

MEMORANDUM

Agenda Item No. 14(A)(2)

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

DATE: September 17, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing conveyances of an easement to Florida Power and Light Company for a nominal sum of \$1.00 to install, operate and maintain electrical power facilities at the Okeechobee Metrorail Station property at 2005 W. Okeechobee Road, Hialeah, Florida, and authorizing the County Mayor to amend easement Exhibit A under certain circumstances, execute the easement conveyance, take all actions to effectuate same and exercise all provisions contained therein

Resolution No. R-823-24

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: September 17, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Conveyance of Utility Easement to Florida Power and Light Company to Provide Electrical Service to the Affordable Housing Development at the Okeechobee Metrorail Station

Executive Summary

The purpose of this item is to gain approval of the Board of County Commissioners (Board) for conveyance of an easement to Florida Power and Light Company (FPL) for \$1.00 for installation, operation and maintenance of electric power service to the Metro Grande affordable housing development located on County-owned land at the Okeechobee Metrorail Station.

Recommendation

It is recommended that the Board authorize the conveyance of one underground utility easement to FPL to install, operate and maintain electrical power facilities to the affordable housing development located on County-owned land at Okeechobee Metrorail Station.

Scope

The Okeechobee Metrorail Station and the County-owned property upon which the Metro Grande development is located are in Commission District 6, represented by Commissioner Kevin Marino Cabrera.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to execute the easement conveyance, to exercise all provisions contained therein and to amend the easement area as described in Exhibit A (the attached Sketch and Legal Description) to revise the survey and legal description of the easement area to conform with the as-built location of the electrical power facilities so long as the facilities have been positioned within 25 feet of the originally proposed location and the total area is no larger than 25 percent of the originally proposed easement area.

Fiscal Impact/Funding Source

The easement will be conveyed to FPL for a nominal sum of \$1.00. There are no other fiscal impacts to Miami-Dade County associated with the conveyance of the easement.

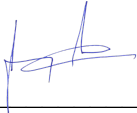
Track Record/Monitor

The person responsible for monitoring the proposed easement serving the affordable housing development at the Okeechobee Metrorail Station is Javier Bustamante, Assistant Director of Transit Project Management and Support Services for the Department of Transportation and Public Works.

Background

On October 23, 2018, the Board adopted Resolution No. R-1081-18 awarding a ground lease to Cornerstone Group Partners, LLC or its subsidiaries for the purpose of constructing Metro Grande Apartment Homes, an affordable housing, transit-oriented development on County-owned property adjacent to the Okeechobee Metrorail Station. The conveyance of the easement to FPL will allow for the installation, operation and maintenance of FPL electrical power facilities which will serve the affordable housing development.

Pursuant to Resolution No. R-504-15, adopted by the Board on June 2, 2015, the FPL facilities will be installed underground with little or no above ground appearance.



Jimmy Morales
Chief Operating Officer



MEMORANDUM (Revised)

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

DATE: September 17, 2024

FROM: 
Glen 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 ____, 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. 14(A)(2)
9-17-24

RESOLUTION NO. R-823-24

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL SUM OF \$1.00 TO INSTALL, OPERATE AND MAINTAIN ELECTRICAL POWER FACILITIES AT THE OKEECHOBEE METRORAIL STATION PROPERTY AT 2005 W. OKEECHOBEE ROAD, HIALEAH, FLORIDA, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND EASEMENT EXHIBIT A UNDER CERTAIN CIRCUMSTANCES, EXECUTE THE EASEMENT CONVEYANCE, TAKE ALL ACTIONS TO EFFECTUATE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying County Mayor's 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 an easement to Florida Power and Light Company ("FPL") for \$1.00 to install, operate and maintain electrical power facilities at the Okeechobee Metrorail Station, located at 2005 West Okeechobee Road, Hialeah, in substantially the form attached hereto as Exhibit "A" (the "easement"), for the purpose of providing electrical service to the Metro Grande affordable housing development located at the Okeechobee Metrorail Station.

Section 3. Authorizes the County Mayor or County Mayor's designee to execute the easement 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" to revise the survey and legal

description of the easement area 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 locations and the total area is no larger 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 **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

	Oliver G. Gilbert, III, Chairman	aye	
	Anthony Rodríguez, Vice Chairman	absent	
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	absent	Sen. René García	absent
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 17th day of September, 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.

A handwritten signature in dark ink, appearing to read "B. Libhaber", is written over a horizontal line.

Bruce Libhaber

Work Request No. 10611149

Sec. 13 Twp 53 Rge 40 E

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

**UNDERGROUND EASEMENT
(BUSINESS)**

This Instrument Prepared By
Name: Gary Slaton
Co. Name: Brookstone Co
Address: 2100 Hollywood Blvd.
Hollywood, FL 33020

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 through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 2024.

