

MEMORANDUM

Agenda Item No. 8(N)(6)

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

DATE: October 16, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing conveyance of an easement to Florida Power and Light Company for a nominal sum of \$1.00 to operate and maintain electrical power facilities at the Brownsville Metrorail Station property located at or near 5200 NW 27 Avenue, Miami, Florida; further authorizing the County Mayor to execute the easement conveyance, to take all actions to effectuate same, and to exercise all provisions contained therein

Resolution No. R-936-24

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



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: October 16, 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 Brownsville 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 operation and maintenance of the existing electric power service to the Brownsville Metrorail Station.

Recommendation

It is recommended that the Board authorize the conveyance of an underground utility easement to FPL to operate and maintain electrical power facilities at the Brownsville Metrorail Station.

Scope

The Brownsville Metrorail Station is located in Commission District 3, represented by Commissioner Keon Hardemon.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to execute the easement conveyance and to exercise all provisions contained therein.

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 Brownsville Metrorail Station is Javier Bustamante, Assistant Director of Transit Project Management and Support Services for the Department of Transportation and Public Works.

Background

On March 5, 2024, the Board adopted Resolution No. R-173-24 approving the bifurcation of the Brownsville Metrorail Transit Oriented Development Lease Agreement to Cornerstone Group Partners, LLC or its subsidiaries for the purpose of constructing the Brownsville Transit Village, which includes an affordable housing, transit-oriented development on County-owned property adjacent to the Brownsville Metrorail Station. The existing power lines serving the Metrorail station are in very close proximity to the proposed development. For this reason, FPL requires conveyance of an easement to FPL to operate and maintain the existing power service to the Metrorail Station as part of the Brownsville Transit Village affordable housing development.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
Page No. 2

Pursuant to Resolution No. R-504-15, adopted by the Board on June 2, 2015, any new FPL facilities, if any, 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: October 16, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(6)

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(N)(6)
10-16-24

RESOLUTION NO. _____ R-936-24

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL SUM OF \$1.00 TO OPERATE AND MAINTAIN ELECTRICAL POWER FACILITIES AT THE BROWNSVILLE METRORAIL STATION PROPERTY LOCATED AT OR NEAR 5200 NW 27 AVENUE, MIAMI, FLORIDA; FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT CONVEYANCE, TO TAKE ALL ACTIONS TO EFFECTUATE SAME, AND TO 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 an easement to Florida Power and Light Company ("FPL") for \$1.00 to operate and maintain electrical power facilities at the Brownsville Metrorail Station, in substantially the form attached hereto, (the "Easement") for the purpose of providing electrical service to the Brownsville Metrorail Station located at or near 5200 NW 27 Avenue, Miami, Florida.

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, and to take all actions to effectuate same.

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

The Chairperson thereupon declared this resolution duly passed and adopted this 16th 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.

Annery Pulgar Alfonso

Work Request No. 10618646

UNDERGROUND EASEMENT (BUSINESS)

Sec. 21, Twp 53, Rge 41

This Instrument Prepared By

Parcel I.D. 30-3121-059-0011
(Maintained by County Appraiser)

Name: Hanna McQueen
Co. Name: Brownsville Village V, Ltd.
Address: 151 NW 6th St, Suite 1020
Miami, FL 33135

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 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 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:

Grantor:

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

(Witness Signature)

Print Name: _____
(Witness)

Print Address: _____

(Witness Signature)

Print Name: _____

Print Address: _____
(Witness)

Print Address: _____

ATTEST:

Juan Fernandez-Barquin, Clerk

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 _____

MDC007

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
FLORIDA POWER & LIGHT EASEMENT



LOCATION SKETCH

Scale: 1"=300'

A PORTION OF SECTION 21-53S-41E, MIAMI-DADE COUNTY, FLORIDA.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

MARK STEVEN JOHNSON, P.S.M. 4775
SHEET 1 OF 3 SHEETS



Schwebke - Shiskin & Associates, Inc.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY, MIRAMAR, FL 33025
PHONE No. (954) 435-7010

ORDER NO. 218359

DATE: JUNE 21, 2024

THIS IS NOT A "BOUNDARY SURVEY"

CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

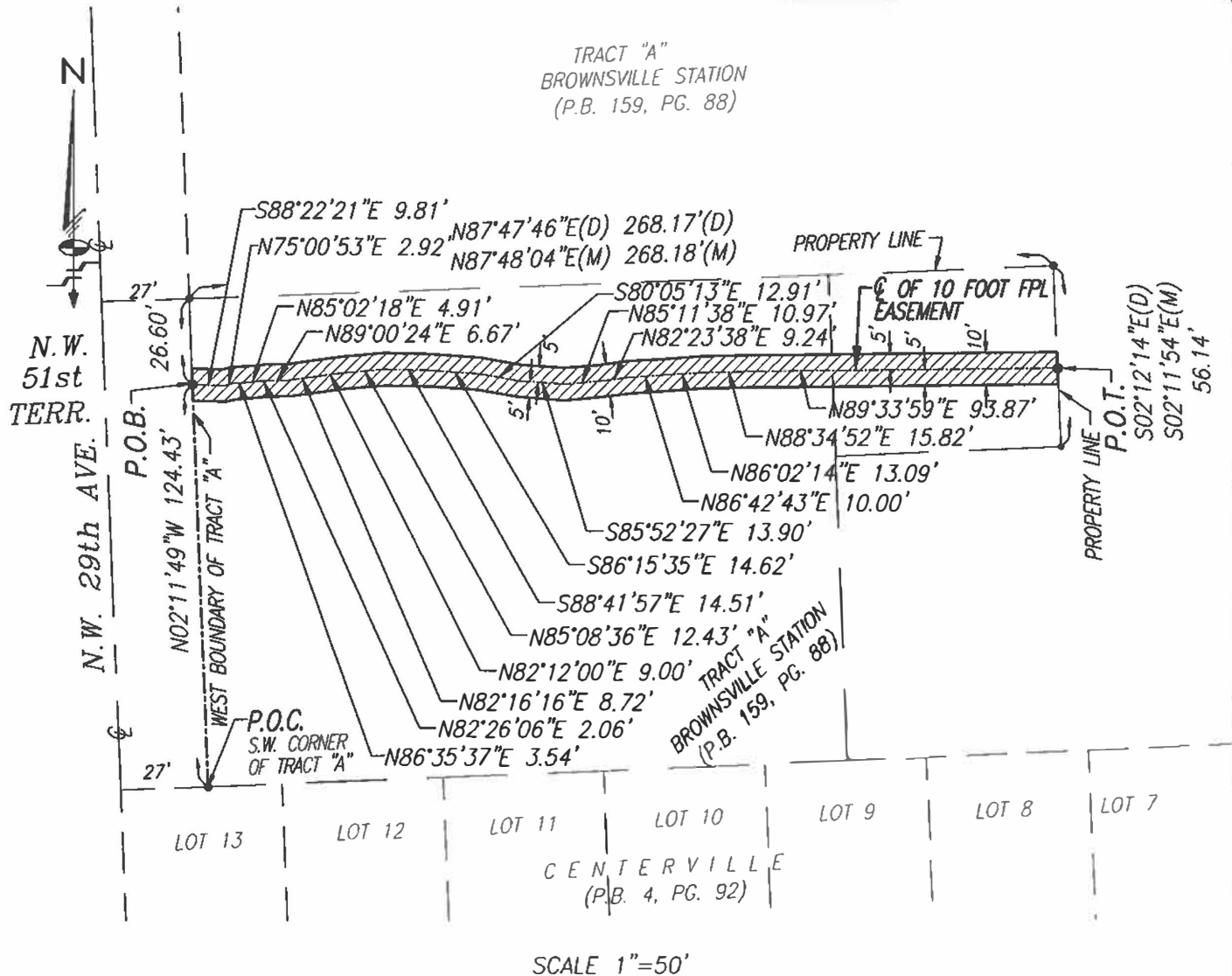
Mark Steven Johnson
MARK STEVEN JOHNSON, PRINCIPAL

FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

★	

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FLORIDA POWER & LIGHT EASEMENT



LEGEND:

P.B. DENOTES PLAT BOOK	P.O.C. DENOTES POINT OF COMMENCEMENT
PG. DENOTES PAGE	P.O.B. DENOTES POINT OF BEGINNING
CL DENOTES CENTERLINE	P.O.T. DENOTES POINT OF TERMINATION
DENOTES SUBJECT PARCEL	

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

SHEET 2 OF 3 SHEETS

Schwebke-Shiskin & Associates, Inc.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY, MIRAMAR, FL 33025
PHONE No. (954) 435-7010

ORDER NO. 218359

DATE: JUNE 21, 2024

THIS IS NOT A "BOUNDARY SURVEY"
CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

Mark Steven Johnson
MARK STEVEN JOHNSON, PRINCIPAL
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

