

C7 C A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, THE FOLLOWING DOCUMENTS IN CONNECTION WITH THE DEVELOPMENT OF THE COLLINS PARK ARTIST WORKFORCE HOUSING PROJECT ON THE CITY-OWNED LAND LOCATED AT 224 23RD STREET (THE "PROPERTY"), PURSUANT TO A DEVELOPMENT AGREEMENT AND ASSOCIATED GROUND LEASE: (1) A TERMINATION AND RELEASE OF EASEMENT, IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "1", RELATING TO A NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT ("FPL"), RECORDED IN OFFICIAL RECORDS BOOK 21250, AT PAGE 620, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN A PORTION OF LOT 11, IN BLOCK 2, OF THE AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, RECORDED IN PLAT BOOK 5, AT PAGE 7 (THE "PLAT"), THAT PROVIDES ELECTRICAL SERVICES TO THE MIAMI BEACH REGIONAL LIBRARY; (2) A NEW 10 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF FPL, IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "2", HAVING APPROXIMATELY 1,702 SQUARE FEET AND LYING IN A PORTION OF LOTS 7, 8, 9 AND 11, IN BLOCK 2, OF THE PLAT, REPLACING THE TERMINATED EASEMENT, TO PROVIDE ELECTRICAL SERVICES TO THE LIBRARY; AND (3) A NEW NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF FPL, IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "3", HAVING APPROXIMATELY 1,302 SQUARE FEET AND LYING IN A PORTION OF LOTS 7 AND 9, IN BLOCK 2, OF THE PLAT, TO PROVIDE ELECTRICAL SERVICES TO THE DEVELOPED PROJECT; AND FURTHER, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE DOCUMENTS.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: December 11, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, THE FOLLOWING DOCUMENTS IN CONNECTION WITH THE DEVELOPMENT OF THE COLLINS PARK ARTIST WORKFORCE HOUSING PROJECT ON THE CITY-OWNED LAND LOCATED AT 224 23RD STREET (THE "PROPERTY"), PURSUANT TO A DEVELOPMENT AGREEMENT AND ASSOCIATED GROUND LEASE: (1) A TERMINATION AND RELEASE OF EASEMENT, IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "1", RELATING TO A NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT ("FPL"), RECORDED IN OFFICIAL RECORDS BOOK 21250, AT PAGE 620, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN A PORTION OF LOT 11, IN BLOCK 2, OF THE AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, RECORDED IN PLAT BOOK 5, AT PAGE 7 (THE "PLAT"), THAT PROVIDES ELECTRICAL SERVICES TO THE MIAMI BEACH REGIONAL LIBRARY; (2) A NEW 10 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF FPL, IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "2", HAVING APPROXIMATELY 1,702 SQUARE FEET AND LYING IN A PORTION OF LOTS 7, 8, 9 AND 11, IN BLOCK 2, OF THE PLAT, REPLACING THE TERMINATED EASEMENT, TO PROVIDE ELECTRICAL SERVICES TO THE LIBRARY; AND (3) A NEW NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF FPL, IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "3", HAVING APPROXIMATELY 1,302 SQUARE FEET AND LYING IN A PORTION OF LOTS 7 AND 9, IN BLOCK 2, OF THE PLAT, TO PROVIDE ELECTRICAL SERVICES TO THE DEVELOPED PROJECT; AND FURTHER, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE DOCUMENTS.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission adopt the attached Resolution, approving, in substantial form: (1) a Termination and Release Agreement for an existing, recorded Florida Power & Light (FPL) easement, (2) grant of a new FPL easement to provide electrical services to the Miami Beach Regional Library and replacing the terminated easement, and (3) grant of a new FPL easement to provide electrical services to the Collins Park Artist Workforce Housing Project.

### **BACKGROUND/HISTORY**

The City owns the property located at 224 23rd Street within the Collins Park Cultural District (the "Property"), previously operated as a 21-space surface parking lot, adjacent to the Miami Beach Regional Library (the "Library") and near the Collins Park Garage (G12). This Property is part of a unified development site with the Library, which is owned by the City but operated by Miami-Dade County under an interlocal cooperation agreement.

On November 13, 2002, via Resolution No. 2002-25063, the Mayor and City Commission authorized a Non-exclusive easement to Florida Power & Light Company (FPL) across the Property, for the provision of underground distribution facilities, a transformer pad, and a vault, to provide electrical power to the Library. This Non-exclusive utility easement is recorded in the Miami-Dade County Public Records (“Recorded Easement”).

On January 18, 2019, the City issued Invitation to Negotiate (ITN) 2019-099-KB, for a mixed-use residential workforce housing development at the Property (the “Collins Park Artist Workforce Housing Project” or “Project”), encouraging proposals to include dormitory space for Miami City Ballet, Inc., a not-for-profit organization with nearby headquarters (the “Ballet”).

On January 13, 2021, the Mayor and City Commission adopted Resolution No. 2021-31553, approving a Development Agreement with Servitas, LLC (“Servitas” or “Developer”), the sole remaining proposer under ITN 2019-099-KB, for the development of the Collins Park Artist Workforce Housing Project, containing residential workforce housing units prioritized for artists, teachers, and other income-eligible tenants; dormitory housing intended for use by the Ballet, to support the Ballet’s dance education and other programs or, if an agreement with the Ballet could not be reached, additional workforce housing units, and ground floor retail or cultural space.

On January 13, 2021, in a companion agenda item, the Mayor and City Commission adopted Resolution No. 2021-31554, approving a Ground Lease Agreement with Community Finance Corporation, a not-for-profit corporation (the “Ground Lease”) for the development, financing, construction and operation of the Project.

On May 17, 2023, the Mayor and City Commission adopted Resolution No. 2023-32619, approving revisions to the Ground Lease to reflect the City’s total monetary contribution to the Project, including a \$5.85 million capital contribution and \$4 million via the Arts and Culture General Obligation Bond. The Ground Lease was executed by the City and Lessee and is dated June 1, 2023.

## **ANALYSIS**

The Collins Park Artist Workforce Housing Project broke ground on July 27, 2023, and construction is approximately 75% complete. It is anticipated to reach substantial completion by spring 2025. The Project will feature a 7-story housing facility, having approximately 74,000 square feet, and including public or cultural arts space on a portion of the ground floor, dormitory housing for the Miami City Ballet’s dance education program, and 80 workforce housing units, prioritizing income-eligible artists, educators, City employees, veterans, and other members of the Miami Beach workforce.

