

## **MEMORANDUM**

Agenda Item No. 8(K)(1)

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

**DATE:** May 6, 2025

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution approving the conveyance of a non-exclusive easement to Florida Power & Light Company (FPL) for a nominal amount for the purpose of FPL constructing, operating and maintaining overhead and underground electric utility facilities for the Gallery at Marti Park development; and authorizing the County Mayor to execute and record the easement, take all actions to effectuate same, and exercise all provisions contained therein

Resolution No. R-424-25

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The accompanying resolution was prepared by the 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/uw

**Date:** May 6, 2025

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

**From:** Daniella Levine Cava *Daniella Levine Cava*  
Mayor

**Subject:** Non-Exclusive Underground Utility Easement for Gallery at Marti Park

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## **Executive Summary**

On October 21, 2024, the Miami-Dade County Board of County Commissioners (“Board”) adopted Resolution No. R-946-14, executing a Master Development Agreement (“MDA”) with RUDG, LLC (RUDG) for the redevelopment of Joe Moretti Phase Two, known as Gallery at Marti Park, which is currently being developed by Gallery at Marti Park, LLC, an affiliate of RUDG.

This item seeks the Board’s approval to execute an Underground Utility Easement (Business) for the purpose of granting Florida Power & Light Company (FPL) a non-exclusive easement (“easement”) for the construction, operation, and maintenance of underground electric utility facilities, including cables, conduits, appurtenant equipment, and appurtenant above ground equipment for Gallery at Marti Park development, which consists of 176 mixed-income units.

## **Recommendation**

It is recommended that the Board:

1. Approve the conveyance of the non-exclusive easement, for a nominal amount, to FPL for the construction, operation, and maintenance of underground electric utility facilities, including cables, conduits, appurtenant equipment, and appurtenant above ground equipment for Gallery at Marti Park development; and
2. Authorize the County Mayor or County Mayor’s designee to execute the easement, to take all actions to effectuate same, and to exercise all provisions contained therein.

## **Scope**

The project Gallery at Marti Park 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**

The Department of Housing and Community Development (“Department”) is the County department overseeing this project and the persons responsible for monitoring are Director Alex R. Ballina and Construction Manager 3 Ariel Rodilla.

## **Delegated Authority**

Upon adoption of this resolution, the County Mayor or County Mayor’s designee will be authorized to execute the easement, to take all actions to effectuate same, and to exercise all provisions contained therein.

**Background**

On October 21, 2024, the Board adopted Resolution No. R-946-14, executing the MDA with RUDG for the redevelopment of Joe Moretti Phase Two, known as Gallery at Marti Park, which is currently being developed by Gallery at Marti Park, LLC, an affiliate of RUDG.

FPL requires the County to convey non-exclusive easement for the construction, operation, and maintenance of underground electric utility facilities, including cables, conduits, appurtenant equipment, and appurtenant above ground equipment, for Gallery at Marti Park project. The Department recommends that it is in the County's best interest to grant the easement to ensure that electrical power is provided to the project. 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 equipment will not adversely impact the building's aesthetics.

Attachment



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Cathy Burgos  
Chief Community Services Officer  
Office of the Mayor



**MEMORANDUM**  
(Revised)

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

**DATE:** May 6, 2025

**FROM:**   
Gen 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)  
5-6-25

RESOLUTION NO. \_\_\_\_\_ R-424-25

RESOLUTION APPROVING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO FLORIDA POWER & LIGHT COMPANY (FPL) FOR A NOMINAL AMOUNT FOR THE PURPOSE OF FPL CONSTRUCTING, OPERATING AND MAINTAINING OVERHEAD AND UNDERGROUND ELECTRIC UTILITY FACILITIES FOR THE GALLERY AT MARTI PARK DEVELOPMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND RECORD THE EASEMENT, 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:

**Section 1.** This Board adopts and incorporates the foregoing recital and accompanying memorandum as if fully set forth herein.

**Section 2.** This Board approves the conveyance of a non-exclusive easement to Florida Power and Light Company (FPL), for a nominal amount, for the purpose of FPL constructing, operating, and maintaining overhead and underground electric utility facilities, including wires, conduits and appurtenant equipment for the Gallery at Marti Park development. This Board further authorizes the County Mayor or County Mayor's designee to execute the Underground Easement (Business), in substantially the form attached hereto as Attachment "A" and incorporated herein by reference, to take all actions to effectuate same, and to exercise all provisions contained therein that are consistent with this resolution.

