

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN EASEMENT AGREEMENT IN FAVOR OF FLORIDA POWER & LIGHT (FPL), IN THE FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "A", FOR THE PERPETUAL, NON-EXCLUSIVE USE OF A TEN (10) FOOT WIDE EASEMENT AREA, LOCATED ON A PORTION OF BAYSHORE PARK, WEST OF PINE TREE DRIVE, ON A PARCEL OF LAND LOCATED IN MIAMI BEACH, LYING IN SECTION 27, TOWNSHIP 53 SOUTH, RANGE 42 EAST, IN MIAMI-DADE COUNTY, BEING MORE PARTICULARLY DESCRIBED IN THE EASEMENT AGREEMENT AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF WEST 25TH STREET WITH THE EAST RIGHT-OF-WAY LINE OF PINE TREE DRIVE AS SHOWN ON FLAMINGO TERRACE EXTENSION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 38, PAGE 61, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE S 90°00'00" W AS A BASIS OF BEARINGS FOR 100.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID PINE TREE DRIVE; THENCE S 00°00'00" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PINE TREE DRIVE AS SHOWN ON FLAMINGO TERRACE EXTENSION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 38, PAGE 61, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY AND ON FLAMINGO TERRACE ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FOR 107.29 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE S 00°00'00" W FOR 10.00 FEET; THENCE S 90°00'00" W FOR 10.00 FEET; THENCE N 00°00'00" E FOR 10.00 FEET; THENCE N 90°00'00" E FOR 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 100 SQUARE FEET, FOR USE BY FPL TO ACCESS, CONSTRUCT, OPERATE AND MAINTAINAN AN ABOVE-GROUND TRANSFORMER, TOGETHER WITH THE RELATED BELOW GROUND FACILITIES, TO PROVIDE ELECTRICITY FOR THE AMENITIES IN THE PARK.

WHEREAS, in September 2015, pursuant to Request for Qualification (RFQ No. 2015-240-KB) the City of Miami Beach awarded a contract to Savino Miller Design Studio for the Landscaping, Architectural and Engineering Design Services and commenced the design and permitting phase for Bayshore Park (Project), to develop a new passive community park for the City's residents; and

WHEREAS, on December 14, 2022, the Mayor and City Commission approved the award of a contract to Buslam Company Partners Inc., for the construction of the Project; and

WHEREAS, the construction of the Project is currently ongoing, is approximately 40% complete, and is anticipated to be substantially complete in the fall, 2025; and

WHEREAS, the park, measuring approximately 19.4 acres in size, is located at 2300 Pine Tree Drive, on the north side of Miami Beach Senior High School and adjacent to the Scott Rakow Youth Center; and

WHEREAS, the Project will include a children's playground for different ages, exercise station, tennis courts, bathroom/office building, site furnishings, lake with infrastructure for future connection to the neighborhood's drainage system, lake circulation and ozone water treatment system, pathways, jogging trails, parking lot, dog park, lighting systems (sports lighting, walkway

lighting and street lighting), entrance and park identification signs, landscaping including the butterfly garden, lake littoral zone, tree relocation and new trees, new hedges, shrubs and ground cover, irrigation system, and connection to the utilities and FPL system; and

WHEREAS, connection to the FPL system will be required to provide electricity for the amenities under construction in Bayshore Park and this connection will require installation of an FPL transformer; and

WHEREAS, FPL has requested a 10-ft by 10-ft (100 S.F.) perpetual, non-exclusive easement within the limits of Bayshore Park, adjacent to Pine Tree Drive to accommodate the transformer; and

WHEREAS, the City shall execute the proposed Easement Agreement in favor of FPL, as more particularly described in the Sketch to Accompany Legal Description, FPL Easement, permitting FPL to access, construct, operate and maintain an above-ground transformer, together with the related below ground facilities, in order to provide electricity for the amenities in the park; and

WHEREAS, the Administration recommends that the Mayor and City Commission approve and authorize the City Manager and City Clerk to execute the proposed Easement Agreement, in the form attached to this Resolution as Exhibit "A".

