

MEMORANDUM

Agenda Item No. 8(N)(7)


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 install, operate, and maintain electrical power facilities at the Atlantic Station Block 45 development located at or near 777 NW 2 Avenue, Miami, Florida, near the Historic Overtown Lyric Theater Metrorail Station; further authorizing the County Mayor to amend Exhibit A of the Easement under certain circumstances, to execute the Easement conveyance, to take all actions to effectuate same, and to exercise all provisions contained therein

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/ks


MDC001

Memorandum



Date: October 16, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Conveyance of Utility Easement to Florida Power and Light Company to Provide Electrical Service to the Atlantic Station Block 45 Workforce and Affordable Housing Development near the Historic Overtown Lyric Theater Metrorail Station.

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 installation, operation, and maintenance of electric power service to the Atlantic Station Block 45 workforce and affordable housing development located on County-owned land at 777 NW 2nd Avenue, Miami, near the Historic Overtown Lyric Theater Metrorail Station.

Recommendation

It is recommended that the Board authorize the conveyance of an underground utility easement to FPL to install, operate, and maintain electrical power facilities to the workforce and affordable housing development located on County-owned land near the Overtown Lyric Theater Metrorail Station.

Scope

The Atlantic Station Block 45 is on the County-owned property 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, to exercise all provisions contained therein and to amend the easement area as described in Exhibit A to revise the survey and legal description of the easement area 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. 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 near the Historic Overtown Lyric Theater Metrorail Station is Javier Bustamante, Assistant Director of Transit Project Management and Support Services for the Department of Transportation and Public Works.

Background

On October 20, 2020, the Board adopted Resolution No. R-1105-20 approving a time extension of the Block 45 lease agreement, previously approved on June 18, 2019 under Resolution No. R-676-19, to Atlantic Pacific Communities LLC, for the purpose of constructing a mixed use development which includes workforce and affordable housing on County-owned property located at or near 777 NW 2nd Avenue, Miami, near the Historic Overtown Lyric Theater Metrorail Station. The conveyance of the easement proposed under this resolution will allow FPL to install, operate, and maintain electrical power facilities to serve the housing development.

As part of the housing development, DTPW is currently negotiating various station improvements for the Overtown Metrorail Station including access improvements, elevator and escalator improvements, lighting improvements, landscaping improvements, and other aesthetic improvements for the public benefit.

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



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)(7)

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)(7)
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 INSTALL, OPERATE, AND MAINTAIN ELECTRICAL POWER FACILITIES AT THE ATLANTIC STATION BLOCK 45 DEVELOPMENT LOCATED AT OR NEAR 777 NW 2 AVENUE, MIAMI, FLORIDA, NEAR THE HISTORIC OVERTOWN LYRIC THEATER METRORAIL STATION; FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND EXHIBIT A OF THE EASEMENT UNDER CERTAIN CIRCUMSTANCES, 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 install, operate, and maintain electrical power facilities at the Atlantic Station Block 45 development, in substantially the form attached hereto, (the "Easement") for the purpose of providing electrical service to the Atlantic Station Block 45 workforce and affordable housing development located at or near 777 NW 2nd Avenue Miami, Florida, near the Historic Overtown Lyric Theater Metrorail Station.

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 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 _____,
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	

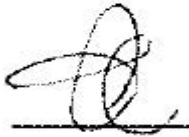
The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of October, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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. 12295176 **UNDERGROUND EASEMENT (BUSINESS)**

Sec. 36, Twp 53, Rge 41

Parcel I.D. 0101040501010
(Maintained by County Appraiser)

This Instrument Prepared By

Name: Eduardo Valle
Co. Name: Block 45, LLC
Address: 161 NW 6th St, Ste 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: _____

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 AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION: (FPL EASEMENT)

