

MEMORANDUM

Agenda Item No. 8(K)(1)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving the conveyance of an easement to Florida Power & Light (FPL) for The Gallery at West Brickell (project); that includes a vault area for the purpose of providing permanent power to the project; and authorizing the County Mayor to execute the Utility Easement (Business) with FPL, for a nominal amount, and exercise all provisions contained therein

Resolution No. R-45-25

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Date: January 22, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor



Subject: Consent to Approve a New Utility Easement to Florida Power & Light (FPL) for the Vault Area at the Gallery at West Brickell Project

Executive Summary

On November 15, 2011, the Board of County Commissioners (“Board”) adopted Resolution No. R-1026-11, which, among other things, provided site control to RUDG, LLC (RUDG) for the redevelopment of Joe Moretti site where The Gallery at West Brickell (“project”) will be located. The project will consist of a total of 465 mix-income units, which is currently being developed by The Gallery at West Brickell, LLC, an affiliate to RUDG. On May 2, 2023, the Miami-Dade County Board of County Commissioners’ (“Board”) adopted Resolution No. R-403-23, which authorized the County Mayor or County Mayor’s designee to execute an Underground Utility Easement (Business) (“easement”) with Florida Power & Light Company (FPL) for the project. This item seeks the Board’s approval to approve and execute a new and separate easement that will add vault space needed by FPL to provide permanent power to the project. This vault space was not included in the previous FPL Easement.

Recommendation

It is recommended that the Board:

1. Approve the conveyance of an easement to FPL that includes an additional easement area that includes an FPL vault for the purpose of providing permanent power to the project;
2. Authorize the County Mayor or County Mayor’s designee to execute the easement with FPL, for a nominal amount, and exercise all provisions contained therein that are consistent with the attached resolution.

Scope

The project is located in District 5, which is represented by Commissioner Eileen Higgins.

Fiscal Impact/Funding Source

This item does not have a fiscal impact.

Track Record/Monitor

Alex R. Ballina, Director of the Public Housing and Community Development Department (“Department”), is the project manager.

Delegated Authority

Upon adoption of this resolution, the County Mayor or County Mayor’s designee to execute the easement, subject to the approval of the County Attorney’s Office, and to exercise all provisions contained therein.

Background

On November 15, 2011, the Board adopted Resolution No. R-1026-11, which, among other things, provided site control to RUDG for the redevelopment of Joe Moretti site where the project is to be located. The project will consist of a total of 465 mixed-income units and is currently being developed by RUDG’s

affiliate, The Gallery at West Brickell, LLC. On May 2, 2023, the Board adopted Resolution No. R-403-23, which authorized the County Mayor or County Mayor's designee to execute the easement for the permanent construction, operation and maintenance of underground electric utility facilities by FPL, including cables, conduits, appurtenant equipment, and appurtenant above ground equipment. After the adoption of Resolution No. R-403-23, the County was advised by RUDG that FPL requires the County to execute an additional easement for an FPL vault for the purpose of providing permanent power to the project. The vault space is depicted in Exhibit A of the easement attached to the resolution. The Department recommends that it is in the County's best interest to execute a new easement with FPL for the purpose described herein.

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

Attachment



Cathy Burgos
Chief Community Services Officer



MEMORANDUM (Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(K)(1)

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(K)(1)
1-22-25

RESOLUTION NO. _____ R-45-25

RESOLUTION APPROVING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER & LIGHT (FPL) FOR THE GALLERY AT WEST BRICKELL (PROJECT); THAT INCLUDES A VAULT AREA FOR THE PURPOSE OF PROVIDING PERMANENT POWER TO THE PROJECT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE UTILITY EASEMENT (BUSINESS) WITH FPL, FOR A NOMINAL AMOUNT, 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:

Section 1. The foregoing recital and accompanying memorandum are incorporated in this resolution and are approved.

Section 2. This Board approves the conveyance of an easement to FPL for a vault area for the purpose of providing permanent power to the project.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to execute the Utility Easement (Busines) ("easement") with Florida Power and Light (FPL), in substantially the form attached hereto as Attachment "A" and incorporated herein by reference, for a nominal amount, and exercise all provisions contained therein that are consistent with this resolution.

