

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, A NON-EXCLUSIVE UNDERGROUND UTILITY EASEMENT (EASEMENT) IN FAVOR OF FLORIDA POWER & LIGHT (FPL), IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "1", FOR USE OF AN EASEMENT AREA HAVING APPROXIMATELY 2,830 SQUARE FEET AND LYING IN A PORTION OF LOT 1, BLOCK 7A, AND A PORTION OF THE 30 FOOT WIDE BRIDLE PATH (PRIVATE ROAD) LYING EAST OF AND ADJACENT THERETO, ALL AS SHOWN ON THE "AMENDED PLAT OF GOLF COURSE SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, AT PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IN CONNECTION WITH THE HOLOCAUST MEMORIAL UNDERGROUNDING PROJECT, LOCATED AT 1933-1945 MERIDIAN AVENUE, MIAMI BEACH, WHICH WILL SERVE TO PROVIDE ELECTRICAL SERVICES TO THE HOLOCAUST MEMORIAL SITE, INCLUDING THE NEW HOLOCAUST MEMORIAL COMMUNITY LEARNING CENTER; AND FURTHER, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE EASEMENT.**

**WHEREAS**, the City is the owner of the property located at 1933-1945 Meridian Avenue, the current site of the Holocaust Memorial; and

**WHEREAS**, on January 26, 2000, pursuant to Resolution No. 2000-23776, the City entered into a 99-year lease agreement with the Holocaust Memorial Committee, Inc. (the Lease), with a commencement date of March 8, 2000 and expiration date of March 8, 2099, to operate and maintain the Holocaust Memorial; and

**WHEREAS**, on January 16, 2008, the Mayor and City Commission adopted Resolution No. 2008-26732, approving the assignment of the Lease to the Greater Miami Jewish Federation, Inc. (the Federation), which Assignment of Lease was executed by the City and the Federation with an effective date of July 1, 2008; and

**WHEREAS**, on July 20, 2010, the City and the Federation entered into that certain Amendment No. 1 to the Lease, granting the Federation use of five (5) free dedicated parking spaces (Dedicated Spaces); and

**WHEREAS**, on July 28, 2021, the Mayor and City Commission adopted Resolution No. 2021-31809, approving, on second reading/public hearing, Amendment No. 2 to the Lease, extending the term of the Lease for an additional 21 years, expiring on March 7, 2120, and the expansion of the Leased Premises to include the adjacent municipal parking lot at 775 19<sup>th</sup> Street (Additional Premises), which included the Dedicated Spaces, permitting the Federation to develop, construct, operate and maintain at its sole cost, a state of the art holocaust Memorial Community Learning Center on the Additional Premises, subject to approval by a vote of at least sixty percent (60%) of the City's voters voting in a City-wide referendum; and

**WHEREAS**, on July 28, 2021, the City Commission adopted Resolution No. 2021-31810, calling for a Miami Beach Special Election for the purpose of submitting to the City's voters a question asking whether the City's Lease with the Federation should be extended an additional 21 years and the leased premises expanded to include the adjacent 12,000 square foot city parking lot, with the

Federation, at its sole expense constructing, operating and maintaining a 7,000 square foot Learning Center; and

**WHEREAS**, the Referendum was approved on November 2, 2021 and the City and the Federation executed Amendment No. 2 with an effective date of September 12, 2023; and

**WHEREAS**, construction commenced in May 2024, and during construction, it was discovered that the existing Florida Power & Light ("FPL") overhead lines conflict with the required 10-foot clearance for the new building parapet wall and FPL reached out to the City and the Federation, advising of the need to install infrastructure within the Memorial site, outside the right-of-way, as part of the Holocaust Memorial Undergrounding Project, which process will require the City to execute a Non-Exclusive Underground Utility Easement (Easement) in favor of FPL; and

**WHEREAS**, the FPL Easement Area is described in the Easement as: Lying over and across a portion of Lot 1, Block 7A, and a portion of the 30-foot-wide bridle path (Private Road) lying east of and adjacent thereto, all as shown on "Amended Plat of Golf Course Subdivision", according to the Plat thereof, as recorded in Plat Book 6, at Page 26, of the Public Records of Miami-Dade County, Florida; and

**WHEREAS**, the Administration recommends that the Mayor and City Commission approve, in substantial form, the Easement in favor of FPL, in the draft form attached to this Resolution as Exhibit "1", for use of an Easement Area having approximately 2,830 square feet, in connection with the Holocaust Memorial Undergrounding Project, which will serve to provide electrical services to the Holocaust Memorial site, including the new Holocaust Memorial Community Learning Center; and further, authorize the City Manager to finalize and execute the Easement.

