

Date: October 6, 2022

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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Agenda Item No. 8(M)(1)

Resolution No. R-934-22

Subject: Resolution Authorizing the Conveyance of a Non-Exclusive Easement to Florida Power & Light Company to Provide Electrical Services to the Water and Sewer Department’s New Pump Station Located at 1890 N.W. 79 Street, Miami, Florida

Executive Summary

This item seeks Board of County Commissioner (“Board”) approval for the conveyance of an 8,955.37-square foot non-exclusive easement to Florida Power & Light Company (“FPL”) for the provision of electrical services to Miami-Dade Water and Sewer Department’s (“WASD’s”) forthcoming new Pump Station to be located on property owned by the Miami-Dade Department of Solid Waste Management (“DSWM”) at 1890 NW 79 Street, Miami, Florida. This pump station is a critical component of the County’s initiative to extend sewer services to commercial and industrial areas.

Recommendation

It is recommended that the Board authorize the conveyance of a non-exclusive easement on a portion of County-owned property located at 1890 N.W. 79 Street, Miami, Florida to FPL. More specifically, the resolution does the following:

- Authorizes the conveyance of an 8,955.37-square foot non-exclusive easement to 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 exclusively service WASD’s new Pump Station, which is located on DSWM-owned property. The new Pump Station is part of Building Better Communities General Obligation Bond Program Project No. 17 - "Countywide Water And Sewer System Enhancements" to fund Extension of Sewer System to developed Commercial and Industrial Corridors of County as per Board Resolution No. R-537-14; and
- Authorizes the County Mayor or County Mayor’s designee to execute the easement, attached hereto as Exhibit “1”; to record the instrument of conveyance in the public records of Miami-Dade County; and to exercise all provisions therein.

Scope

The new Pump Station will be located at 1890 N.W. 79 Street, Miami, Florida (Folio No.: 30-3110-000-0360) in Commission District 2, which is represented by Commissioner Jean Monestime. See Property Appraiser Summary Report, attached hereto as Exhibit “2.”

Fiscal Impact/Funding Source

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

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

Track Record/Monitoring

Felix Cepero of DSWM will be responsible for tasks related to the processing of this easement. Marisela Aranguiz, P.E., Deputy Director for WASD, will oversee the construction of the new Pump Station.

Delegation of Authority

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

Background

On July 2, 2013, the Board adopted Resolution 597-13, which directed the County Mayor to provide a plan to extend sewer services to commercial and industrial areas, including but not limited to, N.W. 7 Avenue, N.W. 27 Avenue, N.W. 79 Street, N.E. 2 Avenue, Biscayne Boulevard, S.W. 40 Street (including from Red Road to the Palmetto Expressway), South Dixie Highway (including the Naranja area), and West Dixie Highway.

Currently, economic productivity in these areas is severely limited because businesses that produce wastewater, which cannot be legally discharged to a septic tank, are unable to operate. It is in the best interest of the County to maximize the economic potential for its business corridors by extending sewer service to these commercial corridors.

In accordance with Resolution R-597-13, WASD plans to construct a new Pump Station on property owned by DSWM located at 1890 N.W. 79 Street, which will provide service to the commercial and industrial zoned properties that currently do not have access to sewer lines in this area.

In order to provide underground electrical power to the new Pump Station, FPL is requesting an 8,955.37 square foot easement. The easement will allow FPL the right to access and the ability to operate a new transformer that will provide dedicated electrical service to operate and maintain the new Pump Station.

As required by Resolution No. R-504-15, the only visible element will be an above-ground transformer mounted on a concrete pad, which will be screened from view by landscaping and will not adversely impact the surrounding area.



Jimmy Morales
Chief Operations Officer

EXHIBIT 1

Work Request No

Sec. 10, Twp 53S, Range 41E

Parcel I.D. 30-3110-000-0360
(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By
Name: Miami-Dade Water and Sewer
Co. Name: Miami-Dade Water and Sewer
Address: 3071 SW 38 Avenue
Miami, Florida 33146

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, does hereby 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 underground equipment, and appurtenant above-ground equipment) to be installed from time to time to provide electric service to the pump station identified on Exhibit "A" with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

This Grant of Easement gives FPL the right: 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 for the pump station identified on Exhibit "A"; ingress and egress to the Easement Area at all times; to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; and to trim, 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 while still maintaining vegetative screening around the above-ground electrical transformer in accordance with Resolution No. R-504-15.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument _____ day of _____, 20____,

ATTEST:

HARVEY RUVIN,
Clerk of Said Board

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

By: _____
Deputy Clerk

By _____
County Mayor

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

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online
notarization, this _____ day of _____, 20____. by _____, as President, and _____, as
Secretary, _____, a _____, on behalf of the company, who is personally known to me or has produced
(type of identification) as identification.

