

MEMORANDUM

Agenda Item No. 8(H)(1)

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

DATE: February 4, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting a Non-Exclusive Underground Utility Easement to Florida Power and Light Company, to convert existing above-ground electrical infrastructure to underground utilities located within Milton E. Thompson Park; authorizing the County Mayor to execute same and exercise all provisions contained therein

Resolution No. R-121-25

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: February 4, 2025

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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Easement from Miami-Dade County to Florida Power and Light Company for a Non-Exclusive Underground Easement at Milton E. Thompson Park

Executive Summary

The purpose of this item is to gain approval by the Board of County Commissioners (Board) for the County to grant a non-exclusive easement to Florida Power and Light Company ("FPL") to convert existing above-ground electrical infrastructure to underground within Milton E. Thompson Park. The placement of the electrical infrastructure underground will serve to improve the resiliency of the utility infrastructure to storm events or other natural disasters.

Recommendation

It is recommended that the Board approve the attached resolution authorizing the granting of a non-exclusive easement from Miami-Dade County to FPL for undergrounding of electrical infrastructure within Milton E. Thompson Park to serve the existing Miami Motorcross facility. The easement will allow FPL to transition the utility underground in order to facilitate reliable electrical service. The existing overhead powerlines are subject to the impact of wind and inclement weather. The non-exclusive easement to FPL is located on a portion of land within Milton E. Thompson Park, which is managed by the Parks, Recreation, and Open Spaces Department (PROS).

Scope

The proposed non-exclusive easement is on a portion of land within Milton E. Thompson Park, located at 16665 Krome Avenue, in unincorporated Miami Dade County, Florida, under Folio No. 30-2916-000-0012 (Exhibit 1). This property is located within County Commission District 12, which is represented by Commissioner Juan Carlos Bermudez.

Fiscal Impact/Funding Source

There is no fiscal impact to the County associated with this easement. FPL will pay a nominal sum of \$1.00 for the non-exclusive easement and will be responsible for the installation, operation, and maintenance of the underground electrical service utility facilities; including cables, conduits, and appurtenant equipment.

Track Record/Monitor

Alissa Turteltaub, PROS Park Acquisition and Asset Manager, will oversee the recording of the non-exclusive utility easement to FPL.

Delegation of Authority

The County Mayor or County Mayor's designee shall have the authority to execute the non-exclusive easement, to record the necessary documents in the public records of Miami-Dade County and

provide a copy to the Clerk of the Board, and to exercise any and all other rights conferred in the easement.

Background

FPL will be converting existing above-ground electrical infrastructure to underground utilities within Milton E. Thompson Park. The combined impact of wind, inclement weather, and debris on electrical infrastructure creates vulnerabilities that generate the need for proactive mitigation strategies to safeguard against disruptions to essential electrical supply and ensure the uninterrupted operation of vital infrastructural systems. FPL's mitigation strategy, especially in relation to Milton E. Thompson Park, is to convert existing above-ground electrical infrastructure to underground utilities.

The non-exclusive easement will grant FPL access in the easement area to install, operate and maintain underground electric utility facilities; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities within the easement area. The underground easement will grant FPL access 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 at all times; the right to trim and cut 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.

Attachments



Jimmy Morales
Chief Operating Officer

EXHIBIT 1

Work Request No. _____
12865525

**UNDERGROUND
NON-EXCLUSIVE
EASEMENT
(BUSINESS)**

Sec. 09, TWN 16 S, RGE 39
E

Parcel I.D. 30-2916-000-0012
(Maintained by County
Appraiser)

By: This Instrument Prepared
Miami-Dade Department of Parks,
Recreation, and Open Spaces
Address: 275 NW 2nd Street
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 in perpetuity for the construction, operation and maintenance of underground electric utility service facilities (including cables, conduits, appurtenant equipment, and appurtenant above ground equipment) to be installed from time to time to provide electric utility service to the County's Milton E. Thompson Park located at 16665 Krome Avenue, Miami, Florida, Folio 30-2916-000-0012 identified on Exhibit "A"; 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 the underground utilities located within Milton E. Thompson Park; 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; while still maintaining vegetative screening around any above ground utilities in accordance with Resolution No. R-504-15 in order to minimize negative visual impact; 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 through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument _____ day of _____, 20____,

EXHIBIT 1

ATTEST: Juan Fernandez-Barquin
Clerk of the Board

By: _____
Deputy Clerk

Approved as to Form and
Legal Sufficiency:

Assistant County Attorney

The foregoing was authorized and approved by Resolution _____ of the Board of
County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 20____,

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online
notarization, this _____ day of _____, 20____, by _____ who is personally known
to me or who has produced _____ as identification.