Section 4. This Board directs the County Mayor or County Mayor’s designee, pursuant to Resolution No. R-974-09, to record in the public record the easement, and provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. This Board further directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Oliver G. Gilbert, III	aye	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 22nd day of January, 2025. 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 black ink, appearing to read "TAS", is written over a horizontal line.

Terrence A. Smith

Work Request No. 11690056**UNDERGROUND EASEMENT
(BUSINESS)**

Sec. __, Twp __, Rge __

This Instrument Prepared By

Parcel I.D. _____

(Maintained by County Appraiser)

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" ("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 adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed and delivered in the presence of:

(Witness' Signature)

Print Name: _____

(Witness)

Print Address: _____

(Witness' Signature)

Print Name: _____

(Witness)

Print Address: _____

By: _____

Print Name: _____

Print Title: _____

Print Address: _____

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me by [] physical presence or [] on-line notarization, this _____ day of _____, 20__, by _____, the _____ of _____ a _____, 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

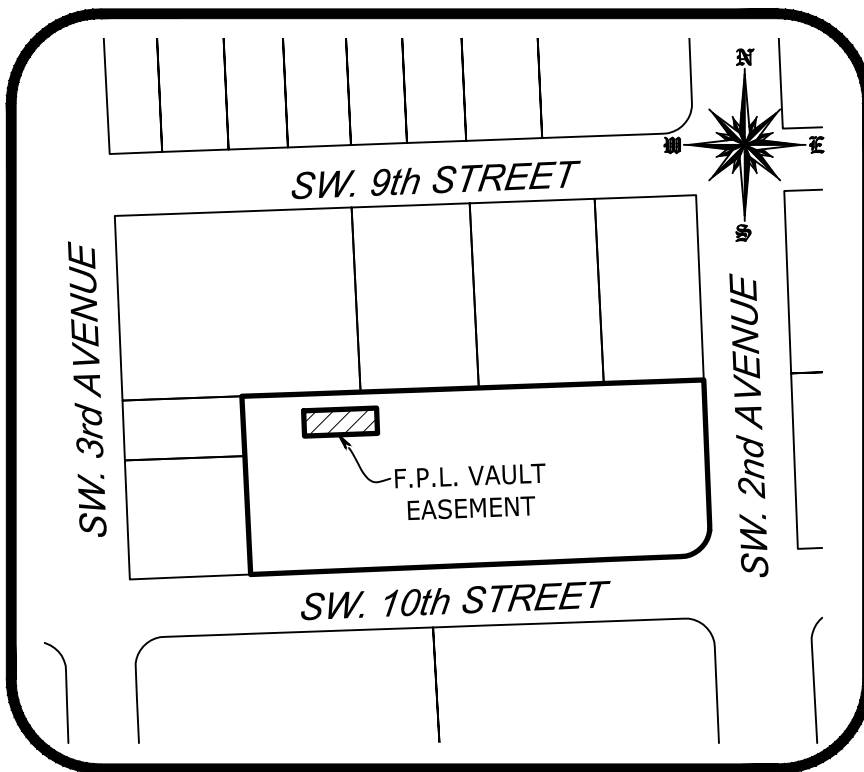
Print Name _____

EXHIBIT "A"
SKETCH & LEGAL DESCRIPTION
FOR FLORIDA POWER & LIGHT VAULT EASEMENT

**A PORTION OF NE 1/4 OF SECTION 12, TOWNSHIP 54 S, RANGE 41 E
LYING AND BEING IN CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA**

PROPERTY ADDRESS: 201 SOUTHWEST 10TH STREET, MIAMI, FLORIDA 33130

PROPERTY FOLIO # 01-0206-090-1120



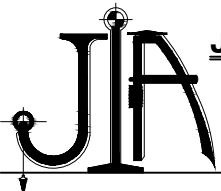
LOCATION SKETCH
SCALE = N.T.S.

SURVEYOR'S NOTES:

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY JOHN IBARRA & ASSOCIATES, INC.
2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.
3. BEARINGS SHOWN HEREON ARE ASSUMED AND ARE REFERENCED TO THE CENTER LINE OF SW 10TH STREET, HAVING A BEARING OF 87°51'11\".