[Notary Seal]

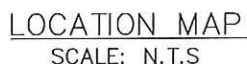
(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Serial number, if any)

Approved as to Form and
Legal Sufficiency:

Assistant County Attorney



1. THIS LEGAL DESCRIPTION IS NOT BASED ON A BOUNDARY SURVEY.
2. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. COMPLETION DATE: 06.08.2021

1. MDCPR DENOTES MIAMI DADE COUNTY PUBLIC RECORDS
2. POB DENOTES POINT OF BEGINNING
3. POC DENOTES POINT OF COMMENCEMENT.
4. POT DENOTES POINT OF TERMINATION
5. ORB. DENOTES OFFICIAL RECORD BOOK
6. PB DENOTES PLAT BOOK
7. PG DENOTES PAGE
8. RGE DENOTES RANGE
9. SEC DENOTES SECTION
10. TWN DENOTES TOWNSHIP
11. A.K.A ALSO KNOWN AS

I HEREBY CERTIFY: THAT THE LEGAL DESCRIPTION AND SKETCH OF THE PORTION OF LAND DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THAT THE LEGAL DESCRIPTION AND SKETCH MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472 FLORIDA STATUTES. AND, THAT THE SKETCH HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON. THIS SKETCH DOES NOT REPRESENT A LAND BOUNDARY SURVEY.

LUIS I. GUTIERREZ
PROFESSIONAL SURVEYOR AND MAPPER
LICENSE LS 7336, FLORIDA

PREMIERE DESIGN SOLUTIONS INC.
12781 MIRAMAR PARKWAY #205
MIRAMAR, FL 33027
954.237.7850
PDS@PDS-ENG.COM
LB 8017



CHECKED: LG

FPL EASEMENT

5 (THIS PAGE IS NOT VALID WITHOUT THE OTHERS)

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION
MIAMI-DADE COUNTY
SEC.10-TWN.53S-RGE.41E

LEGAL DESCRIPTION

A PORTION OF THE NORTH 1/2 OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 10 TOWNSHIP 53 SOUTH RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NW CORNER OF SAID NORTH 1/2 OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION; THENCE S1°44'43"E ALONG THE WEST LINE OF SAID NORTH 1/2 OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION, FOR A DISTANCE OF 234.35' TO A POINT; SAID WEST LINE BEING ALSO THE CENTER LINE OF THE NW 19TH AVENUE AND ALSO BEING 25 FEET WEST OF AND PARALLEL WITH, THE EAST RIGHT OF WAY LINE OF SAID ROAD AS RECORDED IN O.R.B. 9583 PAGE 329 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE AT RIGHT ANGLES TO THE LAST COURSE RUN N88°15'17"E FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN AND AFTER STRIP OF LAND 10 FEET IN WIDTH, LYING 5 FEET ON EACH SIDE AND PARALLEL WITH THE FOLLOWING DESCRIBED CENTER LINE, SAID POINT OF BEGINNING LYING ON A LINE WHICH IS THE EAST RIGHT WAY LINE OF SAID ROAD AND ALSO THE WEST PROPERTY LINE OF A NO SUBDIVIDED PARCEL OF LAND A.K.A "ROCK PIT #12", MIAMI-DADE COUNTY SOLID WASTE MANAGEMENT FOLIO: 30-3110-000-0360 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE N88°15'17"E FOR A DISTANCE OF 17.00 FEET TO A POINT; THENCE S1°44'43"E ALONG A LINE 17 FEET EAST OF AND PARALLEL WITH SAID EAST RIGHT OF WAY LINE AND WEST PROPERTY LINE OF SAID PARCEL OF LAND, FOR A DISTANCE OF 88.19 FEET TO A POINT; THENCE N87°42'04"E ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTH 1/2 OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION, SAID LINE ALSO BEING THE SOUTH PROPERTY LINE OF SAID PARCEL OF LAND, FOR A DISTANCE OF 562.12 FEET TO A POINT; THENCE N9°36'20"E FOR A DISTANCE OF 52.46 FEET TO A POINT; THENCE N1°29'38"E ALONG A LINE 29.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTH 1/2 OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION, SAID LINE BEING ALSO THE WEST BOUNDARY LINE OF "VICTORIA MANOR PLAT" AS RECORDED IN P.B. 22, PAGE 5 OF THE PUBLIC RECORDS OF SAID COUNTY, FOR A DISTANCE OF 108.32 FEET TO A POINT; THENCE N43°30'22"E FOR A DISTANCE OF 25.05 FEET TO A POINT; THENCE N87°44'17"E ALONG A LINE 5 FEET SOUTH OF AND PARALLEL WITH THE SOUTH PROPERTY LINE OF MIAMI-DADE WATER AND SEWER PUMP STATION D2-81 FOLIO: 30-3110-000-0362 OF THE PUBLIC RECORDS OF SAID COUNTY, FOR A DISTANCE OF 11.29 FEET TO THE POINT OF TERMINUS.

