

MEMORANDUM

Agenda Item No. 8(K)(2)

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

DATE: January 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing conveyance of non-exclusive underground easements to Comcast Cable Communications Management, LLC (Comcast), and BellSouth Telecommunications, LLC, d/b/a AT&T Florida (AT&T), for a nominal amount of \$1.00, for the purpose of allowing Comcast and AT&T 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 Three 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 13th Avenue to the west and NW 12th Avenue to the east, in Miami, Florida; and authorizing the County Mayor to execute the Underground Easement (Business), to take all actions necessary to effectuate the conveyance of the easements, and to exercise all provisions contained therein

Resolution No. R-42-22

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

Date: January 19, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Nonexclusive Easements for Liberty Square Phase Three to Comcast Cable Communications Management, LLC (Comcast) and Bellsouth Telecommunications, LLC, d/b/a AT&T Florida (AT&T), for the construction, operation, and maintenance of underground electric utility facilities.

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a non-exclusive Underground Easements (Business) to Comcast Cable Communications Management, LLC (Comcast) and Bellsouth Telecommunications, LLC, d/b/a AT&T Florida (AT&T) (easement agreement) for a nominal amount of \$1.00, for the purpose of allowing COMCAST & AT&T 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 Three 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 13th Avenue to the west and NW 12th 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 easements area, which is located on the Project site, is located within County Commission District 3 represented by Commissioner Keon Hardemon.

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 Easements (Business)” and to exercise all provisions contained therein.

Fiscal Impact/Funding Source

Granting the easements 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 Three

site includes a total of 192 housing units including 71 public housing units and 121 affordable and workforce housing units. The construction of phase three of the Liberty Square project commenced in June 2020 and is scheduled to be completed in February 2022.

Comcast and AT&T require non-exclusive easements to construct, operate and maintain underground electric utility facilities. The easements area is more fully described in Exhibits "A" and "B" of the resolution. In accordance with Resolution No. R-504-15, the electrical lines will be placed underground and will not adversely impact the building's aesthetics. The Department recommends that it is in the County's best interest to grant Comcast and AT&T an easement to ensure that utility services are provided to Liberty Square Phase Three.

Attachments



Morris Copeland
Chief Community Services Officer

Attachments



MEMORANDUM (Revised)

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

DATE: January 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(K)(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. 8(K)(2)
1-19-22

RESOLUTION NO. R-42-22

RESOLUTION AUTHORIZING CONVEYANCE OF NON-EXCLUSIVE UNDERGROUND EASEMENTS TO COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC (COMCAST), AND BELL SOUTH TELECOMMUNICATIONS, LLC, D/B/A AT&T FLORIDA (AT&T), FOR A NOMINAL AMOUNT OF \$1.00, FOR THE PURPOSE OF ALLOWING COMCAST AND AT&T 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 THREE 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 13TH AVENUE TO THE WEST AND NW 12TH AVENUE TO THE EAST, IN MIAMI, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE UNDERGROUND EASEMENT (BUSINESS), TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE CONVEYANCE OF THE EASEMENTS, 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 Three, which is scheduled to be completed in February 2022, is located on County-owned property bounded by NW 67th Street to the north, NW 65th Street to the south, NW 13th Avenue to the west and NW 12th Avenue to the east in in Miami, Florida; and

WHEREAS, Liberty Square Phase Three needs to be connected to Comcast and AT&T distributing broadband services and other like communications; and

WHEREAS, Comcast and AT&T needs non-exclusive easements to construct, operate and maintain underground electric utility facilities; and

WHEREAS, as required by Resolution No. R-504-15, the equipment and utility lines will be placed underground or in less visible locations; and

WHEREAS, this Board believes it is in the County's best interest to convey non-exclusive easements to Comcast and AT&T to ensure the placement of utility lines and equipment to provide utility services to Liberty Square Phase Three; 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 non-exclusive easements to Comcast and AT&T, for a nominal amount of \$1.00, for the purpose of allowing Comcast and AT&T 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 Three 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 13th Avenue to the west and NW 12th Avenue to the east, in Miami, Florida. This Board further authorizes the County Mayor or County Mayor's designee to execute the "Underground Easement (Business)", in

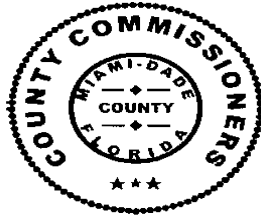
substantially the form attached hereto as Exhibits “A” and “B” and incorporated herein by reference, to take all actions necessary to effectuate the conveyance of the easements, and to exercise all provisions contained therein.