### **FPL Easement for the Library**

Development of the Project necessitates the termination of the existing Recorded Easement for FPL services to the Library, attached as Exhibit “1”, and replacing it with a new 10-foot-wide perpetual, Non-exclusive Easement, in the draft form attached to the Resolution accompanying this Commission Memorandum as Exhibit “2”, having approximately 1,702 square feet, located along the perimeter of the Property, to maintain electrical service to the Library.

### **FPL Easement for the Project**

Connecting the Project to the FPL power system requires the installation of an FPL vault room on the Property, and FPL has requested a perpetual, Non-exclusive Easement within the Project site, in the draft form attached to the Resolution accompanying this Memorandum as Exhibit “3”, having approximately 1,302 square feet, to accommodate the vault.

The City will execute two (2) easement agreements, detailed in the attached sketches and legal descriptions, allowing FPL to access, construct, operate, and maintain the necessary above-ground and underground facilities to provide electrical service to both the Project and the Library.

### **FISCAL IMPACT STATEMENT**

The execution of the proposed easement agreements with FPL will not result in any direct cost to the City. The granting of these easements is essential to facilitate necessary electrical infrastructure for both the Project and the Library, ensuring uninterrupted utility service.

The installation and maintenance of the electrical facilities, including the vault and underground utilities, will be funded by the Developer as a Project construction cost, thereby relieving the City of any associated financial burden. Additionally, the easements will help avoid potential costs or delays related to securing alternative utility connections, supporting the timely completion of the Project.

The Project itself, funded through a combination of public and private investment, aims to provide affordable workforce housing and cultural amenities that will contribute positively to the community's economic development, aligning with the City's broader strategic goals for the Collins Park Cultural District.

### **Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

**If applicable, the Business Impact Estimate (BIE) was published on:**

**See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>**

### **FINANCIAL INFORMATION**

### **CONCLUSION**

In order to permit FPL to access, construct, operate, and maintain above-ground and related below-ground facilities to ensure electrical service for both the Library and the Collins Park Artist Workforce Housing Project, the Administration recommends that the Mayor and City Commission approve, in substantial form, the following documents; and further, authorize the City Manager to finalize and execute the documents:

- 1) the Termination and Release of Easement, in the draft form attached as Exhibit "1", terminating and releasing the Recorded Easement;
- 2) a new 10-foot wide Non-exclusive utility Easement in favor of FPL, in the draft form attached as Exhibit "2"; and
- 3) a new Non-exclusive utility Easement in favor of FPL, in the draft form attached as Exhibit "3".

### **Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

Yes

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Economic Development

**Sponsor(s)**

**Co-sponsor(s)**

**Condensed Title**

Execute Easement Agreement, Collins Park Artist Workforce Housing Project. ED

# “DRAFT”

## EXHIBIT “1”

This instrument prepared by or under the supervision of  
(and after recording should be returned to):

Name: Ricardo J. Dopico, City Attorney  
Address: City of Miami Beach, Florida  
Office of the City Attorney, 4th Floor  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Folio No. 02-3226-001-0460

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### TERMINATION AND RELEASE OF EASEMENT

**THIS TERMINATION AND RELEASE OF EASEMENT (“Agreement”)** is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2024, by and among the **CITY OF MIAMI BEACH, FLORIDA**, a municipal corporation of the State of Florida, located at 1700 Convention Center Drive, Miami Beach, Florida 33139 (the “**City**”), owner of the property located at 224 23<sup>rd</sup> Street, Miami Beach, Florida 33139 (the “**Property**”), the **FLORIDA POWER & LIGHT COMPANY (“FPL”)**, and **CFC-MB I, LLC**, a liability company organized and existing under the laws of the State of Arizona (the “**Ground Lessee**”).

**WHEREAS**, the City is fee simple owner of the Property, more particularly described in **Exhibit “A”**, which is leased to the Ground Lessee pursuant to that certain Ground Lease Agreement, dated as of June 1, 2023, by and between the City and Ground Lessee; and

**WHEREAS**, the Property is encumbered by a 10-foot perpetual, recorded utility easement in favor of FPL, which includes underground distribution facilities, a transformer pad and a vault, to supply electrical power to the public library on the Property (the “**Easement**”); and

**WHEREAS**, the Easement runs across the Property, and is recorded in Official Records Book 21250, at Page 620, of the Public Records of Miami-Dade County, Florida, a copy of which is attached hereto as **Exhibit “B”**, and is more particularly described as follows:

**Commence at the northwest corner of Lot 11, Block 2, as shown in AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, recorded in Plat Book 5, at Page 7 and 8, Public Records of Miami-Dade County, Florida; thence South 19’ 57’ 10.6” West, along the west line of said Block 2 for a distance of 64.00 feet to the POINT OF BEGINNING; thence South 70’ 02’ 49.4” East, parallel to the north line of said Block 2 for distance of 134.42 feet; thence South 19’ 57’ 10.6” West for a distance of 36.00 feet, thence South 70’ 02’ 49.4” East for a distance of 12.58 feet; thence South 19’ 57’ 10.6” West for a distance of 10.00 feet; thence North 70’ 02’ 49.4” West for a distance of 12.58 feet; thence South 19’ 57’ 10.6” West for a distance of 4.00 feet; thence South 70’ 02’ 49.4” East for 0 distance of 6.25 feet; thence South 19’ 57’ 10.6” West for a distance of 11.83 feet; thence North 70’ 02’ 49.4” West for a distance of 16.25 feet; thence North 19’ 57’ 10.6” East for a distance of 51.83 feet; thence North 70’ 02’ 49.4” West for a distance of 124.42 feet to a point. Said point located in the west line of the above-mentioned Block 2; thence North 19’ 57’ 10.6” East, along the west line of said Block 2 for a distance of 10.00 feet to the POINT OF BEGINNING.**

## “DRAFT”

**WHEREAS**, in connection with the unified development of the Property, which will include the development of the Collins Park Artist Workforce Housing Project, alongside the existing library, the Easement will need to be terminated and released and a new easement granted in favor of FPL, at a different location on the Property; and

**WHEREAS**, on October 30, 2024, the Mayor and City Commission adopted Resolution No. 2024-\_\_\_\_\_, approving and authorizing the City Manager and City Clerk to execute: (1) this Agreement, terminating and releasing the Easement, and (2) a new easement in favor of FPL, replacing the terminated easement, to provide electrical services to the existing Library.

**NOW, THEREFORE**, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner, City and Ground Lessee agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. The Easement is hereby fully canceled, terminated, extinguished and released and shall have no further force or effect and shall no longer bind the Property set forth therein.
3. Owner, City and Ground Lessee hereby direct the Clerk of the Court, Miami-Dade County, Florida to cancel the same of record.

