

**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 19<sup>th</sup> STREET BETWEEN MERIDIAN AVENUE AND CONVENTION CENTER DRIVE, ON LOT 7, BLOCK 7, 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 CONTROLLERS THAT WOULD PROVIDE UNDERGROUND ELECTRICAL SERVICE, AND THE DRAFT EASEMENT AGREEMENT IS ATTACHED HERETO AS EXHIBIT.**

**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 19<sup>th</sup> Street between Convention Center Drive and Meridian Avenue; and

**WHEREAS**, the work of this Pump Station includes the renovation of the sea wall along the Collins Canal, between Convention Center Drive and Meridian Avenue, a control switchgear located at the Preferred "P" Parking lot and an emergency generator, located in the Botanical Garden, adjacent to the Holocaust Memorial Parking Lot; and

**WHEREAS**, on December 28, 2017, a Notice to Proceed No. 2 was awarded to Ric-Man Construction to commence with the approved construction associated with the stormwater pump station; and

**WHEREAS**, the effective date of the Notice to Proceed was January 2, 2018; and

**WHEREAS**, the Pump Station Control Center is located on top of a concrete platform, at the north end of the "P" lot parking lot, at Lot 7 of Block 7 in Plat Book 6, Page 26 of the public records of Miami Dade County, at 19<sup>th</sup> Street, between Convention Center Drive and Meridian Avenue; and

**WHEREAS**, in order to provide the necessary power supply, conduits, transformers, cables and duct banks to the 19<sup>th</sup> Street Stormwater Pump Station, the Florida Power and Light (FPL) has requested an easement in order to have access to maintain their equipment, which supports the Stormwater Pump Station control center; and

**WHEREAS**, this utility easement for FPL, at Lot 7 of Block 7 in Plat Book 6, Page 26 of the public records of Miami Dade County, will satisfy the needs of FPL to maintain their equipment, in order to provide the necessary power for the continuous operation of the 19<sup>th</sup> Street Stormwater Pump Station, which services the Miami Beach Convention Center.

**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), at 19<sup>th</sup> Street between Meridian Avenue and Convention Center Drive, on Lot 7, Block 7, 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 controllers

that would provide underground electrical service to the 19<sup>th</sup> Street Stormwater Pump Station. The draft easement agreement is attached hereto as Exhibit A.

**PASSED and ADOPTED** this 17<sup>TH</sup> day of October, 2018.

**ATTEST:**

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

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Mark Divil  
City Attorney

*[Handwritten initials]*

10-11-18  
Date

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

# UNDERGROUND EASEMENT (BUSINESS)

Sec. 34, Twp 53 S, Rge 42 E

This Instrument Prepared By

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

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

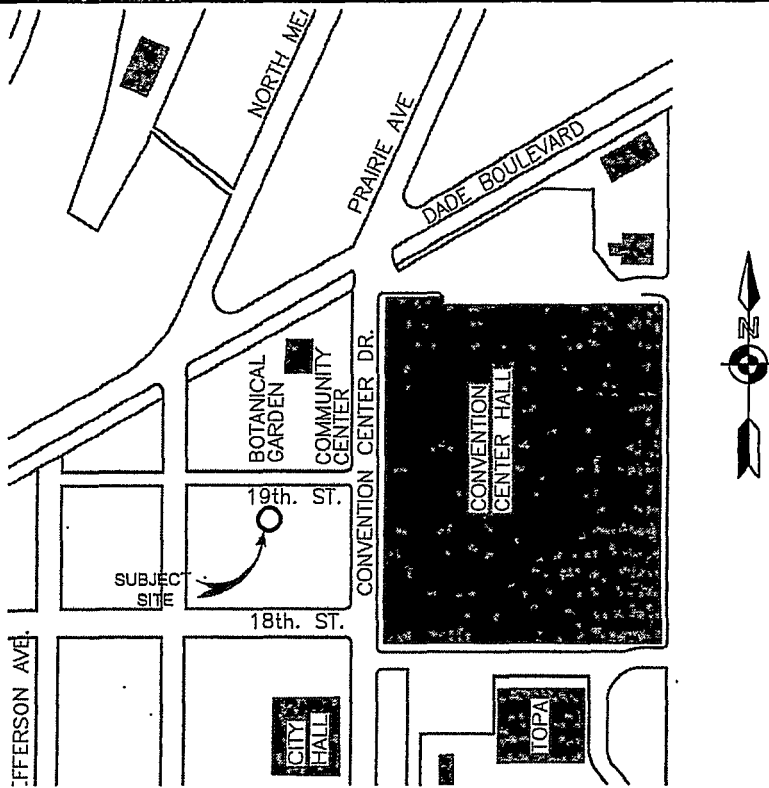
\_\_\_\_\_  
Notary Public, Signature

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

[Signature]  
City Attorney

10-11-18  
Date



**LOCATION SKETCH**  
NOT TO SCALE



**LEGAL DESCRIPTION**

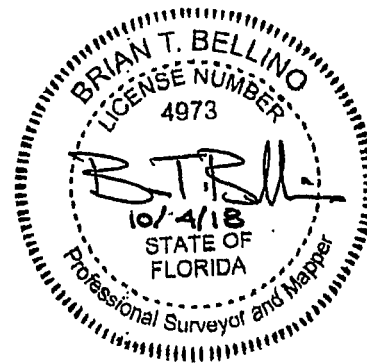
BEING AN EASEMENT LYING IN A PORTION OF SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 146.55; THENCE S01°57'44"E TO THE INTERSECTION WITH PROPOSED SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF 19TH STREET A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING.

