

MEMORANDUM

Agenda Item No. 9(A)(1)

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

DATE: April 1, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing conveyance of a non-exclusive easement to Florida Power and Light Company for a nominal sum of \$1.00 to install, operate and maintain electrical power facilities at the new Doral Library Branch, located at 5360 NW 84 Avenue, Doral, 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-360-25

The accompanying resolution was prepared by the Library Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: April 1, 2025

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

From: Daniella Levine Cava 
Mayor

Subject: Conveyance of a Non-Exclusive Utility Easement to Florida Power and Light Company to Allow for the Installation of Electrical Facilities to Service the New Doral Branch Library

Executive Summary

The purpose of this item is to request approval of the Board of County Commissioners (Board) for conveyance of a ten-foot non-exclusive easement to Florida Power and Light Company (FPL) to allow for the installation, operation, and maintenance of electric power facilities to service the new Doral Branch Library, which is currently under construction on the County-owned land located at 5360 NW 84 Avenue, Doral, Florida. The easement will be conveyed to FPL for a nominal sum of one Dollar (\$1.00). FPL will be responsible for the installation, operation, and maintenance of the electrical facilities located within the easement.

Recommendation

It is recommended that the Board authorizes the conveyance of a non-exclusive utility easement to FPL to allow for the installation, operation, and maintenance of electrical power facilities to service the new Doral Branch Library.

Scope

The proposed easement is located on the site of the new Doral Branch Library, located at 5360 NW 84 Avenue, Doral, Florida, under Folio No. 35-3022-050-0010. This property is located within County Commission District 12, which is represented by Commissioner Juan Carlos Bermudez.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to execute the non-exclusive easement conveyance document, to take all actions to effectuate the same, to record the necessary documents in the public records of Miami-Dade County and provide a copy to the Clerk of the Board, 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 twenty-five (25) feet of the originally proposed location and the total area is no larger than twenty-five (25) percent of the originally proposed easement area.

Fiscal Impact/Funding Source

The easement will be conveyed to FPL for a nominal sum of one Dollar (\$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

Lisa Thompson, Capital Programs Director for the Miami-Dade Public Library System.

Background

On October 19, 2021, the Board adopted Resolution No. R-994-21, which approved the construction of the new Doral Library Branch on the County-owned property, located at 5360 NW 84 Avenue, Doral, Florida. The new library is currently under construction and anticipated to be completed in early 2026.

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. Additionally, FPL has advised that, if the non-exclusive utility easement is not used for a period of two consecutive years, or if the County abandons the project and no longer uses the FPL facilities, the County can request that FPL remove the electrical facilities from the easement area at the expense of the County and terminate the easement.

In compliance with Implementing Order 8-4, staff completed due diligence requirements and found no issues that would preclude the conveyance of the proposed easement.



Cathy Burgos, LCSW
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: April 1, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 9(A)(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. 9(A)(1)
4-1-25

RESOLUTION NO. R-360-25

RESOLUTION AUTHORIZING CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL SUM OF \$1.00 TO INSTALL, OPERATE AND MAINTAIN ELECTRICAL POWER FACILITIES AT THE NEW DORAL LIBRARY BRANCH, LOCATED AT 5360 NW 84 AVENUE, DORAL, 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 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 New Doral Library Branch, in substantially the form attached hereto as Exhibit "A" (the "easement"), for the purpose of providing electrical service to the New Doral Library Branch located at 5360 NW 84 Avenue, Doral, 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, 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 **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Roberto J. Gonzalez** 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 1st day of April, 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

Work Request No. 12382093

NON-EXCLUSIVE EASEMENT

Sec. 22, Twp 53 S, Rge 40 E

This Instrument Prepared By

Parcel I.D. 35-3022-050-0010

(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 7/94

Name: Michael Carozza

Co. Name: Florida Power & Light Company

Address: 908 SW 141 Avenue
Miami, FL 33184

pg ____ of ____.