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 City Manager and City Clerk to execute an Easement Agreement in favor of Florida Power & Light (FPL), in the form attached to this Resolution as Exhibit "A", for the perpetual, non-exclusive use of a ten (10) foot wide easement area, located on a portion of Bayshore Park, west of Pine Tree Drive, on a parcel of land located in Miami Beach, lying in Section 27, Township 53 South, Range 42 East, in Miami-Dade County, being more particularly described in the Easement Agreement as follows: commence at the point of intersection of the westerly extension of the north right-of-way line of West 25th Street with the east right-of-way line of Pine Tree Drive as shown on Flamingo Terrace Extension, according to the Plat thereof as recorded in Plat Book 38, Page 61, of the Public Records of Miami-Dade County, Florida; thence s 90°00'00" w as a basis of bearings for 100.00 feet to a point of intersection with the westerly right-of-way line of said Pine Tree Drive; thence s 00°00'00" w along said westerly right-of-way line of Pine Tree Drive as shown on Flamingo Terrace Extension, according to the Plat thereof as recorded in Plat Book 38, Page 61, of the Public Records of Miami-Dade County and on Flamingo Terrace Addition, according to the Plat thereof as recorded in Plat Book 34, Page 68, of the Public Records of Miami-Dade County, for 107.29 feet to the point of beginning of the following described parcel of land; thence continue s 00°00'00" w for 10.00 feet; thence s 90°00'00" w for 10.00 feet; thence n 00°00'00" e for 10.00 feet; thence n 90°00'00" e for 10.00 feet to the point of beginning, containing 100 square feet, for use by FPL to access, construct, operate and maintain an above-ground transformer, together with the related below ground facilities, to provide electricity for the amenities in the park.

PASSED and ADOPTED this ____ day of _____, 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

7/14/2024

Date

Exhibit "1"
**EASEMENT
(BUSINESS)**

Work Request No.

Sec. 27, Twp 53 S, Rge 42 E

02-3227-000-0092;

Parcel ID: 02-3227-000-0095;

02-3227-000-0100

(Maintained by County Appraiser)

This Instrument Prepared By

Name: Gisela Nanson Torres, Esq.

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 above ground and underground electric utility facilities related to an FPL transformer (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)

Print Name: Rafael E. Granado, City Clerk

(Witness)

Address: 1700 Convention Center Dr., Miami Beach, FL
33139

(Witness' Signature)

By: _____

Print Name: Rickelle, Williams, Interim City Manager

Print Address: 1700 Convention Center Dr., Miami Beach,
Florida 33139

Print Name: _____

(Witness)

Address: 1700 Convention Center Dr., Miami Beach, FL 33139

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

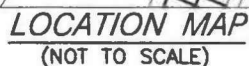
Witness my signature and official seal this _____ day of _____, _____, in the County and State aforesaid.

(Type of Identification)

Notary Public, Signature

My Commission Expires:

Print Name



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THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
F.P.L. EASEMENT**

EXHIBIT "A"

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN MIAMI BEACH, LYING IN SECTION 27, TOWNSHIP 53 SOUTH, RANGE 42 EAST, IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF WEST 25TH STREET WITH THE EAST RIGHT-OF-WAY LINE OF PINE TREE DRIVE AS SHOWN ON FLAMINGO TERRACE EXTENSION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 38, PAGE 61, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE S 90°00'00" W AS A BASIS OF BEARINGS FOR 100.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID PINE TREE DRIVE; THENCE S 00°00'00" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PINE TREE DRIVE AS SHOWN ON FLAMINGO TERRACE EXTENSION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 38, PAGE 61, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY AND ON FLAMINGO TERRACE ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE, FOR 107.29 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE S 00°00'00" W FOR 10.00 FEET; THENCE S 90°00'00" W FOR 10.00 FEET; THENCE N 00°00'00" E FOR 10.00 FEET; THENCE N 90°00'00" E FOR 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 100 SQUARE FEET.

THIS IS NOT A SURVEY

NOTICE: This document is not valid, full and complete without all three (3) pages.