[Signatures on following Pages]







**“DRAFT”**

**Exhibit “A”**

Legal Description of Property

Folio Number: 02-3226-001-0460

Lots 7, 9 and 11, less the Northern 10 feet for right of way, and the northern 25 feet of Lots 10 and 12, Block 2, Amended Map of The Ocean Front Property of the Miami Beach Improvement Company, according to the map or plat thereof, as recorded in Plat Book 5, Page 7, Public Records of Miami-Dade County, Florida.

**“DRAFT”**

**Exhibit “B”**

Recorded Easement



CFN 2003R0315781  
 DR Bk 21250 Pgs 0620 - 626; (7pgs)  
 RECORDED 05/15/2003 09:22:33  
 DEED DOC TAX 0.60  
 SURTAX 0.45  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

Work Order No. \_\_\_\_\_  
 Sec. 34, Twp. 53, S, Rge. 42 E

**Non-exclusive EASEMENT**

This Instrument Prepared by

Parcel I.D. # 02 3226 001 0460  
 (Maintained by County Appraiser)

Name: Raul Aguila, Esq.  
 Co. Name: City of Miami Beach  
 Address: 1700 Convention Ctr. Dr.  
Miami Beach, FL. 33139

The undersigned, City of Miami Beach, Florida (Grantor), in consideration of the payment of \$10.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns (Grantee), a non-exclusive easement forever for the construction, operation and maintenance of ~~overhead~~ and underground electric utility facilities, a transformer pad and vault (including wire, 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 10' feet in width described as follows:

See attached Exhibit "A" for Miami Beach Regional Library

Together with the right to permit any other person, firm or corporation to ~~attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same only for grantee's communication purposes~~: the right of ingress and egress to said easement at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside 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 herein above granted on the land heretofore described. This easement area will revert to the grantor and all rights discontinued when its use is not required for the intended property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on November 13, 2002

Signed, sealed and delivered in the presence of:

W. Tol  
 (Witness Signature)

Print Name Wangel Tol  
 (Witness)

Elizabeth Davis  
 (Witness Signature)

Print Name Elizabeth Damien  
 (Witness)

CITY OF MIAMI BEACH/GRANTOR  
 By: [Signature]  
 Mayor's (President's signature)  
 Print Name: DAVID DERMER

Print Address: 1700 Convention Ctr. Dr  
Miami Beach, FL., 33139

Attest: [Signature]  
 City Clerk's (Secretary's signature)  
 Print Name: Robert Parcher

Print Address: 1700 Convention Ctr. Dr  
Miami Beach, FL., 33139

[Signature] 11-6-02  
 City Attorney (S) Date (Corporate Seal)

**APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION**

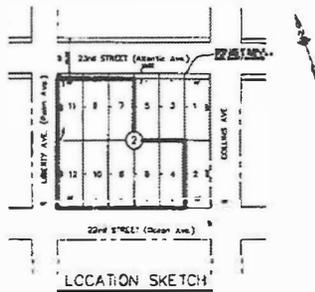
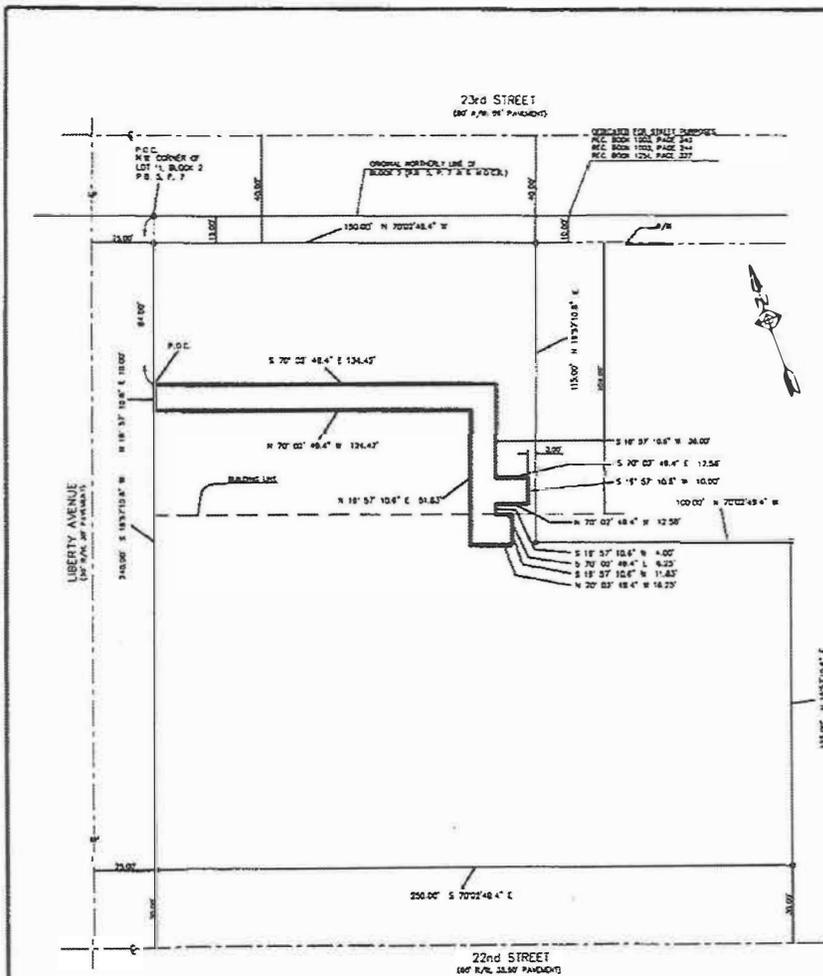
STATE OF Florida AND COUNTY OF Miami-Dade. The foregoing instrument was acknowledged before me this 21<sup>ST</sup> day of November, 2002, by David Dermer, and Robert Parcher, respectively the Mayor and City Clerk of the City of Miami Beach, a Florida corporation/municipality, on behalf of said municipality corporation, who are personally known to me or have produced \_\_\_\_\_ as identification, and who did (did not) take an oath.