NOTARY PUBLIC:

sign _____

print _____

State of Florida at Large (Seal)

My Commission Expires: _____

"EXHIBIT A"
LEGAL DESCRIPTION AND SKETCH

DESCRIPTION:

A STRIP OF LAND LYING WITHIN A PORTION OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTH 1/4 CORNER OF SAID SECTION 16; THENCE SOUTH 89°46' 09" WEST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16, A DISTANCE OF 1,838.78 FEET;

THENCE SOUTH 39°03'55" WEST ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LEVEE NO. 30, AS SHOWN ON THAT CERTAIN "STATE ROAD DEPARTMENT CERTIFICATE RIGHT-OF-WAY MAP SECTION 87070-2101", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 68, PAGE 58 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, A DISTANCE OF 679.40 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE SOUTH 39°03'55" WEST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF LEVEE NO. 30, A DISTANCE OF 40.00 FEET; THENCE SOUTH 50°26'01" EAST, A DISTANCE OF 276.99 FEET; THENCE SOUTH 53°19'37" EAST, A DISTANCE OF 51.46 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1,850.00 FEET; THENCE SOUTHEASTERLY ALONG THE AFOREMENTIONED CURVE THROUGH A CENTRAL ANGLE OF 19°37'58", AND AN ARC DISTANCE OF 633.91 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 26°38'02" EAST, A DISTANCE OF 127.56 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST WHOSE RADIAL LINE BEARS SOUTH 11°36'00" EAST, HAVING A RADIUS OF 870.52 FEET; THENCE NORTHEASTERLY ALONG THE AFOREMENTIONED CURVE THROUGH A CENTRAL ANGLE OF 25°00'42", AND AN ARC DISTANCE OF 380.01 FEET TO A POINT OF TANGENCY; THENCE NORTH 53°23'18" EAST, A DISTANCE OF 276.82 FEET; THENCE NORTH 36°36'42" WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 53°23'18" WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 36°36'42" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 53°23'18" WEST, A DISTANCE OF 256.82 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 830.52 FEET; THENCE SOUTHWESTERLY ALONG THE AFOREMENTIONED CURVE THROUGH A CENTRAL ANGLE OF 26°20'19", AND AN ARC DISTANCE OF 381.79 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 26°38'02" WEST, A DISTANCE 113.13 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WHOSE RADIAL LINE BEARS NORTH 18°06'32" EAST, HAVING A RADIUS OF 1810.00 FEET;

THENCE NORTHWESTERLY ALONG THE AFOREMENTIONED CURVE THROUGH A CENTRAL ANGLE OF 18°33'51", AND AN ARC DISTANCE OF 586.45 FEET TO A POINT OF TANGENCY; THENCE NORTH 53°19'37" WEST, A DISTANCE OF 50.45 FEET; THENCE NORTH 50°26'01" WEST, A DISTANCE OF 276.33 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA, CONTAINING 69,036 SQUARE FEET MORE OR LESS.

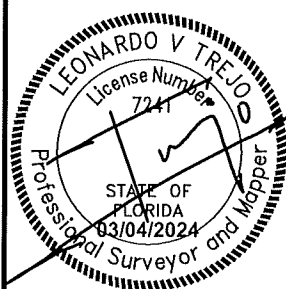
NOTES:

1. THIS IS NOT A SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE LAND SHOWN HEREON AND ITS LEGAL DESCRIPTION; NO BOUNDARY CORNERS WERE SET IN THE FIELD RELATED TO THIS SKETCH.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS ARE ASSUMED AND REFERENCED TO THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA. BEING SOUTH 89°46'09" WEST.
4. SEE SHEET 2 OF 2 FOR SKETCH. THIS LEGAL DESCRIPTION IS NOT COMPLETE WITHOUT ALL SHEETS.
5. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY LEONARDO V TREJO ON 03/04/2024.
6. WR# **12865525**.

ADDRESS: 16665 KROME AVE

ID#: 30-2916-000-0012

LAND OWNER SIGNATURE:



JOB NUMBER: 24-006 SECTION 16-52S-39E

TREJO
& associates inc

Certificate of authorization LB#8339
2848 N University Dr
Coral Springs, Florida 33065
Telephone 954-449-5971