THENCE N88°02'16"E, ALONG SAID PROPOSED MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET; THENCE S00°00'00"E A DISTANCE OF 21.60 FEET; THENCE S88°07'31"W A DISTANCE OF 31.95 FEET; THENCE S01°52'29"E A DISTANCE OF 2.00 FEET; THENCE S88°07'31"W A DISTANCE OF 16.75 FEET; THENCE N01°52'29"W A DISTANCE OF 12.00 FEET; THENCE N88°07'31"E A DISTANCE OF 39.00 FEET; THENCE N00°00'00"W A DISTANCE OF 11.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 640 SQUARE FEET MORE OR LESS.

LEGEND	
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R/W	RIGHT OF WAY
N	NORTHING COORDINATE
E	EASTING COORDINATE
SQ.FT.	SQUARE FEET
PG	PAGE
PB	PLAT BOOK
(C)	CALCULATED DIMENSION
(P)	PLAT DIMENSION



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

C:\Users\workbeibh\Desktop\SM-2018A.dwg

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

ACCEPTED BY:  
*B.T.B.*  
BRIAN T. BELLINO  
CITY SURVEYOR

REVISED  
10/04/18  
10/03/18  
09/28/18

TITLE:  
**MIAMI BEACH CONVENTION CENTER FPL EASEMENT**

**L-1**  
PROJECT NO.  
SM-2018A



LOT 1, BLOCK 7-A

BRIDAL

19TH ST.(P)

(40' R/W)

20'  
20'

P.O.C.  
N.E. CORNER  
LOT 7, BLOCK 7  
N=532066.26  
E=940459.82

N88°02'16"E 146.55' (REFERENCE BEARING)

188.9'(P)

AMENDED PLAT OF  
GOLF COURSE SUB  
(P.B. 6, Pg.26)

70'(P)

PATH (P)

30'

45'

EASTERLY EXTENSION SOUTHERLY R/W 19TH STREET

S01°57'44"E  
45.00'

N88°02'16"E  
10.00'

P.O.B.  
N=532026.31  
E=940607.81

PROPOSED 10' SIDEWALK

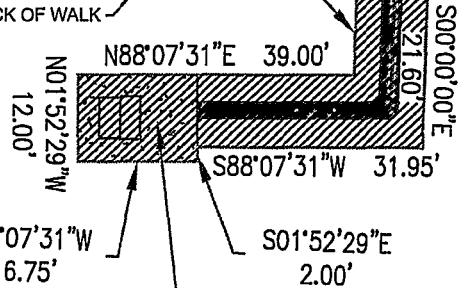
N00°00'00"W  
11.60'

LOT 7, BLOCK 7

PROPOSED SOUTHERLY MAINTAINED R/W AT BACK OF WALK

SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42 EAST

203.9'(P)



SKETCH OF DESCRIPTION  
SCALE: 1"=60' (8.5"X11" SHEET)

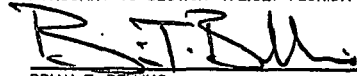
EASEMENT  
640.0 SQ.FT.

SURVEYOR'S NOTES:


1. THE SKETCH IS NOT A BOUNDARY SURVEY. THIS NOTE IS REQUIRED BY RULE 5J-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 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 AND INTEGRATED WITH THE PROPOSED CONVENTION CENTER IMPROVEMENT PROJECT, INCLUDING THE LOCATION OF THE ELECTRIC FACILITY. THESE LOCATIONS WERE PROVIDED BY CLARK CONSTRUCTION AND KIMLEY-HORN AND ASSOCIATES. PROPOSED IMPROVEMENTS SHOWN HEREON ARE FOR GEOGRAPHIC REFERENCE PURPOSES ONLY.
4. THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL 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 5J-17.053 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

  
BRIAN T. BELLINO  
CITY SURVEYOR MANAGER  
PROFESSIONAL SURVEYOR AND MAPPER NO.4973  
DATE 10/04/18

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

ACCEPTED BY:  
  
BRIAN T. BELLINO  
CITY SURVEYOR

REVISED  
10/04/18  
10/03/18  
09/28/18

TITLE:  
**MIAMI BEACH CONVENTION  
CENTER FPL EASEMENT**

**L-2**  
PROJECT NO.:  
SM-2018A