

MEMORANDUM

Agenda Item No. 8(N)(3)

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

DATE: January 22, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the conveyance of an easement to Florida Power and Light Company ("FPL") for \$1.00 to install, operate, and maintain electrical power facilities for the purpose of providing electrical service to a new TransitWay parking garage located at 9655 SW 168 Street, Miami, Florida; and authorizing the County Mayor to amend Exhibit A to the Easement under certain circumstances, to execute the Easement conveyance document, to take all actions to effectuate same, and to exercise all provisions contained therein

Resolution No. R-53-25

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Vice Chairman Kionne L. McGhee.


Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: January 22, 2025

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

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Conveyance of an Underground Utility Easement to Florida Power and Light Company to Allow for the Installation of Electrical Facilities to Service the New TransitWay Parking Garage at 9655 SW 168 Street, Miami, Florida

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) to allow for the installation, operation, and maintenance of electric power facilities to service the new TransitWay parking garage, which has been recently constructed on County-owned land located at 9655 SW 168 Street, Miami, Florida.

Recommendation

It is recommended that the Board authorize the conveyance of an underground utility easement to FPL to allow for the installation, operation, and maintenance of electrical power facilities to service the new TransitWay parking garage.

Scope

The proposed easement and the new TransitWay parking garage are located in Commission District 9, represented by Commissioner Kionne McGhee.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to execute the easement conveyance document, to take all actions to effectuate the same, to exercise all provisions contained therein, and to amend the survey and legal description of the easement area as described in Exhibit A to the easement conveyance document 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. FPL will be responsible for the installation, operation, and maintenance of the electrical facilities located within the easement. There are no other fiscal impacts to the County associated with the conveyance of the easement.

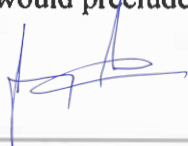
Track Record/Monitor

The person responsible for monitoring the proposed easement is Javier Bustamante, Assistant Director of Transit Project Management and Support Services for the Department of Transportation and Public Works.

Background

On February 19, 2020, the Board adopted Resolution No. R-195-20, which approved the development as a governmental facility in substantial accordance with the submitted plans and subject to the conditions set forth in the Site Review Committee recommendation, the construction of a new park and ride garage on the County-owned property located immediately adjacent to the TransitWay at 9655 SW 168 Street, Miami, Florida. The new 670-space parking garage is needed to meet current and projected demand for TransitWay parking.

Pursuant to Resolution R-504-15, adopted by the Board on June 2, 2015, the FPL facilities will be installed underground with little to no above-ground appearance. In compliance with Implementing Order No. 8-4, staff completed due diligence requirements and found no issues that would preclude the conveyance of the proposed easement.



Jimmy Morales
Chief Operating 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(N)(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(N)(3)
1-22-25

RESOLUTION NO. R-53-25

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY ("FPL") FOR \$1.00 TO INSTALL, OPERATE, AND MAINTAIN ELECTRICAL POWER FACILITIES FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO A NEW TRANSITWAY PARKING GARAGE LOCATED AT 9655 SW 168 STREET, MIAMI, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND EXHIBIT A TO THE EASEMENT UNDER CERTAIN CIRCUMSTANCES, TO EXECUTE THE EASEMENT CONVEYANCE DOCUMENT, 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 recital as if fully set forth herein.

Section 2. Authorizes the conveyance of an easement, in substantially the form attached hereto, to Florida Power and Light Company ("FPL") for \$1.00 to install, operate, and maintain electrical power facilities for the purpose of providing electrical service to the TransitWay park and ride garage located at or near 9655 SW 168 Street, Miami, Florida (the "Easement").

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 of the Easement 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 location 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 **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 be "Annery Pulgar Alfonso", written over a horizontal line.

Annery Pulgar Alfonso

Work Request No.12159311

UNDERGROUND EASEMENT (BUSINESS)

Sec.28 Twp 55 Rge 40

Parcel I.D.30-5028-000-0560
(Maintained by County Appraiser)

This Instrument Prepared By
Name: Eduardo Suarez
Co. Name: Longitude Surveyors
Address: 7700 N Kendall Drive, STE 705
Miami, FL 33156

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 for the Transit Terminal located at 9655 SW 168 Street, Miami Florida, identified on Exhibit "A" with 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 herein above 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)

ATTEST:

Juan Fernandez-Barquin, Clerk

By: _____

Print Name: _____

Print Title: _____

Print Address: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: _____

Name: _____

Title: _____

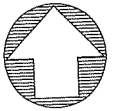
STATE OF FLORIDA AND COUNTY OF MIAMI-DADE. The foregoing instrument was acknowledged before me by [] physical presence or [] on-line notarization, this _____ day of _____, 2024, by _____, the _____ of Miami-Dade County, who is personally known to me or has produced _____ as identification, and who did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

