

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: February 21, 2024

FROM: Geri Bonzon-Keenan
County Attorney

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

Resolution No. R-157-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

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

DATE: February 21, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(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. 11(A)(2)
2-21-24

RESOLUTION NO. _____ R-157-24

RESOLUTION APPROVING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO FLORIDA POWER & LIGHT COMPANY FOR A NOMINAL AMOUNT FOR THE PURPOSE OF FPL CONSTRUCTING, OPERATING AND MAINTAINING UNDERGROUND ELECTRIC UTILITY FACILITIES, INCLUDING CABLES, CONDUITS, APPURTENANT EQUIPMENT, AND APPURTENANT ABOVE-GROUND EQUIPMENT, FOR THE WELLSRING APARTMENTS PROJECT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, on July 18, 2023, this Board approved, pursuant to Resolution No. R-705-23, a Ground Lease agreement ("Lease Agreement") between Wellspring LLC, a Colorado Limited Liability Company ("Wellspring"), as tenant, and the County, as landlord, for approximately 65,798 square feet of County-owned land, located at 14701 NW 27th Avenue, Opa-Locka, Florida for the development and operation of affordable residential housing for the elderly (the "Wellspring Apartments"); and

WHEREAS, pursuant to the Lease Agreement, Wellspring is responsible for the installation of all utility connections necessary for the development and operation of the Wellspring Apartments; and

WHEREAS, Wellspring has requested that this Board approve a non-exclusive access and utilities easement agreement to Florida Power & Light Company ("FPL") in substantially the form attached hereto as Attachment 1 (the "FPL Easement"); and

WHEREAS, this Board finds the conveyance of the FPL Easement to FPL would be necessary in order to allow Wellspring to develop the Wellspring Apartments in a manner consistent with the Lease Agreement and to ensure that electrical power is provided to the Wellspring Apartments; and

WHEREAS, in accordance with Resolution No. R-504-15, the electrical lines will be placed underground, surface mounted equipment will be concealed with vegetation cover, and the electrical lines and surface mounted equipment will not adversely impact the building's aesthetics,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board approves the foregoing recitals and incorporates them into this resolution.

Section 2. This Board approves the conveyance of the FPL Easement to FPL for a nominal amount in substantially the form attached hereto as Attachment 1 and made a part hereof.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to execute the FPL Easement and to exercise all provisions contained therein.

Section 4. Pursuant to Resolution No. R-974-09, (a) the County Mayor or County Mayor's designee shall record the FPL Easement in the public records of Miami-Dade County, Florida and shall provide a copy of the recorded instrument to the Clerk of the Board within 30 days of recordation; and (b) the Clerk of the Board shall attach and permanently store a copy of the recorded instrument together with this resolution.

The Prime Sponsor of the foregoing resolution is Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Marleine Bastien**, who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** 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	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	absent	Eileen Higgins	absent
Kionne L. McGhee	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of February, 2024. 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.

Andrea Gonzalez Mateo

"ATTACHMENT 1"

Work Request No. _____

Sec. 22, Twp 52S, Rge 41E

Parcel I.D. 08-2122-026-0010
(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By
Name: Internal Services Department
Co. Name: Real Estate Development Division
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 _____,
2024.

ATTEST: JUAN FERNANDEZ-BARQUIN,
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 _____, 2023.

STATE OF _____)
COUNTY OF _____)