**LEGAL DESCRIPTION
TO ACCOMPANY SKETCH
FLORIDA POWER & LIGHT EASEMENT**

A PORTION OF TRACT "A", "BROWNSVILLE STATION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 159, PAGE 88, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A 10 FOOT WIDE STRIP OF LAND BEING PARALLEL WITH AND LYING 5 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "A," OF THE AFOREMENTIONED PLAT OF "BROWNSVILLE STATION"; THENCE RUN N02°11'49"W ALONG THE WEST BOUNDARY OF SAID TRACT "A", AND THE EAST RIGHT OF WAY OF NORTHWEST 29TH AVENUE, 124.43 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE OF A 10.00 FOOT EASEMENT; THENCE RUN S88°22'21"E FOR A DISTANCE OF 9.81 FEET TO A POINT; THENCE RUN N75°00'53"E FOR A DISTANCE OF 2.92 FEET TO A POINT; THENCE RUN N86°35'37"E FOR A DISTANCE OF 3.54 FEET TO A POINT; THENCE RUN N85°02'18"E FOR A DISTANCE OF 4.91 FEET TO A POINT; THENCE RUN N82°26'06"E FOR A DISTANCE OF 2.06 FEET TO A POINT; THENCE RUN N89°00'24"E FOR A DISTANCE OF 6.67 FEET TO A POINT; THENCE RUN N82°16'16"E FOR A DISTANCE OF 8.72 FEET TO A POINT; THENCE RUN N82°12'00"E FOR A DISTANCE OF 9.00 FEET TO A POINT; THENCE RUN N85°08'36"E FOR A DISTANCE OF 12.43 FEET TO A POINT; THENCE RUN S88°41'57"E FOR A DISTANCE OF 14.51 FEET TO A POINT; THENCE RUN S86°15'35"E FOR A DISTANCE OF 14.62 FEET TO A POINT; THENCE RUN S80°05'13"E FOR A DISTANCE OF 12.91 FEET TO A POINT; THENCE RUN S85°52'27"E FOR A DISTANCE OF 13.90 FEET TO A POINT; THENCE RUN N85°11'38"E FOR A DISTANCE OF 10.97 FEET TO A POINT; THENCE RUN N82°23'38"E FOR A DISTANCE OF 9.24 FEET TO A POINT; THENCE RUN N86°42'43"E FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE RUN N86°02'14"E FOR A DISTANCE OF 13.09 FEET TO A POINT; THENCE RUN N88°34'52"E FOR A DISTANCE OF 15.82 FEET TO A POINT; THENCE RUN N89°33'59"E FOR A DISTANCE OF 93.87 FEET TO A POINT OF TERMINATION.

SAID EASEMENT IS SUBJECT TO STRUCTURAL COMPONENTS AND FOUNDATION ELEMENTS.

SIDELINES OF THE EASEMENT AT THE POINT OF BEGINNING ARE TO BE LENGTHENED OR SHORTENED SO AS TO INTERSECT THE WEST BOUNDARY OF TRACT "A" ALSO BEING THE PROPERTY LINE.

SIDELINES OF THE EASEMENT AT THE POINT OF TERMINATION ARE TO BE LENGTHENED OR SHORTENED SO AS TO INTERSECT THE PROPERTY LINE.

SAID LANDS LYING, BEING AND SITUATE IN MIAMI-DADE COUNTY, FLORIDA.

NOTES:

- 1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF NORTH 02 DEGREES 11 MINUTES 49 SECONDS WEST ALONG THE WEST BOUNDARY OF SAID TRACT "A".
- 2) THE SIDE LINES OF THE EASEMENT HEREON ARE TO BE LENGTHENED OR SHORTENED AS NECESSARY TO MAINTAIN A CONTINUOUS 10.00 FOOT WIDE CORRIDOR ALONG THE CENTERLINE DESCRIBED ABOVE.
- 3) EASEMENT PARCEL AS DESCRIBED HEREON CONTAINS 2,690± SQ.FT.
- 4) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.
- 5) THIS SKETCH HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITY (ENTITIES) NAMED HEREON ONLY. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
- 6) THE INTENT OF THIS EASEMENT IS NOT TO ENCUMBER ANY STRUCTURAL COMPONENT OF THE BUILDING.
- 7) ORDERED BY: A.P. COMMUNITIES.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

SHEET 3 OF 3 SHEETS

	Schwebke - Shiskin & Associates, Inc.		REVISIONS
	LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY MIRAMAR, FL 33025 PHONE No. (954) 435-7010		
	ORDER NO. 218359	PREPARED UNDER MY SUPERVISION	
	DATE: JUNE 21, 2024	<i>Mark Steven Johnson</i>	
	THIS IS NOT A "BOUNDARY SURVEY"	MARK STEVEN JOHNSON, PRINCIPAL	
	CERTIFICATE OF AUTHORIZATION No. LB-87	FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775	