

MEMORANDUM

Agenda Item No. 8(N)(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 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 Northeast Bus Maintenance Facility located at 360 NE 185 Street, 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-206-22

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney


GBK/uw

Memorandum



Date: March 1, 2022

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

From: Daniella Levine Cava
Mayor 

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 Northeast Bus Maintenance Facility and Authorizing the County Mayor or County Mayor’s Designee to Exercise the Provisions Contained Therein.

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 to the new electric bus charging stations at the Department of Transportation and Public Works (DTPW) Northeast Bus Maintenance Facility.

Scope

The proposed easement at the Northeast Bus Maintenance Facility is physically located at 360 NE 185 Street, District 1, which is represented by Commissioner Oliver Gilbert. 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. 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 Northeast 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 additional electric

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

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.



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-Kecnan
County Attorney

SUBJECT: Agenda Item No. 8(N)(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(N)(1)
3-1-22

RESOLUTION NO. _____ R-206-22

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 NORTHEAST BUS MAINTENANCE FACILITY LOCATED AT 360 NE 185 STREET, 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 Northeast Bus Maintenance Facility, located at 360 NE 185 Street, 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

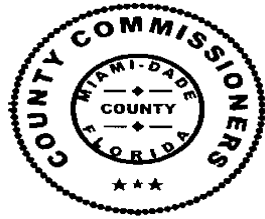
description of the easement area to conform with the as-built location of the utility facilities so long as the utility facilities have been positioned within 25 feet of the originally proposed location and the total area is no larger than 25 percent of the originally proposed easement area.

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 3 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 instruments and directs the Clerk of the Board to permanently store the recorded copies 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	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

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. 10339583

Name: Eduardo Reyes

Sec.06, Twp 52S, Rge.42E

Co. Name: HADONNE

Parcel I.D. 30-2206-036-0190

Address: 1985 NW 88th 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)

) ss:

COUNTY OF MIAMI-DADE)

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:

8
[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
North Site**

LEGAL DESCRIPTION:

A portion of Lots 1 through 7 and portion of Lot 13, Block 7C of "MIAMI INDUSTRIAL DISTRICT SECTION SEVEN" according to the Plat thereof, as recorded in Plat Book 96, at Page 13, of the Public Records of Miami-Dade County, Florida, also lying in Section 6, Township 52 South, Range 42 East and being more particularly described as follows:

Commence at the Northeast Corner of the Lot 6, as shown on the Plat of "MIAMI INDUSTRIAL DISTRICT SECTION SEVEN" according to the Plat thereof, as recorded in Plat Book 96, at Page 13, of the Public Records of Miami-Dade County, Florida; thence S03°19'24"E for 2.31 feet to the POINT OF BEGINNING of a Florida Power & Light Company Easement; thence N90°00'00"E for 12.89 feet; thence S00°00'00"E for 39.17 feet; thence S90°00'00"W for 4.75 feet; thence S00°01'07"E for 21.67 feet; thence S90°00'00"W for 20.83 feet; thence N00°00'00"W for 24.67 feet; thence N89°52'34"E for 2.01 feet; thence N00°19'46"W for 3.50 feet; thence S87°49'15"W for 50.85 feet; thence N03°14'55"W for 23.38 feet; thence S86°45'05"W for 620.51 feet; thence S41°42'50"W for 44.07 feet; thence S03°19'24"E for 455.85 feet; thence S86°40'36"W for 10.00 feet; thence N03°19'24"W along the Westerly boundary line of said Block 7C, for 460.00 feet; thence N41°42'50"E for 52.36 feet; thence N86°45'05"E along the North boundary line of said Block 7C, for 665.26 feet; thence S69°45'01"E for 12.90 feet; thence N00°00'00"W for 3.44 feet; to a Reference Point "A"; thence N90°00'00"E for 10.69 feet to the Point of Beginning.

LESS and except the following describe parcel:

Commence at the Reference Point "A"; thence S00°00'00"E for 10.68 feet to the POINT OF BEGINNING; thence S00°00'00"E for 8.67 feet; thence S87°57'32"W for 41.36 feet; thence N03°19'37"W for 13.59 feet; thence N86°45'05"E for 28.72 feet; thence S69°24'19"E for 14.37 to the Point of Beginning.

