

# MEMORANDUM

Agenda Item No. 8(N)(6)

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**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** October 16, 2024

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

**SUBJECT:** Resolution authorizing conveyance of an easement to Florida Power and Light Company for a nominal sum of \$1.00 to operate and maintain electrical power facilities at the Brownsville Metrorail Station property located at or near 5200 NW 27 Avenue, Miami, Florida; further authorizing the County Mayor to execute the easement conveyance, to take all actions to effectuate same, and to exercise all provisions contained therein

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The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.

  
\_\_\_\_\_  
Geri Bonzon-Keenan  
County Attorney

GBK/jp

MDC001

# Memorandum



**Date:** October 16, 2024

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

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

**Subject:** Conveyance of Utility Easement to Florida Power and Light Company to Provide Electrical Service to the Brownsville Metrorail Station

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## **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) for \$1.00 for operation and maintenance of the existing electric power service to the Brownsville Metrorail Station.

## **Recommendation**

It is recommended that the Board authorize the conveyance of an underground utility easement to FPL to operate and maintain electrical power facilities at the Brownsville Metrorail Station.

## **Scope**

The Brownsville Metrorail Station is located in Commission District 3, represented by Commissioner Keon Hardemon.

## **Delegation of Authority**

This item authorizes the County Mayor or the County Mayor's designee to execute the easement conveyance and to exercise all provisions contained therein.

## **Fiscal Impact/Funding Source**

The easement will be conveyed to FPL for a nominal sum of \$1.00. There are no other fiscal impacts to Miami-Dade County associated with the conveyance of the easement.

## **Track Record/Monitor**

The person responsible for monitoring the proposed easement serving the affordable housing development at the Brownsville Metrorail Station is Javier Bustamante, Assistant Director of Transit Project Management and Support Services for the Department of Transportation and Public Works.

## **Background**

On March 5, 2024, the Board adopted Resolution No. R-173-24 approving the bifurcation of the Brownsville Metrorail Transit Oriented Development Lease Agreement to Cornerstone Group Partners, LLC or its subsidiaries for the purpose of constructing the Brownsville Transit Village, which includes an affordable housing, transit-oriented development on County-owned property adjacent to the Brownsville Metrorail Station. The existing power lines serving the Metrorail station are in very close proximity to the proposed development. For this reason, FPL requires conveyance of an easement to FPL to operate and maintain the existing power service to the Metrorail Station as part of the Brownsville Transit Village affordable housing development.

Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners  
Page No. 2

Pursuant to Resolution No. R-504-15, adopted by the Board on June 2, 2015, any new FPL facilities, if any, will be installed underground with little or no above ground appearance.



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Jimmy Morales  
Chief Operating Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** October 16, 2024

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

**SUBJECT:** Agenda Item No. 8(N)(6)

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)(6)  
10-16-24

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A NOMINAL SUM OF \$1.00 TO OPERATE AND MAINTAIN ELECTRICAL POWER FACILITIES AT THE BROWNSVILLE METRORAIL STATION PROPERTY LOCATED AT OR NEAR 5200 NW 27 AVENUE, MIAMI, FLORIDA; FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT CONVEYANCE, 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 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 operate and maintain electrical power facilities at the Brownsville Metrorail Station, in substantially the form attached hereto, (the "Easement") for the purpose of providing electrical service to the Brownsville Metrorail Station located at or near 5200 NW 27 Avenue, Miami, 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, and to take all actions to effectuate same.