My Commission Expires:

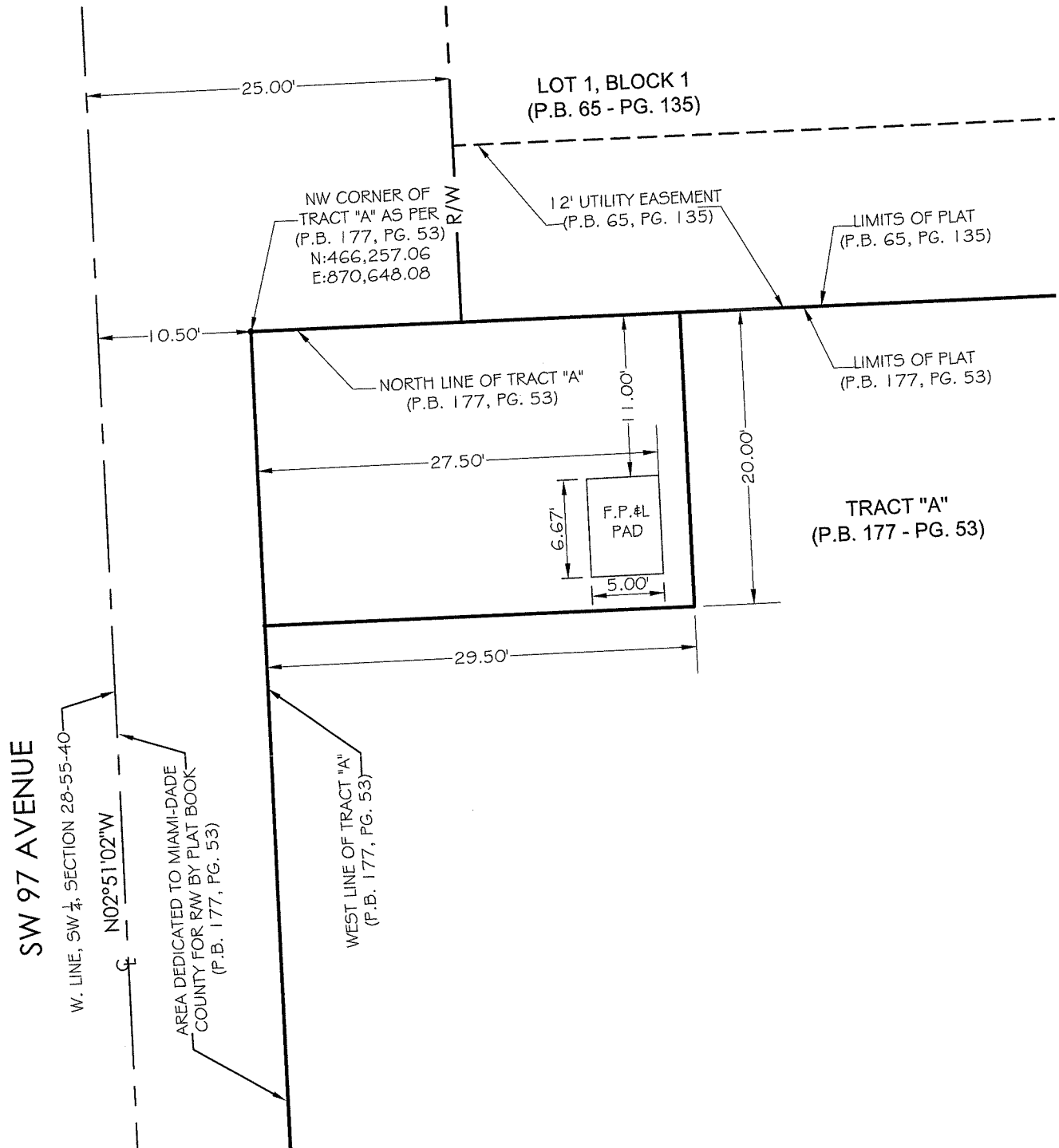
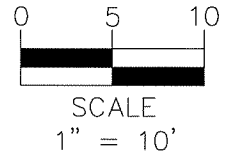
Notary Public, Signature

Print Name _____

MDC008



SKETCH TO ACCOMPANY LEGAL DESCRIPTION FLORIDA POWER & LIGHT Co. EASEMENT



THIS SKETCH IS NOT A SURVEY

LEGEND:
R/W = RIGHT OF WAY
P.B. = PLAT BOOK
PG. = PAGE
CL = CENTERLINE LINE
F.P.&L = FLORIDA POWER & LIGHT

EXHIBIT "A"

NOTICE: This document is not valid, full and complete without all three (3) pages.

