

MEMORANDUM

Agenda Item No. 8(F)(1)

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 the conveyance of an easement to Florida Power and Light Company, in exchange for a nominal sum of \$1.00 to install and maintain electrical utility facilities on County-owned property, located at 14518 Lincoln Blvd, Miami, Florida, known as the Larcenia J. Bullard Plaza for the purpose of providing electrical service to such County-owned property; and authorizing the County Mayor to execute the easement and to exercise all rights conferred therein

Resolution No. R-192-22

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: March 1, 2022

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

Agenda Item No. 8(F)(1)

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Resolution Authorizing the Conveyance of an Easement to Florida Power and Light Company to Provide Electrical Service to the Larcenia J. Bullard Plaza on a Portion of County-owned Property Located at 14518 Lincoln Boulevard, Miami, Florida
Folio No.: A Portion of 30-5019-028-0010

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of an easement to provide electrical service to County-owned property under the oversight of the Internal Services Department.

- This conveyance is required to provide underground power service to the newly constructed Larcenia J. Bullard Plaza, which will serve as a cultural arts center and will also include commercial art spaces for the small business community.

More specifically, the resolution does the following:

- Authorizes the conveyance of a 757 square foot easement to Florida Power and Light Company (FPL) for a nominal sum of \$1.00 for the construction, operation and maintenance of underground electrical utility facilities, including wires, poles, cables, conduits and related equipment to service the Larcenia J. Bullard Plaza located at 14518 Lincoln Boulevard, Florida (Folio No.: A Portion of 30-5019-028-0010); and
- Authorizes the County Mayor or County Mayor’s designee to execute the Underground Easement (Attachment 1), to record the instrument of conveyance in the public records of Miami-Dade County, and to exercise all provisions contained therein.

Scope

The property is located in Commission District 9, which is represented by Commissioner Kionne L. McGhee. Written notice of the easement was provided to the District Commissioner’s Office.

Fiscal Impact/Funding Source

FPL will pay a nominal sum of \$1.00 for the easement and is responsible for the construction, operation, and maintenance of the underground electrical utility facilities, including wires, poles, cables conduits and related equipment servicing the building.

Track Record/Monitoring

Idania Barroso of the Internal Services Department is responsible for effectuating the conveyance, recordation and closing of all the documents in conjunction with this item.

Delegation of Authority

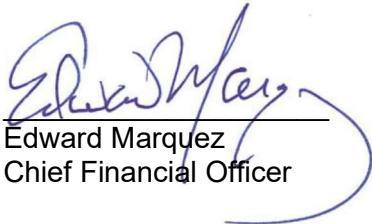
This item authorizes the County Mayor or County Mayor’s designee to execute the easement and to exercise all other rights conferred therein.

Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners
Page 2

Background

The conveyance of an easement to FPL is required to provide underground power service to the newly constructed Larcenia J. Bullard Plaza. This new underground service originates from an existing overhead line running along Lincoln Boulevard. The 10-foot wide, approximately 757 square foot, underground easement will allow FPL the right to access and provide electrical service to operate the building. The newly constructed two-story building will be utilized as a catalyst for civic events and showcase African American artists in a designated museum/exhibit space among other commercial uses such as office space. The Larcenia J. Bullard Plaza will have a South Miami-Dade black history exhibition area, social services, and will serve as a cultural arts center with commercial spaces for the small business community. In accordance with Resolution No. R-504-15, the only visible element will be an above ground transformer mounted on a concrete pad, located in the rear service area of the building, which is not visible to the public and will not negatively impact the surrounding area. In addition, FPL is required to use vegetative screening for the above ground equipment.

Attachments



Edward Marquez
Chief Financial Officer

Work Request No. _____

Sec. 19, Twp 55S, Rge 40E

Parcel I.D. 30-5019-028-0010
(Maintained by County Appraiser)

**UNDERGROUND EASEMENT
(BUSINESS)**

This Instrument Prepared By
Name: Internal Services Department
Co. Name: Internal Services Department
Address: 111 NW 1 Street, #2460
Miami, Florida 33128

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 _____, 2021.

ATTEST: HARVEY RUVIN,
Clerk of Said Board

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

By: _____
Deputy Clerk

By _____
County Mayor

Approved as to Form and
Legal Sufficiency:

Assistant County Attorney

The foregoing was authorized and approved by Resolution R-_____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____, 20____.

STATE OF _____)
)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of: (check one) physical presence; or remote audio-visual means, this _____ day of _____, 20____, by _____, as _____ of Miami-Dade County is duly authorized to execute this document and is personally known to me or has produced _____ as identification.

[NOTARIAL SEAL]

Notary: _____
Print Name: _____
Notary Public, State of Florida
My commission expires: _____

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PREPARED BY:
MPG TECHNICAL GROUP CORP.