**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 \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

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

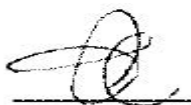
The Chairperson thereupon declared this resolution duly passed and adopted this 16<sup>th</sup> day of October, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Annery Pulgar Alfonso

Work Request No. 10618646

# UNDERGROUND EASEMENT (BUSINESS)

Sec. 21, Twp 53, Rge 41

This Instrument Prepared By

Parcel I.D. 30-3121-059-0011  
(Maintained by County Appraiser)

Name: Hanna McQueen  
Co. Name: Brownsville Village V, Ltd.  
Address: 151 NW 6th St, Suite 1020  
Miami, FL 33136

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 in connection with electric service; 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 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: \_\_\_\_\_  
(Witness)

Print Address: \_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Print Address: \_\_\_\_\_  
\_\_\_\_\_

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

ATTEST:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Juan Fernandez-Barquin, Clerk

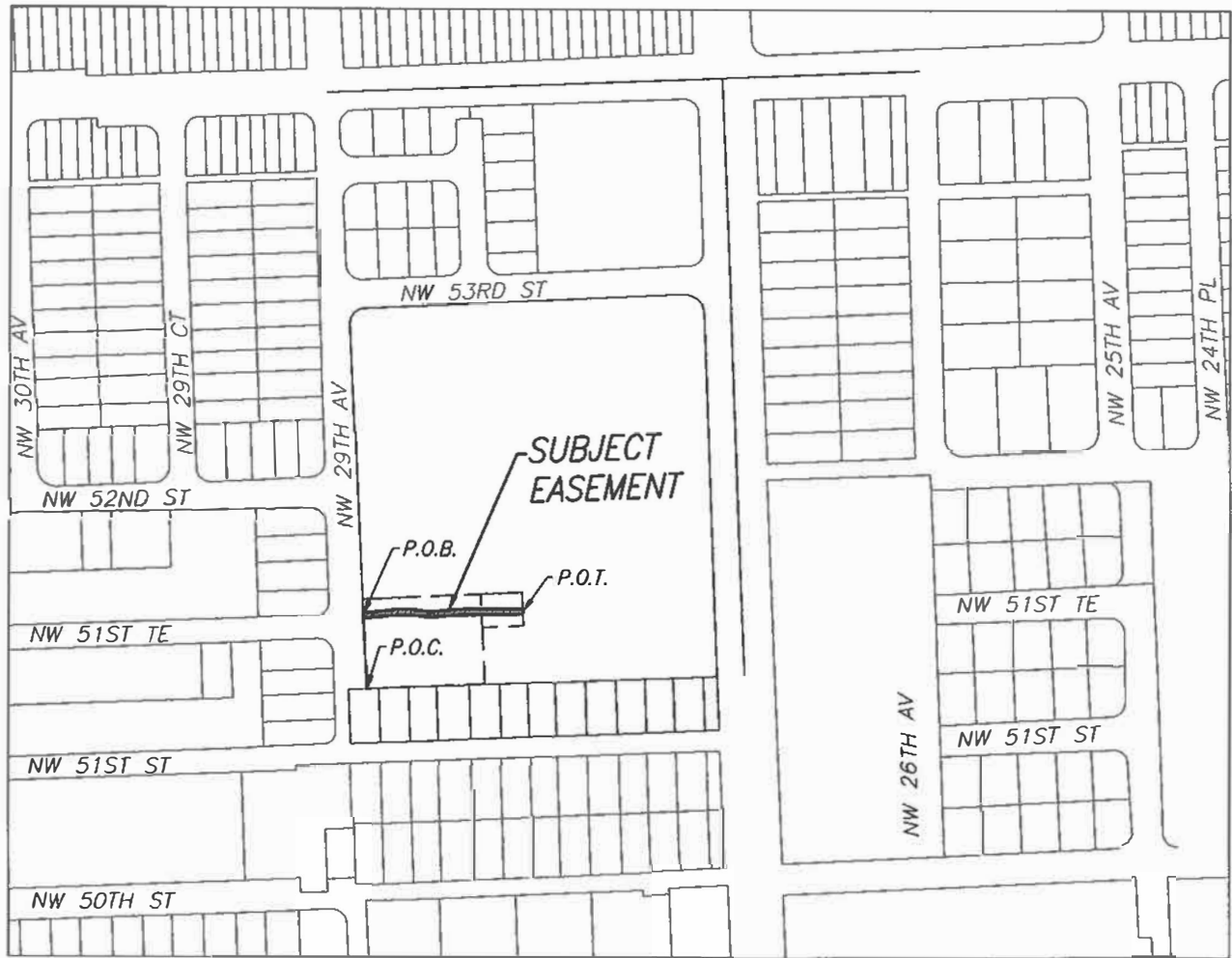
STATE OF FLORIDA AND COUNTY OF MIAMI-DADE. The foregoing instrument was acknowledged before me by [ ] physical presence or [ ] on-line notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by \_\_\_\_\_, the \_\_\_\_\_ of Miami-Dade County, who is personally known to me or has produced \_\_\_\_\_ as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