My Commission Expires:

OFFICIAL NOTARY SEAL  
 LILLIAN BEAUCHAMP  
 NOTARY PUBLIC STATE OF FLORIDA  
 COMMISSION NO. DD109289  
 MY COMMISSION EXPIRES APR 29, 2006

[Signature]  
 Notary Public, Signature  
 Print Name Lillian Beauchamp

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**F.P. & L. EASEMENT DESCRIPTION:**

Commence at the northwest corner of Lot 11, Block 2, as shown in AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, recorded in Plat Book 5, at Page 7 and 8, Public Records of Miami-Dade County, Florida; thence South 19° 57' 10.6" West, along the west line of said Block 2 for a distance of 64.00 feet to the POINT OF BEGINNING; thence South 70° 02' 49.4" East, parallel to the north line of said Block 2 for a distance of 134.42 feet; thence South 19° 57' 10.6" West for a distance of 36.00 feet, thence South 70° 02' 49.4" East for a distance of 12.58 feet; thence South 19° 57' 10.6" West for a distance of 10.00 feet; thence North 70° 02' 49.4" West for a distance of 12.58 feet; thence South 19° 57' 10.6" West for a distance of 4.00 feet; thence South 70° 02' 49.4" East for a distance of 6.25 feet; thence South 19° 57' 10.6" West for a distance of 11.83 feet; thence North 70° 02' 49.4" West for a distance of 16.25 feet; thence North 19° 57' 10.6" East for a distance of 51.83 feet; thence North 70° 02' 49.4" West for a distance of 124.42 feet to a point. Said point located in the west line of the above mentioned Block 2; thence North 19° 57' 10.6" East, along the west line of said Block 2 for a distance of 10.00 feet to the POINT OF BEGINNING.

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

**EXHIBIT "A"**

**SURVEYOR'S NOTE:**

BEARINGS SHOWN ARE REFERENCED TO POSE ON THE EARTH. CONTROL LINE OF THE ATLANTIC OCEAN, RECORDED IN PLAT BOOK 105 AT PAGE 61, PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**LEGEND**

- CENTER LINE
- PROPERTY CORNER
- MIAMI-DADE COUNTY RECORDS
- P.O.B.
- POINT OF BEGINNING
- P.O.C.
- POINT OF COMMENCE
- P.L.B.
- PLAT BOOK
- P.P.
- POINT OF SIGHT

I, JERRY GENTY, State Licensed Surveyor, do hereby certify that this sketch is a true and correct copy of the original as shown to me by the owner and that the same is in accordance with the original as shown to me by the owner and that the same is in accordance with the original as shown to me by the owner and that the same is in accordance with the original as shown to me by the owner.

**CITY OF MIAMI BEACH, FLORIDA**  
**PUBLIC WORKS DEPARTMENT**  
 1400 WEST WASHINGTON AVENUE, SUITE 200  
 MIAMI BEACH, FLORIDA 33134

**FP&L EASEMENT. REGIONAL LIBRARY.**

**CITY MANAGER:** JORGE CONTRAZ  
**DIRECTOR:** FRED W. BOONHANN  
**CITY ENGINEER:** ARTHUR YEAP

**DESIGNER:** J.V.  
**DRAWN BY:** JAD  
**CHECKED BY:** J.S.  
**SCALE:** NOT TO SCALE

NO.	DATE	REVISION	APPROVED BY
1			
2			
3			
4			

File Number: \_\_\_\_\_  
 Date: 11/22/05  
 Drawing: PL-102-1

"Draft"

EXHIBIT "2"

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

Sec 34 Twp 53 S, Rge 42 E

Parcel I.D. 02-3226-001-0460

(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 6/11

**NON-EXCLUSIVE UNDERGROUND  
EASEMENT (BUSINESS)**

This Instrument Prepared By  
Name: Gisela Torres, Esq.  
Co. Name: City of Miami Beach  
Address: 1700 Convention Center Dr  
Miami Beach, Florida 33139  
pg 1 of 2.

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 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) 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 and to operate the same only for FPL's 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; 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 \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

Grantor: City of Miami Beach

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

By: \_\_\_\_\_

Print Name: \_\_\_\_\_  
Address: 1700 Convention Center Drive, Miami Beach, FL 33139

Print Name: Eric T. Carpenter, P.E., City Manager

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

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

Print Name: \_\_\_\_\_  
Address: 1700 Convention Center Drive, Miami Beach, FL 33139

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, by means of \_\_\_ physical presence or \_\_\_ online notarization. (Type of Identification)

My Commission Expires:

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

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

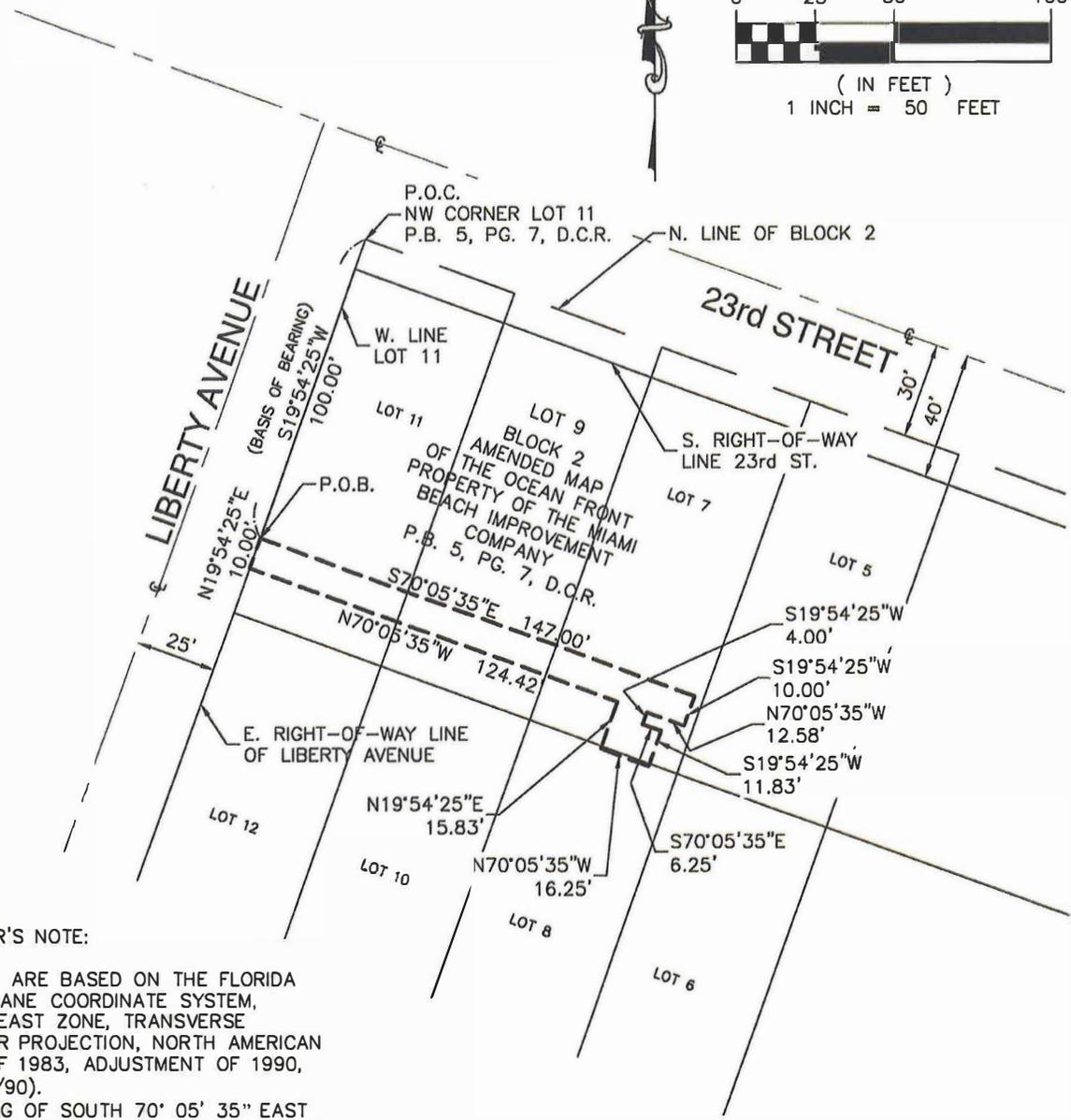




**GRAPHIC SCALE**



( IN FEET )  
1 INCH = 50 FEET



**SURVEYOR'S NOTE:**

BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT OF 1990, (NAD 83/90).  
A BEARING OF SOUTH 70° 05' 35" EAST HAS BEEN ESTABLISHED ALONG THE NORTH LINE OF BLOCK 2.

**ABBREVIATIONS:**

- PG. - PAGE
- P.B. - PLAT BOOK
- D.C.R. - DADE COUNTY RECORDS
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- C - CENTERLINE



South Florida Office: 5747 N. Andrews Way  
Ft. Lauderdale, Florida - 33309-2384  
954-436-7000 - Fax: 954-436-8664  
www.millerlegg.com

Certificate of Authorization L.B. 6680

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

**SKETCH & DESCRIPTION**

PROJECT NO.  
20-00141

FILE NO.  
SH-2

"Draft"

EXHIBIT "3"

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

**NON-EXCLUSIVE UNDERGROUND EASEMENT (BUSINESS)**

Sec 34, Twp 53 S, Rge 42 E

Parcel I.D. 02-3226-001-0460

(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 6/11

This Instrument Prepared By

Name: Gisela Torres, Esq.

Co. Name: City of Miami Beach

Address: 1700 Convention Center Dr

Miami Beach, Florida 33139

pg 1 of 2.

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 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 vault room) 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 and to operate the same only for FPL's 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; 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 communication 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 \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

Grantor: City of Miami Beach

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

By: \_\_\_\_\_

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

Address: 1700 Convention Center Drive, Miami Beach, FL 33139

Print Name: Eric T. Carpenter, P.E., City Manager

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

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

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

Address: 1700 Convention Center Drive, Miami Beach, FL 33139

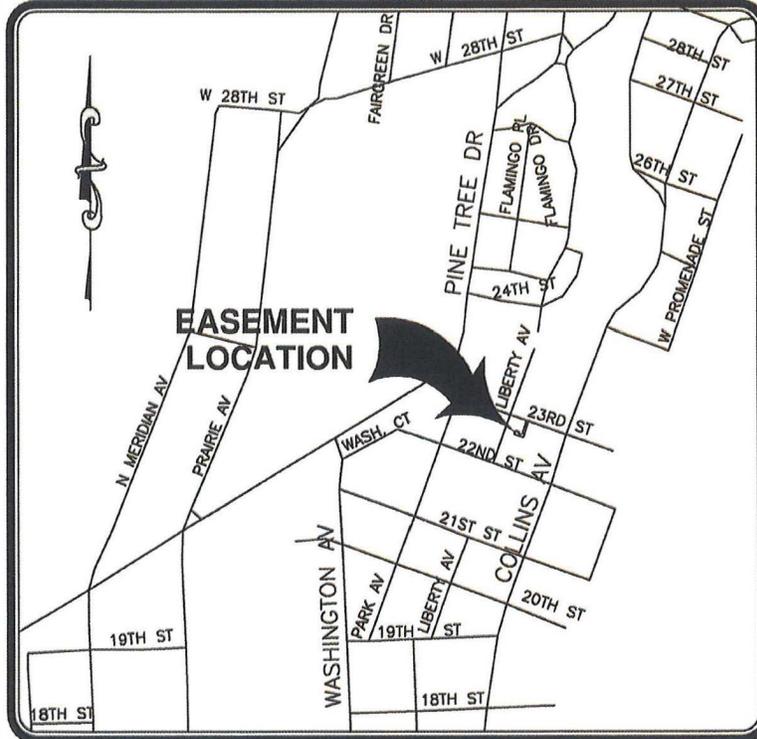
STATE OF \_\_\_\_\_ AND COUNTY OF \_\_\_\_\_. The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ a \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification, by means of \_\_\_ physical presence or \_\_\_ online notarization. (Type of Identification)

My Commission Expires: \_\_\_\_\_

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

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





TOWNSHIP 53S - RANGE 42E - SECTION 27  
**LOCATION MAP**  
 N.T.S.

LEGAL DESCRIPTION: (FLORIDA POWER & LIGHT COMPANY EASEMENT)

A PORTION OF LOTS 7 AND 9, BLOCK 2, OF "AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5 AT PAGE 7 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 11 OF SAID BLOCK 2; THENCE ALONG THE WEST LINE OF SAID LOT 11, SOUTH 19°24'55" WEST 10.00 FEET; THENCE ALONG SOUTH RIGHT-OF-WAY LINE OF 23rd STREET ALSO BEING A LINE 10.00 FEET SOUTH AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 2, SOUTH 70°05'35" EAST 94.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 70°05'35" EAST 10.00 FEET; THENCE SOUTH 19°54'17" WEST 76.56 FEET; THENCE NORTH 70°05'43" WEST 38.41 FEET; THENCE NORTH 19°54'17" EAST 20.45 FEET; THENCE SOUTH 70°05'43" EAST 24.13 FEET; THENCE SOUTH 19°54'17" WEST 10.45 FEET; THENCE SOUTH 70°05'43" EAST 4.29 FEET; THENCE NORTH 19°54'17" EAST 66.56 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE CITY OF MIAMI-BEACH, MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 1302 SQUARE FEET (0.030 ACRES) MORE OR LESS.