Section 3. This Board directs the County Mayor or County Mayor’s designee, pursuant to Resolution No. R-974-09, to record in the public record the easements, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and to provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. This Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** ,
who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz**
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 January, 2022. 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", is written over a horizontal line.

Terrence A. Smith

EXHIBIT "A"

UNDERGROUND GENERAL
UTILITY EASEMENT

This Instrument Prepared By

Work Request No. _____

Sec. 14, Twp 53 S, Rge 41 E

Parcel I.D. 01-3114-002-0010

(Maintained by County Appraiser)

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

Co. Name: Losada Surveyors

Address: 13217 S.W. 48th Lane

Miami, Florida 33175

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 BellSouth Telecommunications, LLC, d/b/a AT&T Florida, and its parent and its parent's direct and indirect affiliates, licensees, agents, successors, and assigns ("AT&T"), 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 _____, 2021.

Signed, sealed and delivered in the presence of:

Entity Name:

(Witness' Signature)

By: _____

Print Name: _____
(Witness)

Print Name: _____

Print Address: _____

(Witness' Signature)

Print Name: _____
(Witness)

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this _____ day of _____, 2021, 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)

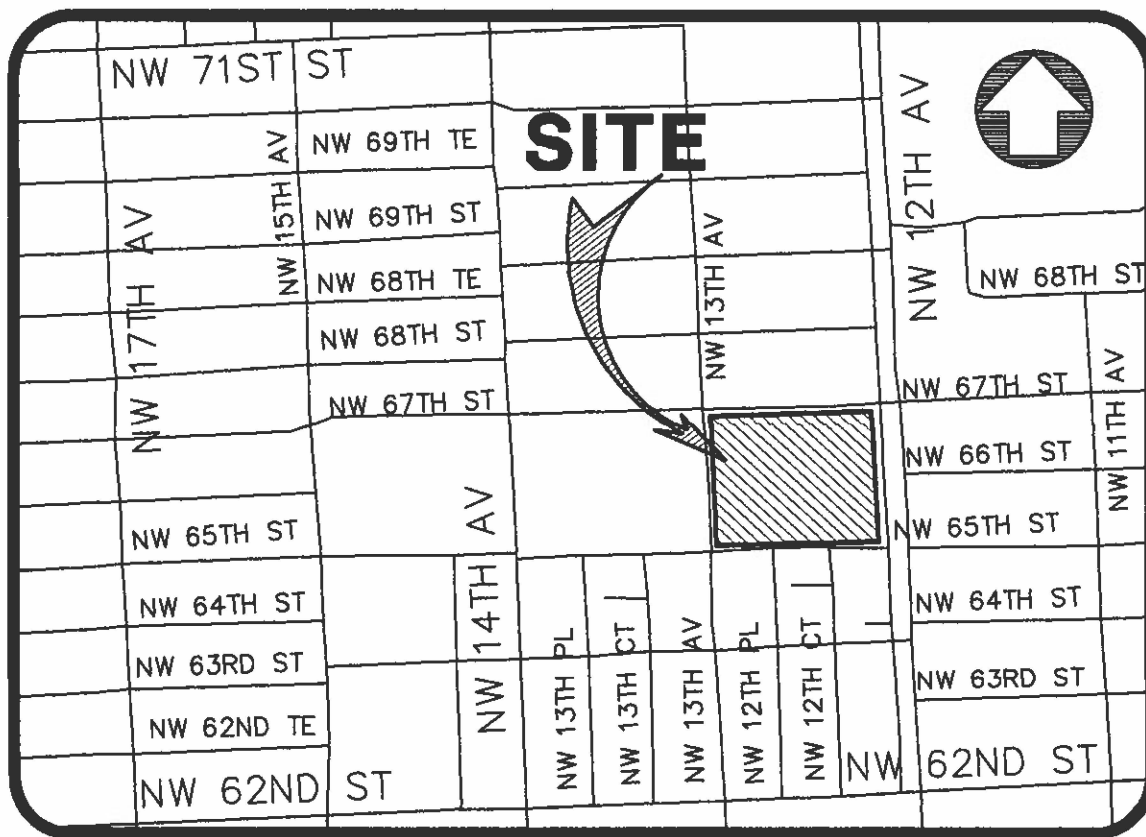
My Commission Expires:

Notary Public, Signature

Print Name _____

EXHIBIT "A"
SKETCH AND LEGAL DESCRIPTION
LIBERTY SQUARE PHASE 3
N.W. 67th STREET & N.W. 12th AVENUE,
MIAMI, FLORIDA 33147
5' UTILITY 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.

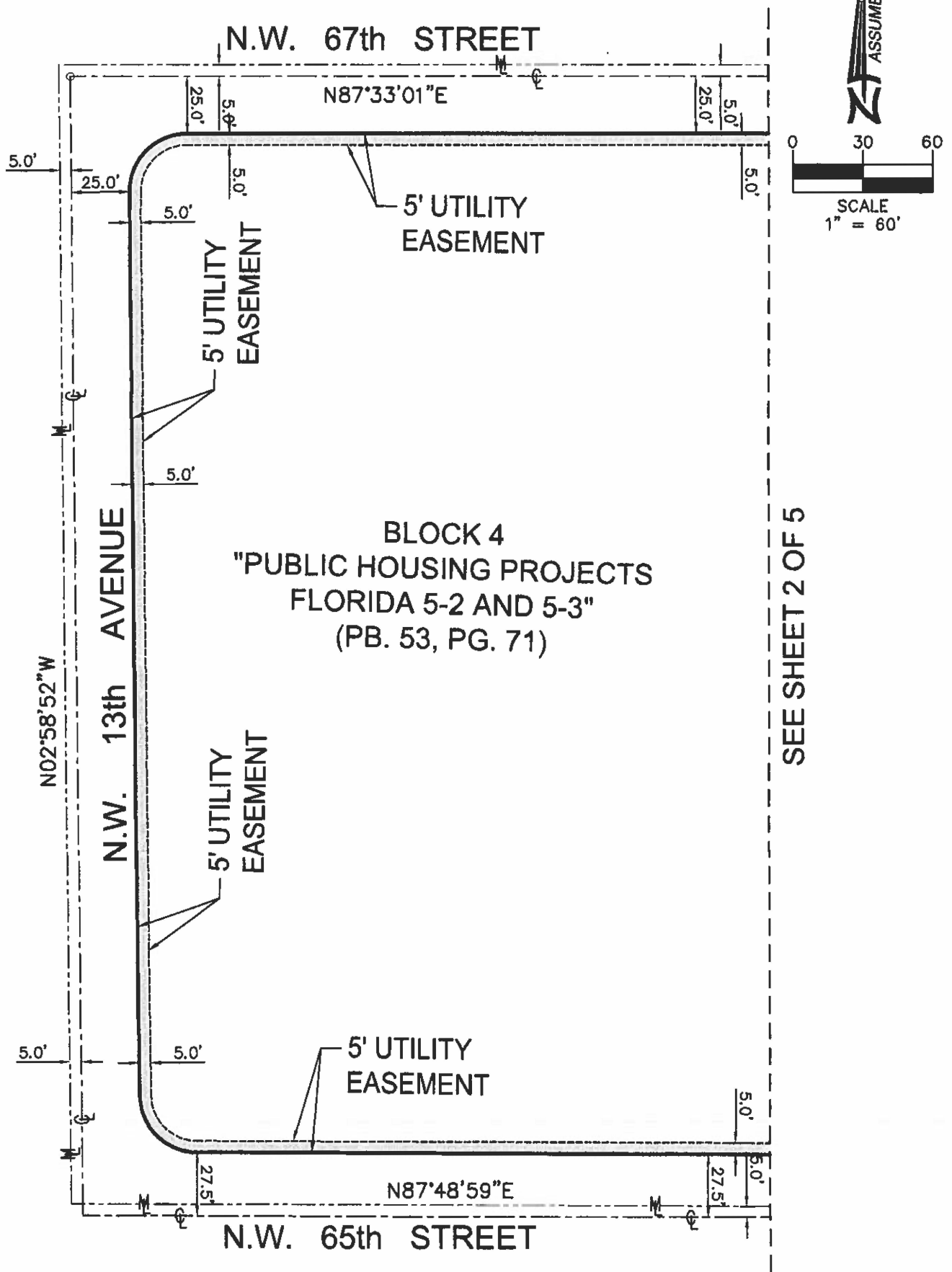
SURVEYOR'S NOTES

