

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 TWO (2) NON-EXCLUSIVE UTILITY EASEMENTS, IN THE FORM ATTACHED TO THIS RESOLUTION, IN FAVOR OF FLORIDA POWER AND LIGHT FOR THE FOLLOWING LOCATIONS: (I) AN EASEMENT BEING LOCATED ALONG THE SOUTHERLY LINE OF THE PENNSYLVANIA AVENUE GARAGE CONDOMINIUM, CONTAINING APPROXIMATELY 46 SQUARE FEET (ATTACHMENT A) AND (II) AN ADDITIONAL EASEMENT AREA SOUTHERLY OF, AND ADJACENT TO, THE AREA DESCRIBED IN ATTACHMENT A, LOCATED IN A PORTION OF THE NORTHEAST ¼ OF SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42 EAST, CONTAINING APPROXIMATELY 146 SQUARE FEET (ATTACHMENT B), IN ORDER TO INSTALL, OPERATE AND MAINTAIN AN ELECTRICAL TRANSFORMER FOR THE TESLA SUPERCHARGER STATIONS WHICH ARE PROJECTED TO BE INSTALLED IN THE PENNSYLVANIA AVENUE PARKING GARAGE, LOCATED AT 1661 PENNSYLVANIA AVENUE, PURSUANT TO AN APPROVED CONCESSION AGREEMENT WITH TESLA; PROVIDED, HOWEVER, THAT THE EXECUTION OF SAID EASEMENTS SHALL BE CONTINGENT UPON THE CONCESSION AGREEMENT BEING EXECUTED AND IN COORDINATION WITH THE PROJECT SCHEDULE.

WHEREAS, on October 16, 2019, the Mayor and City Commission waived the formal competitive bidding requirement, by a 5/7ths vote, and approve, in substantial form, a Concession Agreement, between the City and Tesla Motors, Inc., to install, operate and maintain self-service electric vehicle supercharger stations at certain City Municipal Parking Facilities for a term of nine (9) years; and further authorize the Mayor and City Clerk to execute the final agreement; and

WHEREAS, the approved Concession Agreement approved the initial installation of ten (10) electric vehicle charging stations (Tesla Supercharger Stations) at the Pennsylvania Avenue Parking Garage, located at 1661 Pennsylvania Avenue; however, the parties have not finalized and executed the Concession Agreement; and

WHEREAS, in connection with the installation of these initial Tesla Supercharger Stations, Tesla needs to install an electrical transformer in close proximity to the Garage; and

WHEREAS, Florida Power and Light will be installing the required transformer and, in connection therewith, will require two utility easements at the following locations, encompassing the area where the transformer will be installed: (i) along the southerly line of the Pennsylvania Avenue Garage Condominium, containing approximately 46 square feet (attachment A) and (ii) an additional easement area southerly of, and adjacent to, the area described in attachment A, containing approximately 146 square feet (attachment B); and

WHEREAS, the easements grant FPL access to install, service and maintain the electrical transformer to be located on the City's property; and

WHEREAS, the Administration recommends approving and authorizing the execution of the non-exclusive easements to FPL, in the form attached to this Resolution as Attachments "A"

and "B", to provide electrical service to the Tesla Supercharger Stations slated to be installed at the Pennsylvania Avenue Garage; provided, however, that the execution of the easements shall be contingent upon the Concession Agreement being executed and in coordination with the project schedule.

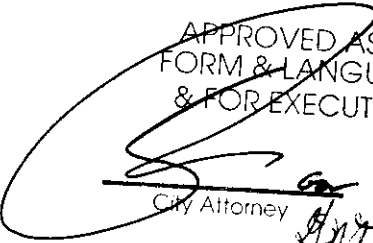
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the Mayor and City Clerk to execute two (2) non-exclusive utility easements, in the form attached to this Resolution, in favor of Florida Power and Light for the following locations: (i) an easement being located along the southerly line of the Pennsylvania Avenue Garage Condominium, containing approximately 46 square feet (attachment A), and (ii) an additional easement area southerly of, and adjacent to, the area described in attachment A, located in a portion of the northeast ¼ of section 34, township 53 south, range 42 east, containing approximately 146 square feet (attachment B), in order to install, operate and maintain an electrical transformer for the Tesla Supercharger Stations which are projected to be installed in the Pennsylvania Avenue Parking Garage, located at 1661 Pennsylvania Avenue, pursuant to an approved Concession Agreement with Tesla; provided, however, that the execution of said easements shall be contingent upon the Concession Agreement being executed and in coordination with the project schedule.

