES OF DATA:

The Legal Description was generated from the Plat of "FORMAN SUBDIVISION", as recorded in Plat Book 90, at Page 99 of the Public Records of Miami-Dade County, Florida.

City of Miami Municipal Atlas Sheet 19H, prepared by the City of Miami, Public Works Department, last dated on January 29, 1981.

Bearings as shown hereon are based upon the centerline of NW 18th Avenue, with an assumed bearing of N02°30'10"W.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than those that appeared on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information was furnished other than that which is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify 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 "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

Abraham Hadad, P.S.M.

For The Firm
Professional Surveyor and Mapper LS6006
State of Florida
HADONNE CORP., a Florida corporation
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 101
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax
Date: January 21, 2021

NOTICE: Not valid without the original signature and 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 by Rule 5J-17.051 of the Florida Administrative Code.