

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AND RECORD A NON-EXCLUSIVE UTILITY EASEMENT OF APPROXIMATELY 24,916 SQUARE FEET, IN FAVOR OF FLORIDA POWER & LIGHT COMPANY (FPL), AT THE EXISTING CITY OWNED PARKING LOT (P92), FUTURE LOCATION OF THE 72 STREET COMMUNITY COMPLEX, LOCATED BETWEEN 72 STREET AND 73 STREET, AND BETWEEN COLLINS AVENUE AND HARDING AVENUE, FOR THE RELOCATION OF THE OVERHEAD TRANSMISSION LINES ALONG THE PROPOSED 25 FOOT WIDE EASEMENT ON A PORTION OF GOVERNMENT LOT 6, SECTION 2 TOWNSHIP 53 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA.**

**WHEREAS**, on July 31, 2019, the Mayor and City Commission, via Resolution 2019-30933, directed staff to proceed with a feasibility study and to begin the preparation of the Design Criteria Package for the 72 Street Community Center Project (the "Project"), located at 263-299 72 Street, the site that is currently used as City Parking Lot 92; and

**WHEREAS**, the Administration and the design criteria professional for the Project, Desman, Inc. (the "Design Criteria Professional"), have met with the Project's stakeholders to discuss and refine Project requirements; and

**WHEREAS**, existing overhead FPL transmission lines currently bisect the site, supported by utility poles located within the parking lot; and

**WHEREAS**, the feasibility study reviewed options for relocating the transmission lines, and determined that a relocation of the power lines would provide the eventual design-builder with more design flexibility in the location of the structures, and may lead to increased efficiency and creativity of design; and

**WHEREAS**, City staff met with FPL to discuss the relocation of the FPL transmission lines, and FPL provided a non-binding preliminary estimate with two (2) options:

(1) the first option assumed a commitment by the City after November 1, 2019, at a cost of \$1,583,600, with the FPL construction work taking place in 2021; and

(2) the second option assumed a commitment prior to November 1, 2019, the estimated cost for this option at \$1,028,600, saving the City \$555,000 through reductions in FPL planned system hardening, with FPL construction commencing in September 2020; and

**WHEREAS**, in addition, FPL proposed undergrounding the overhead lines, but FPL cannot, at this time, provide a budget or construction timeline, as it would require additional engineering; however, FPL estimated that the underground alternative would have a cost range of ten to fifteen times greater than the non-binding cost options for above ground relocation; and

**WHEREAS**, the Administration ultimately decided to proceed with the second option identified above, with an estimated cost of \$1,028,600, resulting in savings in the estimated amount of \$555,000 through reductions in FPL planned system hardening, with FPL's construction commencing in September 2020; and

**WHEREAS**, subsequent to the Administration's initial meetings with FPL, and FPL's preparation of a non-binding cost estimate, the City Commission, on October 16, 2019, approved Resolution 2019-31048, authorizing the sole source purchase for the preparation of a detailed Design and Binding Estimate, by FPL, for the relocation of the overhead transmission lines and associated power poles, in the amount of \$154,180.00; and

**WHEREAS**, City staff has met with FPL on several occasions, including during the exploratory (soft dig) site investigation work, and had multiple conversations regarding the proposed transmission power pole location and routing of the overhead power lines; and

**WHEREAS**, the overhead transmission lines and associated power poles will be rerouted, generally along the property line, in a westerly direction from its current location along 72nd Street then north on Harding Avenue to 73rd Street, then east along 73rd Street and tying into the existing lines in the alleyway on the north side of 73rd Street; and

**WHEREAS**, on May 13, 2020, the City Commission adopted Resolution 2020-31255 approving an agreement with FPL for the relocation of the overhead transmission lines and associated power poles for the total cost of \$849,765.13; and

**WHEREAS**, a previously conducted property title revealed that there is no existing FPL easement corresponding to the location of the existing overhead FPL transmission lines that bisect the site; and

**WHEREAS**, in order for FPL to install, operate and maintain their facilities, the City must establish and record a non-exclusive 25' wide utility easement within the City property, having a total area of approximately 24,916 square feet; and

**WHEREAS**, the City Manager recommends approving the non-exclusive FPL easement, incorporated herein by reference and attached hereto as Attachment B.

