

MEMORANDUM

Agenda Item No. 8(F)(3)

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

DATE: October 1, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the conveyance of an easement to Florida Power & Light Company, in exchange for a nominal sum of \$1.00 to install and maintain electrical utility facilities on County-owned property, located at 20 NW 1st Avenue, in the City of Miami, known as the Civil and Probate Courthouse for the purpose of providing electrical service to such County-owned property; and authorizing the County Mayor to execute the easement and to exercise all rights conferred therein

Resolution No. R-851-24

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: October 1, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing the Conveyance of an Easement to Florida Power & Light Company to Provide Electrical Service to the Civil and Probate Courthouse on a Portion of County-owned Property located at 20 NW 1st Avenue, Miami, Florida

Executive Summary

This item is for the conveyance of a 1,441 square foot easement to Florida Power & Light Company (FPL) to service the New Miami-Dade County (County) Civil and Probate Courthouse (New Courthouse) located at 20 NW 1st Avenue, Miami, Florida, which will replace the current Miami-Dade Courthouse located at 73 West Flagler Street. The New Courthouse will provide 620,000 square feet of modern facilities for the Civil and Probate Divisions and other related court partners and agencies. In accordance with Implementing Order 8-4, the Internal Services Department (ISD) conducted the necessary due diligence and found no issues with the land or title that would preclude the conveyance of an easement. The underground easement will allow FPL the right to access and provide electrical service to operate the building.

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of an easement to provide electrical service to the County-owned property under the oversight of ISD. This easement is required to provide underground power service to the New Courthouse, which will service the Administrative Office of the Courts for the Eleventh Judicial Circuit, the Miami-Dade Clerk of the Court and Comptroller, the Law Library, and the Miami-Dade Police Department.

More specifically the resolution does the following:

- Authorizes the conveyance of a 1,441 square foot 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 service the New Courthouse located at 20 NW 1st Avenue, Miami, Florida (Folio No.: A Portion of 01-4137-027-0010); and
- Authorizes the County Mayor or County Mayor's designee to execute the Underground Easement (Exhibit 1 to the Resolution), to record the instrument of conveyance in the public records of the County and to exercise all provisions contained therein.

Scope

The property is located in Commission District 5, which is represented by Commissioner Eileen Higgins. Written notice of the conveyance was provided to Commissioner Eileen Higgins. The New Courthouse is a facility of countywide importance.

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, cables, conduits, and related equipment servicing the building.

Track Record/Monitoring

Idania Barroso of ISD is responsible for effectuating the conveyance of the easement and recordation thereof in conjunction with this item.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to execute the easement, record same, and to exercise all other rights conferred therein.

Background

On December 17, 2019, the Board adopted Resolution No. R-1343-19 which awarded the contract for the construction of the New Courthouse. The New Courthouse will provide 620,000 square feet of modern facilities to be occupied by the Administrative Office of the Courts for the Eleventh Judicial Circuit, the Miami-Dade Clerk of the Court and Comptroller, the Law Library, and the Miami-Dade Police Department. It will include 46 finished jury courtrooms, four shelled courtroom sets to accommodate future projected growth in the judicial system, and 59 secured parking spaces for judicial officers and clerk staff. As part of the process to install FPL facilities and provide power to the courthouse, FPL requires an easement for the duct bank and vault to exclusively service the New Courthouse.

In accordance with Resolution No. R-504-15, the only visible element will be an above-ground transformer mounted on a concrete pad located in the rear 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 use vegetative screening for the above-ground equipment.

The property was forwarded to the Department of Regulatory and Economic Resources (RER) for its determination of zoning, land use classification, confirmation of buildable status, environmental assessment and verification of connectivity to water and sewer. RER found that the property is buildable for rights-of-way improvements and the building remains in compliance with all zoning requirements after conveying an easement of 1,441 square feet.

In adherence with Implementing Order 8-4, ISD staff completed its due diligence requirements and found no issues with the land that would preclude its conveyance. Therefore, it is recommended that the County convey a non-exclusive easement to FPL.



Carladenise Edwards
Chief Administrative Officer



MEMORANDUM (Revised)

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

DATE: October 1, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(3)

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 ____, majority plus one ____, 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) ____, 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)(3)
10-1-24

RESOLUTION NO. _____ R-851-24

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY, IN EXCHANGE FOR A NOMINAL SUM OF \$1.00 TO INSTALL AND MAINTAIN ELECTRICAL UTILITY FACILITIES ON COUNTY-OWNED PROPERTY, LOCATED AT 20 NW 1ST AVENUE, IN THE CITY OF MIAMI, KNOWN AS THE CIVIL AND PROBATE COURTHOUSE 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 AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying County Mayor's memorandum, a copy of which is incorporated herein by reference; and

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

Section 1. The foregoing recital is incorporated into this resolution and is approved.

