

MEMORANDUM

Agenda Item No. 8(K)(2)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 2, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving the conveyance of a non-exclusive easement to Florida Power & Light Company (FPL) for a nominal amount for the purpose of FPL constructing, operating and maintaining an underground electric utility facilities, including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment, for the Brisas Del Este Apartments; and authorizing the County Mayor to execute the "Underground Easement (Business)," and exercise all provisions contained therein

Resolution No. R-402-23

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Date: May 2, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Consent to Execute a Non-Exclusive Underground Utility Easements with Florida Power & Light for Brisas Del Este Apartments.

Executive Summary

This item seeks the Miami-Dade County Board of County Commissioners' ("Board") approval to execute the Underground Utility Easement (Business) ("easement"), for the purpose of Florida Power & Light (FPL) constructing, operating and maintaining an underground electric utility facilities, including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment, for the Brisas Del Este Apartments, which is a 161 affordable unit building.

On November 15, 2011, the Board passed Resolution No. R-1026-11 providing site control to RUDG, LLC (RUDG) for the redevelopment of Three Round Towers site where Brisas del Este Apartments is currently being developed by Brisas del Este Apartments, LLC, an affiliate to RUDG.

Recommendation

It is recommended that the Board approves the conveyance of a non-exclusive permanent easement to FPL for a nominal amount, for the purpose of FPL constructing, operating and maintaining an underground electric utility facilities, including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment, for the Brisas del Este Apartments. It is further recommended that the Board authorize the County Mayor or County Mayor's designee to execute and record the easement in the Public Records of Miami-Dade County, and exercise all provisions contained therein that are consistent with the attached resolution.

Scope

Brisas del Este Apartments is located in District 3, which is represented by Commissioner Keon Hardemon.

Fiscal Impact/Funding Source

This item does not have a fiscal impact.

Track Record/Monitor

Public Housing and Community Development ("Department") is the County department overseeing this project, and the person responsible for monitoring is Interim Director Clarence D. Brown.

Delegated Authority

Upon adoption of this resolution, the County Mayor or County Mayor's designee will be authorized to execute and record the easement in the Public Records of Miami-Dade County, and exercise all provisions contained therein that are consistent with the attached resolution.

Background

On November 23, 2011, the Board adopted Resolution No. R-1026-11, which awarded site control through a ground lease to RUDG for the redevelopment of Three Round Towers. RUDG created three special

purpose entities, which are the owners, for tax credit purposes. These entities individually own a phase of the project. On October 22, 2013, the Board adopted Resolution No. R-855-13, which approved a ground lease to RUDG for the redevelopment of Three Round Towers. On July 15, 2014, the Board also adopted Resolution No. R-688-14, which authorized the execution of a Master Development Agreement between the County and RUDG, which was executed on February 16, 2017.

FPL requires non-exclusive easements to construct, operate and maintain an underground electric utility facilities, including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment, for the Brisas del Este Apartments. The easement area for this project site is more fully described in the easement, which is included as Attachment A of the resolution. The Department recommends that it is in the County's best interest to grant the easements in order to ensure that electrical power is provided to the project. In accordance with Resolution No. R-504-15, the electrical lines will be placed underground, and surface mounted equipment will be concealed with vegetation cover. The electrical lines and surface mounted will not adversely impact the building's aesthetics.



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 2, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(K)(2)

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(K)(2)
5-2-23

RESOLUTION NO. _____ R-402-23

RESOLUTION APPROVING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO FLORIDA POWER & LIGHT COMPANY (FPL) FOR A NOMINAL AMOUNT FOR THE PURPOSE OF FPL CONSTRUCTING, OPERATING AND MAINTAINING AN UNDERGROUND ELECTRIC UTILITY FACILITIES, INCLUDING CABLES, CONDUITS, APPURTENANT EQUIPMENT, AND APPURTENANT ABOVE-GROUND EQUIPMENT, FOR THE BRISAS DEL ESTE APARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE "UNDERGROUND EASEMENT (BUSINESS)," 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:

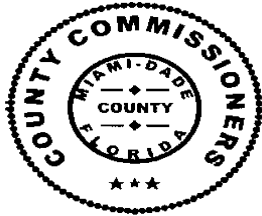
Section 1. This Board approves the conveyance of a non-exclusive permanent easement to Florida Power and Light Company (FPL), for a nominal amount, for the purpose of FPL constructing, operating and maintaining an underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) for the Brisas Del Este Apartments. This Board further authorizes the County Mayor or County Mayor's designee to execute the "Underground Easement (Business)" ("easement"), in substantially the form attached hereto as Attachment A and incorporated herein by reference, and to exercise all provisions contained therein that are consistent with this resolution.

Section 2. This Board directs the County Mayor or County Mayor’s designee, pursuant to Resolution No. R-974-09, to record in the public record the easement, and to provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. This Board further directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner **Eileen Higgins** ,
 who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien**
 and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of May, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Terrence A. Smith

Work Request No. 11263996Sec. 27, Twp 53 S, Rge 31 EParcel I.D. 01-3127-079-0010
(Maintained by County Appraiser)**UNDERGROUND EASEMENT
(BUSINESS)**

This Instrument Prepared By

Name: Jose Palomo
Co. Name: Florida Power & Light Company
Address: 14250 SW 112 Street
Miami, FL, 33186

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 any other person, firm, or corporation 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 communications purposes; 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__.

Signed, sealed and delivered in the presence of:

Entity Name

(Witness' Signature)

By: Miami Dade County

Print Name: _____

(Witness)

Print Name: _____

Print Address: _____

(Witness' Signature)

Print Name: _____

(Witness)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization this _____ day of _____, 2023, by _____, as _____ of MIAMI-DADE COUNTY, a political subdivision of the State of Florida, () who is personally known to me or () has produced _____, as identification.

Print or Stamp Name: _____
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:



HADONNE

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

EXHIBIT "A"

FLORIDA POWER & LIGHT COMPANY EASEMENT

LEGAL DESCRIPTION

EASEMENT No. 1:

A portion of Tract "A", of "FORMAN SUBDIVISION", according to the plat thereof, as recorded in Plat Book 90, at Page 99, of the public records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the SW Corner of said Tract "A"; thence N02°28'42"W along the West Boundary Line of said Tract "A" for 5.00 feet to the POINT OF BEGINNING of a 10 Foot Wide Florida Power & Light Company Easement, lying 5 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land); thence N87°48'06"E along a line parallel with and 5 feet North of the South Boundary Line of said Tract "A", said line also being the North Right of Way Line of NW 28th Street, for 91.55 feet to Reference Point "A"; thence continue N87°48'06"E along said South Boundary Line of Tract "A", also being the North Right of Way Line of NW 28th Street for 191.13 feet; thence N58°35'01"E for 24.91 feet; thence N02°40'49"E for 13.43 feet; thence N03°28'06"W for 160.63 feet; thence N00°00'49"E for 61.04 feet; thence N01°18'52"W for 43.23 feet; thence N11°26'05"W for 37.26 feet; thence N02°30'10"W for 5.39 feet to Reference Point "B"; thence N01°32'10"W for 297.79 feet; thence N07°09'07"W for 66.02 feet; thence N13°30'36"E for 21.18 feet; thence N04°25'24"W for 42.39 feet; thence N01°48'10"W for 85.15 feet; thence N02°09'56"W for 76.66 feet; thence S86°57'10"W for 61.26 feet; thence S87°35'11"W for 53.99 feet; thence S87°33'07"W for 27.53 feet; thence S02°37'54"E for 4.58 feet to Reference Point "C"; said point also being the Point of Termination of the aforementioned centerline.

AND

BEGIN at Reference Point "A", said point being the the POINT OF BEGINNING of a 10 Foot Wide Florida Power & Light Company Easement, lying 5 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land); thence N43°41'03"E for 31.01 feet; thence N01°56'01"W for 126.35 feet; thence N72°00'19"E for 19.05 feet to the Point of Termination of the aforementioned centerline.