**Section 3.** The County Mayor or County Mayor’s designee, pursuant to Resolution No. R-974-09, shall record the easement in the public record of the County, and provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. The Clerk of the Board, pursuant to Resolution No. R-974-09, shall 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 **Eileen 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	<b>aye</b>		
Kionne L. McGhee, Vice Chairman	<b>aye</b>		
Marleine Bastien	<b>aye</b>	Juan Carlos Bermudez	<b>aye</b>
Sen. René García	<b>aye</b>	Oliver G. Gilbert, III	<b>aye</b>
Roberto J. Gonzalez	<b>aye</b>	Keon Hardemon	<b>aye</b>
Danielle Cohen Higgins	<b>aye</b>	Eileen Higgins	<b>aye</b>
Raquel A. Regalado	<b>aye</b>	Micky Steinberg	<b>aye</b>
District 6 - Vacant			

The Chairperson thereupon declared this resolution duly passed and adopted this 6<sup>th</sup> day of May, 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

ATTACHMENT A

Work Request No. 12724134

UNDERGROUND EASEMENT (BUSINESS)

Sec.01, Twp 54, Rge 41

This Instrument Prepared By

Parcel I.D.01-2023-060-1020 (Maintained by County Appraiser)

Name: Brian J. McDonough, Esq
Co. Name: Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.
150 W. Flagler Street, Suite 2200
Miami, FL 33130
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:

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)

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

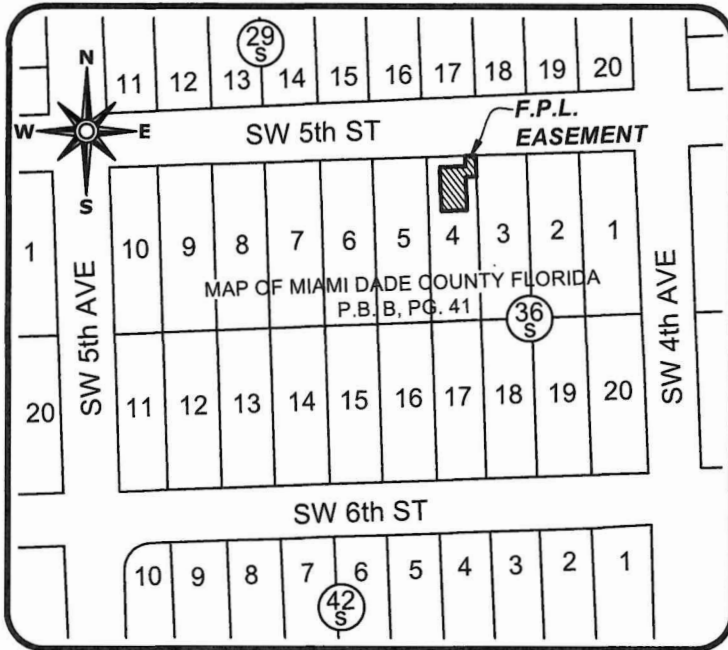
Print Name

**EXHIBIT "A"**  
**SKETCH & LEGAL DESCRIPTION**  
**FOR FLORIDA POWER & LIGHT EASEMENT**  
**THIS IS NOT A BOUNDARY SURVEY**

LYING AND BEING IN SW 1/4 OF SECTION 01 TOWNSHIP 54 S RANGE 41 E  
 MIAMI CITY, MIAMI-DADE COUNTY, FLORIDA

**PROPERTY ADDRESS:** 450 SW 5TH STREET, MIAMI, FL 33130

**FOLIO No.:** 1-0203-060-1020 AND 01-0203-060-1090



**LOCATION MAP**  
 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 CENTERLINE OF SW 5TH STREET, HAVING A BEARING OF N87°58'39"E.

**ABBREVIATIONS:**

- CL CENTERLINE
- ML MONUMENT LINE
- L.B. LICENSED BUSINESS
- P.B. PLAT BOOK
- PG. PAGE
- SQ. FT. SQUARE FEET
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- FT. FEET
- F.P.L. FLORIDA POWER & LIGHT
- U.E. UTILITY EASEMENT
- B.B.L. BASE BUILDING LINE
- B.O.B. BASIS OF BEARINGS.
- R.O.W. RIGHT-OF-WAY

**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.

Digitally signed by JOHN A  
 IBARRA  
 Date: 2025.03.10 13:58:36 -04'00'

BY: \_\_\_\_\_  
**JOHN IBARRA** (DATE)

PROFESSIONAL LAND SURVEYOR NO.: 5204 STATE OF FLORIDA  
 (NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF  
 A FLORIDA LICENSED SURVEYOR AND MAPPER).

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

<b>DRAWN BY:</b>	YNV
<b>DATE :</b>	02/05/2025
<b>SCALE:</b>	NONE
<b>SURVEY NO:</b>	24-000357-12
<b>SHEET:</b>	1 OF 2