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
10/22/19
Date

Work Request No. _____

Sec. 34, Twp 53 S, Rge 42 E

Parcel I.D. 02-3234-228-0001
(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Alan J. Naumowicz, PSM
Co. Name: Clark Land Surveying Inc.
Address: 177 S. Tiffany Dr. Unit 1
Pueblo West, Co 81007

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 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 described as follows:

Reserved for Circuit Court

See Attachment A ("Easement Area")

Together with the right to permit FPL to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for FPL's 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 heretofore described, 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 _____, 2019.

Signed, sealed and delivered in the presence of:

City of Miami Beach

(Witness' Signature)

By: _____

Print Name: _____
(Witness)

Print Name: _____

(Witness' Signature)

Print Address: _____

Print Name: _____
(Witness)

STATE OF FLORIDA AND COUNTY OF MIAMI-DADE. The foregoing instrument was acknowledged before me this _____ day of _____, 201, by _____, the _____ of the City of Miami Beach, 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 _____

Attachment A

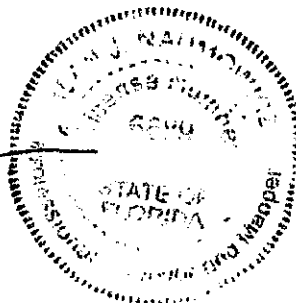
**EXHIBIT A
UTILITY EASEMENT****ATTACHMENT A**

October 9, 2019

A portion of the Pennsylvania Parking Garage Condominium, recorded April 20, 2012, in Book 28080, Page 4536 in the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCING at the southwest corner of said Pennsylvania Parking Garage Condominium; thence along the southerly line of said Pennsylvania Parking Garage Condominium, N88°00'28"E (Bearings are relative to the Grid North FL East Zone), a distance 43.51 feet to the **POINT OF BEGINNING**; thence leaving said southerly line, N02°04'56"W, a distance of 3.65 feet; thence N87°55'04"E, a distance 12.50 feet; thence S02°04'56"E, a distance of 3.67 feet to a point on said southerly line; thence along said southerly line, S88°00'28"W, a distance of 12.50 feet to the **POINT OF BEGINNING**.

Containing 46 S.F. or 0.002 acres, more or less.

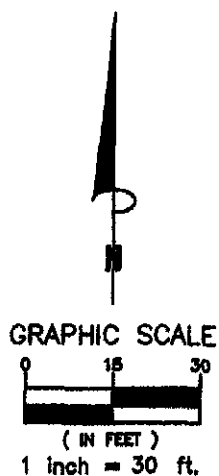


Alan J. Naumowicz
Florida Professional Surveyor and Mapper No. 6889
For and on behalf of Clark Land Surveying, Inc.

EXHIBIT A UTILITY EASEMENT

PENNSYLVANIA PARKING GARAGE CONDOMINIUM
ORB 28080, PAGE 4536

LINE	BEARING	DISTANCE
L1	N02°04'56"W	3.65'
L2	N87°55'04"E	12.50'
L3	S02°04'56"E	3.67'
L4	S88°00'28"W	12.50'



PENNSYLVANIA AVENUE
(30' PUBLIC R.O.W.)

N02°07'51"W 375.31'

N02°00'30"W 305.90'

43.51' (TIE)
SOUTHERLY LINE

POC
S.W. CORNER
N = 530749.71
E = 941048.96

UTILITY EASEMENT
(46 SQ. FT. ±)
(0.002 ACRES ±)

POB
N = 530751.22
E = 941092.44

S88°00'28"W 363.73'

LINCOLN LANE
(20' PUBLIC R.O.W.)

NOTE:

This EXHIBIT does not represent a monumented land survey, and is only intended to depict the attached LEGAL DESCRIPTION.

Bearings are based upon Florida State Plane East (Zone 0901)

ABBREVIATIONS:

R.O.W. = Right-of-way
POC = Point of Commencement
POB = Point of Beginning
N = Northing
E = Easting
ORB = Official Records Book

Project No:
181078

Drawn: IGV/AMF
Check: AJN

Date: 10/09/2019
Sheet 2 of 2

Clark
Land Surveying, Inc.
177 S. Tiffany Dr., Unit 1 • Pueblo West, CO 81007 • 719.582.1270
www.clarkls.com

Work Request No. _____

Sec. 34 Twp 53 S, Rge 42 E

Parcel I.D. 92-3227-000-0090
(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: Alan J. Naumowicz, PSM
Co. Name: Clark Land Surveying Inc.
Address: 177 S. Tiffany Dr. Unit 1
Pueblo West, Co 81007

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 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 described as follows:

Reserved for Circuit Court

See Attachment B ("Easement Area")

Together with the right to permit FPL to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for FPL's 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 heretofore described, 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 _____, 2019.