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 licensees, agents, successors, and assigns, a Non-Exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant 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 ____ feet in width described as follows:

Reserved for Circuit Court

Exhibit "A"

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; 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 land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

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)

(Witness' Signature)

Print Name: _____
(Witness)

(Corporate's name)

By: _____
(President's signature)

Print Name: _____

Print Address: _____

Attest: _____
(Secretary's signature)

Print Name: _____

Print Address: _____

(Corporate Seal)

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, and _____ respectively the _____ President and _____ Secretary of _____, a _____ corporation, on behalf of said corporation, who are personally known to me or have produced _____ as identification, and who did (did not) take an oath. (Type of Identification)

My Commission Expires:

Notary Public, Signature

Print Name _____

MDC008

LEGAL DESCRIPTION

PREPARED BY:
MPG TECHNICAL GROUP CORP.
CERTIFICATE OF AUTH. # LB-6932
1200 N.W. 78th Avenue, Suite 213
Doral, Florida 33126
Phone: (786) 953-8953

EXHIBIT A - SHEET 1 OF 2

10.00 Foot Wide FPL Utility Easement

REFERENCE PROPERTY ADDRESS:

5360 NW 84 Avenue
Doral, Florida 33166

FOLIO IDENTIFICATION NUMBER: 35-3022-050-0010 (Miami-Dade County Public Records)

EXHIBIT "A" / LEGAL DESCRIPTION OF A 10.00 FOOT WIDE FPL UTILITY EASEMENT.

A 10.00 Foot Wide Utility Easement across the following parcel of the reference folio identification number 35-3022-050-0010 and more particularly described as:

TRACT "A" OF DORAL LIBRARY AS RECORDED IN PLAT BOOK 177 AT PAGE 55 OF THE RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

The centerline of said easement being more particularly described as follows:

Commence at the Southeast corner of the above referenced parcel being the Point of Commencement (P.O.C.) of the following described centerline of a 10.00 foot wide FPL utility easement;

thence run N 00° 08' 11" W for a distance of 5.00 feet along the easterly property line of the above referenced parcel to a Point;

thence run S 89° 39' 59" W for a distance of 10.36 feet to the Point of Beginning (P.O.B.);

thence run S 89° 39' 59" W for a distance of 18.62 feet to the point of Terminus (P.O.T.) of said center line of Easement; containing approximately 184 square feet more or less.

SURVEYOR'S NOTES:

All distances as shown are based on the US Survey foot.

This is not a Boundary Survey, but only a graphic depiction of the description shown hereon.

This instrument was conducted for the purpose of a "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" only and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other entity. This document does not reflect or determine ownership.

Bearings are based/referred to a measured meridian where the Centerline of NW 84th AVENUE bears N 00° 08' 11" W

This survey is intended for the use of the parties to whom this survey is certified to and for. Any reproduction is not an original. This surveyor retains an original to verify these dated contents for validity. Not valid without the signature and raised seal of the Florida Surveyor and Mapper, or equivalent IGC digital certificate.

No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easement.

The "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" shown hereon is based on information provided by the client.

CERTIFIED TO:
FLORIDA POWER & LIGHT UTILITY COMPANY
MIAMI-DADE COUNTY
MIAMI-DADE PUBLIC LIBRARY SYSTEM

Professional Surveyor & Mapper, # 6965
State of Florida

NOT VALID WITHOUT SHEET 2 OF 2
(SHEET 1 OF 2 CONTAINS LEGAL DESCRIPTION)

This drawing are not valid unless Signed and embossed with the surveyor's seal.

SURVEYOR'S CERTIFICATE:

This is to certify to the herein named firm and/or persons, that in my professional opinion, this "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" of the herein described property is true and correct as recently surveyed and platted under my direction. I further certify that this map or plat meets the Minimum Technical Standard Requirements, adopted by the Board of Professional Surveyors and Mappers, pursuant to Chapter 472.027 Florida Statutes, as set forth in Chapter 5J-17, Florida Administrative Code, under Sections 5J-17.051 and 5J-17.052 and is a "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" as defined in Section 5J-17.050.

CHECKED BY: M.C.

DRAWN BY: R.D.S.

DATE: 07/12/2024

JOB No.

Sheet 1 of 2