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

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

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



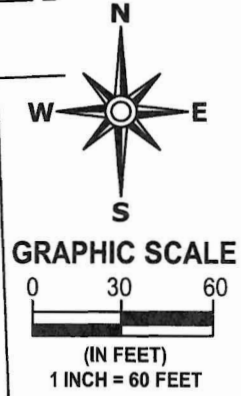
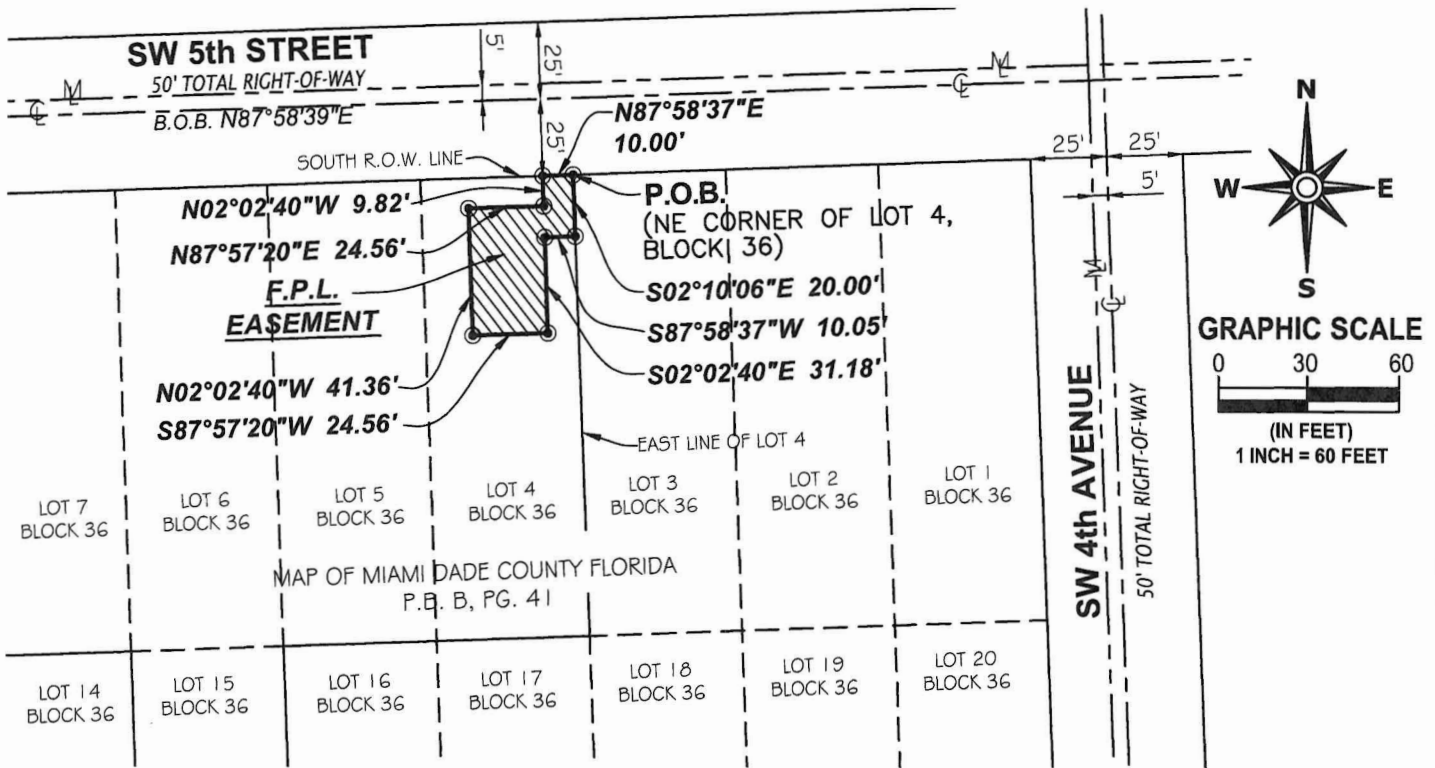
Digitally signed by  
 JOHN A IBARRA  
 Date: 2025.03.10  
 13:58:55 -04'00'

**LB 7806 SEAL**

**EXHIBIT "A"**

**SKETCH & LEGAL DESCRIPTION  
FOR FLORIDA POWER & LIGHT EASEMENT  
THIS IS NOT A BOUNDARY SURVEY**

LYING AND BEING IN SW 1/4 OF SECTION 01 TOWNSHIP 54 S RANGE 41 E  
MIAMI CITY, MIAMI-DADE COUNTY, FLORIDA



**LEGAL DESCRIPTION:**

A PORTION OF LOT 4, BLOCK 36, MAP OF MIAMI-DADE COUNTY FLORIDA, 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:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE S02°10'06"E ALONG THE EAST LINE OF SAID LOT 4 FOR A DISTANCE OF 20.00 FEET; THENCE S87°58'37"W FOR A DISTANCE OF 10.05 FEET; THENCE S02°02'40"E FOR A DISTANCE OF 31.18 FEET; THENCE S87°57'20"W FOR A DISTANCE OF 24.56 FEET; THENCE N02°02'40"W FOR A DISTANCE OF 41.36 FEET; THENCE N87°57'20"E FOR A DISTANCE OF 24.56 FEET; THENCE N02°02'40"W FOR A DISTANCE OF 9.82 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE SW 5TH STREET; THENCE N87°58'37"E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 1,217 SQ.FT.

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

<b>DRAWN BY:</b>	YNV
<b>DATE :</b>	02/05/2025
<b>SCALE:</b>	1"=60'
<b>SURVEY NO:</b>	24-000357-12
<b>SHEET:</b>	2 OF 2



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