**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 the City Clerk to execute and record a non-exclusive utility easement of approximately 24,916 square feet, in favor of Florida Power & Light Company (FPL), at the existing City owned parking Lot (P92), future location of the 72 Street Community Complex, located between 72 Street and 73 Street, and between Collins Avenue and Harding Avenue, for the relocation of the overhead transmission lines along the proposed 25 foot wide easement on a portion of Government Lot 6, Section 2 Township 53 South, Range 42 East, Miami-Dade County, Florida.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

**ATTEST:**

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

6/15/2020  
Date

Work Request No. \_\_\_\_\_  
Sec. 2, Twp 53 S, Rge 42 E  
Parcel I.D. 02-3202-000-0020  
(Maintained by County Appraiser)

**EASEMENT  
(BUSINESS)**

This Instrument Prepared By

Name: Brian T. Bellino, P.S.M.  
Co. Name: City of Miami Beach  
Address: 1700 Convention Center Dr.  
Miami Beach, Florida 33141

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 Exhibit "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 \_\_\_\_\_, 2020.

Signed, sealed and delivered in the presence of:

City of Miami Beach

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

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

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

Print Name: Dan Gelber, Mayor

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

Print Address: 1700 Convention Center Drive 4th Floor

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

Miami Beach, Florida 33139

The foregoing instrument was acknowledged before me, by means of ( ) physical presence or ( ) online notarization.

Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County and State aforesaid.

(Type of Identification)

My Commission Expires:

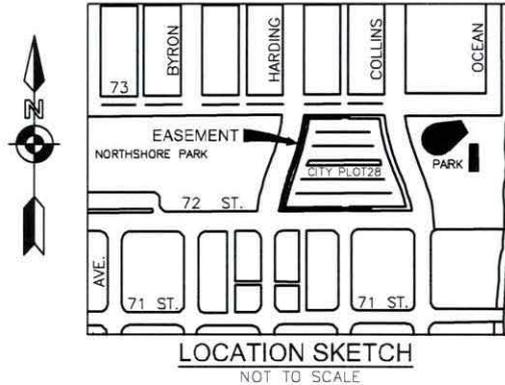
\_\_\_\_\_  
Notary Public, Signature

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

**Attachment "B"**

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

(THIS DOCUMENT CONTAINS 3 SHEETS AND SHALL NOT BE CONSIDERD FULL AND COMPLETE WITHOUT THE LEGAL DESCRIPTION SHEET 1, SKETCH SHEET 2, NOTES AND LEGEND SHEET 3)



**LEGAL DESCRIPTION:**

Being an Easement lying in a portion of Government Lot 6, Section 2, Township 53 South, Range 42 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Point of Intersection of the Easterly right of way line of Harding Avenue (State Road A1A) with the Northerly right of way line of 72nd Street, said Northerly right of way line being parallel to and 70.00 feet Northerly of, as measured at right angles to, the South line of aforesaid Government Lot 6, as shown on the Florida Department of Transportation Right of Way Map, Section 87060, Project Number 2507471, said point also being the beginning of a curve concave to the East having a Radius of 623.36 feet, the Chord which Bears N11°53'18"E; Thence Northerly along the Arc of said curve, through a Central Angle of 15°46'00" a distance of 171.54 feet to a Point of Reverse Curvature of a curve concave to the West having a Radius of 687.50 feet a Chord which Bears N09°52'16"E; Thence continue Northerly along the Arc of said curve, through a Central Angle of 19°48'05" a distance of 237.60 feet; Thence N87°05'45"E, along the Southerly right of way line of 73rd Street according to said Florida Department of Transportation Right of Way Map, a distance of 195.86 feet; Thence S02°54'15"E a distance of 25.00 feet;

The following four (4) courses and distances lying 25 feet from as measured at right angles to and parallel with the Southerly, Easterly, and Northerly of the right of way lines for 73rd Street, the Easterly right of way line of Harding Ave and the Northerly right of way line of 72nd Street. The following four (4) courses being described as follows:

(1) Thence S87°05'45"W a distance of 172.48 feet to the beginning of a curve (2) concave to the West having a Radius of 712.50 feet, the Chord which Bears S10°49'41"W; Thence southerly along the Arc of said curve, through a Central Angle of 17°53'15" a distance of 222.44 feet to a point of reverse curvature (3) of a curve concave to the east having a radius of 598.36 feet, the Chord which Bears S13°13'54"W; thence continue southerly along the arc of said curve, through a central angle of 13°04'50" a distance of 136.60 feet; (4) Thence N87°35'16"E a distance of 414.00 feet; Thence S02°23'25"E a distance of 25.00 feet to the intersection with the said Northerly right of way line of 72 Street; Thence S87°35'16"W along said Northerly right of way line a distance of 442.62 feet; to the Point of Beginning:

Containing 24,916 Square Feet or 0.6 Acres more or less.

