

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 UTILITY EASEMENT AGREEMENT, IN FAVOR OF FLORIDA POWER & LIGHT COMPANY, IN THE FORM ATTACHED TO THIS RESOLUTION (EXHIBIT A), FOR THE NON-EXCLUSIVE USE OF A 10 FOOT WIDE EASEMENT ON CITY PROPERTY, HAVING APPROXIMATELY 100 SQUARE FEET, LYING IN A PORTION OF SECTION 27, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AND ALSO LYING IN UN-NUMBERED LOTS LYING WESTERLY OF, AND ADJACENT TO, BLOCK 16 OF THE "AMENDED PLAT OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY", RECORDED IN PLAT BOOK 5, PAGE 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND WESTERLY OF AND ADJACENT TO. THE WESTERLY RIGHT OF WAY LINE FOR INDIAN CREEK DRIVE AND THE NORTHERLY RIGHT OF WAY LINE OF 31<sup>ST</sup> STREET , FOR THE INSTALLATION AND MAINTENANCE OF UNDERGROUND UTILITY FACILITIES INCLUDING, BUT NOT LIMITED TO, CABLES, CONDUITS, AND APPURTENANT EQUIPMENT.**

**WHEREAS**, on July 31, 2019, the Mayor and City Commission awarded the construction contract (ITB 2019-231-KB) for Indian Creek Phase III Improvements, from 25<sup>th</sup> to 41<sup>st</sup> street, approving Ric-Man Construction Florida, Inc., as the lowest responsive, responsible bidder to the ITB; and

**WHEREAS**, a major project component is the construction of a pump station including, but not limited to, installation of pumps, generator, and control cabinets, all of which need to be serviced by FPL; and

**WHEREAS**, in order for Florida Power and Light (FPL) to provide electrical service, FPL has to install a new FPL transformer concrete pad on City property; and

**WHEREAS**, in order for FPL to install, operate and maintain their facilities, the City must convey to FPL a non-exclusive 10' wide utility easement; and

**WHEREAS**, the proposed utility easement will have a total area of approximately 100 square feet, and will include the area from the manhole to the new pad mounted transformer (Easement Area); and

**WHEREAS**, the Administration recommends executing the Easement Agreement in favor of FPL, in the form attached to this Resolution, as Exhibit "A", for the non-exclusive use of the Easement Area, as more particularly described in the sketch and legal description attached thereto as Exhibit "A", in order to provide electrical service to an Indian Creek pump station, located on Indian Creek Drive, between 31<sup>st</sup> and 32<sup>nd</sup> street.

**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 a utility Easement Agreement, in favor of Florida Power & Light Company, in the form attached to this Resolution (Exhibit A), for the non-exclusive use of a 10 foot wide easement on City property, having approximately 100 square feet, lying in a portion of Section 27, Township 53 South, Range 42

East, and also lying in un-numbered lots lying westerly of, and adjacent to, Block 16 of the "Amended Plat of the Ocean Front Property of the Miami Beach Improvement Company", recorded in Plat Book 5, Page 8, of the Public Records of Miami-Dade County, Florida, and westerly of and adjacent to. the westerly right of way line for Indian Creek Drive and the northerly right of way line of 31<sup>st</sup> Street, for the installation and maintenance of underground utility facilities including, but not limited to, cables, conduits, and appurtenant equipment.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

**ATTEST:**

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

1-27-21  
Date

Work Request No. \_\_\_\_\_  
Sec. 27, Twp 53 S, Rge 42 E  
02-3226-001-1350  
Parcel I.D. 02-3226-001-1340  
(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 33139

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:

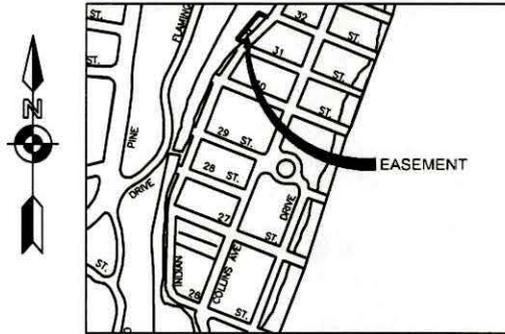
\_\_\_\_\_  
Notary Public, Signature

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



**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)



**LOCATION SKETCH**  
NOT TO SCALE

**LEGAL DESCRIPTION:**

Being an Easement lying in a portion Section 27, Township 53 South, Range 42 East and also lying in un-numbered lots lying westerly of and adjacent to State Road A1A/AKA Indian Creek Drive and also being westerly of and adjacent to Block 16 "Amended Plat of the Ocean Front Property of the Miami Beach Improvement Company" according to the Plat thereof as recorded in Plat 5, Pages 8, of the Public Record of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Point of Intersection of the Westerly right of way line of State Road A1A/AKA Indian Creek Drive with the Northerly right of way line of 31st Street/AKA 7th Street (Plat) said point also being the westerly exention of the Southerly line of said Block 16; Thence N46°35'16"E along the Westerly right of State Road A1A, AKA Indian Creek Drive, a distance of 98.35 feet to the POINT OF BEGINNING; Thence N43°24'44"W departing said westerly right of way line a distance of 10.00 feet; Thence N46°35'16"E parallell with the said Westerly right of way line of State Road A1A/AKA Indian Creek Drive, a distance of 10.00 feet; Thence S43°24'44"E to the intersection with the said Westerly right of way line of State Road A1A/AKA Indian Creek Drive, a distance of 10.00 feet; N46°35'16"E, along the said Westerly right of State Road A1A/AKA Indian Creek Drive, a distance of 10.00 feet to the POINT OF BEGINNING.

Containing 100 Square Feet 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 DESCIPTON 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 vaild 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 Decmenber 15, 2020.



*B.T. Bellino*

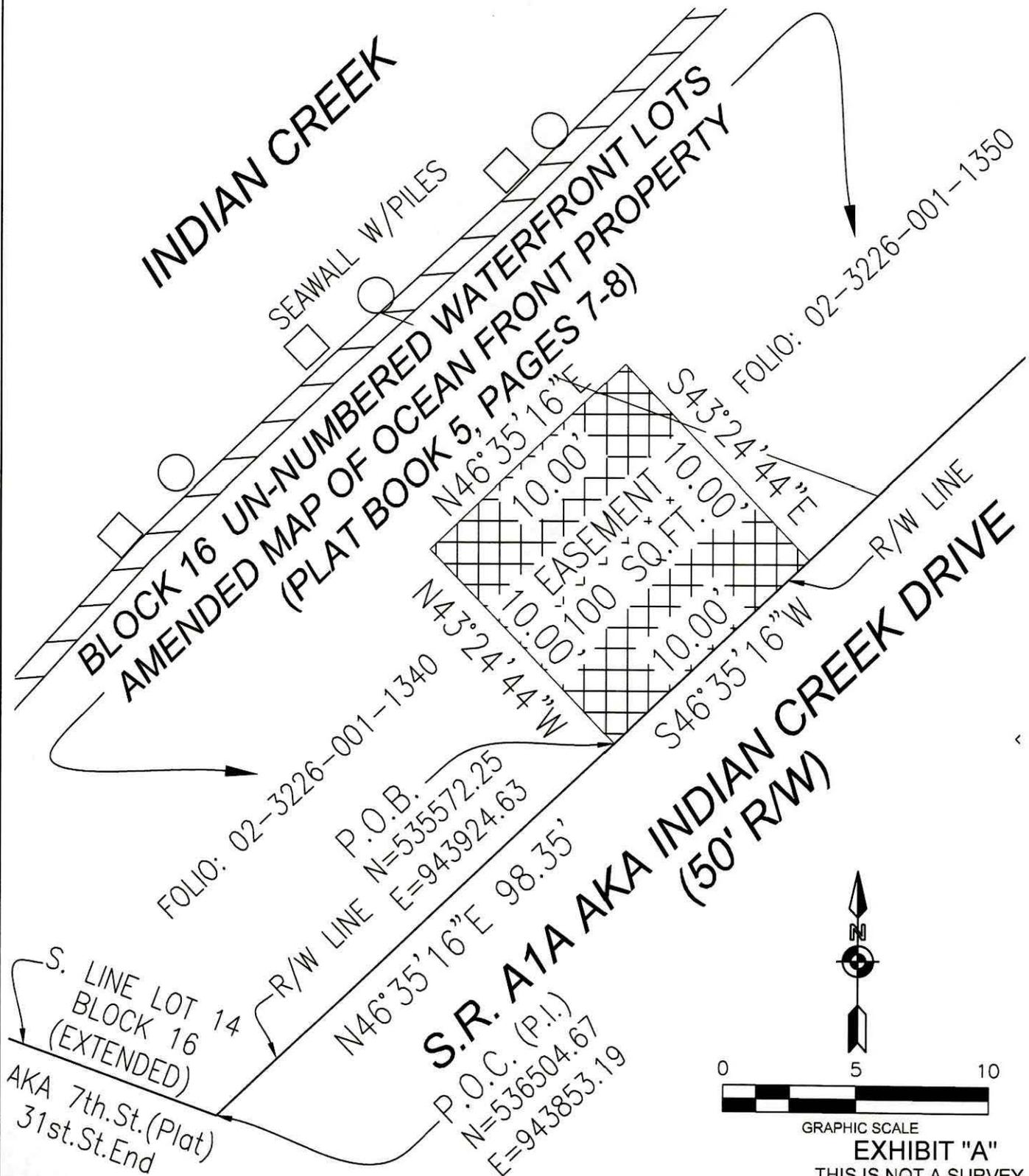
BRIAN T. BELLINO, PSM  
City Surveyor Manager  
Professional Surveyor and Mapper  
State of Florida Reg. No.4973  
Date: 12/15/2020

