

## MEMORANDUM

Agenda Item No. 8(N)(10)

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

**DATE:** March 1, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution authorizing conveyance of an easement to Florida Power and Light Company for a nominal sum of \$1.00 to install, operate, and maintain electrical power facilities to service the electric bus charging stations within the Coral Way Bus Maintenance Facility located at 2775 SW 74 Avenue, Miami, Florida; and authorizing the County Mayor to amend Exhibit A to the easement under certain circumstances, execute the easement conveyance, take all actions to effectuate same, and exercise all provisions contained therein

Resolution No. R-215-22

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The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



\_\_\_\_\_  
Geri Bonzon-Keenan  
County Attorney

GBK/jp

# Memorandum



**Date:** March 1, 2022

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

**From:** Daniella Levine Cava  
Mayor *Daniella Levine Cava*

**Subject:** Resolution Authorizing Conveyance of a Utility Easement to Florida Power and Light Company to Provide Electrical Service for the Electric Bus Charging Stations at the Coral Way Bus Maintenance Facility and Authorizing the County Mayor or County Mayor’s Designee to Exercise the Provisions Contained Therein.

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a utility easement to Florida Power and Light Company (FPL) to provide for the installation, construction, operation, and maintenance of electrical facilities to service the new electric bus charging stations at the Department of Transportation and Public Works (DTPW) Coral Way Bus Maintenance Facility.

## **Scope**

The proposed easement at the Coral Way Bus Maintenance Facility is physically located at 2775 SW 74 Avenue, in District 6, which is represented by Commissioner Rebeca Sosa. However, the work has County wide beneficial impact.

## **Delegated Authority**

This item authorizes the County Mayor or the County Mayor’s designee to execute the easement conveyance and to exercise all provisions contained therein, and to amend Exhibit A of the easement to revise the survey and legal description of the easement area to conform with the as-built location of the utility facilities so long as the utility facilities have been positioned within 25 feet of the originally proposed location and the total area is no larger than 25 percent of the originally proposed easement area.

## **Fiscal Impact/Funding Source**

There is no fiscal impact to Miami-Dade County associated with the conveyance of this easement.

## **Track Record/Monitor**

The person responsible for monitoring the proposed easement is Javier Bustamante, Chief of Right of Way, Utilities and Joint Development, Department of Transportation and Public Works.

## **Background**

On October 3, 2019, the Board adopted Resolution No. R-1041-19 approving the award of Contract No. RFP-00456 to Proterra, Inc. This contract provides for Proterra, Inc. to provide to the County up to 75 forty-foot electric buses and the installation of electric charging stations at the Coral Way Bus Maintenance Facility. The award of this contract will allow DTPW to begin transitioning its bus fleet from traditional diesel fuel buses to electric buses. The installation of

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

additional electric power service at this bus maintenance facility is necessary to operate the electric bus charging equipment and requires the conveyance of an easement to FPL to allow for such installation.

The purpose of this resolution is to provide for the County to convey an underground utility easement within County owned property to FPL for the installation of power service to the electric chargers. Pursuant to Resolution R-504-15, adopted by the Board on June 2, 2015, the FPL lines serving the charging facilities shall be directly buried underground for aesthetic presentation, with no or very little above ground appearance.

FPL has advised that in the event of complete non-use of the underground utility easement for a period of two (2) consecutive years, or if the County abandons the project and no longer uses the FPL facilities, the County can request that FPL initiate the process to release the easement and to remove the FPL facilities from the easement area at the expense of the County. In order to release the easement, FPL will need to deliver a duly executed release of the easement in recordable form to the County.



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Jimmy Morales  
Chief Operations Officer



**MEMORANDUM**  
(Revised)

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

**DATE:** March 1, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 8(N)(10)

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(N)(10)  
3-1-22

RESOLUTION NO. \_\_\_\_\_ R-215-22

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL SUM OF \$1.00 TO INSTALL, OPERATE, AND MAINTAIN ELECTRICAL POWER FACILITIES TO SERVICE THE ELECTRIC BUS CHARGING STATIONS WITHIN THE CORAL WAY BUS MAINTENANCE FACILITY LOCATED AT 2775 SW 74 AVENUE, MIAMI, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO AMEND EXHIBIT A TO THE EASEMENT UNDER CERTAIN CIRCUMSTANCES, EXECUTE THE EASEMENT CONVEYANCE, TAKE ALL ACTIONS TO EFFECTUATE SAME, AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

**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.** This Board incorporates and approves the foregoing recitals as if fully set forth herein.