A PORTION OF LOT 2 AND LOTS 4 THROUGH 11, INCLUSIVE, BLOCK 45 N "MAP OF MIAMI", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 9, OF SAID BLOCK 45 N; THENCE NORTH 87°45'56" EAST ALONG THE SOUTH LINE OF SAID LOT 9 FOR 29.94 FEET; THENCE NORTH 02°14'04" WEST 2.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°14'04" WEST 25.58 FEET; THENCE SOUTH 87°47'37" WEST 65.60 FEET; THENCE NORTH 02°12'23" WEST 14.88 FEET; THENCE NORTH 10°47'43" WEST 21.16 FEET; THENCE NORTH 20°38'57" WEST 17.24 FEET; THENCE NORTH 09°26'40" WEST 135.76 FEET; THENCE NORTH 89°37'32" WEST 5.25 FEET; THENCE NORTH 00°22'28" EAST 11.09 FEET; THENCE SOUTH 89°37'32" EAST 15.40 FEET; THENCE SOUTH 00°22'28" WEST 11.09 FEET; THENCE SOUTH 09°26'40" EAST 133.04 FEET; THENCE SOUTH 20°38'57" EAST 17.12 FEET; THENCE SOUTH 10°47'43" EAST 22.77 FEET; THENCE SOUTH 02°12'23" EAST 5.63 FEET; THENCE NORTH 87°47'37" EAST 55.60 FEET; THENCE NORTH 02°14'04" WEST 8.94 FEET; THENCE NORTH 87°45'56" EAST 9.96 FEET; THENCE NORTH 02°44'47" WEST 200.42 FEET; THENCE SOUTH 88°11'49" WEST 125.68 FEET TO A POINT ON A LINE LYING 12.50 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID BLOCK 45 N; THENCE NORTH 02°16'00" WEST ALONG SAID PARALLEL LINE 10.00 FEET; THENCE NORTH 88°11'49" EAST 135.60 FEET; THENCE SOUTH 02°44'47" EAST 210.35 FEET; THENCE NORTH 87°45'56" EAST 11.99 FEET; THENCE SOUTH 02°14'04" EAST 1.35 FEET; THENCE NORTH 74°15'54" EAST 31.06 FEET; THENCE NORTH 03°11'40" WEST 29.83 FEET; THENCE NORTH 06°59'57" EAST 148.23 FEET; THENCE SOUTH 90°00'00" WEST 0.48 FEET; THENCE NORTH 00°00'00" WEST 12.47 FEET; THENCE NORTH 90°00'00" EAST 13.14 FEET; THENCE SOUTH 00°00'00" EAST 12.47 FEET; THENCE SOUTH 90°00'00" WEST 2.59 FEET; THENCE SOUTH 06°59'57" WEST 148.57 FEET; THENCE SOUTH 03°11'40" EAST 36.96 FEET; THENCE SOUTH 74°15'54" WEST 41.48 FEET; THENCE SOUTH 02°14'04" EAST 32.88 FEET; THENCE SOUTH 87°45'56" WEST 31.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 9,742 SQUARE FEET, MORE OR LESS.

NOTES:

1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 2011 ADJUSTMENT, FL-E ZONE, WITH THE SOUTH LINE OF BLOCK 45 N BEING N87°45'56"E
3. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
4. ALL RECORDED DOCUMENTS ARE PER MIAMI-DADE COUNTY PUBLIC RECORDS.

CLIENT: ATLANTIC PACIFIC COMPANIES

SCALE: N/A

DRAWN: L.S.

ORDER NO.: 72516B

DATE: 3/20/24; REV 3/25/24, 3/27/24

FPL EASEMENT

MIAMI-DADE COUNTY, FLORIDA

FOR: BLOCK 45

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
- VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
- MICHAEL M. MOSSEY, PROFESSIONAL SURVEYOR AND MAPPER PSM5660
STATE OF FLORIDA