My Commission Expires:

\_\_\_\_\_  
Notary Public, Signature

Print Name \_\_\_\_\_

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
FLORIDA POWER & LIGHT EASEMENT



LOCATION SKETCH

Scale: 1"=300'

A PORTION OF SECTION 21-53S-41E, MIAMI-DADE COUNTY, FLORIDA.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

PLANNING & ENGINEERING  
LICENSED PROFESSIONAL SURVEYOR  
SHEET 1 OF 3 SHEETS



**Schwebke - Shiskin & Associates, Inc.**  
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY - MIRAMAR, FL 33025

PHONE No. (954)435-7010  
ORDER NO. 218359

DATE: JUNE 21, 2024

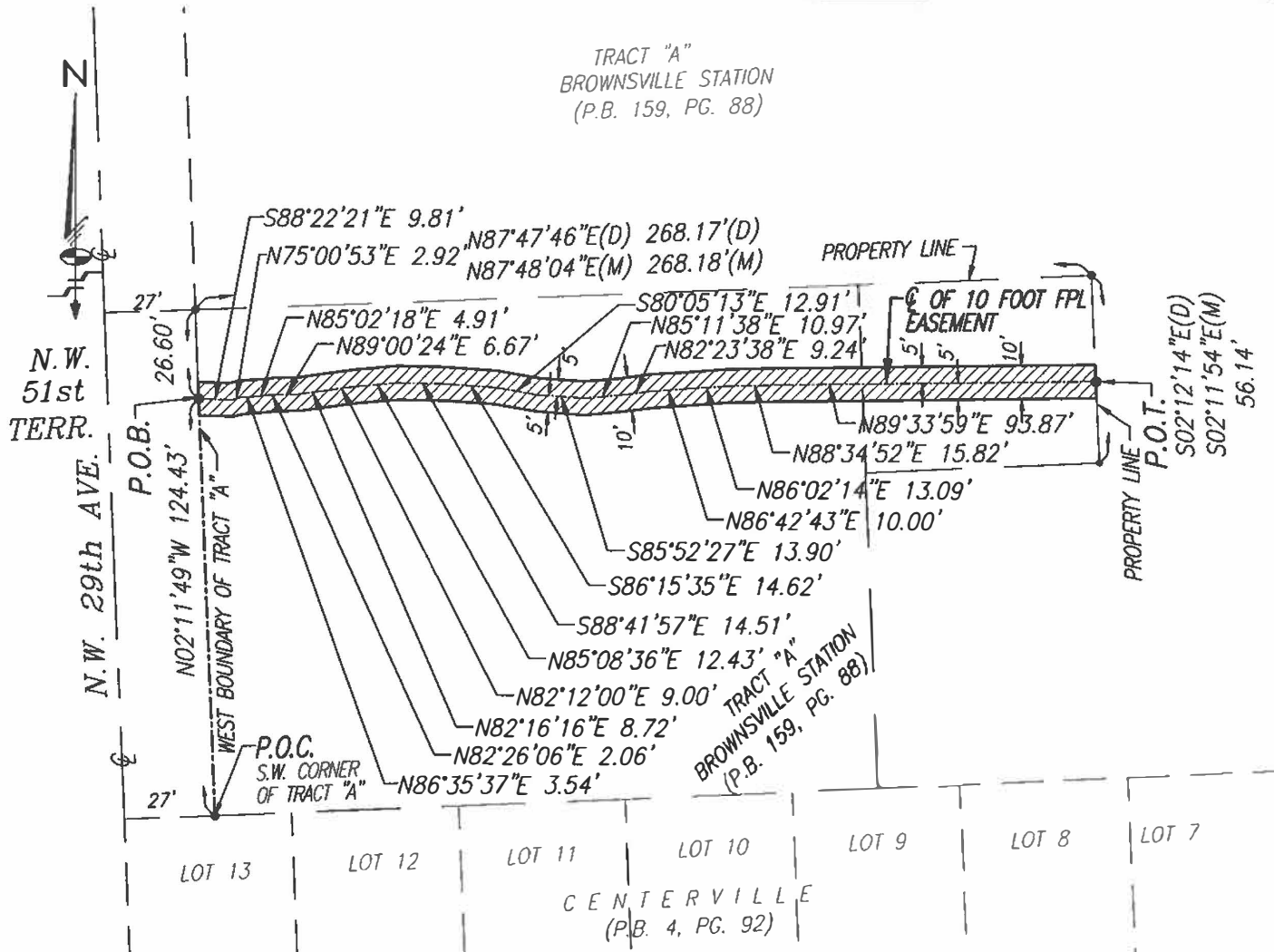
THIS IS NOT A "BOUNDARY SURVEY"  
CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:  
*Mark Steven Johnson*  
MARK STEVEN JOHNSON, PRINCIPAL  
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