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

ABBREVIATIONS

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

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PLAN



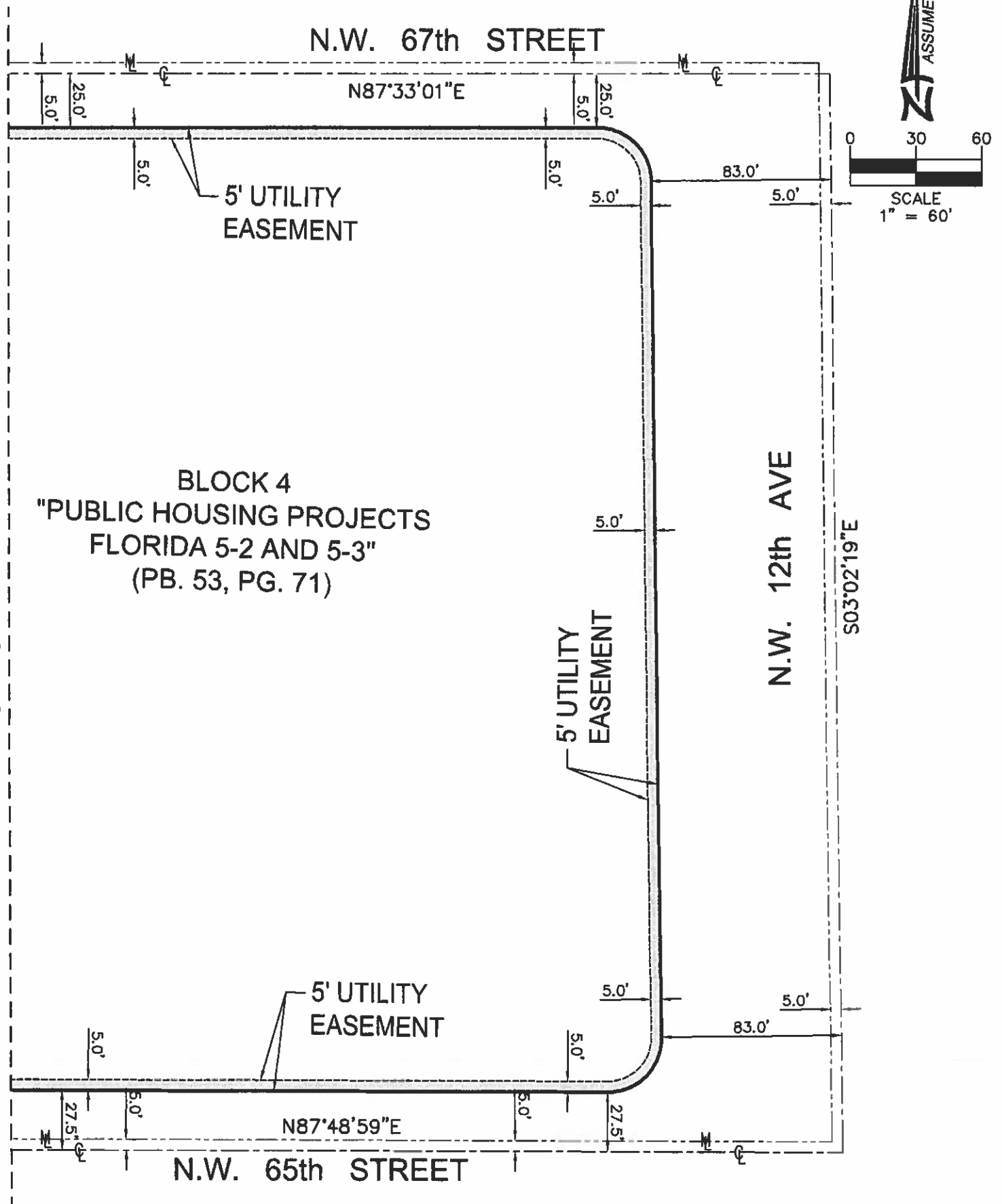
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NOTICE: Not full and complete without pages 1, 2, 3 & 4 of 11