**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, in substantial form, a Non-Exclusive Underground Utility Easement (Easement) in favor of Florida Power & Light (FPL), in the draft form attached to this Resolution as Exhibit "1", for use of an Easement Area having approximately 2,830 square feet and lying in a portion of Lot 1, Block 7A, and a portion of the 30 foot wide bridle path (Private Road) lying east of and adjacent thereto, all as shown on the "Amended Plat of Golf Course Subdivision", according to the Plat thereof, as recorded in Plat Book 6, at Page 26, of the Public Records of Miami-Dade County, Florida, in connection with the Holocaust Memorial Undergrounding Project, located at 1933-1945 Meridian Avenue, Miami Beach, which will serve to provide electrical services to the Holocaust Memorial site, including the new Holocaust Memorial Community Learning Center; and further, authorize the City Manager to finalize and execute the Easement.

**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

12/3/2024  
\_\_\_\_\_  
Date

**DRAFT  
EXHIBIT "1"**

**UNDERGROUND EASEMENT  
(BUSINESS)**

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

Sec. 27, Twp 53, Rge 42

Parcel I.D. 02-3234-007-0040  
(Maintained by County Appraiser)

This Instrument Prepared By

Name: Gisela Torres, Esq.  
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 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 Exhibit "A" ("Easement Area")

Together with the right to permit FPL 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 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, 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: \_\_\_\_\_

Print Address: \_\_\_\_\_  
\_\_\_\_\_

Print Title: \_\_\_\_\_

Print Address: \_\_\_\_\_  
\_\_\_\_\_

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

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

Print Address: \_\_\_\_\_  
\_\_\_\_\_

STATE OF FLORIDA AND COUNTY OF MIAMI-DADE. The foregoing instrument was acknowledged before me by [ ] physical presence or [ ] on-line notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of the City of Miami Beach, 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 \_\_\_\_\_

EXHIBIT "A"

**LEGAL DESCRIPTION:**

A FLORIDA POWER AND LIGHT (FPL) EASEMENT LYING OVER AND ACROSS A PORTION OF LOT 1, BLOCK 7A, AND A PORTION OF THE 30 FOOT WIDE BRIDLE PATH (PRIVATE ROAD) LYING EAST OF AND ADJACENT THERE TO, ALL AS SHOWN ON "AMENDED PLAT OF GOLF COURSE SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6 AT PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF 19TH STREET AND MERIDIAN AVENUE; THENCE N88°02'33"E ALONG THE CENTERLINE OF 19TH STREET A DISTANCE OF 35.00 FEET; THENCE N01°57'46"W, DEPARTING SAID CENTERLINE A DISTANCE OF 20.00 FEET TO THE INTERSECTION OF THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 1 WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 1; THENCE N88°02'33"E ALONG WESTERLY PROLONGATION OF SAID SOUTH LINE, A DISTANCE OF 3.00 FEET TO A POINT ON A EAST RIGHT OF WAY LINE OF MERIDIAN AVENUE, ACCORDING TO THE DEED BOOK 4349, PAGES 439 THROUGH 443 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE N01°57'46"W, ALONG PREVIOUSLY DESCRIBED RIGHT OF WAY LINE, A DISTANCE OF 10.56 FEET TO THE POINT OF BEGINNING OF THE 10 FEET WIDE EASEMENT, LYING 5 FEET ON EITHER AND BOTH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE S76°53'54"E FOR A DISTANCE OF 21.72 FEET TO A POINT; THENCE N88°02'33"E FOR A DISTANCE OF 181.37 FEET TO A POINT; THENCE N45°48'15"E FOR A DISTANCE OF 12.30 FEET TO A POINT; THENCE N01°52'42"W FOR A DISTANCE OF 54.47 FEET TO A POINT; THENCE S88°07'35"W FOR A DISTANCE OF 13.24 FEET TO THE POINT OF TERMINATION.