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT: in the professional opinion of the undersigned Professional Surveyor and Mapper in the State of Florida the following SKETCH TO ACCOMPANY LEGAL DESCRIPTION is in compliance and meets the requirements of the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mapper in Rule 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Staures. Copies of the Sketch to Accompany Legal Description is not valid without the signature and seal of a Florida Licensed Surveyor and Mapper.

The seal appearing on this document was authorized by Brian T. Bellino, PSM No.4973 on May 18, 2020.

BRIAN T. BELLINO, PSM  
 City Surveyor Manager  
 Professional Surveyor and Mapper  
 State of Florida Reg. No.4973  
 Date: 06/08/2020

**EXHIBIT "A"**

THIS IS NOT A SURVEY

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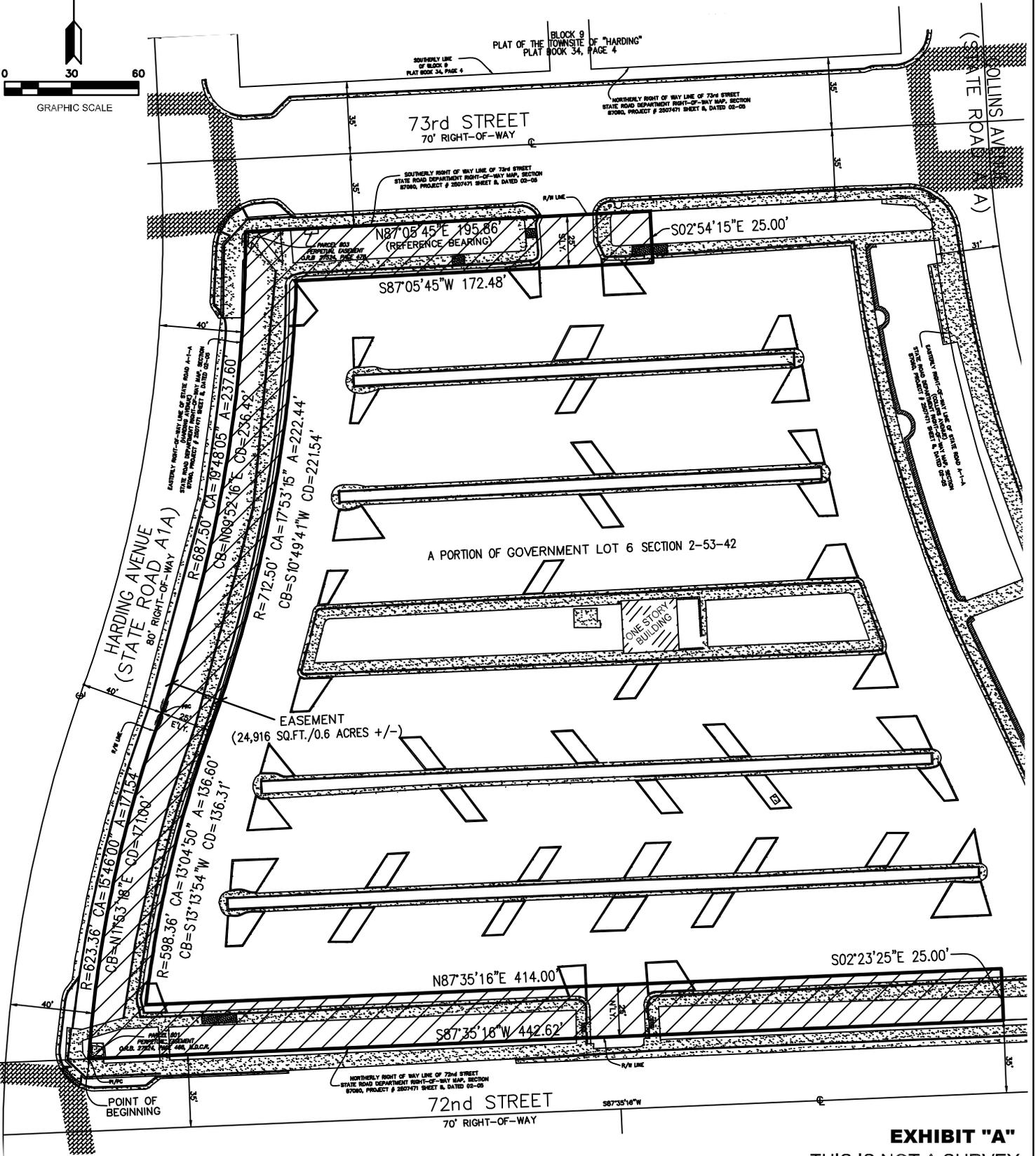
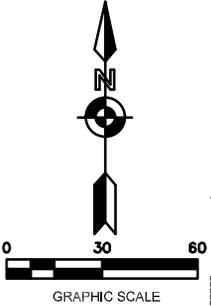
ACCEPTED BY:	REVISED	TITLE:
<i>BTB</i>		
BRIAN T. BELLINO		
CITY SURVEYOR		