SEE SHEET 2 OF 2 FOR SKETCH

**SKETCH & DESCRIPTION**

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY


CERTIFIED TO:  
**CITY OF MIAMI BEACH**  
 Martin P Rossi  
 Digitally signed by Martin P Rossi  
 Date: 2024.10.08 10:15:46 -04'00'  
 No. 58

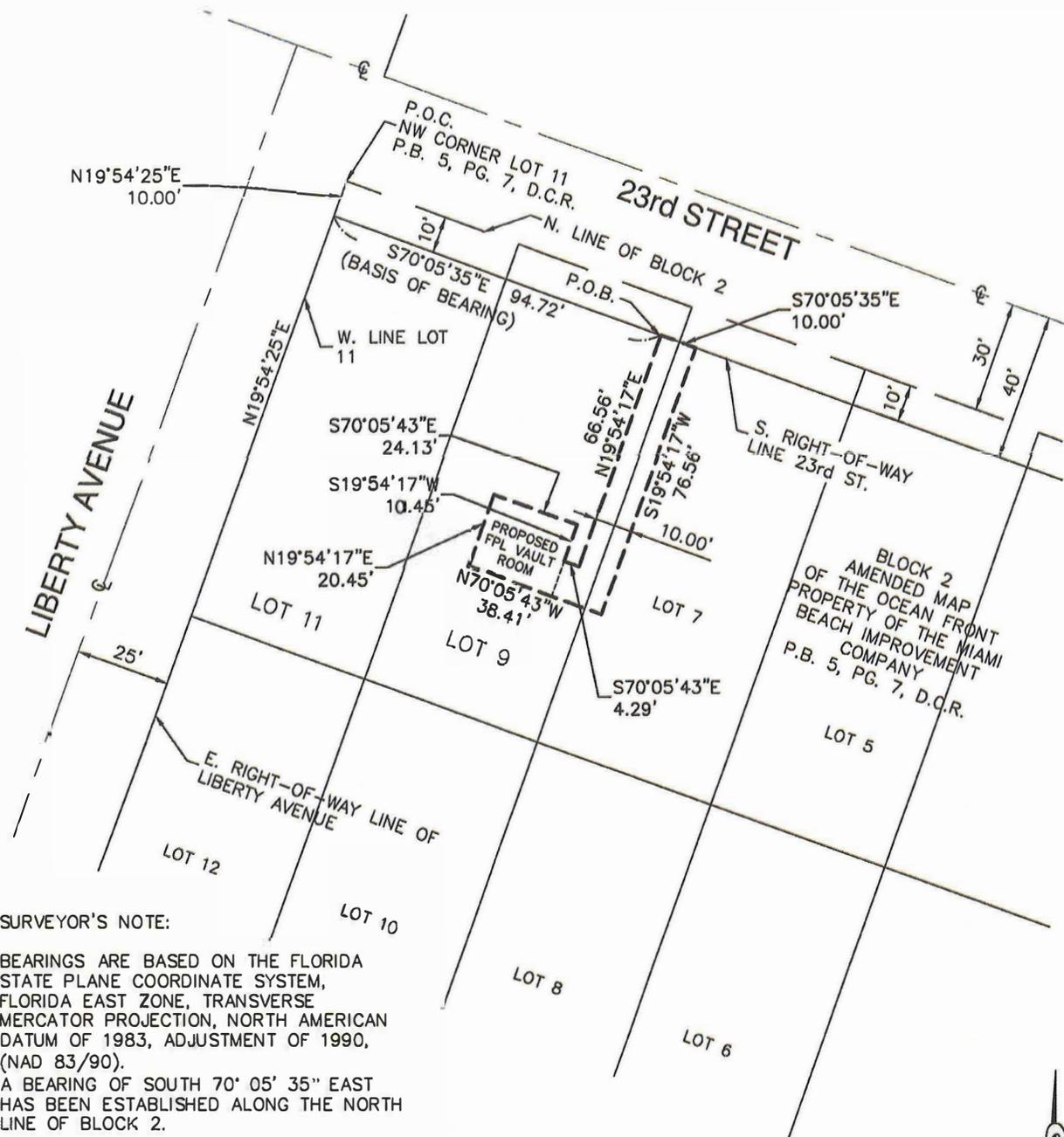
I HEREBY CERTIFY THAT THIS SKETCH MEETS STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 17.027, FLORIDA STATUTES. DATED THIS 26th DAY OF SEPTEMBER 2024 A.D.

**MILLER EGG STATE OF FLORIDA**  
 Professional Surveyor  
 South Florida Office: 13680 NW 5th Street, Suite 200  
 Sunrise, Florida - 33325  
 954-438-7000  
 www.milleregg.com

*Martin P. Rossi*  
**MARTIN P. ROSSI**  
 PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA REGISTRATION No. 5857  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  
 CERTIFICATE OF AUTHORIZATION: LB6680

10-08-24	REVISED TO SHOW PROPOSED FPL VAULT ROOM	MR
DATE	REVISIONS	DRN. CHG.
DRAWN BY:	LP	CHECKED BY: MR

PROJECT NO. **20-00141** FILE NO. **SH-1**



**SURVEYOR'S NOTE:**

BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT OF 1990, (NAD 83/90).

A BEARING OF SOUTH 70° 05' 35" EAST HAS BEEN ESTABLISHED ALONG THE NORTH LINE OF BLOCK 2.

**ABBREVIATIONS:**

- PG. - PAGE
- P.B. - PLAT BOOK
- D.C.R. - DADE COUNTY RECORDS
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- ℄ - CENTERLINE



**MILLER LEGG**

South Florida Office: 5747 N. Andrews Way  
 Ft. Lauderdale, Florida - 33309-2364  
 954-436-7000 - Fax: 954-436-8664  
 www.millerlegg.com

Certificate of Authorization L.B. 6680

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

**SKETCH & DESCRIPTION**

PROJECT NO.  
20-00141

FILE NO.  
SH-2

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

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, THE FOLLOWING DOCUMENTS IN CONNECTION WITH THE DEVELOPMENT OF THE COLLINS PARK ARTIST WORKFORCE HOUSING PROJECT ON THE CITY-OWNED LAND LOCATED AT 224 23<sup>RD</sup> STREET (THE "PROPERTY"), PURSUANT TO A DEVELOPMENT AGREEMENT AND ASSOCIATED GROUND LEASE: (1) A TERMINATION AND RELEASE OF EASEMENT, IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "1", RELATING TO A NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT ("FPL"), RECORDED IN OFFICIAL RECORDS BOOK 21250, AT PAGE 620, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN A PORTION OF LOT 11, IN BLOCK 2, OF THE AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, RECORDED IN PLAT BOOK 5, AT PAGE 7 (THE "PLAT"), THAT PROVIDES ELECTRICAL SERVICES TO THE MIAMI BEACH REGIONAL LIBRARY AT THE PROPERTY; (2) A NEW 10 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF FPL, IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "2", HAVING APPROXIMATELY 1,702 SQUARE FEET AND LYING IN A PORTION OF LOTS 7, 8, 9 AND 11, IN BLOCK 2, OF THE PLAT, REPLACING THE TERMINATED EASEMENT, TO PROVIDE ELECTRICAL SERVICES TO THE LIBRARY; AND (3) A NEW NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF FPL, IN THE DRAFT FORM ATTACHED TO THIS RESOLUTION AS EXHIBIT "3", HAVING APPROXIMATELY 1,302 SQUARE FEET AND LYING IN A PORTION OF LOTS 7 AND 9, IN BLOCK 2, OF THE PLAT, TO PROVIDE ELECTRICAL SERVICES TO THE DEVELOPED PROJECT; AND FURTHER, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE DOCUMENTS.

