

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A NON-EXCLUSIVE UTILITY EASEMENT, IN THE FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "1", IN FAVOR OF FLORIDA POWER AND LIGHT (FPL), OF APPROXIMATELY 9,831 SQUARE FEET; SAID EASEMENT LYING WITHIN A PORTION OF SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42 EAST, OF MIAMI-DADE COUNTY, FOR THE INSTALLATION OF AN ELECTRICAL DUCT BANK AND ASSOCIATED EQUIPMENT, IN ORDER TO SERVE THE NEW PARK WHICH WILL BE DEVELOPED BETWEEN CONVENTION CENTER DRIVE AND MERIDIAN AVENUE, AND BETWEEN 18 STREET AND 19 STREET.**

**WHEREAS**, on January 16, 2019, the City entered into a Construction Contract with Critical Path Services, Inc., to construct an urban park (the Park) to replace the existing surface parking lot located west of Convention Center Drive; and

**WHEREAS**, to provide electrical service to the new Park, Florida Power and Light (FPL) will require an easement, having approximately 9,831 square feet, for the installation and maintenance of a 9 conduit duct bank located on the City's property; and

**WHEREAS**, the FPL duct bank will service the Park from an existing FPL manhole located within the public right-of-way of 19th Street, and will run across the Park property, parallel to Convention Center Drive, connecting to the Park's electrical service panels on 18th street; and

**WHEREAS**, FPL requires the execution of a non-exclusive easement to install the portion of the duct bank within the property limits and place its electrical service equipment within the Park (the Easement Area); and

**WHEREAS**, the easement grants FPL access to install, service and maintain the duct bank and equipment located in the Easement Area; and

**WHEREAS**, the project team have expended time and resources assessing the site conditions and have determined this to be the most suitable route for the FPL duct bank and appurtenances required to provide electrical service to the Park; and

**WHEREAS**, the Administration recommends approving, in substantial form, the non-exclusive easement to FPL, incorporated herein by reference and attached to this Resolution as Exhibit "1", to provide electrical service to the new Park.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute, in the form attached to this Resolution as Exhibit "1", a non-exclusive utility easement in favor of Florida Power and Light (FPL), of approximately 9,831 square feet; said easement lying within a portion of section 34, township 53 south, range 42 east, of Miami-Dade County, for the installation of an electrical duct bank and associated equipment in order to serve the new Park which will be developed between Convention Center Drive and Meridian Avenue, and between 18 Street and 19 Street.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

9/20/19  
\_\_\_\_\_  
Date

Work Request No. \_\_\_\_\_

Sec. 34, Twp 53 S, Rge 42 E

Parcel I.D. 02-3227-000-0090  
(Maintained by County Appraiser)

## UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Brian T. Bellino, PSM  
Co. Name: City of Miami Beach  
Address: 1700 Convention Center Dr  
Miami Beach, FL 33139

Exhibit 1

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 attached Legal Description and Sketch

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:

City of Miami Beach

\_\_\_\_\_  
(Witness' Signature)

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

Print Name: \_\_\_\_\_  
(Witness)

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

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

\_\_\_\_\_  
(Witness' Signature)

Print Name: \_\_\_\_\_  
(Witness)

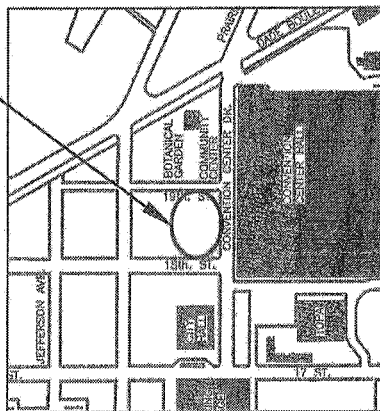
STATE OF \_\_\_\_\_ AND COUNTY OF \_\_\_\_\_. The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_ a \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification, and who did (did not) take an oath.  
(Type of Identification)

My Commission Expires:

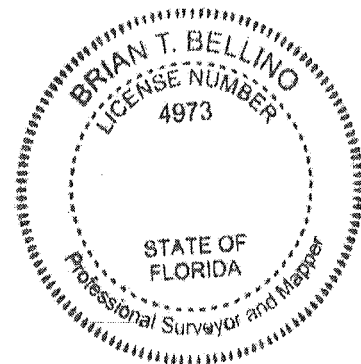
\_\_\_\_\_  
Notary Public, Signature

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

SITE



NOT TO SCALE



### LEGAL DESCRIPTION:

BEING AN EASEMENT LYING IN A PORTION OF SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 7, BLOCK 7, ACCORDING TO THE AMENDED PLAT OF GOLF COURSE SUBDIVISION, OF THE ALTON BEACH REALTY COMPANY, AS RECORDED IN PLAT BOOK 6, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THENCE N88°02'16"E, ALONG THE EASTERLY EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF 19TH STREET (RIGHT OF WAY BEING 40 FEET IN WIDTH ACCORDING TO SAID PLAT) A DISTANCE OF 162.14 FEET; THENCE S01°57'44"E A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE S 00°42'00" E A DISTANCE OF 16.40 FEET, TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 3.63 FEET, THE CHORD WHICH BEARS S 48°25'44" E; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 95°27'28" A DISTANCE OF 6.05 FEET; THENCE N 88°03'17" E A DISTANCE OF 38.48 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 53.36 FEET, A CHORD WHICH BEARS S 82°47'13" E; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°28'24" A DISTANCE OF 23.72 FEET; TO A POINT OF COMPOUND CURVE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 97.56 FEET, A CHORD WHICH BEARS S 32°11'27" E; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°53'13" A DISTANCE OF 86.64 FEET TO A POINT OF COMPOUND CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 177.08 FEET, A CHORD WHICH BEARS S 05°01'22" E; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°22'35" A DISTANCE OF 28.98 FEET; THENCE S 01°56'56" E A DISTANCE OF 328.32 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 61.21 FEET, A CHORD WHICH BEARS S 10°44'40" W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°52'21" A DISTANCE OF 14.82 FEET TO A POINT OF COMPOUND CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 43.28 FEET, A CHORD WHICH BEARS S 59°22'22" W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 57°02'52" A DISTANCE OF 43.09 FEET; THENCE S 87°19'17" W A DISTANCE OF 95.57 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE, SAID POINT ALSO HEREINAFTER REFERRED TO AS POINT "A"

BEGIN AT POINT "A"; THENCE S 01°57'44" E A DISTANCE OF 13.50 FEET; THENCE S 88°02'16" W A DISTANCE OF 138.63 FEET; THENCE N 01°57'44" W A DISTANCE OF 10.00 FEET; THENCE N 88°02'16" E A DISTANCE OF 65.63 FEET; THENCE N 01°57'44" W A DISTANCE OF 23.50 FEET; THENCE S 88°02'16" E A DISTANCE OF 73.00 FEET; THENCE S 01°57'44" E A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

THE SIDE LINES OF SAID 10 FOOT EASEMENT LYING 5 FEET ON EACH SIDE OF THE PREVIOUSLY DESCRIBED CENTERLINE.

CONTAINING 9,831 SQUARE FEET MORE OR LESS.

### SURVEYOR'S NOTES:

1. THE SKETCH IS NOT A BOUNDARY SURVEY. THIS NOTE IS REQUIRED BY RULE 6J-17.053(5)(b) FAC
2. BEARINGS SHOWN HEREON ARE BASE UPON FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE NAD 1983/90, REFERENCED TO THE NORTHERLY EASTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF 19TH STREET WHICH IS ASSUMED TO BEAR N88°02'16"E.
3. THE LEGAL DESCRIPTION AND SKETCH OF WAS PREPARED BY THE SIGNING SURVEYOR. HOWEVER IS BASED UPON THE SKETCH AND LEGAL DESCRIPTION IS BASED UPON AS-BUILT INFORMATION PROVIDED BY OTHERS INCLUDING THE LOCATION OF THE ELECTRIC FACILITIES.
4. THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. THE LEGAL DESCRIPTION AND SKETCH OF DESCRIPTION IS NOT FULL AND COMPLETE WITHOUT A SHEETS L-1 THROUGH L-2.

### CERTIFICATION:

I HEREBY CERTIFY: THIS "LEGAL DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS DESCRIBED AND DRAWN UNDER MY DIRECTION, AND THAT IT MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER FJ-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

*B. T. Bellino* 9-18-19

BRIAN T. BELLINO  
CITY SURVEYOR MANAGER  
PROFESSIONAL SURVEYOR AND MAPPER NO.4973

THE LEGAL DESCRIPTION AND THE SKETCH OF DESCRIPTION IS NOT FULL AND COMPLETE WITHOUT ALL SHEETS (L-1 THROUGH L-2.)