**Section 2.** Approves the conveyance of an easement to Florida Power and Light Company (“FPL”) for \$1.00 to install, operate, and maintain electrical power facilities to service the electric bus charging stations at the Coral Way Bus Maintenance Facility, located at 2775 SW 74 Avenue in Miami, Florida, as described in the attached FPL easement, in substantially the form attached hereto as Exhibit “A” (the “easement”).

**Section 3.** Authorizes the County Mayor or County Mayor’s designee to execute the easement for and on behalf of Miami-Dade County, exercise all provisions contained therein, to take all actions to effectuate same, and to amend Exhibit A to revise the survey and legal

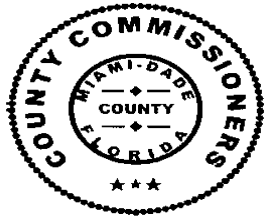
description of the easement area to conform with the as-built location of the utility facilities so long as the utility facilities have been positioned within 25 feet of the originally proposed location and the total area is no larger than 25 percent of the originally proposed easement area.

**Section 4.** Directs the County Mayor or the County Mayor’s designee, pursuant to Resolution No. R-974-09, to record the easement, and any amendment thereto as referenced in section 2 above, in the public records of the County and provide a recorded copy to the Clerk of the Board within 30 days of execution of said instrument and directs the Clerk of the Board to permanently store the recorded copy with the resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> day of March, 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

**Basia Pruna**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney  
as to form and legal sufficiency.

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

Annery Pulgar Alfonso



**UNDERGROUND EASEMENT  
(BUSINESS)**

This Instrument Prepared By

Work Request No. 10709248

Name: Eduardo Reyes

Sec. 14, Twp 54S, Rge. 40E

Co. Name: HADONNE

Parcel I.D. 30-4014-010-0020

Address: 1985 NW 88<sup>th</sup> Ct

(Maintained by County Appraiser)

Doral, Fl. 33172

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 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 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 this \_\_\_ day of \_\_\_\_\_, 20\_\_\_. This forgoing was authorized and approved by Resolution No. R-\_\_\_\_\_ of the Board of Miami-Dade County Commissioners on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

Grantor:

\_\_\_\_\_  
Name: \_\_\_\_\_

**MIAMI-DADE COUNTY**, a political subdivision of  
the State of Florida

By: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

Name:

Title:

ATTEST:

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

\_\_\_\_\_  
Harvey Ruvin, Clerk

By: \_\_\_\_\_

Name:

Title:

STATE OF FLORIDA )

COUNTY OF MIAMI-DADE )

) ss:

The foregoing Underground Utility Easement Agreement was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_, who is the \_\_\_\_\_ of **MIAMI-DADE COUNTY** and who is personally known to me.

\_\_\_\_\_  
Print Name:

Notary Public, State of Florida

My Commission Expires:

[NOTARIAL SEAL]



SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
for

Miami Dade County Transit Authority

prepared by:



**HADONNE**

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

**EXHIBIT "A" (EASEMENT AREA)**

**Florida Power & Light Company Easement  
Coral Way Site**

**LEGAL DESCRIPTION:**

A portion of Tract "I" of "UTILITIES CENTER", according to the Plat thereof, as recorded in Plat Book 50, at Page 91, of the Public Records of Miami-Dade County, Florida, also lying in Section 14, Township 54 South, Range 40 East and being more particularly described as follows:

Commence at the Southwest Corner of Tract "A" of "CARTAGENA PLAZA", according to the Plat thereof, as recorded in Plat Book 126, at Page 72, of the Public Records of Miami-Dade County, Florida; thence S02°12'29"E along the West Boundary Line of said Tract "I" of the mentioned plat of "UTILITIES CENTER", said line also being the East Right of Way line of SW 74th Avenue, for 47.82 feet; thence N90°00'00"E for 4.93 feet; thence S00°00'00"E for 13.73 feet to the POINT OF BEGINNING of a Florida Power & Light Company Easement; thence N90°00'00"E for 10.00 feet; thence S00°00'00"E for 6.01 feet; thence N90°00'00"E for 490.87 feet; thence N00°16'08"W for 34.52 feet; thence S89°43'52"W for 19.62 feet; thence N00°16'08"W for 27.67 feet; thence N89°43'52"E for 54.00 feet; thence S00°16'08"E for 7.39 feet; thence S89°50'09"E for 734.66 feet; thence N01°25'59"W for 23.85 feet; thence S89°52'21"E to a point on the West Line of the East 12.50 feet of said Tract "I", said line also being the East Boundary Line of Parcel "A", as described in certain Warranty Deed dated September 18, 1978 and recorded in Official Records Book 10160, at Page 133, of the Public Records of Miami-Dade County, Florida for 10.00 feet; thence S01°25'59"E along said West Line of the East 12.50 feet of said Tract "I", and also being the West Boundary Line of said Parcel "A" for 33.88 feet; thence N89°50'09"W for 744.87 feet; thence S00°16'08"E for 6.73 feet; thence S89°41'13"W for 24.38 feet; thence S00°16'08"E for 48.09 feet; thence S90°00'00"W for 510.92 feet; thence N00°00'00"W for 16.01 feet to the Point of Beginning.

Containing an area of 14,609 Square Feet, more or less, by calculations.

**THIS IS NOT A SURVEY**

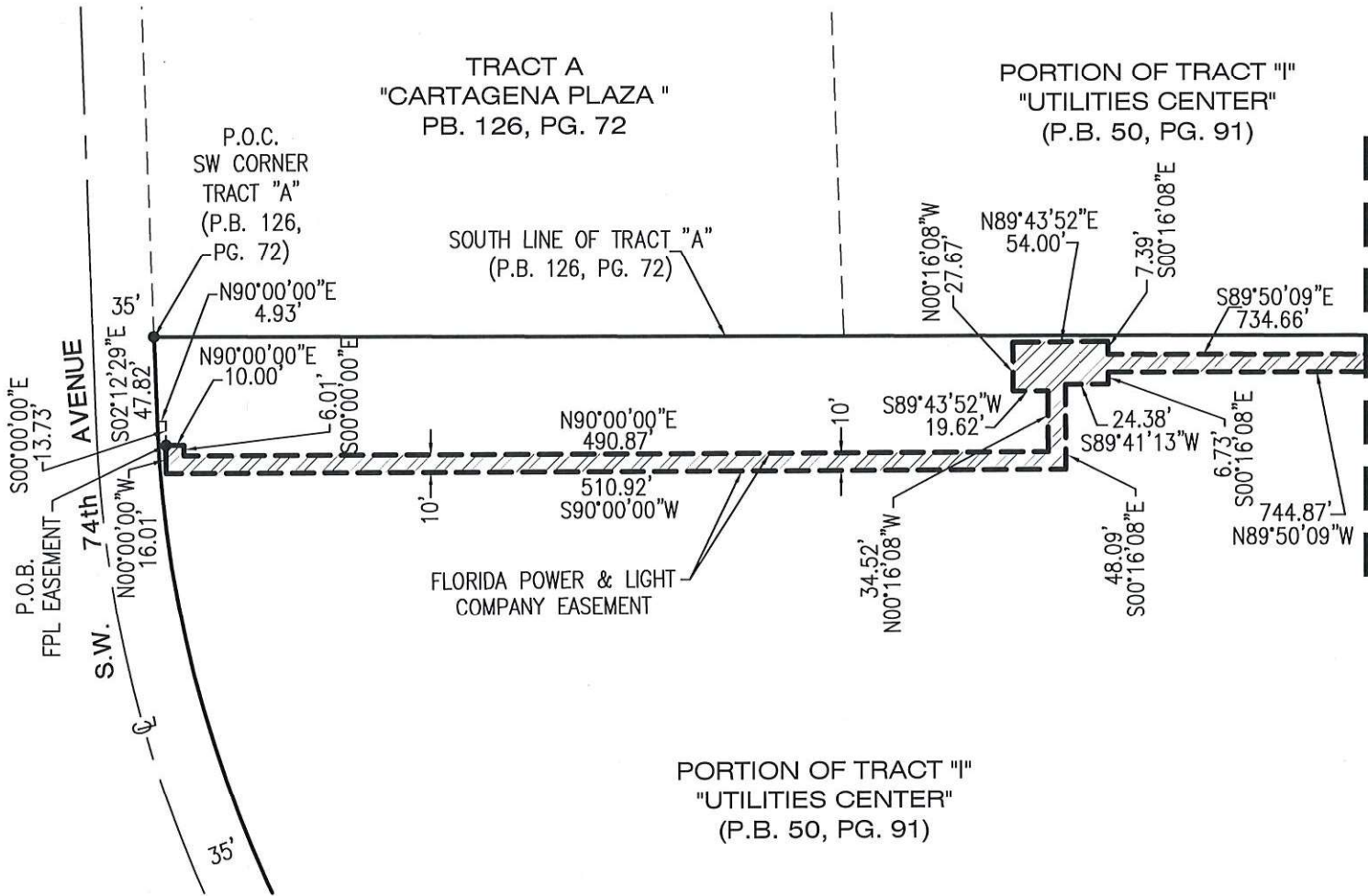
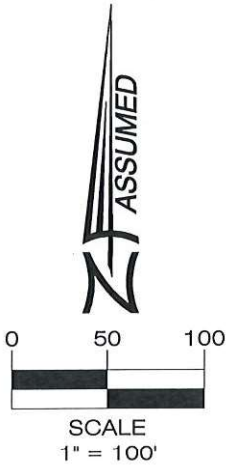
SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
for  
Miami Dade County Transit Authority  
prepared by:



**HADONNE**

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

**EXHIBIT "A" (EASEMENT AREA)**  
Florida Power & Light Company Easement  
Coral Way Site



FOR CONTINUATION SEE SHEET 3 OF 4

**LEGEND**

- |                  |                                     |
|------------------|-------------------------------------|
| P.B. = PLAT BOOK | FPL = FLORIDA POWER & LIGHT COMPANY |
| PG. = PAGE       | P.O.B. = POINT OF BEGINNING         |
| SEC. = SECTION   | P.O.C. = POINT OF COMMENCEMENT      |

**THIS IS NOT A SURVEY**

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
for  
Miami Dade County Transit Authority  
prepared by:



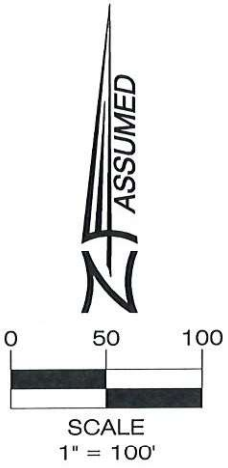
**HADONNE**

LAND SURVEYOR AND MAPPERS  
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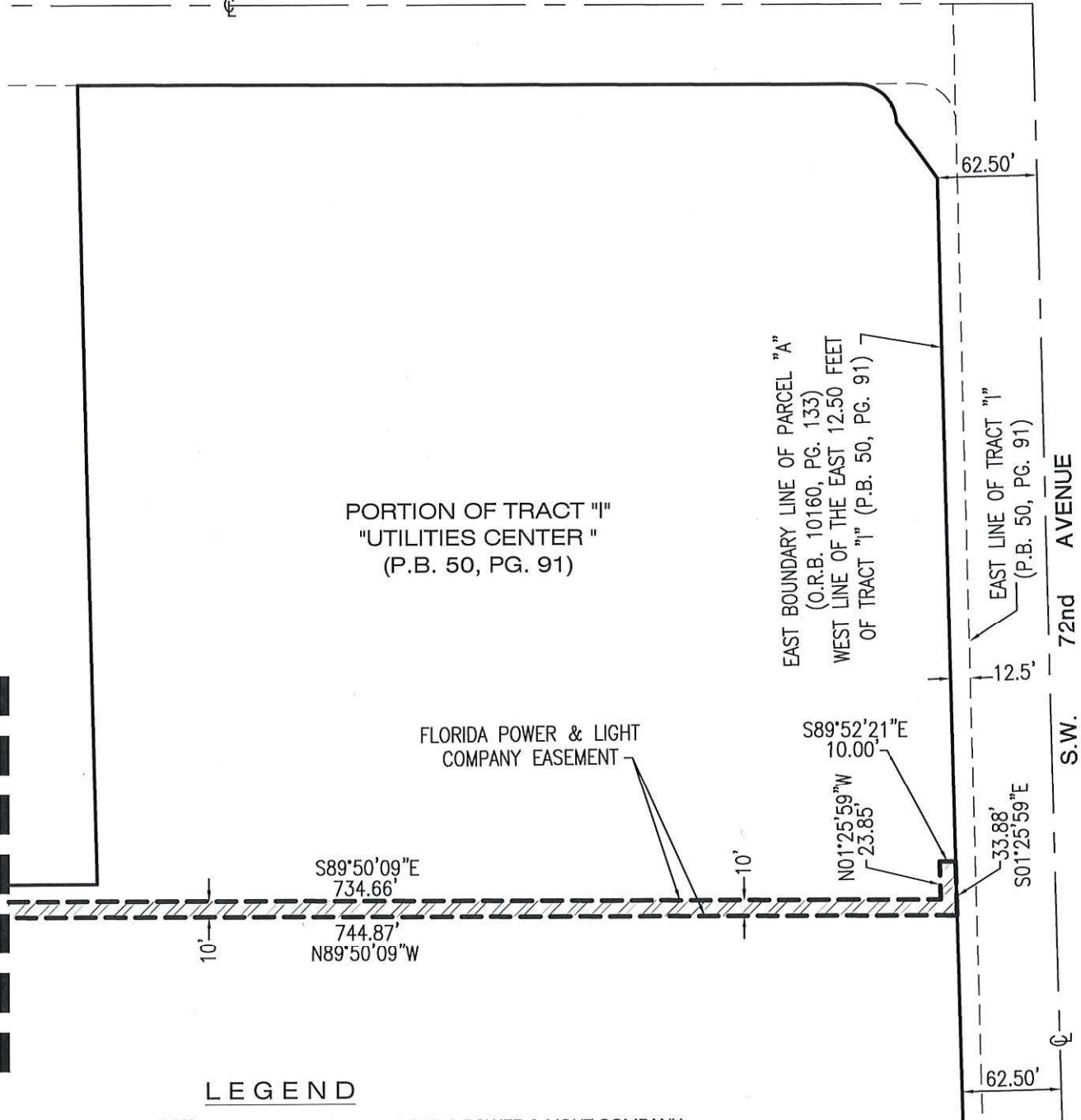
**EXHIBIT "A" (EASEMENT AREA)**

Florida Power & Light Company Easement  
Coral Way Site

**THIS IS NOT A SURVEY**



S.W. 24th STREET (CORAL WAY)



FOR CONTINUATION SEE SHEET 2 OF 4

**LEGEND**

- |                  |                                     |
|------------------|-------------------------------------|
| P.B. = PLAT BOOK | FPL = FLORIDA POWER & LIGHT COMPANY |
| PG. = PAGE       | P.O.B. = POINT OF BEGINNING         |
| SEC. = SECTION   | P.O.C. = POINT OF COMMENT           |



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for

Miami Dade County Transit Authority

prepared by:



**HADONNE**

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