**WHEREAS**, the City owns the property located at 224 23rd Street, within the Collins Park Cultural District (the "Property"), which was formerly a 21-space surface parking lot adjacent to the Miami Beach Regional Library (the "Library") and the Collins Park Garage (G12); and

**WHEREAS**, pursuant to a Declaration of Restrictive Covenants in Lieu of Unity of Title, recorded on March 2, 2022, in Official Records Book 33044, at Page 3500, of the Public Records of Miami-Dade County, Florida ("Public Records"), the Property is a unified development site with the Library, which is owned by the City and operated by Miami-Dade County under an interlocal cooperation agreement; and

**WHEREAS**, on November 13, 2002, the Mayor and City Commission adopted Resolution No. 2002-25063, approving a Non-exclusive Easement to Florida Power & Light Company (FPL) for the provision of underground distribution facilities, a transformer pad, and a vault at the Library site to supply electrical power, which Non-exclusive Easement is recorded in Official Records Book 21250, at Page 620, of the Public Records ("Recorded Easement"); and

**WHEREAS**, on January 18, 2019, the City issued Invitation to Negotiate (ITN) 2019-099-KB (the "ITN"), seeking proposals for a mixed-use residential workforce housing development (the "Collins Park Artist Workforce Housing Project" or "Project"), encouraging proposers to include dormitory space for the Miami City Ballet, Inc., a not-for-profit organization with nearby headquarters; and

**WHEREAS**, on January 13, 2021, the Mayor and City Commission adopted Resolution No. 2021-31553, approving a Development Agreement with Servitas, LLC ("Servitas" or "Developer"), the sole remaining proposer under the ITN for the development of the Collins Park Artist Workforce Housing Project, containing residential workforce housing units for artists, teachers, and other income-eligible tenants; dormitory housing intended for use by Miami City Ballet, Inc. (the "Ballet"), to support the Miami City Ballet's dance education and other programs or, if an agreement with the Ballet could not be reached, additional workforce housing units; and ground floor retail or cultural space; and

**WHEREAS**, on January 13, 2021, in a companion agenda item, the Mayor and City Commission adopted Resolution No. 2021-31554, approving a Ground Lease Agreement with Community Finance Corporation, a not-for-profit corporation, or an affiliate thereof for the development, financing, construction and operation of the Project (the "Ground Lease"); and

**WHEREAS**, on May 17, 2023, the Mayor and City Commission adopted Resolution No. 2023-32619, approving revisions to the Ground Lease between the City and CFC—MB I, LLC, a wholly owned affiliate of Community Finance Corporation ("Lessee"), to reflect the City's additional monetary contribution to the Project, which Ground Lease was executed by the City and Lessee as of June 1, 2023; and

**WHEREAS**, the Project broke ground on July 27, 2023, construction is approximately 75% complete, and the Project is anticipated to reach substantial completion by spring 2025; and

**WHEREAS**, the Project will feature a 7-story housing facility, having approximately 74,000 square feet, and including public or cultural arts space on a portion of the ground floor, dormitory housing for the Miami City Ballet's dance education program, and 80 workforce housing units, prioritizing income-eligible artists, educators, City employees, veterans, and other members of the Miami Beach workforce; and

**WHEREAS**, development of the Project necessitates the termination of the existing Recorded Easement for FPL services to the Library, and replacing it with a new 10-foot-wide perpetual, non-exclusive Easement, in the draft form attached to this Resolution as Exhibit "2", having approximately 1,702 square feet, located along the perimeter of the Property, to maintain electrical service to the Library; and

**WHEREAS**, connecting the Project to the FPL power system requires the installation of an FPL vault room on the Property, and FPL has requested a perpetual, non-exclusive Easement within the Project site, in the draft form attached to this Resolution as Exhibit "3", having approximately 1,302 square feet, to accommodate the vault and related facilities; and

**WHEREAS**, in order to permit FPL to access, construct, operate, and maintain above-ground and related below-ground facilities to ensure electrical service for both the Library and the Project, the Administration recommends that the Mayor and City Commission approve, in substantial form: (1) the Termination and Release of Easement, in the draft form attached to this Resolution as Exhibit "1", terminating and releasing the Recorded Easement; (2) a new 10 foot wide non-exclusive utility Easement in favor of FPL, in the draft form attached to this Resolution as Exhibit "2"; and (3) a new non-exclusive utility Easement in favor of FPL, in the draft form attached to this Resolution as Exhibit "3"; and further, authorize the City Manager to finalize and execute the documents.

**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, the following documents in connection with the development of the Collins Park Artist Workforce Housing Project on the City-owned land located at 224 23<sup>rd</sup> Street (the "Property"), pursuant to a Development Agreement and associated Ground Lease: (1) a Termination and

Release of Easement, in the draft form attached to this Resolution as Exhibit "1", relating to a Non-exclusive Utility Easement in favor of Florida Power & Light ("FPL"), recorded in Official Records Book 21250, at Page 620, of the Public Records of Miami-Dade County, Florida, lying in a portion of Lot 11, in Block 2, of the Amended Map of Ocean Front Property of the Miami Beach Improvement Company, recorded in Plat Book 5, at Page 7 (the "Plat"), that provides electrical services to the Miami Beach Regional Library at the Property; (2) a new 10 foot wide non-exclusive utility Easement in favor of FPL, in the draft form attached to this Resolution as Exhibit "2", having approximately 1,702 square feet and lying in a portion of Lots 7, 8, 9 and 11, in Block 2, of the Plat, replacing the terminated easement, to provide electrical services to the Library; and (3) a new non-exclusive utility Easement in favor of FPL, in the draft form attached to this Resolution as Exhibit "3", having approximately 1,302 square feet and lying in a portion of Lots 7 and 9, in Block 2, of the Plat, to provide electrical services to the developed Project; and further, authorize the City Manager to finalize and execute the documents.