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PLAN

SEE SHEET 3 OF 5



SURVEYOR'S NOTES:

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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, 3 & 4 of 4.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
LEGAL DESCRIPTION

CONTINUE FROM PAGE 4 OF 5

THENCE continue N87°33'53"E for a distance of 12.99 feet; THENCE continue S02°58'52"E for a distance of 6.50 feet; THENCE continue N87°33'53"E for a distance of 149.46 feet; THENCE continue N02°58'52"W for a distance of 18.26 feet; THENCE continue S87°33'53"W for a distance of 6.30 feet; THENCE continue N02°58'52"W for a distance of 13.00 feet; THENCE continue N87°33'53"E for a distance of 16.00 feet; THENCE continue S02°58'52"E for a distance of 13.00 feet; THENCE continue S87°33'53"W for a distance of 1.70 feet; THENCE continue S02°58'52"E for a distance of 18.26 feet; THENCE continue N87°33'53"E for a distance of 86.44 feet to a point in the West Right of Way Line of N.W. 12th Avenue; THENCE continue S03°02'19"E for a distance of 8.00 feet along said East Right of Way Line; THENCE continue S87°33'53"W for a distance of 243.96 feet; THENCE continue S02°31'33"E for a distance of 1.44 feet; THENCE continue S87°33'53"W for a distance of 12.99 feet; THENCE continue N02°58'52"W for a distance of 1.44 feet; THENCE continue S87°33'53"W for a distance of 62.32 feet; THENCE continue S02°58'52"E for a distance of 1.42 feet; THENCE continue S87°33'53"W for a distance of 2.52 feet; THENCE continue S02°26'07"E for a distance of 86.21 feet to a point in the North Right of Way Line of N.W. 65th Street; THENCE continue S87°48'59"W for a distance of 8.00 feet along said North Right of Way Line; THENCE continue N02°26'07"W for a distance of 86.17 feet; THENCE continue S87°33'53"W for a distance of 2.48 feet; THENCE continue N02°58'52"W for a distance of 1.42 feet; THENCE continue S87°33'53"W for a distance of 241.10 feet to a point in the East Right of Way Line of N.W. 13th Avenue; THENCE continue N02°58'52"W for a distance of 8.00 feet along said West Right of Way Line to the POINT OF BEGINNING.

Containing 11,034 square feet or 0.25 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.

By: 

Date: 6-02-2020

Arturo 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.

Work Request No. _____

Sec. 14, Twp 53 S, Rge 41 EParcel I.D. 01-3114-002-0010

(Maintained by County Appraiser)

**UNDERGROUND GENERAL
UTILITY EASEMENT**

This Instrument Prepared By

Name: Arturo R. Toirac, P.S.M.Co. Name: Losada SurveyorsAddress: 13217 S.W. 46th LaneMiami, Florida 33175

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 Comcast Cable Communications Management, LLC, its affiliates, licensees, agents, successors, and assigns ("Comcast"), 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 _____, 2021.