Signed, sealed and delivered in the presence of:

City of Miami Beach

(Witness Signature)

By: _____

Print Name: _____
(Witness)

Print Name: _____

(Witness Signature)

Print Address: _____

Print Name: _____
(Witness)

STATE OF FLORIDA AND COUNTY OF MIAMI-DADE. The foregoing instrument was acknowledged before me this _____ day of _____, 201, by _____, the _____ of the City of Miami Beach, 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 _____

Attachment B

**EXHIBIT A
UTILITY EASEMENT**


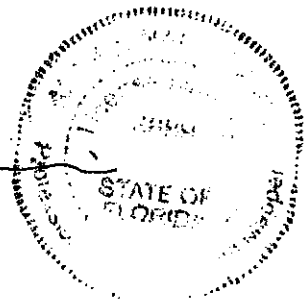
ATTACHMENT B

October 9, 2019

A portion of the Northeast 1/4 of Section 34, Township 53 South, Range 42 East, Miami-Dade County, Florida, being more particularly described as follows:

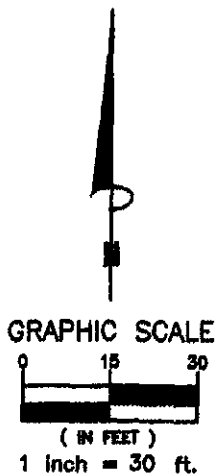
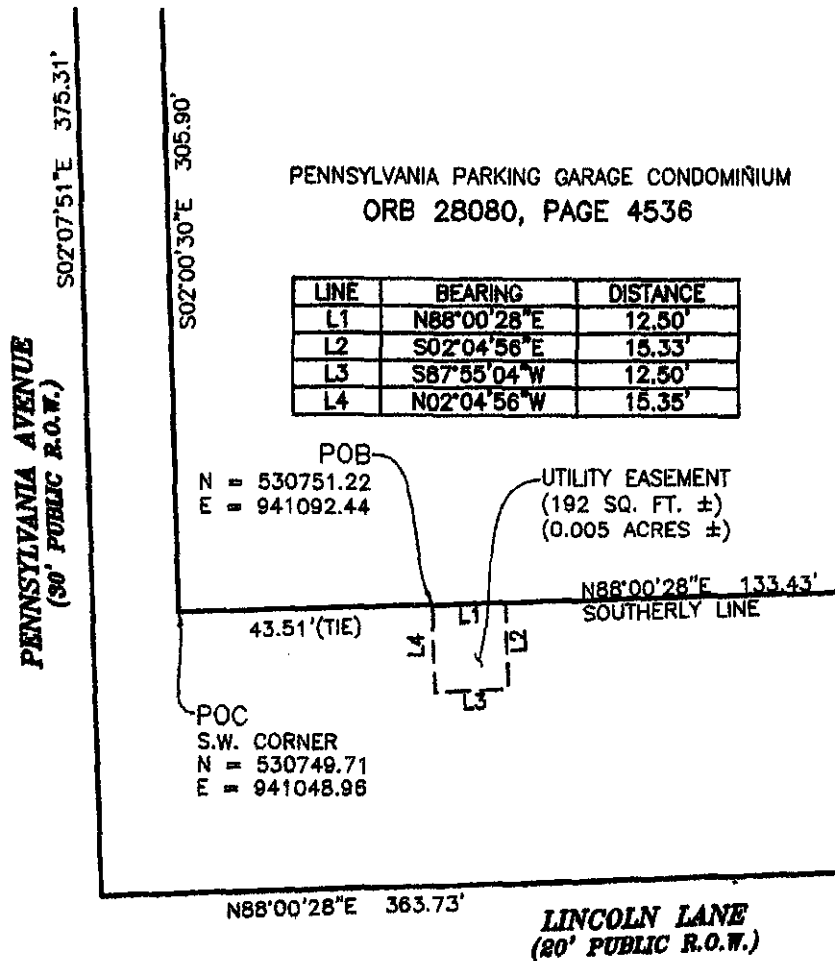
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Containing 192 S.F. or 0.005 acres, more or less.

Alan J. Naumowicz
Florida Professional Surveyor and Mapper No. 6689
For and on behalf of Clark Land Surveying, Inc.

EXHIBIT A UTILITY EASEMENT



NOTE:

This EXHIBIT does not represent a monumented land survey, and is only intended to depict the attached LEGAL DESCRIPTION.

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Project No: 181078	Drawn: IGW/AMF Check: AJN	Date: 10/09/2019 Sheet 2 of 2
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Clark

Land Surveying, Inc.

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