CERTIFICATE OF AUTH. # LB-6932
908 S.W. 141st Avenue, Miami, Florida 33184
Phone: (305) 559-9043

EXHIBIT A - SHEET 1 OF 2

10.00 Foot Wide Florida Power & Light Utility Easement

REFERENCE PROPERTY ADDRESS:
14508 Lincoln Boulevard
Miami, Florida 33176

REFERENCE FOLIO NUMBER:
30-5019-028-0010 (Miami-Dade County Public Records/property Appraiser's Office)

EXHIBIT "A" / LEGAL DESCRIPTION FOR 10.00 FOOT WIDE FLORIDA POWER & LIGHT UTILITY EASEMENT.

A 10.00 Foot Wide Florida Power & Light Company Utility Easement across Tract A of "RICHMOND HEIGHTS SHOPPING CENTER", according to the Plat thereof, as recorded in Plat Book 174, Page 76, of the Public Records of Miami-Dade County, Florida, the centerline of said Easement being more particularly described as follows:

Commence (P.O.C.) at the Centerline intersection of Lincoln Boulevard & Carver Drive; thence run N 48° 05' 27.77" W along the Centerline of Lincoln Boulevard for a distance of 154.40 feet; thence run S 41° 54' 32.00" W for a distance of 50.00 feet to the Point of Beginning (P.O.B.) of the following described centerline of a 10.00 Foot Wide Florida Power & Light Company Utility Easement;

thence run S 41° 54' 02.77" W for a distance 5.01 feet; thence run S 48° 05' 27.77" E for a distance 92.86 feet; thence run S 13° 43' 21.17" E for a distance 14.74 feet; thence run S 06° 40' 04.74" W for a distance 16.23 feet; thence run S 41° 54' 32.23" W for a distance 90.41 feet; thence run S 48° 05' 27.77" W for a distance 99.11 feet to the Point of Terminus (P.O.T.) of said centerline.

Containing approximately 757 square feet more or less.

Said lands lying and being in Section 19, Township 55 South, Range 40 East, of Miami-Dade County, Florida.

SURVEYOR'S NOTES:
All distances as shown are based on the US Survey foot.

This is not a Boundary Survey, but only a graphic depiction of the description shown hereon.

This instrument was conducted for the purpose of a "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" only and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other entity. This document does not reflect or determine ownership.

Bearings are based/referred to an assumed meridian where the Centerline of Lincoln Boulevard bears N 48° 05' 27.77" W.

This survey is intended for the use of the parties to whom this survey is certified to and for. Any reproduction is not an original. This surveyor retains an original to verify these dated contents for validity. Not valid without the signature and raised seal of the Florida Surveyor and Mapper.

No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easement.

The "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" shown hereon is based on information provided by the client.

CERTIFIED TO:
FLORIDA POWER & LIGHT UTILITY COMPANY
LARCENIA J BULLARD PLAZA

SURVEYOR'S CERTIFICATE:

This is to certify to the herein named firm and/or persons, that in my professional opinion, this "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" of the herein described property is true and correct as recently surveyed and platted under my direction. I further certify that this map or plat meets the Minimum Technical Standard Requirements, adopted by the Board of Professional Surveyors and Mappers, pursuant to Chapter 472.027 Florida Statutes, as set forth in Chapter 5J-17, Florida Administrative Code, under Sections 5J-17.051 and 5J-17.052 and is a "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" as defined in Section 5J-17.050.


Professional Surveyor & Mapper, # 6965
State of Florida

NOT VALID WITHOUT SHEET 2 OF 2
(SHEET 1 OF 2 CONTAINS LEGAL DESCRIPTION & SURVEYORS NOTES)

This drawing are not valid unless Signed and embossed with the surveyor's seal.

CHECKED BY: M.C.
DRAWN BY: R.D.S
DATE: 09/17/2020
JOB No.
Sheet 1 of 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PREPARED BY:
MPG TECHNICAL GROUP CORP.