NO.	REVISIONS
★	



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION FLORIDA POWER & LIGHT EASEMENT



SCALE 1"=50'

LEGEND:	
P.B.	DENOTES PLAT BOOK
PG.	DENOTES PAGE
⊕	DENOTES CENTERLINE
	DENOTES SUBJECT PARCEL
P.O.C.	DENOTES POINT OF COMMENCEMENT
P.O.B.	DENOTES POINT OF BEGINNING
P.O.T.	DENOTES POINT OF TERMINATION

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

SHEET 2 OF 3 SHEETS

	<h2 style="margin: 0;">Schwebke-Shiskin &amp; Associates, Inc.</h2> <p style="margin: 0;">LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY, MIRAMAR, FL 33025 PHONE No. (954) 435-7010</p>	<p style="margin: 0;">REVISIONS</p> <table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 5%;">NO.</td> <td style="width: 15%;">DATE</td> <td style="width: 80%;">DESCRIPTION</td> </tr> </table>	NO.	DATE	DESCRIPTION
	NO.	DATE	DESCRIPTION		
<p>ORDER NO. <u>218359</u></p> <p>DATE: <u>JUNE 21, 2024</u></p> <p>THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87</p>	<p style="text-align: center;">PREPARED UNDER MY SUPERVISION:</p> <p style="text-align: center;"><i>Mark Steven Johnson</i></p> <p style="text-align: center;">MARK STEVEN JOHNSON, PRINCIPAL FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775</p>	<p style="text-align: center;">STATE OF FLORIDA</p> <p style="text-align: center;">LAND SURVEYOR</p>			