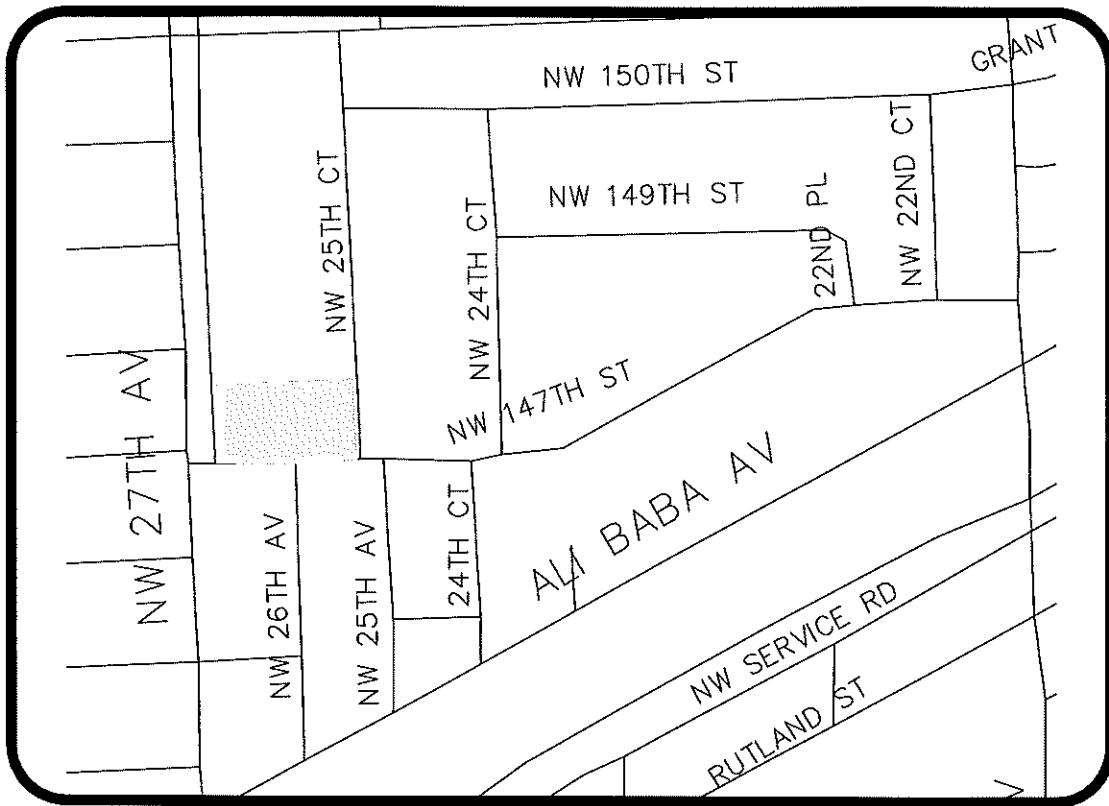
The foregoing instrument was acknowledged before me by means of: (check one) ☐ physical presence; or ☐ remote audio-visual means, this _____ day of _____, 20____, by _____, as _____ of Miami-Dade County is duly authorized to execute this document and is personally known to me or has produced _____ as identification.

[NOTARIAL SEAL]

Notary: _____
Print Name: _____
Notary Public, State of Florida
My commission expires: _____

EXHIBIT "A"
 SKETCH AND LEGAL DESCRIPTION
 WELLSRING APARTMENTS
 14703 NW 27th Avenue,
 MIAMI, FLORIDA 33054
 FPL EASEMENT

A PORTION OF THE N.W. 1/4 OF THE N.W. 1/4
 SECTION 22, TOWNSHIP 52 SOUTH, RANGE 41 EAST
 MIAMI-DADE COUNTY, FLORIDA



LOCATION MAP
 NOT TO SCALE

NOTES:

- THE MINIMUM VERTICAL CLEARANCE OF THIS EASEMENT IS TWENTY FIVE (25) FEET ABOVE GRADE.
- THESE EASEMENT STRIPS FORM A CLOSED GEOMETRIC FIGURE.