Signed, sealed and delivered in the presence of:

Entity Name:

(Witness' Signature)

By: _____

Print Name: _____

(Witness)

Print Name: _____

Print Address: _____

(Witness' Signature)

Print Name: _____

(Witness)

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this _____ day of _____, 2021, 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)

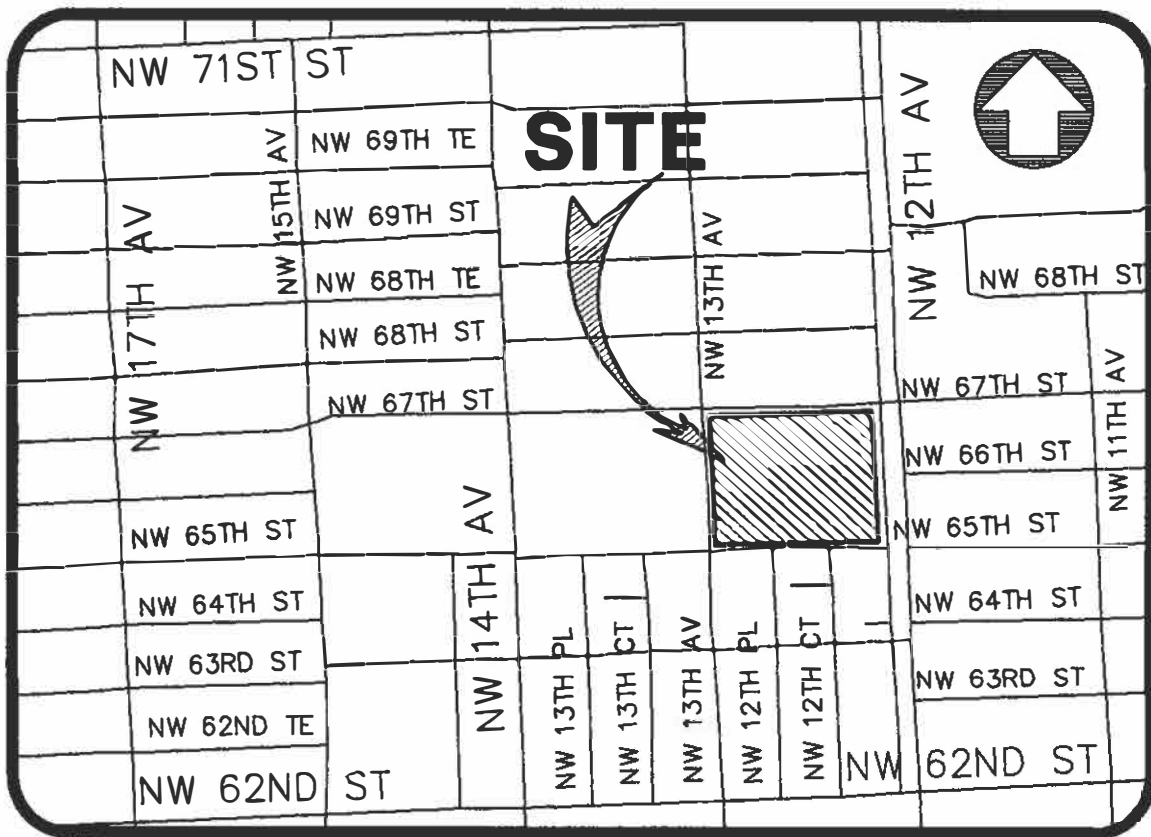
My Commission Expires:

Notary Public, Signature

Print Name _____

EXHIBIT "A"
 SKETCH AND LEGAL DESCRIPTION
 LIBERTY SQUARE PHASE 3
 N.W. 67th STREET & N.W. 12th AVENUE,
 MIAMI, FLORIDA 33147
 5' UTILITY 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.