**LEGAL DESCRIPTION  
TO ACCOMPANY SKETCH  
FLORIDA POWER & LIGHT EASEMENT**

A PORTION OF TRACT "A", "BROWNSVILLE STATION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 159, PAGE 88, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A 10 FOOT WIDE STRIP OF LAND BEING PARALLEL WITH AND LYING 5 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "A," OF THE AFOREMENTIONED PLAT OF "BROWNSVILLE STATION"; THENCE RUN N02°11'49"W ALONG THE WEST BOUNDARY OF SAID TRACT "A", AND THE EAST RIGHT OF WAY OF NORTHWEST 29TH AVENUE, 124.43 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE OF A 10.00 FOOT EASEMENT; THENCE RUN S88°22'21"E FOR A DISTANCE OF 9.81 FEET TO A POINT; THENCE RUN N75°00'53"E FOR A DISTANCE OF 2.92 FEET TO A POINT; THENCE RUN N86°35'37"E FOR A DISTANCE OF 3.54 FEET TO A POINT; THENCE RUN N85°02'18"E FOR A DISTANCE OF 4.91 FEET TO A POINT; THENCE RUN N82°26'06"E FOR A DISTANCE OF 2.06 FEET TO A POINT; THENCE RUN N89°00'24"E FOR A DISTANCE OF 6.67 FEET TO A POINT; THENCE RUN N82°16'16"E FOR A DISTANCE OF 8.72 FEET TO A POINT; THENCE RUN N82°12'00"E FOR A DISTANCE OF 9.00 FEET TO A POINT; THENCE RUN N85°08'36"E FOR A DISTANCE OF 12.43 FEET TO A POINT; THENCE RUN S88°41'57"E FOR A DISTANCE OF 14.51 FEET TO A POINT; THENCE RUN S86°15'35"E FOR A DISTANCE OF 14.62 FEET TO A POINT; THENCE RUN S80°05'13"E FOR A DISTANCE OF 12.91 FEET TO A POINT; THENCE RUN S85°52'27"E FOR A DISTANCE OF 13.90 FEET TO A POINT; THENCE RUN N85°11'38"E FOR A DISTANCE OF 10.97 FEET TO A POINT; THENCE RUN N82°23'38"E FOR A DISTANCE OF 9.24 FEET TO A POINT; THENCE RUN N86°42'43"E FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE RUN N86°02'14"E FOR A DISTANCE OF 13.09 FEET TO A POINT; THENCE RUN N88°34'52"E FOR A DISTANCE OF 15.82 FEET TO A POINT; THENCE RUN N89°33'59"E FOR A DISTANCE OF 93.87 FEET TO A POINT OF TERMINATION.

SAID EASEMENT IS SUBJECT TO STRUCTURAL COMPONENTS AND FOUNDATION ELEMENTS.

SIDELINES OF THE EASEMENT AT THE POINT OF BEGINNING ARE TO BE LENGTHENED OR SHORTENED SO AS TO INTERSECT THE WEST BOUNDARY OF TRACT "A" ALSO BEING THE PROPERTY LINE.

SIDELINES OF THE EASEMENT AT THE POINT OF TERMINATION ARE TO BE LENGTHENED OR SHORTENED SO AS TO INTERSECT THE PROPERTY LINE.


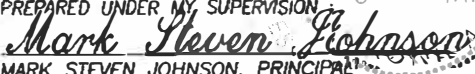
SAID LANDS LYING, BEING AND SITUATE IN MIAMI-DADE COUNTY, FLORIDA.

**NOTES:**

- 1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF NORTH 02 DEGREES 11 MINUTES 49 SECONDS WEST ALONG THE WEST BOUNDARY OF SAID TRACT "A".
- 2) THE SIDE LINES OF THE EASEMENT HEREON ARE TO BE LENGTHENED OR SHORTENED AS NECESSARY TO MAINTAIN A CONTINUOUS 10.00 FOOT WIDE CORRIDOR ALONG THE CENTERLINE DESCRIBED ABOVE.
- 3) EASEMENT PARCEL AS DESCRIBED HEREON CONTAINS 2,690± SQ.FT.
- 4) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.
- 5) THIS SKETCH HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITY (ENTITIES) NAMED HEREON ONLY. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
- 6) THE INTENT OF THIS EASEMENT IS NOT TO ENCUMBER ANY STRUCTURAL COMPONENT OF THE BUILDING.
- 7) ORDERED BY: A.P. COMMUNITIES.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

SHEET 3 OF 3 SHEETS

	<p><b>Schwebke - Shiskin &amp; Associates, Inc.</b>                  LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY MIRAMAR, FL 33025                  PHONE No. (954)435-7010</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">*</td><td style="width: 15%;"> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	*									
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