

MEMORANDUM

Agenda Item No. 8(F)(1)

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

DATE: July 7, 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 electric utility facilities on a County-owned property known as the Miami-Dade Empowerment Center, located at an undisclosed address, and to remain confidential pursuant to section 39.908, Florida Statutes, for the purpose of providing electrical service to such County-owned property; and authorizing the County Mayor to execute the easement agreement and to exercise all rights conferred therein

Resolution No. R-613-22


The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.


Geri Bonzon-Keenan
County Attorney

GBK/ks

Date: July 7, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing the Conveyance of an Easement to Florida Power and Light Company to Provide Electrical Service to the Miami-Dade Empowerment Center on a Portion of County-owned Property Located at an undisclosed address (To remain confidential under Florida Statutes, Section 39.908)
Folio No.: Undisclosed

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of an easement which provides electrical service to a County-owned property under the oversight of the Miami-Dade County Homeless Trust.

- This conveyance is required to provide underground electrical power service to the newly constructed Miami-Dade Empowerment Center, which will serve as a temporary domestic violence center to house vulnerable County residents.

More specifically, the resolution does the following:

- Authorizes the conveyance of a 3,269 square foot easement to Florida Power and Light (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 Miami-Dade Empowerment Center, located at an undisclosed address, to remain confidential under Section 39.908, Florida Statutes; 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 8, which is represented by Danielle Cohen Higgins. Written notice of the easement was provided to the District Commissioner's Office. Pursuant to Section 39.908, Florida Statutes, the address of domestic violence centers are confidential and are not included in this item. The legal description is included in the easement, but must be redacted when shared or otherwise made public.

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, cable conduits and related equipment servicing the building.

Track Record/Monitoring

Idania Barroso of the Internal Services Department will be responsible for effectuating the conveyance, recordation and closing of all the documents in conjunction with this item. Victoria Mallette, Executive Director of the Homeless Trust will be responsible for monitoring issues related to the easement.

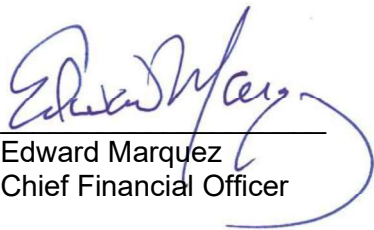
Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
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Delegation of Authority

Authorizes the County Mayor or County Mayor's designee to execute the easement and to exercise all other rights conferred therein.

Background

The conveyance of an easement to FPL is required to provide underground power service to the newly constructed Miami-Dade Empowerment Center. The 10-foot wide, approximately 3,269 square foot, underground easement will allow FPL the right to access and provide electrical service for the building. This is a state-of-the-art facility, built to service vulnerable County residents, as a temporary domestic violence center. This center was developed through the construction oversight of the Internal Services Department and the Community Action and Humans Services Department. In accordance with Resolution No. R-504-15, the only visible element of the easement, will be an above ground transformer mounted on a concrete pad located near the side 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 nonetheless use vegetative screening for the above ground equipment.



Edward Marquez
Chief Financial Officer

ATTACHMENT 1

Work Request No. _____

Sec. 1 Twp. 1 Rge

Parcel I.D. Undisclosed
(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 _____,
20____.

ATTEST: HARVEY RUVIN,
Clerk of Said Board

By: _____
Deputy Clerk

Approved as to Form and
Legal Sufficiency:

Assistant County Attorney

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

By _____
County Mayor

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: _____

EXHIBIT A

(The legal description of the easement is on file with the Internal Service Department but is undisclosed herein as the address of the Empowerment Center is to remain confidential under F.S. 39.908.)



MEMORANDUM

(Revised)

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

DATE: July 7, 2022

FROM: 
Gen Bonzon-Kecnan
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)
7-7-22

RESOLUTION NO. R-613-22

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 ELECTRIC UTILITY FACILITIES ON A COUNTY-OWNED PROPERTY KNOWN AS THE MIAMI-DADE EMPOWERMENT CENTER, LOCATED AT AN UNDISCLOSED ADDRESS, AND TO REMAIN CONFIDENTIAL PURSUANT TO SECTION 39.908, FLORIDA STATUTES, 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 AGREEMENT 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.

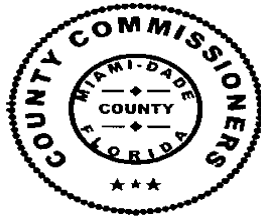
Section 2. This Board authorizes the conveyance of a 3,296 square foot easement to Florida Power and Light, in exchange for a nominal sum of \$1.00, for the installation and maintenance of electric utility facilities on a County-owned property, known as the Empowerment Center, located at an undisclosed address and to remain confidential pursuant to section 39.908, Florida Statutes, and authorizes the County Mayor or County Mayor's designee to execute the easement on behalf of Miami-Dade County, in substantially the form attached as "Attachment 1" to the Mayor's Memorandum and made part of hereof, 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 the 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, provided all information identifying the location of the property is redacted and remains confidential.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** 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	absent	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 7th day of July, 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.

A handwritten signature in black ink, appearing to read "MRP", is written over a horizontal line.

Monica Rizo Perez