**MIAMI BEACH**  
PUBLIC WORKS DEPARTMENT  
1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL 33139

ACCEPTED BY:

*B.T.B.*

BRIAN T. BELLINO  
CITY SURVEYOR

REVISED

09/16/2019  
09/18/2019

TITLE:

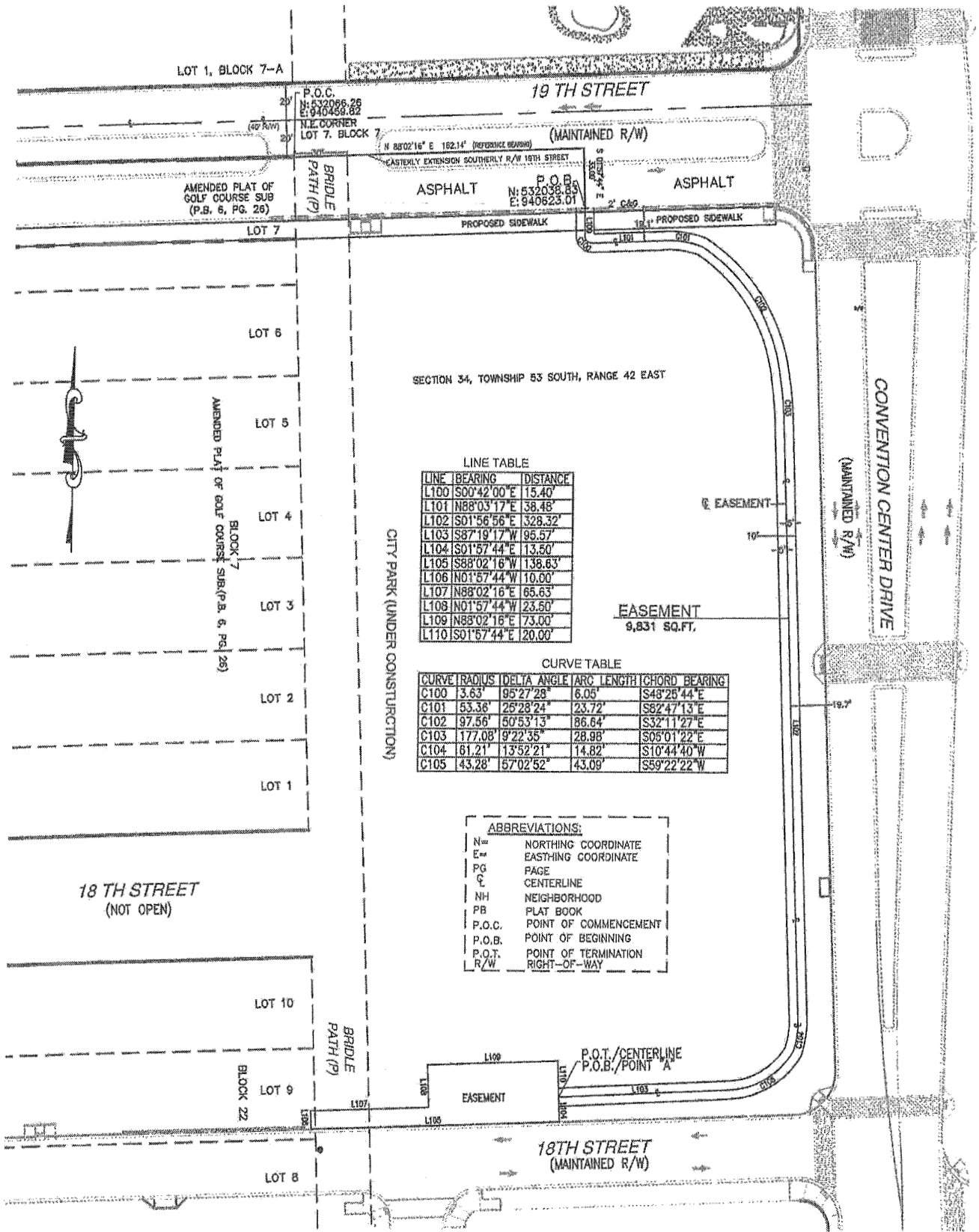
**CITY CENTER NH - PARK  
FPL EASEMENT**

**L-1**

PROJECT NO.  
SM-2019K

SM 2019K.dwg

F:\WORK\B\ALL-CAD-DWG\PROJECTS\SM 2019K\_N09\_CITY CENTER\_FPL EASEMENT\_



SKETCH OF DESCRIPTION  
SCALE: 1"=100' (8.5" X 11" SHEET)