THE EASEMENT RIGHT OF WAY LINES ON EACH SIDE OF SAID CENTERLINE ARE TO BE EXTENDED OR SHORTENED AS NECESSARY TO MAINTAIN A CONTINUOUS EASEMENT ALONG THE ROUTES DESCRIBED.

**SURVEYOR'S NOTES:**

THIS IS NOT A BOUNDARY SURVEY.  
 BEARINGS AS SHOWN HEREON ARE BASED ON ASSUMED SYSTEM, WHEREBY THE CENTERLINE OF 19TH STREET BEARS N88°02'33"E.  
 ALL MEASUREMENTS ARE IN US SURVEY FOOT.  
 THIS SKETCH OF LEGAL DESCRIPTION CONSISTS OF 2 SHEETS; NEITHER IS FULL AND COMPLETE WITHOUT THE OTHER.

**SURVEYOR'S CERTIFICATION:**

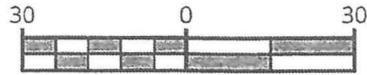
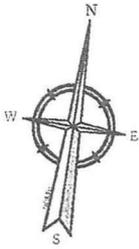
I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY RESPONSIBLE CHARGE ON OCTOBER 10, 2024 AND MEETS THE APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULES 5J-17.051 AND 5J-17.052 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES.

AIMARA DIAZ LA ROSA  
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER  
 LICENSE No. 6796

THIS DESCRIPTION AND SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.