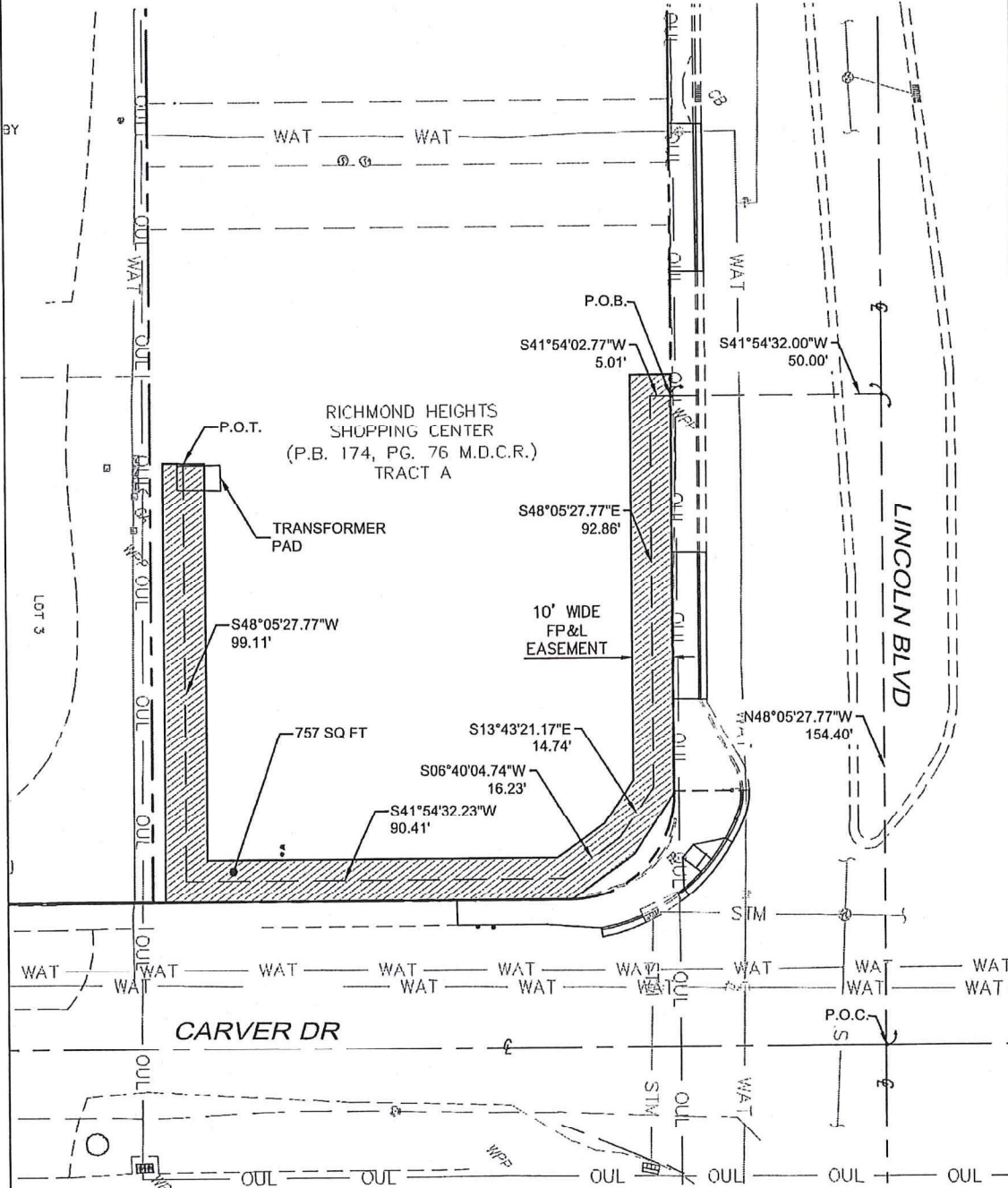
CERTIFICATE OF AUTH. # LB-6932

908 S.W. 141st Avenue, Miami, Florida 33184

Phone: (305) 559-9043

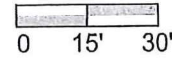
EXHIBIT A - SHEET 2 OF 2

10.00 Foot Wide Florida Power & Light Utility Easement



LEGEND

- ⊕ = CENTERLINE
- FPL = FLORIDA POWER & LIGHT
- P.B. = PLAT BOOK
- PG. = PAGE
- R.W. = RIGHT OF WAY
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCE
- P.O.T. = POINT OF TERMINUS



EASEMENT DETAIL

SCALE: 1" = 30'

NOT VALID WITHOUT SHEET 1 OF 2
 (SHEET 2 OF 2 CONTAINS EASEMENT DETAIL)

Sheet 2 of 2



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(F)(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(F)(1)
3-1-22

RESOLUTION NO. _____ R-192-22

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY, IN EXCHANGE FOR A NOMINAL SUM OF \$1.00 TO INSTALL AND MAINTAIN ELECTRICAL UTILITY FACILITIES ON COUNTY-OWNED PROPERTY, LOCATED AT 14518 LINCOLN BLVD, MIAMI, FLORIDA, KNOWN AS THE LARCENIA J. BULLARD PLAZA FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO SUCH COUNTY-OWNED PROPERTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN

WHEREAS, the 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. The foregoing recitals are incorporated into this resolution and are approved.

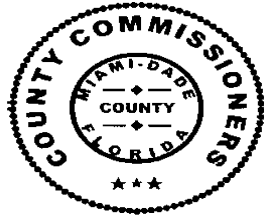
Section 2. This Board authorizes the conveyance of a 757 square foot easement to Florida Power and Light Company in exchange for a nominal sum of \$1.00 for the installation and maintenance of electric utility facilities to the Larcenia J. Bullard Plaza, in substantially the form attached as "Attachment 1" to the Mayor's Memorandum and made part hereof, and authorizes the County Mayor or County Mayor's designee to execute the easement on behalf of Miami-Dade County and to exercise all provisions set forth therein.

Section 3. Pursuant to Resolution No. R-974-09, this Board (1) directs the County Mayor or County Mayor’s designee to record the easement 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 recordation of the easement, and (2) directs the Clerk of the Board to attach and permanently store a recorded copy together with this 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	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	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st 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

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MRP

Monica Rizo Perez