AND

BEGIN at Reference Point "B", said point being the the POINT OF BEGINNING of a 10 Foot Wide Florida Power & Light Company Easement, lying 5 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land); thence S87°29'50"W for 21.07 feet to the Point of Termination of the aforementioned centerline.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:



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EXHIBIT "A"

FLORIDA POWER & LIGHT COMPANY EASEMENT

AND

FPL VAULT EASEMENT:

BEGIN at Reference Point "C", said point being the POINT OF BEGINNING of a certain Florida Power & Light Company Vault Room; the following Five (5) courses being along the interior walls of said vault room; thence N87°38'47"E for 19.14 feet; thence S02°38'30"E for 22.78 feet; thence S87°35'02"W for 20.72 feet; thence N02°31'50"W for 22.80 feet; thence N87°38'47"E for 1.54 feet to the Point of Beginning.

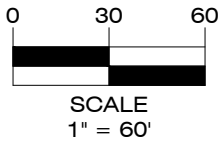
Containing 15,971 Square Feet, more or less, by calculations.

EASEMENT No. 2:

A portion of Tract "A", of "FORMAN SUBDIVISION", according to the plat thereof, as recorded in Plat Book 90, at Page 99, of the public records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the SW Corner of said Tract "A"; thence N02°28'42"W along the West Boundary Line of said Tract "A" for 493.39 feet to the POINT OF BEGINNING of a 10 Foot Wide Florida Power & Light Company Easement, lying 5 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land); thence N87°31'18"E for 5.00 feet; thence N02°28'42"W along a line parallel with and 5 feet East of the West Boundary Line of said Tract "A" for 232.37 feet; thence N85°07'03"E for 96.33 feet; thence N87°45'58"E for 45.02 feet; thence S02°14'02"E for 0.84 feet; thence S65°54'10"W for 26.99 feet; thence S56°02'59"W for 23.12 feet; thence S02°07'22"W for 148.48 feet; thence S06°40'35"E for 20.92 feet to the Point of Termination of the aforementioned centerline.

Containing 5,715 Square Feet, more or less, by calculations.



SKETCH TO ACCOMPANY LEGAL DESCRIPTION
prepared by:



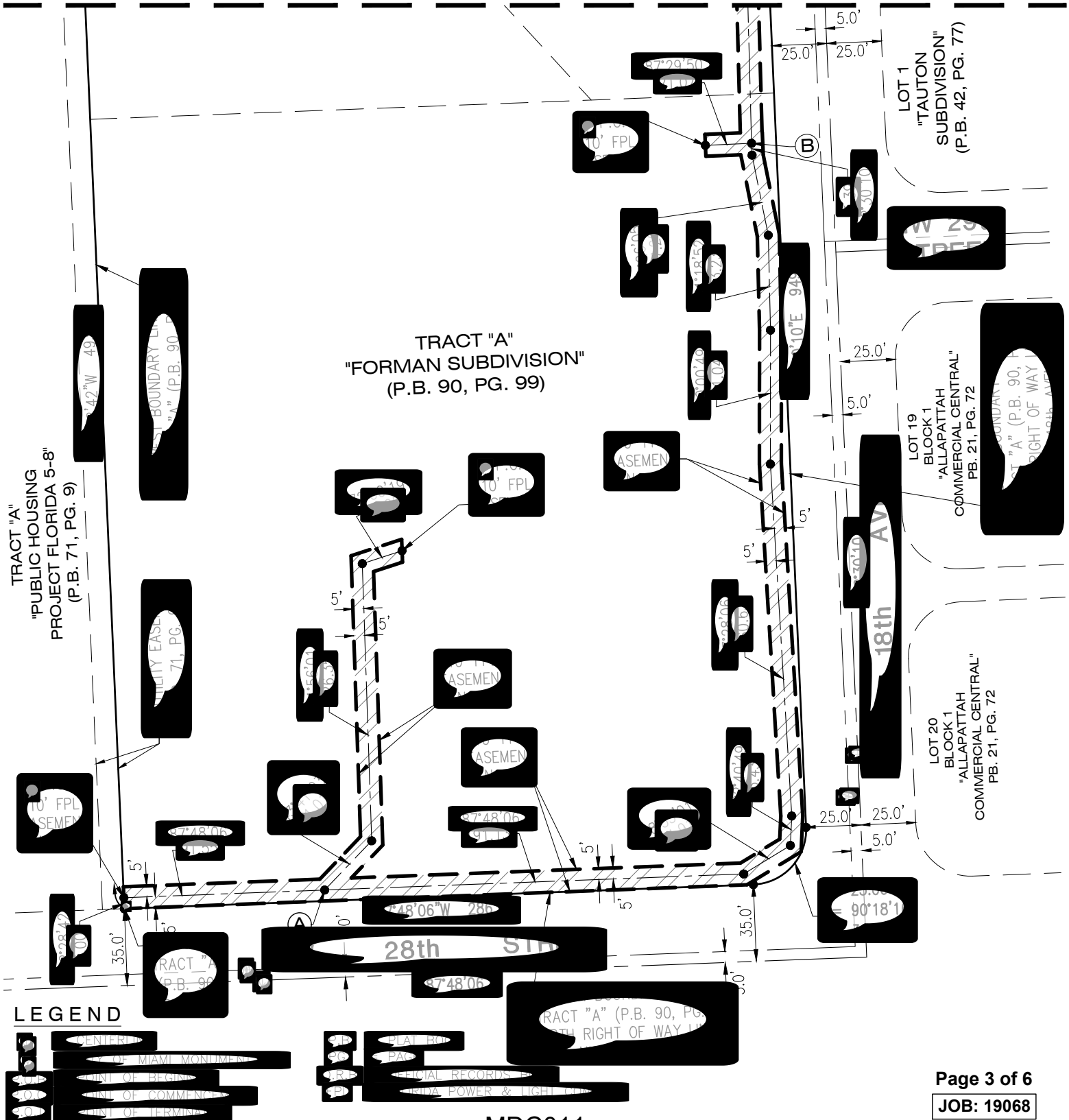
HADONNE

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SUBSURFACE UTILITY ENGINEERING

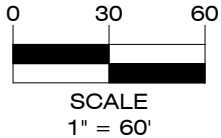
EXHIBIT "A"

FLORIDA POWER & LIGHT COMPANY EASEMENT

MATCH LINE (SEE NEXT SHEET)