SHEET 1 OF 3. NOT VALID WITHOUT SHEETS 1 THRU 3.

DRAWN BY:	JB/YNV
DATE :	08/30/2024
SCALE:	NONE
SURVEY NO:	22-002152-33
SHEET:	1 OF 3



JOHN IBARRA & ASSOCIATES, INC.
Professional Land Surveyors & Mappers
WWW.IBARRALANDSURVEYORS.COM

777 N.W. 72nd AVENUE
SUITE 3025
MIAMI, FLORIDA 33126
PH: (305) 262-0400
FAX : (305) 262-0401

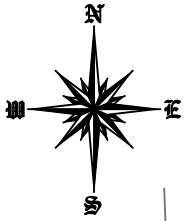
3725 DEL PRADO BLVD. S.
SUITE B
CAPE CORAL, FL 33904
PH: (239) 540-2660
FAX: (239) 540-2664

EXHIBIT "A"

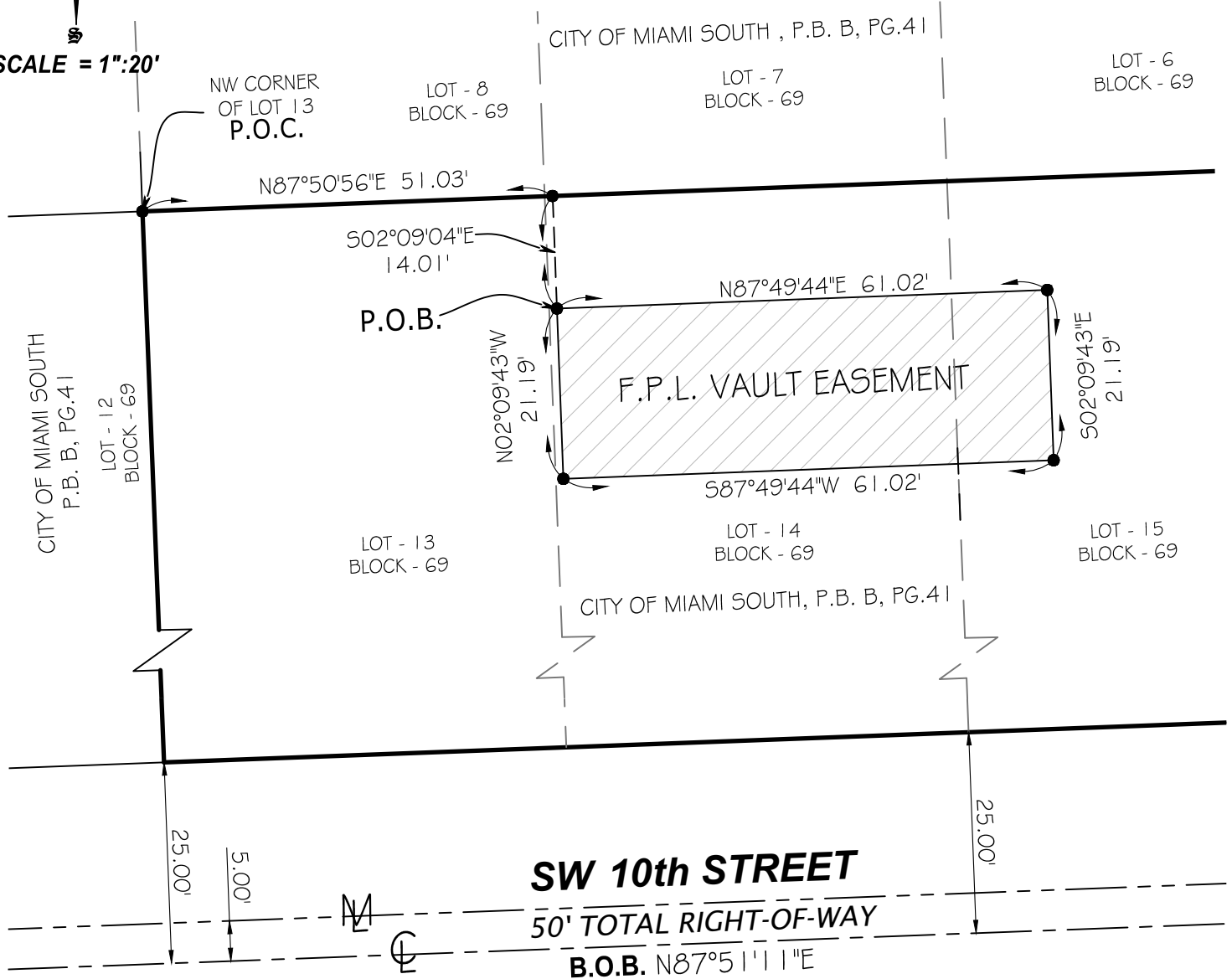
SKETCH & LEGAL DESCRIPTION

FOR FLORIDA POWER & LIGHT VAULT EASEMENT

**A PORTION OF NE 1/4 OF SECTION 12, TOWNSHIP 54 S, RANGE 41 E
LYING AND BEING IN CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA**

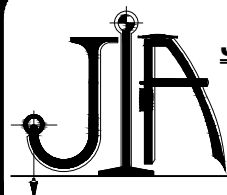


SCALE = 1"=20'



SHEET 2 OF 3. NOT VALID WITHOUT SHEETS 1 THRU 3.

DRAWN BY:	JB/YNV
DATE :	08/30/2024
SCALE:	1"=20'
SURVEY NO:	22-002152-33
SHEET:	2 OF 3



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MDC010

EXHIBIT "A"
SKETCH & LEGAL DESCRIPTION
FOR FLORIDA POWER & LIGHT VAULT EASEMENT

**A PORTION OF NE 1/4 OF SECTION 12, TOWNSHIP 54 S, RANGE 41 E
LYING AND BEING IN CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA**

LEGAL DESCRIPTION OF FPL VAULT EASEMENT:

A PORTION FOR A FLORIDA POWER & LIGHT EASEMENT, BEING A PORTION OF LOTS 14 AND 15 BLOCK 69, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, AT PAGE 41 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT NORTHWEST CORNER OF LOT 13, BLOCK 69; THENCE N87°50'56"E ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 51.03 FEET; THENCE S02°09'04"E, A DISTANCE OF 14.01 FEET TO THE POINT OF BEGINNING; THENCE N87°49'44"E, A DISTANCE OF 61.02 FEET; THENCE S02°09'43"E, A DISTANCE OF 21.19 FEET; THENCE S87°49'44"W A DISTANCE OF 61.02 FEET; THENCE N02°09'43"W, A DISTANCE OF 21.19 FEET TO THE POINT OF BEGINNING.

ALL OF THE ABOVE CONTAINING APPROXIMATELY 1293 SQUARE FEET.

ABBREVIATIONS:

CL = CENTER LINE
ML = MONUMENT LINE
P.B. = PLAT BOOK
PG. = PAGE
P.O.B. = POINT OF COMMENCEMENT
P.O.C. = POINT OF BEGINNING
SQ. FT. = SQUARE FEET
SEC. = SECTION
TWP = TOWNSHIP
RGE. = RANGE
FT. = FEET
FL. = FLORIDA
L.B. = LICENSED BUSINESS
N.A.P. = NOT A PART OF
F.P.L. = FLORIDA POWER AND LIGHT

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THIS "SKETCH OF LEGAL DESCRIPTION" OF THE PROPERTY DESCRIBED HEREON, HAS RECENTLY BEEN DRAWN UNDER MY SUPERVISION, AND COMPLIES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY: _____

JOHN IBARRA

08/30/2024

(DATE)

PROFESSIONAL LAND SURVEYOR NO.: 5204 STATE OF FLORIDA

SHEET 3 OF 3. NOT VALID WITHOUT SHEETS 1 THRU 3.

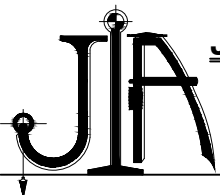
DRAWN BY: JB/YNV

DATE : 08/30/2024

SCALE: NONE

SURVEY NO: 22-002152-33

SHEET: 3 OF 3



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L.B.# 7806

MDC011