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

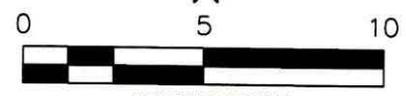
F:\WORK\BALL\CAD-DWG\PROJECTS\SM 2020K-OCEANFRONT-Sketch of Legal Description FPL Easement\_Indian Creek Drive\SM 2020K FPL ESMT\_Indian Crk Dr.dwg

**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)



F:\WORK\B\ALL\CAD-DWG\PROJECTS\SM 2020K\_OCEANFRONT\_Sketch of Legal Description FPL Easement\_ Indian Creek Drive\SM 2020K FPL ESMT\_ Indian Crk Dr.dwg



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

<p><b>MIAMI BEACH</b>                  PUBLIC WORKS DEPARTMENT  <small>1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL 33139</small></p>	ACCEPTED BY:	REVISED	TITLE:	<p><b>INDIAN CREEK DRIVE                  FPL EASEMENT</b></p>	<p><b>S-2</b>                  PROJECT NO.                  SM 2020K</p>
	<p>BRIAN T. BELLINO                  CITY SURVEYOR</p>	<p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p>		

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

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**SURVEYOR'S NOTES:**

1. Bearings shown hereon are referenced to the Westerly right of way of State Road A1A AKA Indian Creek Drive which is assumed to be N43°24'44"W.
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 or as provided in FS 5J-17-062.
4. Ownership is subject to OPINION OF TITLE.
5. The subject right property shown hereon is located in a portion of Section 27, Township 53 South, Range 42 East.
6. This is not a Survey. Above and/or underground utilities or other improvements have not been located or shown hereon. Call Sunshine 811 prior to any design or excavation of the subject area.

**LEGEND & ABBREVIATIONS:**

POC	POINT OF COMMENCEMENT	R=	RADIUS
POB	POINT OF BEGINNING	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	FDOT	FL. DEPT. OF TRANSPORTATION
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

F:\WORK\ALL\CAD-DWG\PROJECTS\SM\2020\_OCEANFRONT\_Sketch of Legal Description FPL Easement\_Indian Creek Drive\SM 2020K FPL ESMT\_Indian Crk Dr.dwg



ACCEPTED BY:	REVISED
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BRIAN T. BELLINO CITY SURVEYOR	

TITLE: **INDIAN CREEK DRIVE  
FPL EASEMENT**

**S-3**  
PROJECT NO.  
SM 2020K