MDC011



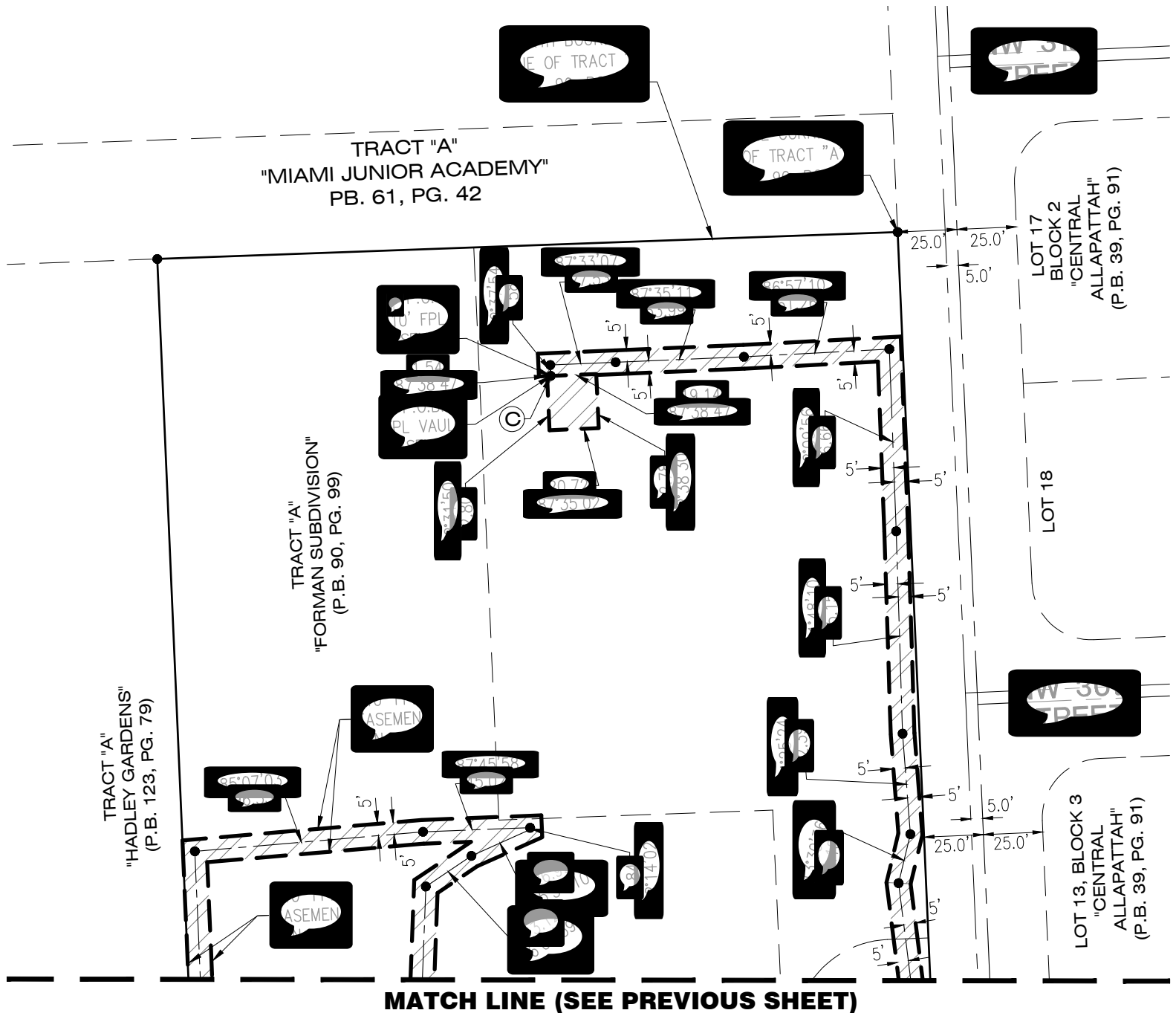
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
prepared by:



LAND SURVEYOR AND MAPPERS
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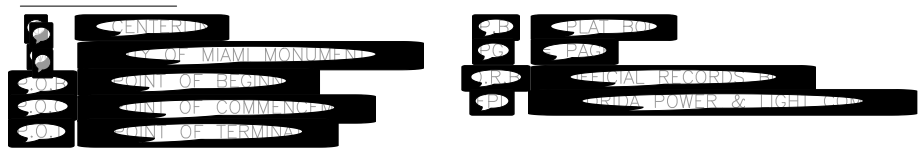
EXHIBIT "A"

FLORIDA POWER & LIGHT COMPANY EASEMENT



MATCH LINE (SEE PREVIOUS SHEET)

LEGEND



SKETCH TO ACCOMPANY LEGAL DESCRIPTION
prepared by:



HADONNE

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3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

FLORIDA POWER & LIGHT COMPANY EASEMENT

SOURCES OF DATA:

The Legal Description was generated from the Plat of "FORMAN SUBDIVISION", as recorded in Plat Book 90, at Page 99 of the Public Records of Miami-Dade County, Florida.

City of Miami Municipal Atlas Sheet 19H, prepared by the City of Miami, Public Works Department, last dated on January 29, 1981.

Bearings as shown hereon are based upon the centerline of NW 18th Avenue, with an assumed bearing of N02°30'10"W.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than those that appeared 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 was furnished other than that which is cited in the Sources of Data, 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 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.

Abraham Hadad, P.S.M.

For The Firm
Professional Surveyor and Mapper LS6006
State of Florida
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

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.