LONGITUDE SURVEYORS

7700 N KENDALL DRIVE, SUITE 705, MIAMI, FLORIDA 33156 * PHONE: (305) 463-0912 * FAX: (305) 513-5680 * WWW.LONGITUDESURVEYORS.COM
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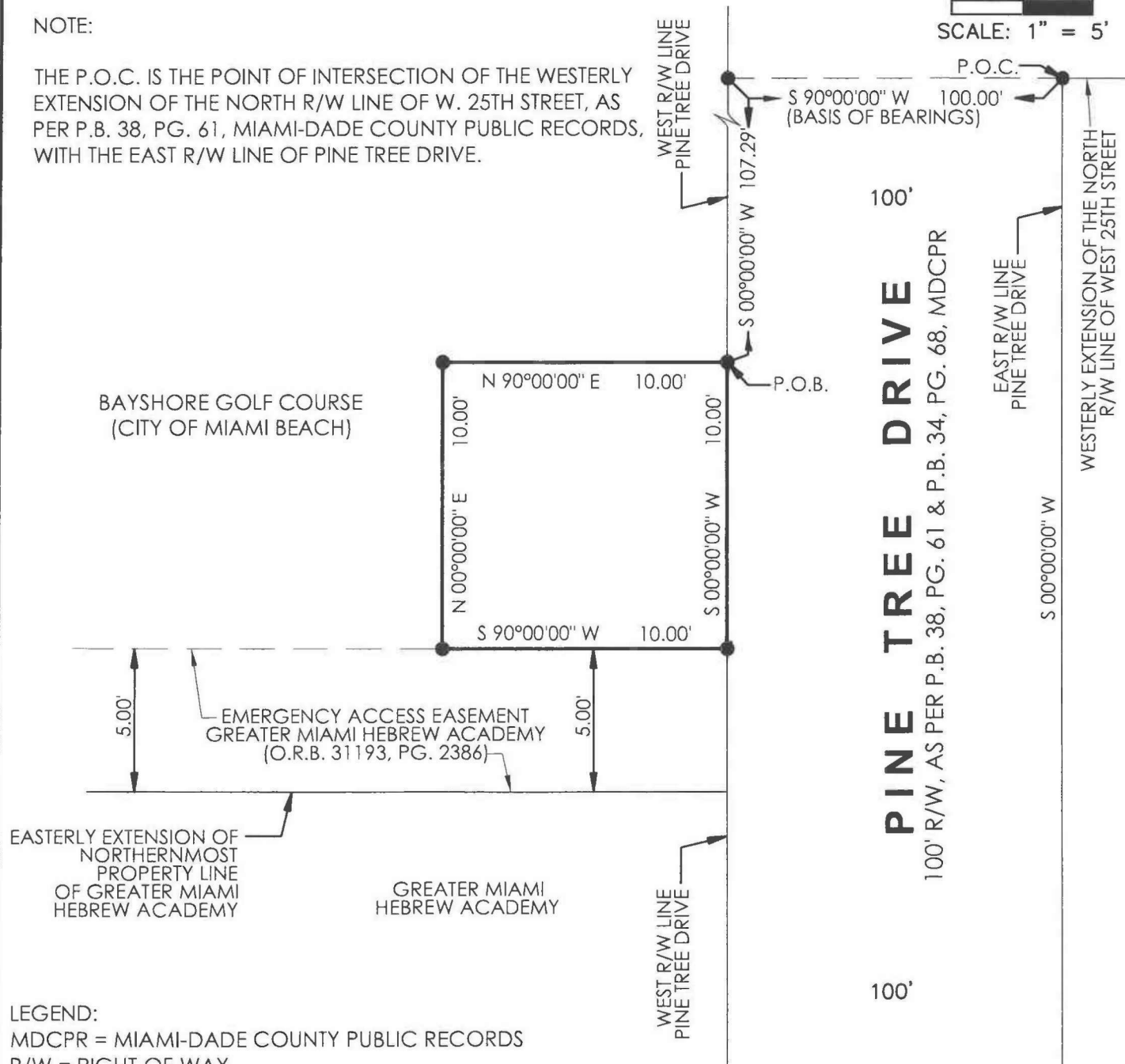
EXHIBIT "A"



SCALE: 1" = 5'

NOTE:

THE P.O.C. IS THE POINT OF INTERSECTION OF THE WESTERLY
EXTENSION OF THE NORTH R/W LINE OF W. 25TH STREET, AS
PER P.B. 38, PG. 61, MIAMI-DADE COUNTY PUBLIC RECORDS,
WITH THE EAST R/W LINE OF PINE TREE DRIVE.



LEGEND:

MDCPR = MIAMI-DADE COUNTY PUBLIC RECORDS

R/W = RIGHT OF WAY

P.O.C. = POINT OF COMMENCEMENT

P.O.B. = POINT OF BEGINNING

F.P.L. = FLORIDA POWER AND LIGHT COMPANY

O.R.B. OFFICIAL RECORDS BOOK

P.B. = PLAT BOOK

PG. = PAGE

Ⓢ = CENTERLINE

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