No	REVISIONS	DATE

DRAWN BY
OB

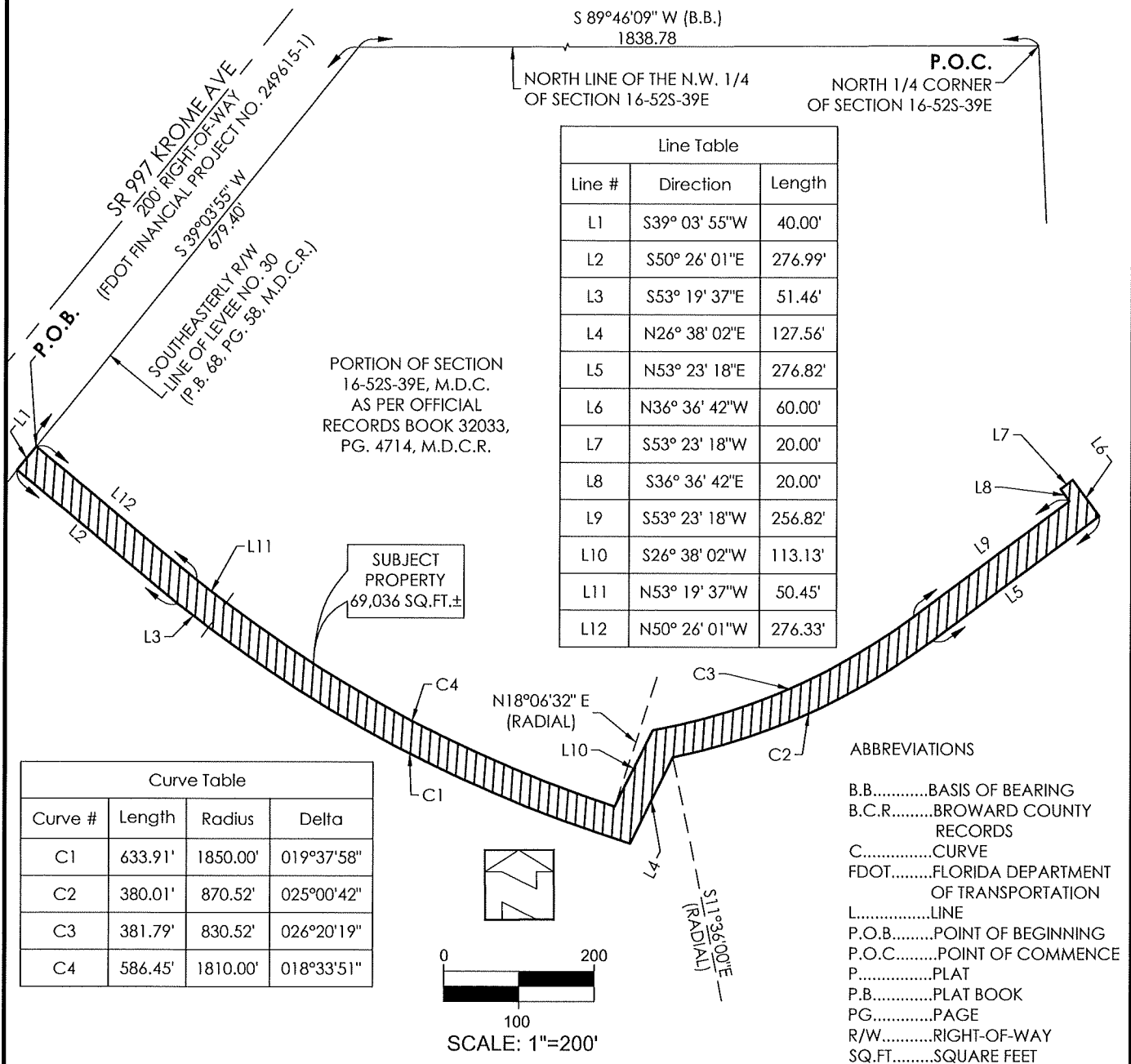
CHECKED BY
LT

SCALE
N/A

SHEET NUMBER
1 OF 2

"EXHIBIT A"

LEGAL DESCRIPTION AND SKETCH



ADDRESS: 16665 KROME AVE

ID#: 30-2916-000-0012

LAND OWNER SIGNATURE:

JOB NUMBER: 24-006 SECTION 16-52S-39E

DRAWN BY
OB

TRIO
& associates inc

Certificate of authorization LB#8339
 2848 N University Dr
 Coral Springs, Florida 33065
 Telephone 954-449-5971

No	REVISIONS	DATE

CHECKED BY
LT

SCALE
1"=200'

SHEET NUMBER
2 OF 2

MDC007



MEMORANDUM (Revised)

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

DATE: February 4, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(H)(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(H)(1)
2-4-25

RESOLUTION NO. R-121-25

RESOLUTION GRANTING A NON-EXCLUSIVE UNDERGROUND UTILITY EASEMENT TO FLORIDA POWER AND LIGHT COMPANY, TO CONVERT EXISTING ABOVE-GROUND ELECTRICAL INFRASTRUCTURE TO UNDERGROUND UTILITIES LOCATED WITHIN MILTON E. THOMPSON PARK; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME 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. Incorporates and approves the foregoing recital as if fully set forth herein.

Section 2. This Board approves and authorizes the County Mayor or County Mayor's designee to, in substantially the form attached to the Mayor's Memorandum as Exhibit 1, execute the Non-Exclusive Underground Utility Easement from the County to Florida Power and Light Company (FPL) in exchange for \$1.00 to convert above-ground electrical infrastructure to underground utilities within the Easement Area (Exhibit A of Exhibit 1) of County-owned Milton E. Thompson Park located at 16665 Krome Avenue, Miami, Florida, Folio No. 30-2916-000-0012.

Section 3. Directs, pursuant to Resolution No. R-974-09, the County Mayor or County Mayor's designee to record the easement in the records of the County and provide a recorded copy to the Clerk of the Board within 30 days of execution of said instrument, and further directs the Clerk of the Board to permanently store the recorded copy with this resolution.

The foregoing resolution was offered by Commissioner **Marleine Bastien** ,
 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:

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	aye	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 4th day of February, 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.

mjs

Melanie J. Spencer