Containing an area of 13.841 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

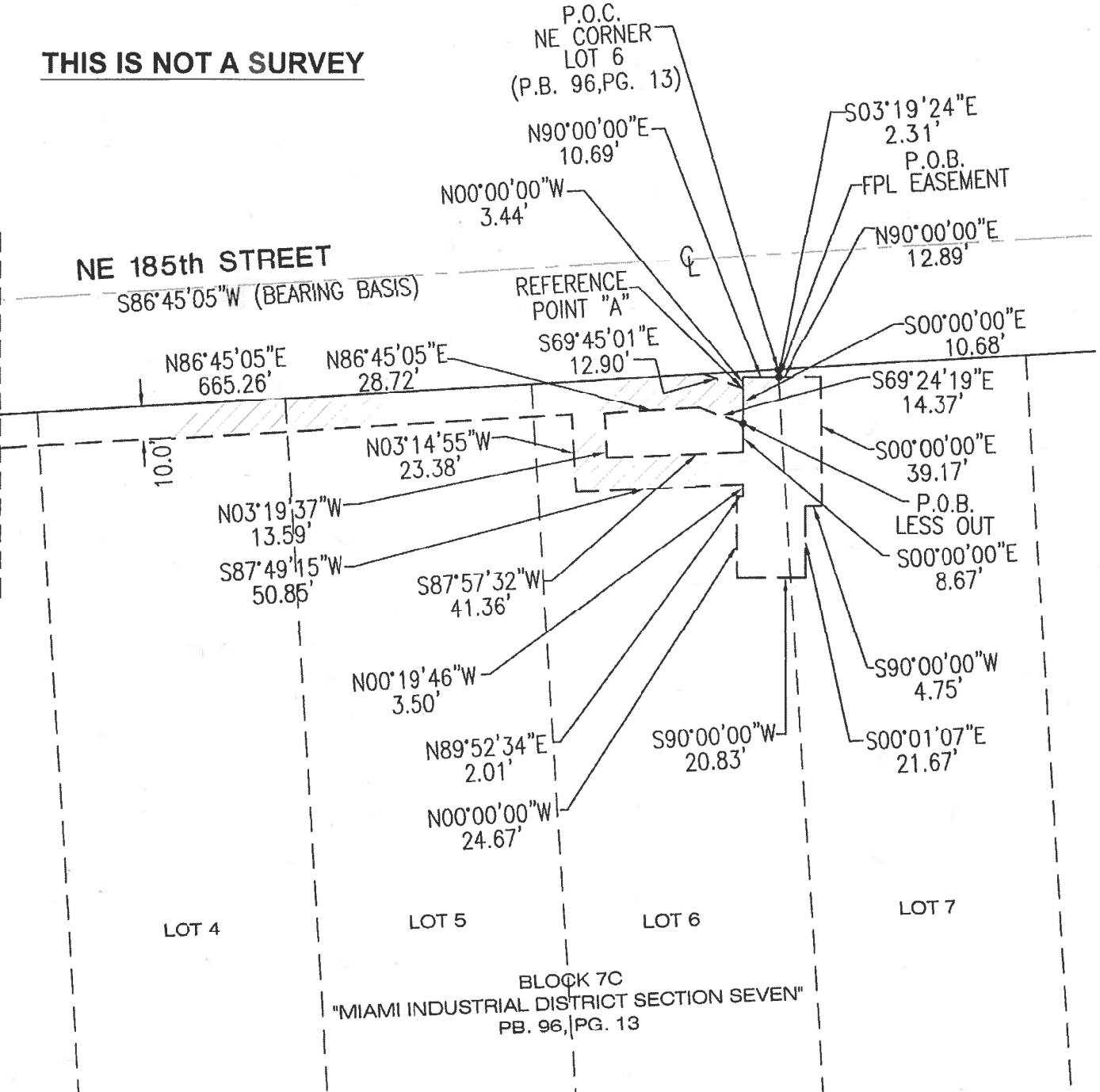


NOT TO SCALE

EXHIBIT "A" (EASEMENT AREA)
Florida Power & Light Company Easement
North Site

THIS IS NOT A SURVEY

FOR CONTINUATION SEE SHEET 3 OF 4



LEGEND

P.B. = PLAT BOOK
PG. = PAGE
SEC. = SECTION

FPL = FLORIDA POWER & LIGHT COMPANY
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT



NOT TO SCALE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
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prepared by:



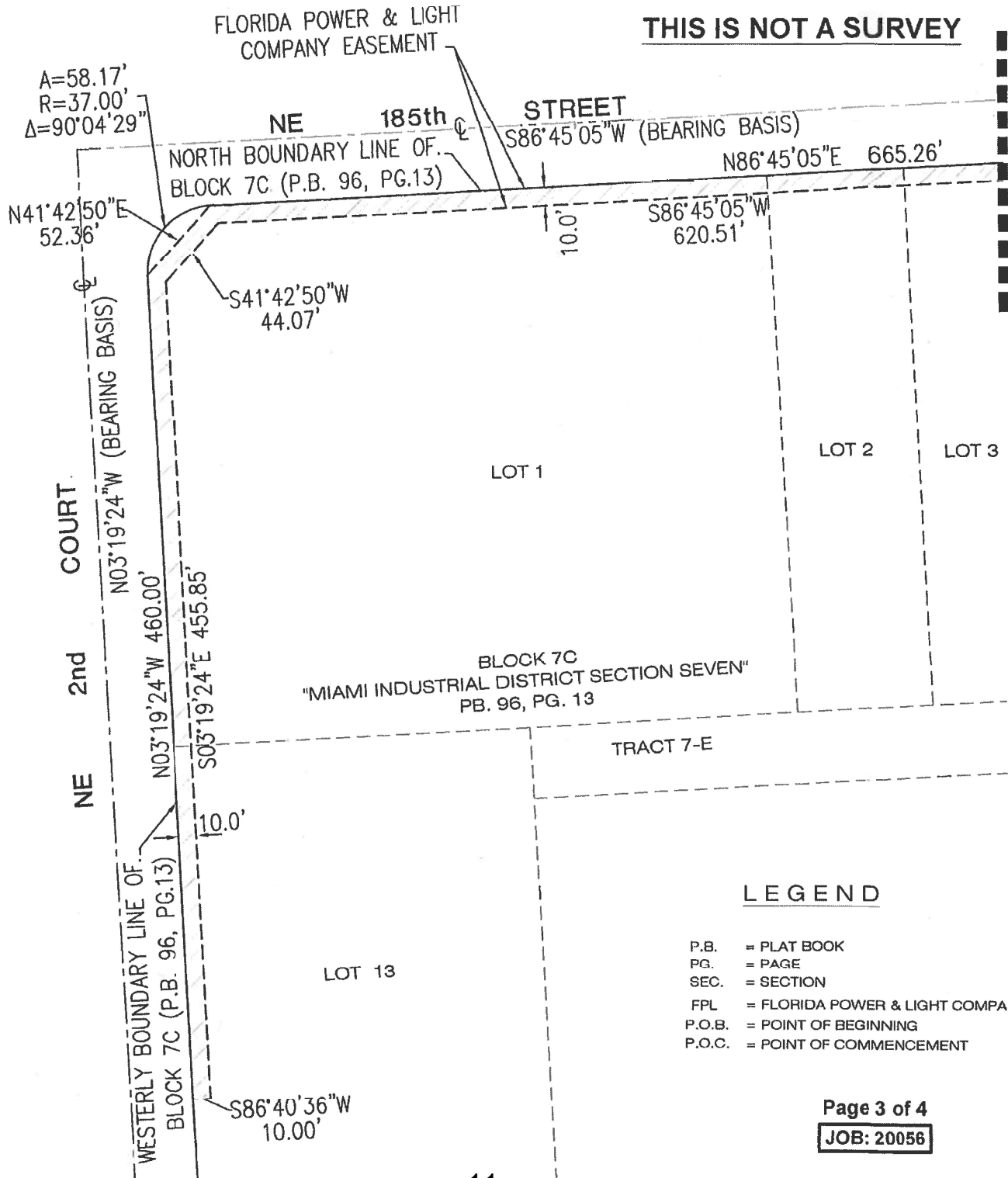
HADONNE

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

EXHIBIT "A" (EASEMENT AREA)

**Florida Power & Light Company Easement
North Site**

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FOR CONTINUATION SEE SHEET 2 OF 4

LEGEND

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



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
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SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A" (EASEMENT AREA)
Florida Power & Light Company Easement
North Site

SOURCES OF DATA:

The Legal Description was generated from the Plat of "MIAMI INDUSTRIAL DISTRICT SECTION SEVEN" as recorded in Plat Book 96, at Page 13 of the Public Records of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the Center Line of NE 185th Street , with an assumed bearing of N86°45'05"E.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than 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:

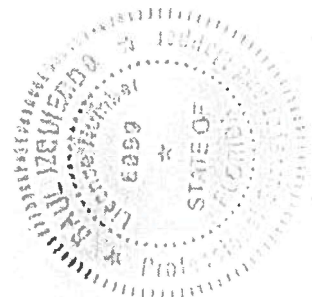
Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, 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 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: RFJ 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.
NOTICE:

THIS IS NOT A SURVEY