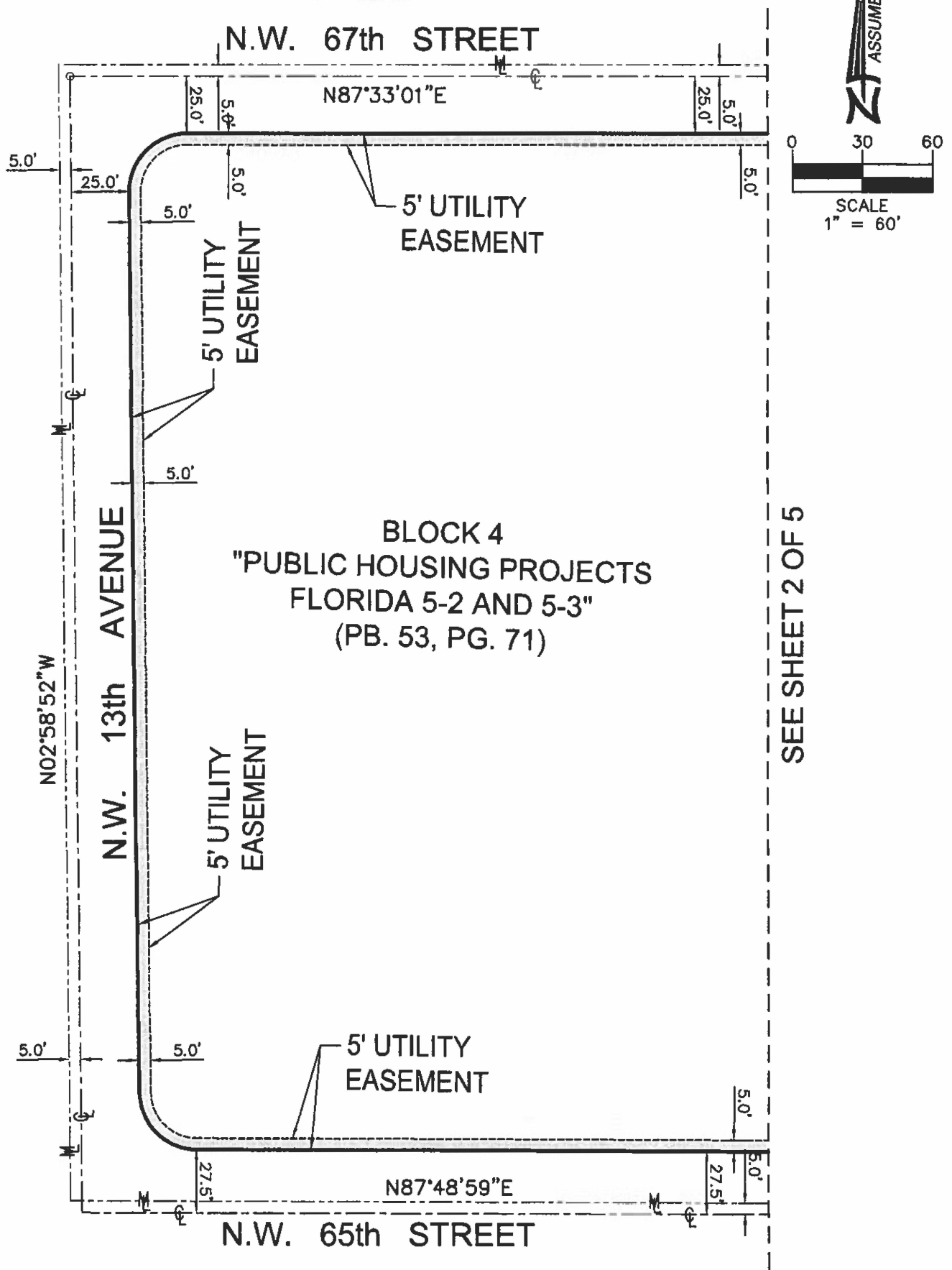
SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF N.W. 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
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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.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGAL DESCRIPTION

A portion of Blocks 4, "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:

LEGAL DESCRIPTION

5 feet Utility Easement:

The 5 feet Strip of Land, adjacent to the Boundary all around Block 4, "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.

Containing XXXXXXXXX square feet or 0.41 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.

By:



Date: 6-02-2020

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

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