LONGITUDE SURVEYORS

7700 N. KENDALL DRIVE, MIAMI, FL 33156, SUITE 705 * PHONE:(305)463-0912 * WWW.LONGITUDESURVEYORS.COM

JOB No. 22309 PAGE 1 OF 3

MDC009

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FLORIDA POWER & LIGHT Co. EASEMENT

EXHIBIT "A"

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF TRACT "A", OF "SW 168th STREET TRANSIT TERMINAL", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 177, AT PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SAID LANDS LYING OVER AND ACROSS THE WEST 29.50 FEET OF THE SOUTH 20.00 FEET OF TRACT "A", AS RECORDED IN PLAT BOOK 177, PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

CONTAINING 590 sq.ft. MORE OR LESS BY CALCULATIONS.

THIS SKETCH IS NOT A SURVEY

NOTICE: This document is not valid, full and complete without all three (3) pages.



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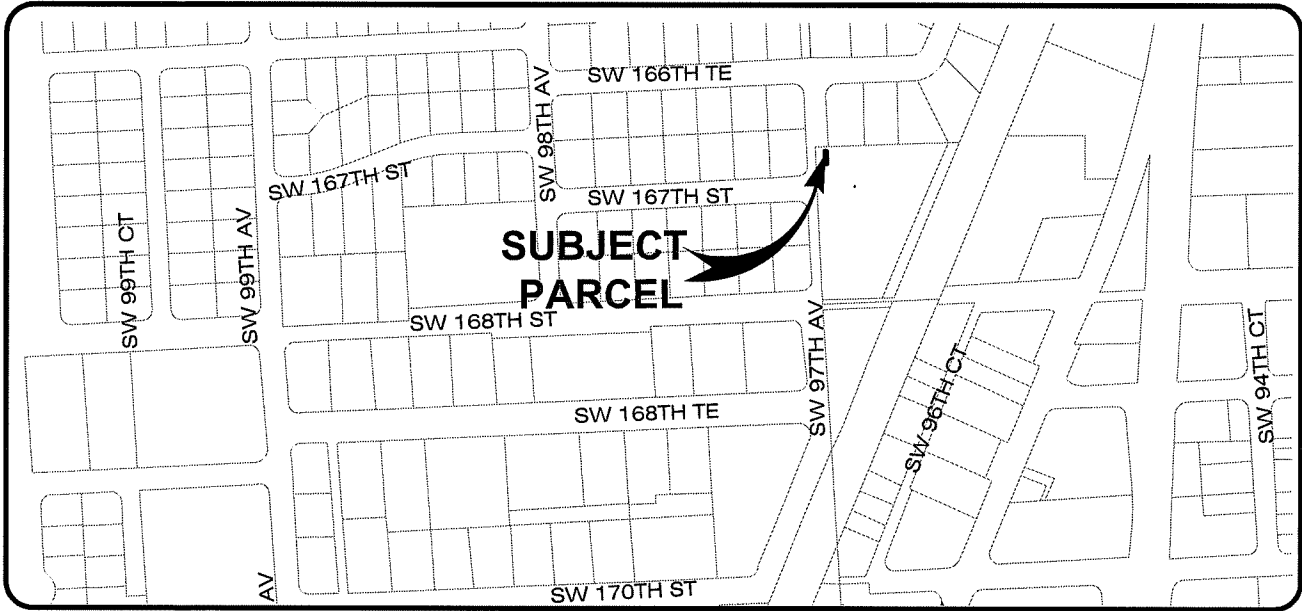
JOB No. 22309 PAGE 2 OF 3

MDC010



SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FLORIDA POWER & LIGHT Co. EASEMENT

EXHIBIT "A"



LOCATION MAP
(NOT TO SCALE)

PERTINENT INFORMATION USED FOR THE PREPARATION OF THIS DOCUMENT:

The Legal Description of the Subject Parcel was generated from the following documents:

1. Plat of "SW 168th STREET TRANSIT TERMINAL", recorded in Plat Book 177, at Page 53, Miami-Dade County Public Records.
2. Plat of "PALMETTO COUNTRY CLUB ESTATES PART ONE", recorded in Plat Book 65, at Page 135, Miami-Dade County Public Records.

Bearings shown hereon are based upon the Centerline of SW 97 Avenue with an assumed bearing of $NO2^{\circ}51'02''W$, said line to be considered a well established and monumented line.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information were furnished other than what is cited above, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on this Sketch or contained within this report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description" was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said "Sketch to Accompany Legal Description" meets the intent of the applicable provisions of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
Florida Certificate of Authorization Number LB7335

Eduardo M 2024.12.20
Suarez 12:58:32 -05'00'

Eduardo M. Suarez, PSM
Professional Surveyor and Mapper LSG313
State of Florida



THIS SKETCH IS NOT A SURVEY

NOTE: Not valid without the digital signature and seal and/or the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions and deletions to this map to Survey by other than the signing party are prohibited without the written consent of the signing party.

LONGITUDE SURVEYORS

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