**EXHIBIT "A" (EASEMENT AREA)**

**Florida Power & Light Company Easement  
Coral Way Site**

**SOURCES OF DATA:**

The Legal Description was generated from the following record Plats:

1. Plat of "UTILITIES CENTER" as recorded in Plat Book 50, at Page 91, of the Public Records of Miami-Dade County, Florida.
2. Plat of "CARTAGENA PLAZA" as recorded in Plat Book 126, at Page 72, of the Public Records of Miami-Dade County, Florida.
3. Official Record Book 10160 at Page 133, of the Public Records of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the centerline of SW 24th Street (Coral Way), with an assumed bearing of N89°48'59"W.

**EASEMENTS AND ENCUMBRANCES:**

No information was provided as to the existence of any easements other than that that appears 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 other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may 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.

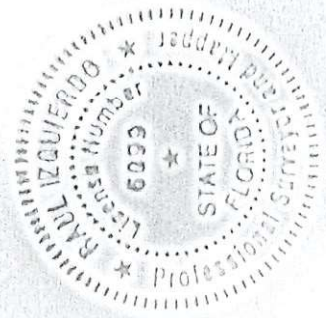
This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

**SURVEYOR'S CERTIFICATE:**

I hereby certify 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 "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.

By: PPJ Date: 9/17/2021

Raul Izquierdo, P.S.M.  
For the Firm  
Professional Surveyor and Mapper LS6099  
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: September 15, 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.

**THIS IS NOT A SURVEY**