SIDELINES OF THIS EASEMENT ARE TO BE LENGTHENED AND/OR SHORTENED SO AS TO FORM A CONTINUOUS 10 FOOT WIDE STRIP OF LAND.

SAID LANDS LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 8955.37 SQUARED FEET MORE OR LESS

PAGE 2 OF 3

PREMIERE DESIGN SOLUTIONS INC.
12781 MIRAMAR PARKWAY #205
MIRAMAR, FL 33027
954.237.7850
PDS@PDS-ENG.COM
LB 8017



PROJECT No:
17210008

DRAWN DATE:
07.13.2021

CHECKED: LG

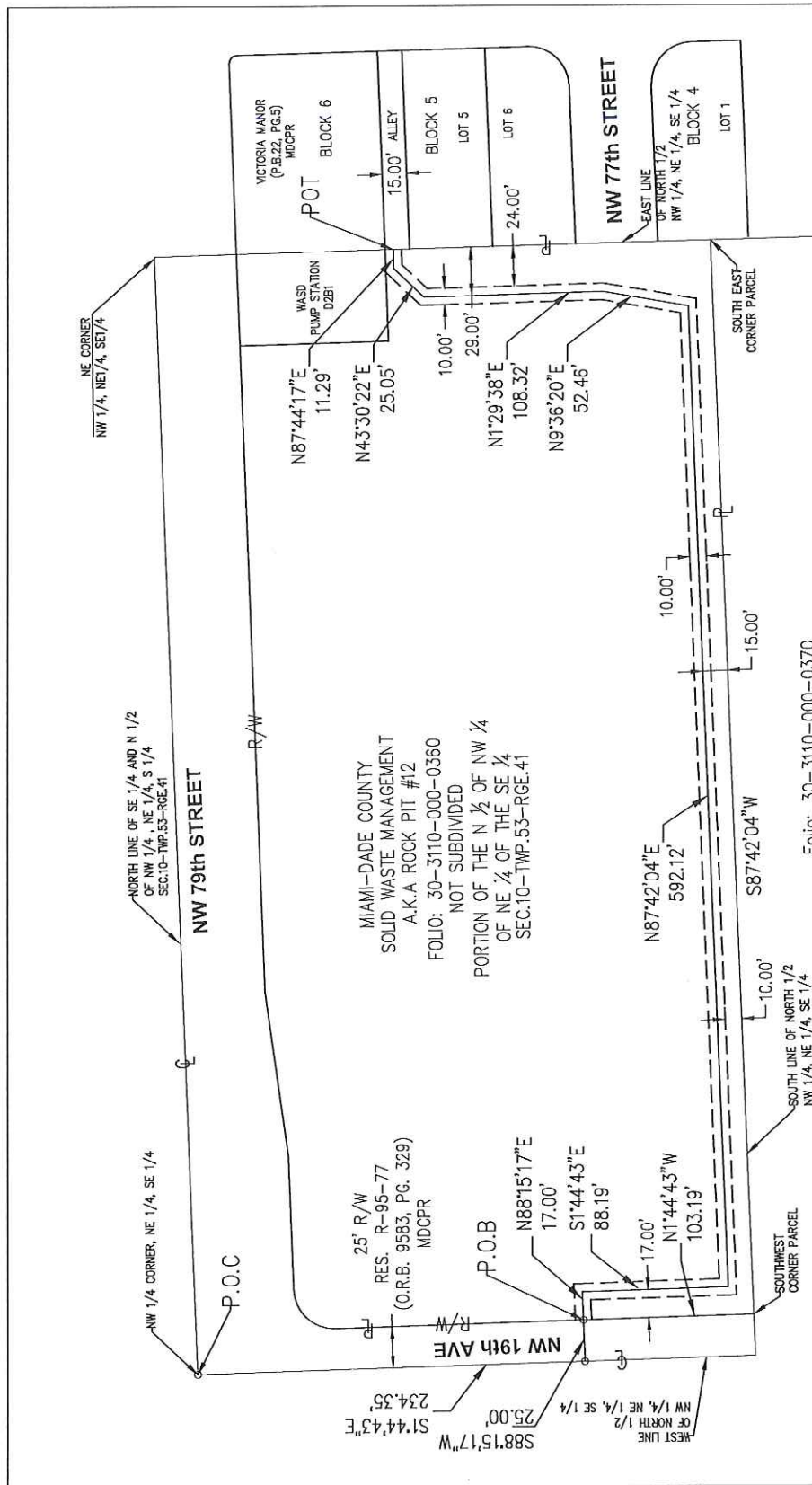
FPL EASEMENT

6 THIS PAGE IS NOT VALID WITHOUT THE OTHERS)



SCALE 1:100

EXHIBIT "A"
SKETCH TO ACCOMPANY A LEGAL DESCRIPTION
MIAMI-DADE COUNTY
SEC.10-TWN.53S-RGE.41E



Folio: 30-3110-000-0370

PAGE 3 OF 3

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PROJECT No:
17210008

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CHECKED: LG

FPL EASEMENT

THIS PAGE IS NOT VALID WITHOUT THE OTHERS)



MEMORANDUM

(Revised)

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

DATE: October 6, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(M)(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(M)(1)
10-6-22

RESOLUTION NO. R-934-22

RESOLUTION AUTHORIZING CONVEYANCE OF AN 8,955.37 SQUARE FOOT NON-EXCLUSIVE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, FOR A NOMINAL SUM OF \$1.00, TO INSTALL AND MAINTAIN ELECTRICAL POWER FACILITIES ON A PORTION OF COUNTY-OWNED PROPERTY LOCATED AT 1890 NW 79TH STREET, MIAMI, FLORIDA TO PROVIDE ELECTRICAL SERVICE TO THE WATER AND SEWER DEPARTMENT'S NEW PUMP STATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN

WHEREAS, on July 2, 2013, the Board adopted Resolution No. 597-13, which directed the County Mayor or County Mayor's designee to provide a plan to extend sewer services to commercial and industrial areas, including but not limited to, NW 7th Avenue, NW 27th Avenue, NW 79th Street, NE 2nd Avenue, Biscayne Boulevard, SW 40th Street (including from Red Road to the Palmetto Expressway), South Dixie Highway (including the Naranja area), and West Dixie Highway; and