Signed, sealed and delivered in the presence of:

(Witness' Signature)

Print Name: _____
(Witness)

Print Address: _____

(Witness' Signature)

Print Name: _____

Print Address: _____

ATTEST:

Juan Fernandez-Barquin, Clerk

Grantor:

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

By: _____

Print Name: _____

Print Title: _____

Print Address: _____

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY**

By: _____

Name: _____

Title: _____

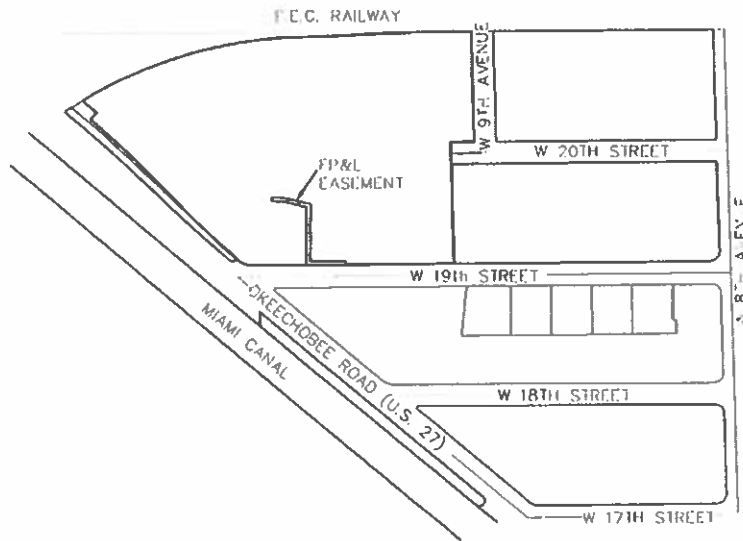
STATE OF FLORIDA AND COUNTY OF MIAMI-DADE. The foregoing instrument was acknowledged before me by [] physical presence or [] on-line notarization, this _____ day of _____, 2024, by _____, the _____ of Miami-Dade County, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

Notary Public, Signature

Print Name _____

SKETCH AND LEGAL DESCRIPTION
METRO GRANDE III
FLORIDA POWER AND LIGHT EASEMENT
EXHIBIT A



LOCATION MAP
(NOT TO SCALE)

LEGAL DESCRIPTION:

A STRIP OF LAND 10.00 FEET WIDE, BEING A PORTION OF TRACT "A", OKEECHOBEE STATION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 159, PAGE 10, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THE CENTERLINE OF SAID 10.00 FOOT STRIP BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT "A", THENCE S89°38'09"W, 296.20 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST 19TH STREET; THENCE N00°21'43"W, 5.01 FEET TO THE POINT OF BEGINNING; THENCE S89°38'17"W, 100.40 FEET; THENCE N00°05'38"W, 158.47 FEET; THENCE N77°11'38"W, 61.62 FEET; THENCE N89°48'58"W, 41.07 FEET TO THE POINT OF TERMINUS.

ALL LANDS DESCRIBED BASED ON AN ASSUMED BEARING OF S89°38'09"W ALONG THE NORTH LINE OF WEST 19TH STREET, AND CONTAINING 3,588 SQUARE FEET (0.08 ACRES), MORE OR LESS.

SURVEYORS NOTES:

- 1) LANDS SHOWN HEREON WERE NOT ABSTRACTED BY ROBAYNA AND ASSOCIATES, INC.
- 2) ROBAYNA AND ASSOCIATES, INC.'S CERTIFICATE OF AUTHORIZATION NO. LB 5004 IS ISSUED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
- 3) ALL DIMENSIONS SHOWN HEREON ARE IN THE UNITED STATES SURVEY FOOT.

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT THIS "SKETCH AND LEGAL DESCRIPTION" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED AND DRAWN UNDER MY RESPONSIBLE DIRECTION, AND THAT THE SURVEY MEETS THE "STANDARDS OF PRACTICE" AS SET FORTH IN CHAPTER 5J-17.051 THROUGH 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES.

LEGEND AND ABBREVIATIONS:

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCE
P.O.T. = POINT OF TERMINUS
RGE. = RANGE
SEC. = SECTION
TWP. = TOWNSHIP

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY SCOTT J. PERKINS, PSM ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES ON THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

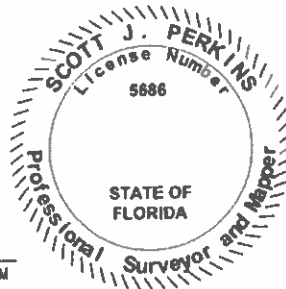
**Scott J
Perkins**

BY:

SCOTT J. PERKINS, PSM#5686
STATE OF FLORIDA

Digitally signed by
Scott J Perkins
Date: 2024.06.06
11:01:45 -04'00'

FOR THE FIRM



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY SCOTT J. PERKINS P.S.M. 5686 ON 6/6/2024

SHEET 1 OF 2

**ROBAYNA
AND ASSOCIATES INC.**
ENGINEERS - PLANNERS - SURVEYORS
5723 NW 158th STREET
MIAMI LAKES, FL 33014
PH. (305) 823-8318
LICENCED BUSINESS No. LB 5004

JOB No. 220047
DATE: 06-06-2024
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
METRO GRANDE III
SECTION 13, TOWNSHIP 53 SOUTH, RANGE 40 EAST

SHEET 1 IS NOT VALID WITHOUT SHEET 2

**METRO GRANDE III
FLORIDA POWER AND LIGHT EASEMENT
EXHIBIT A**



JOB No. 220047

DATE: 06-06-2024

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
METRO GRANDE III

SHEET 2 IS NOT VALID WITHOUT SHEET 1

ROBAYNA
AND ASSOCIATES INC.
ENGINEERS - PLANNERS - SURVEYORS
5723 NW 158th STREET
MIAMI LAKES, FL 33014
PH. (305) 823 8318
LICENSED BUSINESS No. LB 5004



MDC010