SKETCH AND LEGAL DESCRIPTION

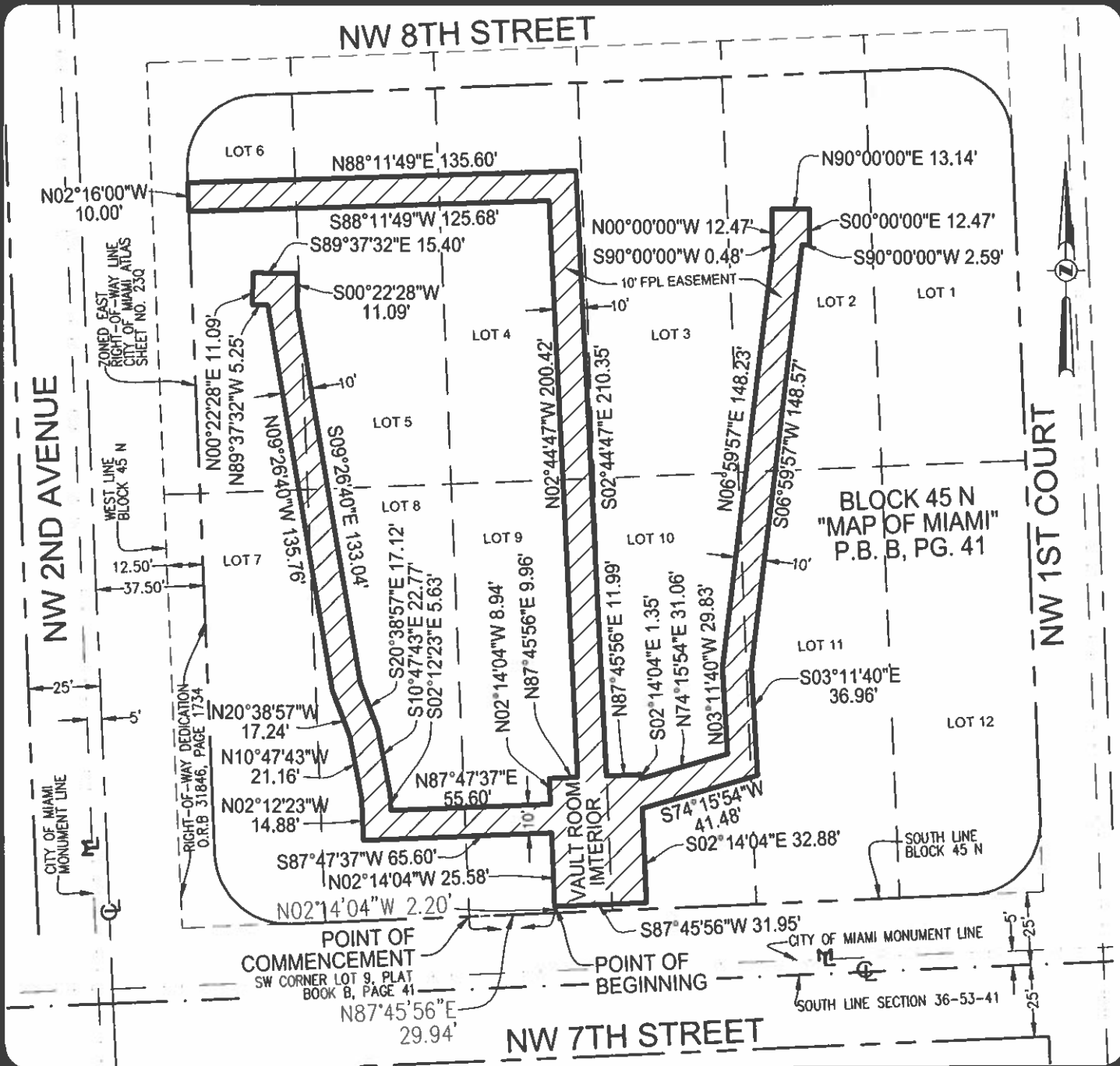
BY

PULICE LAND SURVEYORS, INC.

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SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



CLIENT: ATLANTIC PACIFIC COMPANIES	
SCALE: 1" = 50'	DRAWN: L.S.
ORDER NO.: 72516B	
DATE: 3/20/24; REV 3/25/24, 3/27/24	
FPL EASEMENT	
MIAMI-DADE COUNTY, FLORIDA	
FOR: BLOCK 45	

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND & ABBREVIATIONS:

FPL FLORIDA POWER AND LIGHT COMPANY
O.R.B. OFFICIAL RECORDS BOOK
☉ CENTERLINE
☒ CITY OF MIAMI MONUMENT LINE