

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A UTILITY EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT (FPL), ON CITY PROPERTY WITHIN THE BOTANICAL GARDEN EXPANSION SITE, ALONG THE NORTHEAST CORNER OF CONVENTION CENTER DRIVE, ON LOT 2, BLOCK 7A, AS RECORDED IN PLAT BOOK 6, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FOR THE INSTALLATION AND MAINTENANCE OF CONDUITS, SWITCH CABINETS, AND TRANSFORMERS THAT WOULD PROVIDE UNDERGROUND ELECTRICAL SERVICES TO THE BOTANICAL GARDEN AND FOR STRUCTURES ALONG ADJACENT STREETS; AND WHICH DRAFT EASEMENT IS ATTACHED AS EXHIBIT A HERETO.

WHEREAS, on January 17, 2017, the City entered into a Design/Build Agreement with Ric-Man Construction, Inc. (Ric-Man) to develop, design and construct the Stormwater Pump Station at 19th Street between Convention Center Drive and Meridian Avenue; and

WHEREAS, as part of the scope of the project, Ric-Man will replace the existing seawall along the south perimeter of the Collins Canal, abutting the Miami Beach Botanical Garden (Botanical Garden) and the Holocaust memorial properties; and

WHEREAS, on September 13, 2017, the Mayor and City Commission adopted Resolution No. 2017-30010, approving and authorizing the extension of the Botanical Garden to the Collins Canal; and

WHEREAS, as part of the expansion project shall require, removal of existing utilities along the area designated for the extension of the Botanical Garden; and

WHEREAS, thereafter, Florida Power and Light (FPL) currently has four (4) old wooden poles, with transformers and overhead and underground lines that feed the nearby neighborhoods as well as the Botanical Garden; and

WHEREAS, the removal of these poles and the replacement of overhead lines, pole mounted transformers and wiring shall be necessary to the expansion project; and

WHEREAS, on March 7, 2018, the Mayor and the City Commission adopted Resolution No. 2018-30220, approving Amendment No. 2 to the Design-Build Agreement with Ric-Man, for the Design and Construction of the extension of the Botanical Garden, to expand the limits of the Botanical Garden north, up to the new sea wall on the Collins Canal, to include new landscape, irrigation, walkways, gates, railings, benches, planters and improved lighting; and

WHEREAS, on July 25, 2018, the City Commission adopted Resolution No. 2018-30415, approving utility services from FPL for the removal of the old wooden poles, the installation of two, new self-supported concrete poles, away from the area designated for the

seawall construction extension of the Botanical Garden, pad-mounted transformers, associated risers, feeders, cables and duct banks; and

WHEREAS, thereafter, FPL requested an easement in order to have permanent perpetual access to maintain the pad mounted transformer; and

WHEREAS, the proposed utility easement for FPL, which shall be located on Lot 2 of Block 7A, as recorded in Plat Book 6, Page 26 of the public records of Miami Dade County, will satisfy the needs of FPL to maintain their equipment and will facilitate the completion of the Botanical Garden expansion and ensure proper utility services will be provided to the Botanical Garden and the nearby streets.

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 authorize the Mayor and the City Clerk to execute a utility easement in favor of Florida Power & Light (FPL), on city property within the Botanical Garden expansion site in the northeast corner of Convention Center Drive, on Lot 2, Block 7A, as recorded in Plat Book 6, page 26, of the public records of Miami-Dade County, for the installation and maintenance of conduits, switch cabinets, and transformers that would provide underground electrical services to the Botanical Garden and for structures along the adjacent streets. The proposed easement is attached as exhibit A hereto.

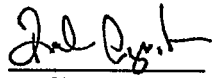
PASSED and ADOPTED this 17th day of October, 2018.

ATTEST:

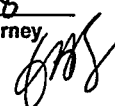
Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

 10/11/18

Date

Work Request No. _____
Sec. 34, Twp 52 S, Rge 42 E

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

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

Name: Martin P. Rossi PSM
Co. Name: Miller, Legg & Associates, Inc.
Address: 5747 N. Andrews Way
Fort Lauderdale, FL 33309

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: _____

(Witness' Signature)

Print Address: _____

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 _____

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]
City Attorney

10-11-18
Date