**CITY PARKING LOT P92  
 FPL EASEMENT**

**S-2**  
 PROJECT NO.  
 SM 2019M

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(THIS DOCUMENT CONTAINS 3 SHEETS AND SHALL NOT BE CONSIDERD FULL AND COMPLETE WITHOUT THE LEGAL DESCRIPTION SHEET 1, SKETCH SHEET 2, NOTES AND LEGEND SHEET 3)



**EXHIBIT "A"**  
THIS IS NOT A SURVEY

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**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

(THIS DOCUMENT CONTAINS 3 SHEETS AND SHALL NOT BE CONSIDERED FULL AND COMPLETE WITHOUT THE LEGAL DESCRIPTION SHEET 1, SKETCH SHEET 2, NOTES AND LEGEND SHEET 3)

**SURVEYOR'S NOTES:**

1. Bearings shown hereon are referenced to the southerly right of way of 73rd Street per FDOT Right of Way Map of Section No.87060-2503, Sheet 8, which bears N87°05'45"E.
1. This Sketch to Accompany Legal Description document contains three Sheets (1.) Legal Description/Certification, (2.) Sketch of Legal Description (3.) Notes/Legend and is not full and complete without all sheets.
2. Coordinates (if shown) are relative to the North American Datum of 1983, 2011 adjustment (NAD 83/2011) and is referenced to the Florida State Plane Coordinate System Florida East Zone.
3. The purpose of this Sketch to Accompany Legal Description was to prepare a Legal Description and Sketch of an Easement Area. This document is not valid without the signature of the Surveyor and an authorized seal by the Surveyor.
4. Ownership is subject to OPINION OF TITLE.
5. The subject right property shown hereon is located in a portion of Government Lot 6, Section 2, Township 53 South, Range 42 East.
6. The background image shown on the Sketch is for graphic reference purposes only.

**LEGEND & ABBREVIATIONS:**

POB	POINT OF BEGINNING	R=	RADIUS
FDOT	FL. DEPT. OF TRANSPORTATION	CA=	CENTRAL ANGLE
E'LY.	EASTERLY	A=	ARC DISTANCE
N'LY.	NORTHERLY	CB=	CHORD BEARING
S'LY	SOUTHERLY	CD=	CHORD DISTANCE
ORB	OFFICIAL RECORD BOOK	PRC	POINT OF REVERSE CURVE
PB	PLAT BOOK	PI	POINT OF INTERSECTION
PG	PAGE	PC	POINT OF CURVE
S.R.	STATE ROAD	REF.	REFERENCE
R/W	RIGHT-OF-WAY	AKA	ALSO KNOWN AS
Ⓢ	CENTER LINE	PSM	PROFESSIONAL SURVEYOR & MAPPER

**EXHIBIT "A"**

THIS IS NOT A SURVEY

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ACCEPTED BY:

REVISED:

TITLE:

*BTB*  
BRIAN T. BELLINO  
CITY SURVEYOR


**CITY PARKING LOT P92  
FPL EASEMENT**

**S-3**

PROJECT NO.  
SM 2019M