

**OFFICIAL FILE COPY
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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 14(A)(2)

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

DATE: July 18, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing conveyance of non-exclusive easements to Florida Power and Light Company for a nominal sum of \$1.00 to install, operate and maintain electrical power facilities at the South Dade Transit Operations Center located at SW 127 Avenue and Biscayne Drive, Homestead, Florida and authorizing the County Mayor to amend easement exhibits under certain circumstances, execute the easement conveyances, take all actions to effectuate same and exercise all provisions contained therein

Resolution No. R-702-23

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


Geri Bonzon-Keenan
County Attorney

GBK/ks


MDC001

Memorandum



Date: July 18, 2023

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

From: Daniella Levine Cava
Mayor 

Subject: Conveyance of Non-Exclusive Utility Easements to Florida Power and Light Company to Provide Electrical Service to the South Dade Transit Operations Center

Executive Summary

The purpose of this item is to gain approval of the Board of County Commissioners (Board) to convey non-exclusive utility easements to Florida Power and Light Company (FPL) for provision of electric power service to the South Dade Transit Operations Center. The Center will house a fleet of up to 100 electric buses, and the easements are required for FPL to service the Center. Under the conveyance, there is no fiscal impact to the County.

The South Dade Transit Operations Center is a new facility that will improve operational efficiency by dramatically reducing turnaround time for returning buses to service, decreasing out of service mileage. The Center is currently in the design phase and is scheduled to be fully constructed and operational by March 2025. In addition to housing and maintaining the electric bus fleet, the Center will have offices for the Department of Transportation and Public Works' revenue operations, Office of Training and Traffic Signals and Signs Division.

Recommendation

It is recommended that the Board authorize the conveyance of non-exclusive utility easements to FPL to provide for the installation, construction, operation, and maintenance of electrical facilities to service the South Dade Transit Operations Center.

Scope

The proposed easements are located on County-owned land at the South Dade Transit Operations Center, physically at SW 127 Avenue and Biscayne Drive, Homestead, Florida, in District 9, represented by Commissioner Kionne L. McGhee. However, as the Operations Center will enhance the performance of the entire transit system, there will be a countywide impact.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to execute the easements and exercise all provisions contained therein and to amend Exhibit A and Exhibit B of the easements to revise the survey and legal description of the easement areas 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 greater than 25 percent of the originally proposed easement area.

Fiscal Impact/Funding Source

The easements will be conveyed to FPL for a nominal sum of \$1.00. There is no other fiscal impact to the County associated with the conveyance of the easements.

Track Record/Monitor

The person responsible for monitoring the proposed easement is Javier Bustamante, Department of Transportation and Public Works, Assistant Director, Transit Project Management and Support Services.

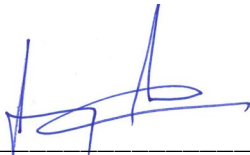
Background

As development in Miami-Dade County continues to expand southerly, the need to provide quality, on time transit services to residents increases, necessitating a maintenance facility for the Department of Transportation and Public Works' bus fleet within the South Dade area. Furthermore, the forthcoming completion of the South Corridor of the Strategic Miami Area Rapid Transit Program (i.e., the SMART Program and the South Dade TransitWay) requires servicing the electric bus fleet that will operate along the corridor. The South Dade Transit Operations Center was added to the Fiscal Year 2021-25 update to the Five-Year Implementation Plan of the People's Transportation Plan.

The South Dade Transit Operations Center will be located at SW 288 Street (Biscayne Drive) and SW 127 Avenue on County-owned property. The facility is currently in the design phase and is scheduled to be fully constructed and operational by March 2025.

The placement of easements needed for electrical service to the new facility has already been determined. One easement will provide power connection to the FPL transformer vault. The other easement will be located along Biscayne Drive for the FPL distribution power lines. Consequently, to ensure that the installation of electrical service facilities coincides with the construction schedule and are installed and operational prior to the completion of construction, the Department of Transportation and Public Works is requesting the conveyance of the easements at this time. The FPL lines serving the facility shall be directly buried underground for aesthetic presentation, with no or very little aboveground appearance.

FPL has advised that in the event of complete non-use of the underground utility easement for a period of two 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. 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 Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 18, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 14(A)(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. 14(A)(2)
7-18-23

RESOLUTION NO. R-702-23

RESOLUTION AUTHORIZING CONVEYANCE OF NON-EXCLUSIVE EASEMENTS TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL SUM OF \$1.00 TO INSTALL, OPERATE AND MAINTAIN ELECTRICAL POWER FACILITIES AT THE SOUTH DADE TRANSIT OPERATIONS CENTER LOCATED AT SW 127 AVENUE AND BISCAYNE DRIVE, HOMESTEAD, FLORIDA AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND EASEMENT EXHIBITS UNDER CERTAIN CIRCUMSTANCES, EXECUTE THE EASEMENT CONVEYANCES, 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. Incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. Approves the conveyance of non-exclusive easements to Florida Power and Light Company ("FPL") for \$1.00 to install, operate and maintain electrical power facilities at the South Dade Transit Operations Center located in the vicinity of SW 127 Avenue and Biscayne Drive, Homestead, Florida, in substantially the form attached hereto as Exhibit "A" and Exhibit "B" (the "easements"), for the purpose of providing electrical service to the South Dade Transit Operations Center.

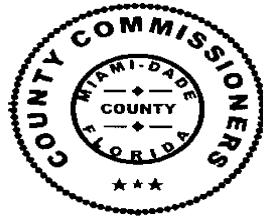
Section 3. Authorizes the County Mayor or County Mayor’s designee to execute the easements for and on behalf of Miami-Dade County, exercise all provisions contained therein, to take all actions to effectuate same, and to amend Exhibit A and Exhibit B, to revise the survey and legal description of the easement areas to conform with the as-built locations of the utility facilities so long as the utility facilities have been positioned within 25 feet of the originally proposed locations and the total area is no greater than 25 percent of the originally proposed easement area.

Section 4. Directs the County Mayor or County Mayor’s designee, pursuant to Resolution No. R-974-09, to record the easement and any amendments 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 this resolution.

The foregoing resolution was offered by Commissioner **Eileen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Anthony Rodriguez** 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 18th day of July, 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

D.P.C

Dale P. Clarke

Work Request No. 12176620

Sec. 2, Twp 57 S, Rge 39 E

Parcel I.D. _____
(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

Name: _____
Co. Name: _____
Address: _____

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" ("FPL Vault Easement Area"), See Exhibit "B" ("FPL Utility 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 foregoing 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:

Name: _____

Name: _____

Grantor:

MIAMI-DADE COUNTY, a political subdivision of
the State of Florida

By: _____

Name:

Title:

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: _____

Harvey Ruvin, Clerk

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:

[NOTARIAL SEAL]

MDC008