WHEREAS, the County, through its Water and Sewer Department, is constructing a new pump station (the "Pump Station"), located at 1890 NW 79th Street in order to extend such sewer service to commercial and industrial zoned properties that do not have reasonable access to sewer lines in the major commercial corridors identified in said resolution; and

WHEREAS, Florida Power and Light Company ("FPL"), has agreed to provide electrical power facilities to the Pump Station in exchange for an easement that allows FPL access to install and maintain the facilities; and

WHEREAS, the easement is for electrical service that includes underground lines, which will not adversely impact the surrounding area; and

WHEREAS, the only visible element of the FPL facilities on the easement will be screened from public view by landscaping, in accordance with Resolution No. R-504-15; and

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.

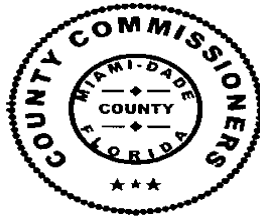
Section 2. This Board authorizes the conveyance of an 8,955.37 square foot non-exclusive easement to FPL, in substantially the form attached to the accompanying memorandum as Exhibit “1”, for a nominal sum of \$1.00, for the installation and maintenance of electric power facilities to the Pump Station. The Board further authorizes the County Mayor or County Mayor’s designee to execute the easement 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 **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Keon Hardemon** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 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.

dsh

David Stephen Hope