3452A SURVEY Dwg V-SURV-FPL-EAS.dwg V-CX-SURVEY (2) BY: AIMARA DIAZ

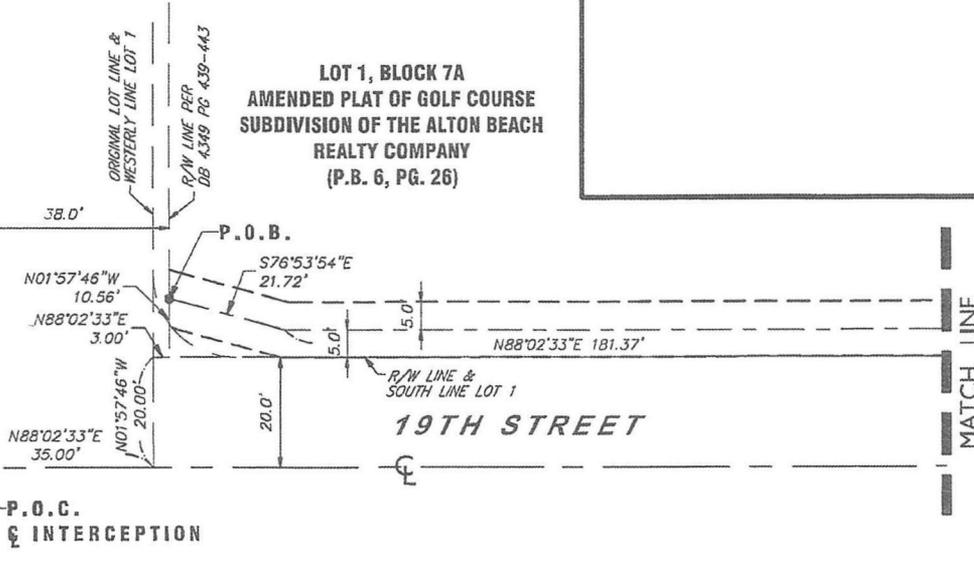
 <p>www.colliersengineering.com</p>	<p>SKETCH TO ACCOMPANY                  LEGAL DESCRIPTION                  FOR</p> <p>"HOLOCAUST MEMORIAL,                  MIAMI BEACH"                  1933-1945 MERIDIAN                  AVENUE                  MIAMI BEACH                  MIAMI-DADE COUNTY                  FLORIDA</p>	<p><b>811</b> PROTECT YOURSELF                  ALL STATES REQUIRE NOTIFICATION                  OF UTILITIES, PIPELINES, OR                  ANY PERSON PENETRATING TO                  DISTURB THE EARTH'S SURFACE                  ANYWHERE IN ANY STATE</p> <p>Call before you dig                  FOR STATE SPECIFIC DIRECT PHONE NUMBERS                  VISIT: WWW.CALL811.COM</p>	<table border="1"> <tr> <td colspan="4">FPL EASEMENT</td> </tr> <tr> <td>SCALE:</td> <td>DATE:</td> <td>DRAWN BY:</td> <td>CHECKED BY:</td> </tr> <tr> <td>AS SHOWN</td> <td>10/10/24</td> <td>ALR</td> <td>ALR</td> </tr> <tr> <td colspan="2">PROJECT NUMBER:</td> <td colspan="2">DRAWING NAME:</td> </tr> <tr> <td colspan="2">24003452A</td> <td colspan="2">V-SURV-FPL-EAS</td> </tr> <tr> <td colspan="4">SHEET TITLE:</td> </tr> <tr> <td colspan="4">LEGAL DESCRIPTION</td> </tr> <tr> <td colspan="4">SHEET NUMBER:</td> </tr> <tr> <td colspan="4">1 of 2</td> </tr> </table>	FPL EASEMENT				SCALE:	DATE:	DRAWN BY:	CHECKED BY:	AS SHOWN	10/10/24	ALR	ALR	PROJECT NUMBER:		DRAWING NAME:		24003452A		V-SURV-FPL-EAS		SHEET TITLE:				LEGAL DESCRIPTION				SHEET NUMBER:				1 of 2			
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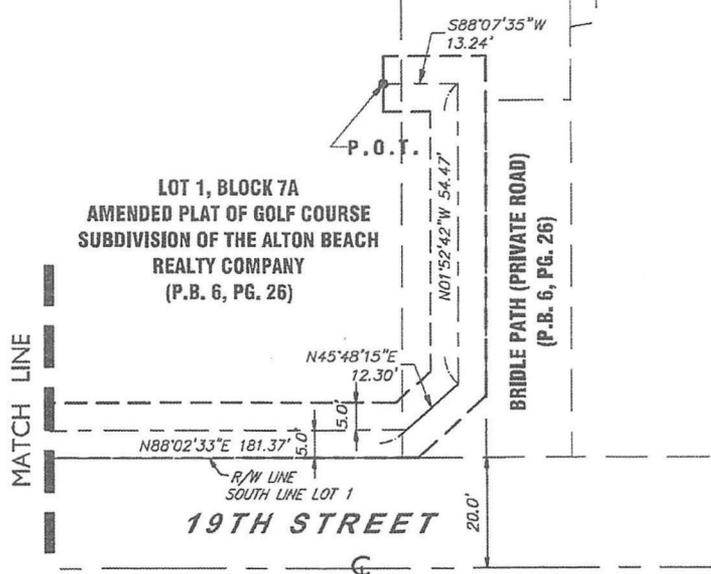
SCALE : 1" = 30'  
 Linear unit of measure: US Survey Foot (1 ft = 1200/3937 m)

MERIDIAN AVENUE

LOT 1, BLOCK 7A  
 AMENDED PLAT OF GOLF COURSE  
 SUBDIVISION OF THE ALTON BEACH  
 REALTY COMPANY  
 (P.B. 6, PG. 26)



ABBREVIATIONS	
P.B.	= PLAT BOOK
PG.	= PAGE
C	= CENTERLINE
P	= PLAT
C	= CALCULATED
S	= SURVEY BY FORTIN, LEAVY, SKYLES, INC.
P.O.C.	= POINT OF COMMENCEMENT
P.O.B.	= POINT OF BEGINNING
P.O.T.	= POINT OF TERMINATION



3452AS:survey\dwg\1V-SURV4\FPL-EAS.dwg\1V-SURV4-FPL-EAS.dwg

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SKETCH TO ACCOMPANY  
 LEGAL DESCRIPTION  
 FOR  
 "HOLOCAUST MEMORIAL,  
 MIAMI BEACH"  
 1933-1945 MERIDIAN  
 AVENUE  
 MIAMI BEACH  
 MIAMI-DADE COUNTY  
 FLORIDA

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 Suite 201-G  
 Boca Raton, FL 33433  
 Phone: 561.717.6455  
 FAX: 561.717.6456

FPL EASEMENT			
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