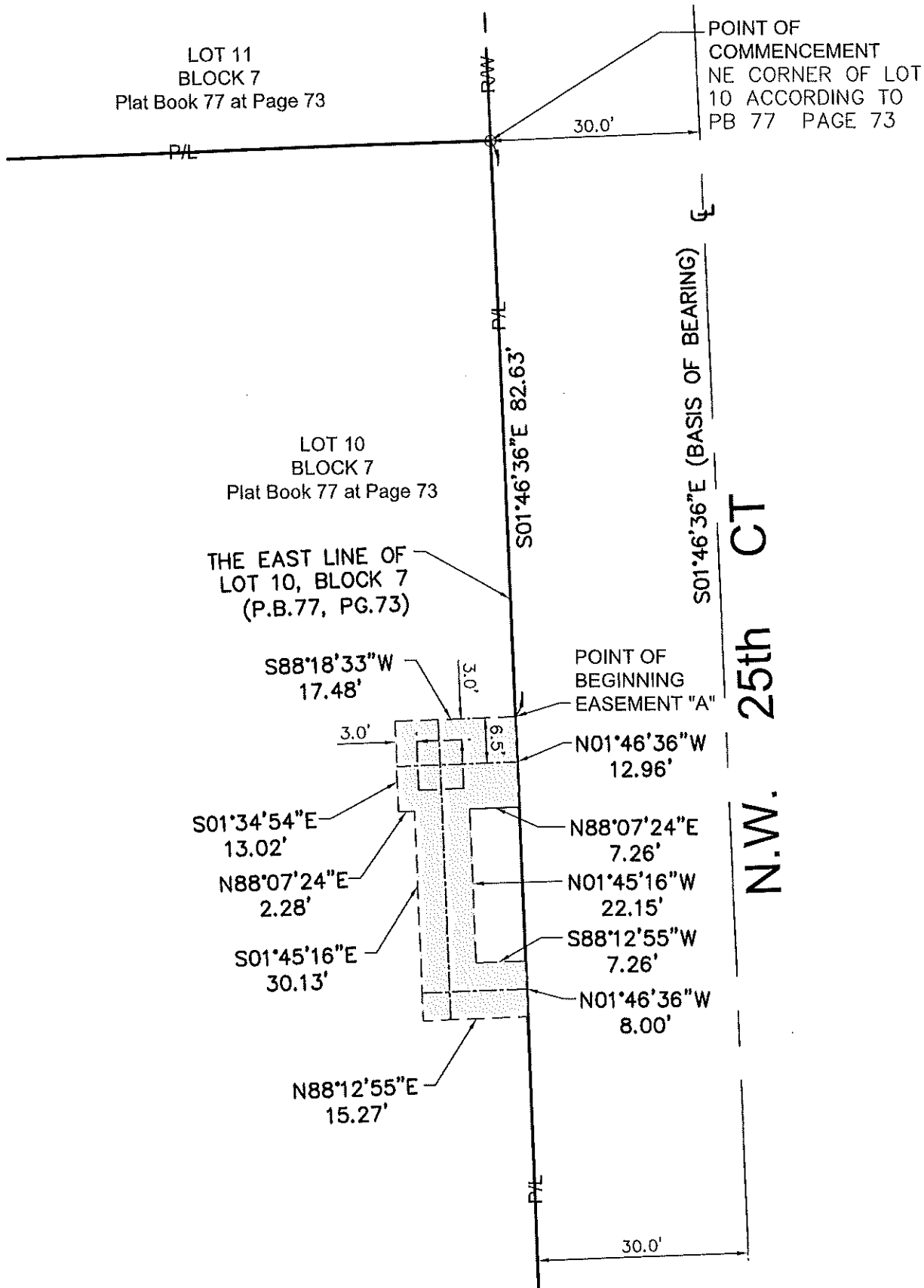
ABBREVIATIONS

SYMBOL	DEFINITION
⌘	CENTERLINE
R/W	RIGHT-OF-WAY
PB.	PLAT BOOK
PG.	PAGE
P/L	PROPERTY LINE
⌚	MONUMENT LINE

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF N.W. 25th COURT, S01°46'36"E AS SHOWN.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PLAN



SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF N.W. 25th COURT, S01°46'36"E AS SHOWN.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PLAN

A FPL Easement for a Florida Power & Light Company, that is a portion of Lot 10 of Block 7, "OPA-LOCKA INDUSTRIAL PARK" according to the Plat thereof, as recorded in Plat Book 77 at Page 73, of the Public Records of Miami-Dade County, Florida. Lying & being in Miami-Dade County, Florida; being more particularly described as follows:

LEGAL DESCRIPTION - EASEMENT "A":

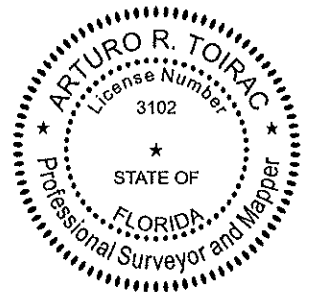
COMMENCE at the North East corner of said Lot 10; thence run S01°46'36"E along the East Line of said Lot 10 for a distance of 82.63 feet to the **POINT OF BEGINNING**; Thence run S88°18'33"W for a distance of 17.48 feet; Thence run S01°34'54"E for a distance of 13.02 feet; Thence run N88°07'24"E for a distance of 2.28 feet; Thence run S01°45'16"E for a distance of 30.13 feet; Thence run N88°12'55"E for a distance of 15.27 feet; Thence run along the East line of said Lot 10 N01°46'36"W for a distance of 8.00 feet; Thence run S88°12'55"W for a distance of 7.26 feet; Thence run N01°45'16"W for a distance of 22.15 feet; Thence run N88°07'24"E for a distance of 7.26 feet to a point lying on the East line of said Lot 10; Thence run along the East line of said lot 10 N01°46'36"W for a distance of 12.96 feet to the **POINT OF BEGINNING**.

Containing 526 square feet or 0.01 acres more or less by calculations.

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 applicable provisions of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

By: Arturo R Toirac Digitally signed by Arturo R Toirac
Date: 2024.01.23 15:05:43 -05'00' Date: 01-23-2024
Arturo R. Toirac, P.S.M.
Professional Surveyor and Mapper LS3102
13217 S.W. 46th Lane
Miami, Florida 33175
786.413.5822 phone



NOTICE: Not valid without the signature and original raised 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 pursuant to Rule 5J-17.051 through 5J-17.053 of the Florida Administrative.

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF N.W. 25th COURT, S01°46'36"E AS SHOWN.