Section 2. This Board authorizes the conveyance of a 1,441 square foot easement to Florida Power & Light Company in exchange for a nominal sum of \$1.00 for the installation and maintenance of electric utility facilities to the Civil and Probate Courthouse, in substantially the form attached as "Exhibit 1" to the Resolution and made part hereof, and authorizes the County Mayor or County Mayor's designee to execute the easement on behalf of Miami-Dade County and to exercise all provisions set forth therein.

Section 3. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee to record the instrument of conveyance 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 execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy of the instrument of conveyance together with this resolution.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez**, 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:

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	absent	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	absent
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of October, 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.

MRP

Monica Rizo Perez

Exhibit 1

Work Request No. _____

Sec. 37, Twp 54, Rge 41

Parcel I.D. 01-4137-027-0010
(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, 23rd Floor

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

MDC007

The foregoing was authorized and approved by Resolution R-_____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____, 2024.

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"

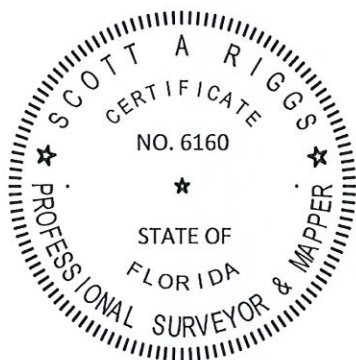
CIVIL AND PROBATE COURTHOUSE
POWER AND LIGHT VAULT
SKETCH AND LEGAL DESCRIPTION

LEGAL DESCRIPTION OF FPL VAULT:

A PORTION OF TRACT "C", "DOWNTOWN GOVERNMENT CENTER – FIRST ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 127, AT PAGE 16, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "C", THE NEXT THREE DESCRIBED COURSES BEING ALONG THE NORTH BOUNDARY LINE OF SAID TRACT "C", THENCE RUN NORTH 87°42'28" EAST FOR A DISTANCE OF 320.09 FEET; THENCE RUN NORTH 87°40'19" EAST FOR A DISTANCE OF 200.06 FEET; THENCE RUN NORTH 87°44'36" EAST FOR A DISTANCE OF 78.47 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 2°15'24" EAST FOR A DISTANCE OF 3.69 FEET; THENCE RUN SOUTH 87°44'36" WEST FOR A DISTANCE OF 2.58 FEET; THENCE RUN SOUTH 2°15'24" EAST FOR A DISTANCE OF 9.51 FEET; THENCE RUN NORTH 87°44'36" EAST FOR A DISTANCE OF 6.44 FEET; THENCE RUN SOUTH 2°15'24" EAST FOR A DISTANCE OF 18.91 FEET; THENCE RUN NORTH 87°44'36" EAST FOR A DISTANCE OF 47.79 FEET TO THE INTERSECTION WITH THE EAST BOUNDARY LINE OF SAID TRACT "C"; THENCE ALONG THE EAST BOUNDARY LINE OF SAID TRACT "C", RUN NORTH 2°16'31" WEST FOR A DISTANCE OF 7.12 FEET TO A POINT OF INTERSECTION WITH A TANGENT CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 59°10'53"; THENCE CONTINUE ALONG THE BOUNDARY LINE OF SAID TRACT "C" RUN NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 25.82 FEET; THENCE RUN SOUTH 87°44'36" WEST FOR A DISTANCE OF 13.95 FEET; THENCE RUN NORTH 2°15'24" WEST FOR A DISTANCE OF 3.53 FEET TO THE INTERSECTION WITH THE NORTH BOUNDARY LINE OF SAID TRACT "C"; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID TRACT "C" RUN SOUTH 87°44'36" WEST FOR A DISTANCE OF 25.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND HAVING AN AREA OF 1,441 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.



THE SEAL APPEARING ON THIS
DOCUMENT WAS AUTHORIZED
BY SCOTT A. RIGGS, P.S.M. ON

Digitally signed by
Scott A Riggs
Date: 2023.12.11
13:40:31 -05'00'
SCOTT A. RIGGS
P.S.M.
FLORIDA LICENSE N° 6160

NOTES:

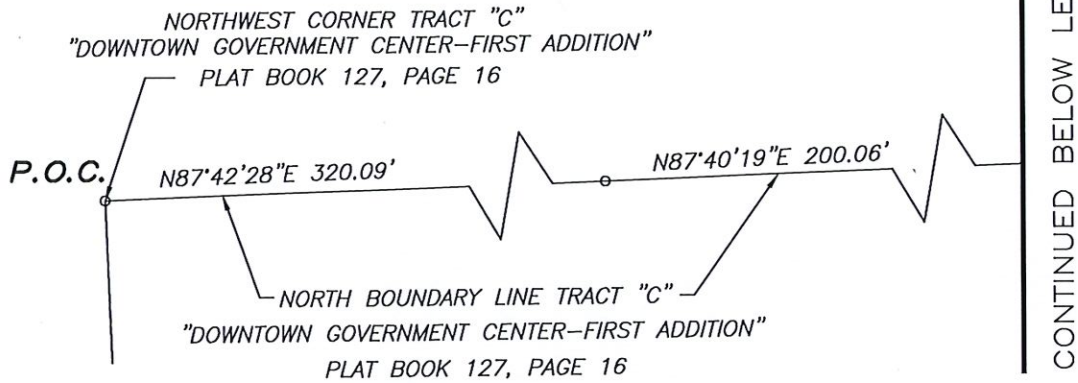
1. THIS IS NOT A BOUNDARY SURVEY..
2. "P.O.C." denotes "Point of Commencement".
3. "P.O.B." denotes "Point of Beginning".
4. "Bearing are base on N87°44'36"E for the Eastern most North Boundary line of Tract "C", "Downtown Government Center – First Addition, Plat Book 127, Page 16.

MIAMI-DADE COUNTY
Department of Transportation
and Public Works
111 NW First Street, Suite # 1610
Miami, Florida 33128
(305) 375-5774

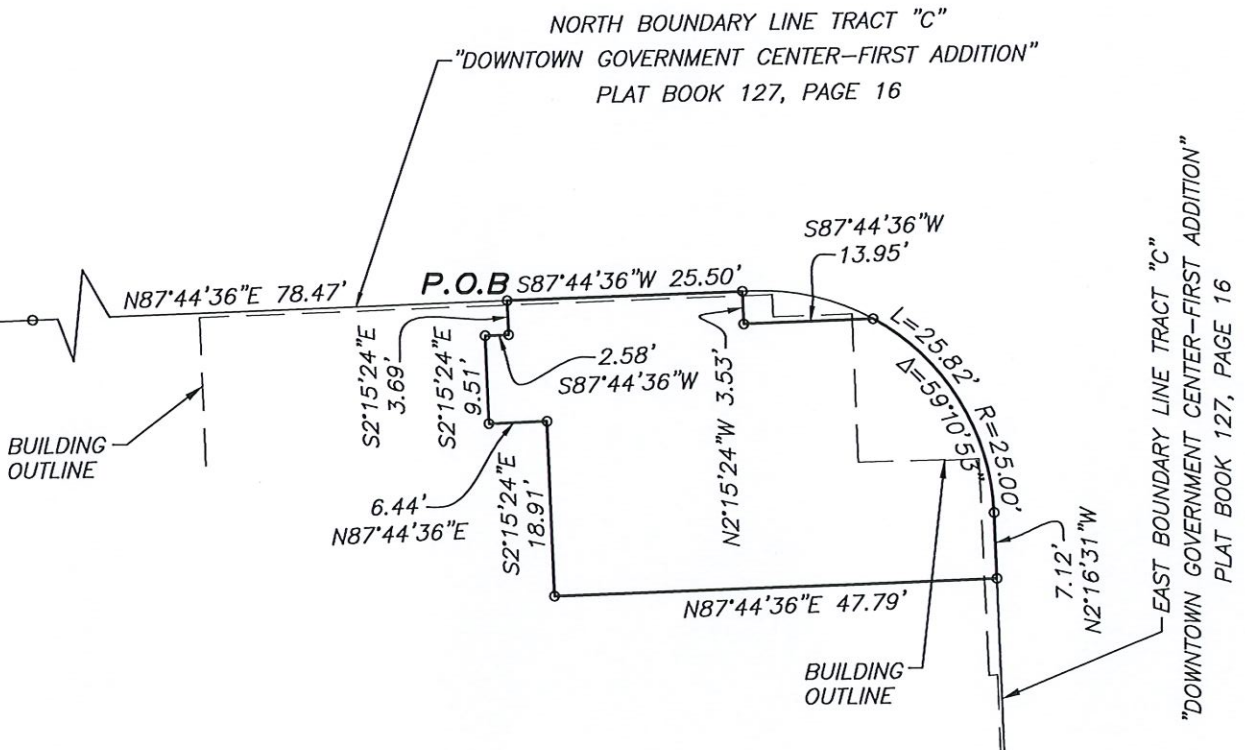
This Description (Exhibit "A") and the accompanying sketch are not valid without the signature and seal of a Florida Licensed Surveyor and Mapper. This description and the accompanying (Exhibit "A") are not valid one without the other.

EXHIBIT "A"

CIVIL AND PROBATE COURTHOUSE POWER AND LIGHT VAULT SKETCH AND LEGAL DESCRIPTION



CONTINUED TOP RIGHT



This Description (Exhibit "A") and the accompanying sketch are not valid without the signature and seal of a Florida Licensed Surveyor and Mapper. This description and the accompanying (Exhibit "A") are not valid one without the other.