**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 *SM*

11/26/2024  
Date

# "DRAFT"

## EXHIBIT "1"

This instrument prepared by or under the supervision of  
(and after recording should be returned to):

Name: Ricardo J. Dopico, City Attorney  
Address: City of Miami Beach, Florida  
Office of the City Attorney, 4th Floor  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Folio No. 02-3226-001-0460

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### TERMINATION AND RELEASE OF EASEMENT

**THIS TERMINATION AND RELEASE OF EASEMENT ("Agreement")** is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2024, by and among the **CITY OF MIAMI BEACH, FLORIDA**, a municipal corporation of the State of Florida, located at 1700 Convention Center Drive, Miami Beach, Florida 33139 (the "**City**"), owner of the property located at 224 23<sup>rd</sup> Street, Miami Beach, Florida 33139 (the "**Property**"), the **FLORIDA POWER & LIGHT COMPANY ("FPL")**, and **CFC-MB I, LLC**, a liability company organized and existing under the laws of the State of Arizona (the "**Ground Lessee**").

**WHEREAS**, the City is fee simple owner of the Property, more particularly described in **Exhibit "A"**, which is leased to the Ground Lessee pursuant to that certain Ground Lease Agreement, dated as of June 1, 2023, by and between the City and Ground Lessee; and

**WHEREAS**, the Property is encumbered by a 10-foot perpetual, recorded utility easement in favor of FPL, which includes underground distribution facilities, a transformer pad and a vault, to supply electrical power to the public library on the Property (the "**Easement**"); and

**WHEREAS**, the Easement runs across the Property, and is recorded in Official Records Book 21250, at Page 620, of the Public Records of Miami-Dade County, Florida, a copy of which is attached hereto as **Exhibit "B"**, and is more particularly described as follows:

**Commence at the northwest corner of Lot 11, Block 2, as shown in AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, recorded in Plat Book 5, at Page 7 and 8, Public Records of Miami-Dade County, Florida; thence South 19' 57' 10.6" West, along the west line of said Block 2 for a distance of 64.00 feet to the POINT OF BEGINNING; thence South 70' 02' 49.4" East, parallel to the north line of said Block 2 for distance of 134.42 feet; thence South 19' 57' 10.6" West for a distance of 36.00 feet, thence South 70' 02' 49.4" East for a distance of 12.58 feet; thence South 19' 57' 10.6" West for a distance of 10.00 feet; thence North 70' 02' 49.4" West for a distance of 12.58 feet; thence South 19' 57' 10.6" West for a distance of 4.00 feet; thence South 70' 02' 49.4" East for 0 distance of 6.25 feet; thence South 19' 57' 10.6" West for a distance of 11.83 feet; thence North 70' 02' 49.4" West for a distance of 16.25 feet; thence North 19' 57' 10.6" East for a distance of 51.83 feet; thence North 70' 02' 49.4" West for a distance of 124.42 feet to a point. Said point located in the west line of the above-mentioned Block 2; thence North 19' 57' 10.6" East, along the west line of said Block 2 for a distance of 10.00 feet to the POINT OF BEGINNING.**

## “DRAFT”

**WHEREAS**, in connection with the unified development of the Property, which will include the development of the Collins Park Artist Workforce Housing Project, alongside the existing library, the Easement will need to be terminated and released and a new easement granted in favor of FPL, at a different location on the Property; and

**WHEREAS**, on October 30, 2024, the Mayor and City Commission adopted Resolution No. 2024-\_\_\_\_\_, approving and authorizing the City Manager and City Clerk to execute: (1) this Agreement, terminating and releasing the Easement, and (2) a new easement in favor of FPL, replacing the terminated easement, to provide electrical services to the existing Library.

**NOW, THEREFORE**, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner, City and Ground Lessee agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. The Easement is hereby fully canceled, terminated, extinguished and released and shall have no further force or effect and shall no longer bind the Property set forth therein.
3. Owner, City and Ground Lessee hereby direct the Clerk of the Court, Miami-Dade County, Florida to cancel the same of record.

[Signatures on following Pages]







**“DRAFT”**

**Exhibit “A”**

Legal Description of Property

Folio Number: 02-3226-001-0460

Lots 7, 9 and 11, less the Northern 10 feet for right of way, and the northern 25 feet of Lots 10 and 12, Block 2, Amended Map of The Ocean Front Property of the Miami Beach Improvement Company, according to the map or plat thereof, as recorded in Plat Book 5, Page 7, Public Records of Miami-Dade County, Florida.

**“DRAFT”**

**Exhibit “B”**

Recorded Easement



CFN 2003R0315781  
 DR Bk 21250 Pgs 0620 - 626; (7pgs)  
 RECORDED 05/15/2003 09:22:33  
 DEED DOC TAX 0.60  
 SURTAX 0.45  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

Work Order No. \_\_\_\_\_  
 Sec. 34, Twp. 53 S, Rge. 42 E

**Non-exclusive EASEMENT**  
 This Instrument Prepared by

Parcel I.D. # 02 3226 001 0460  
 (Maintained by County Appraiser)

Name: Raul Aguila, Esq.  
 Co. Name: City of Miami Beach  
 Address: 1700 Convention Ctr. Dr.  
Miami Beach, FL 33139

The undersigned, City of Miami Beach, Florida (Grantor), in consideration of the payment of \$10.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns (Grantee), a non-exclusive easement forever for the construction, operation and maintenance of ~~overhead~~ and underground electric utility facilities, a transformer pad and vault (including wire, 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 10' feet in width described as follows:

See attached Exhibit "A" for Miami Beach Regional Library

Together with the right to permit any other person, firm or corporation to ~~attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same~~ only for grantee's communication purposes: the right of ingress and egress to said easement at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside 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 herein above granted on the land heretofore described. This easement area will revert to the grantor and all rights discontinued when its use is not required for the intended property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument, on November 13, 2002

Signed, sealed and delivered in the presence of:

W. Tol.  
 (Witness Signature)

Print Name Manuel A. Tol.  
 (Witness)

Elizabeth Davis  
 (Witness Signature)

Print Name Elizabeth Damien  
 (Witness)

CITY OF MIAMI BEACH/GRANTOR  
 By: [Signature]  
 Mayor's (President's signature)  
 Print Name: DAVID DERMER

Print Address: 1700 Convention Ctr. Dr  
Miami Beach, FL., 33139

Attest: [Signature]  
 City Clerk's (Secretary's signature)  
 Print Name: Robert Parcher

Print Address: 1700 Convention Ctr. Dr  
Miami Beach, FL., 33139

[Signature] 11-6-02  
 City Attorney Date (Corporate Seal)

**APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION**

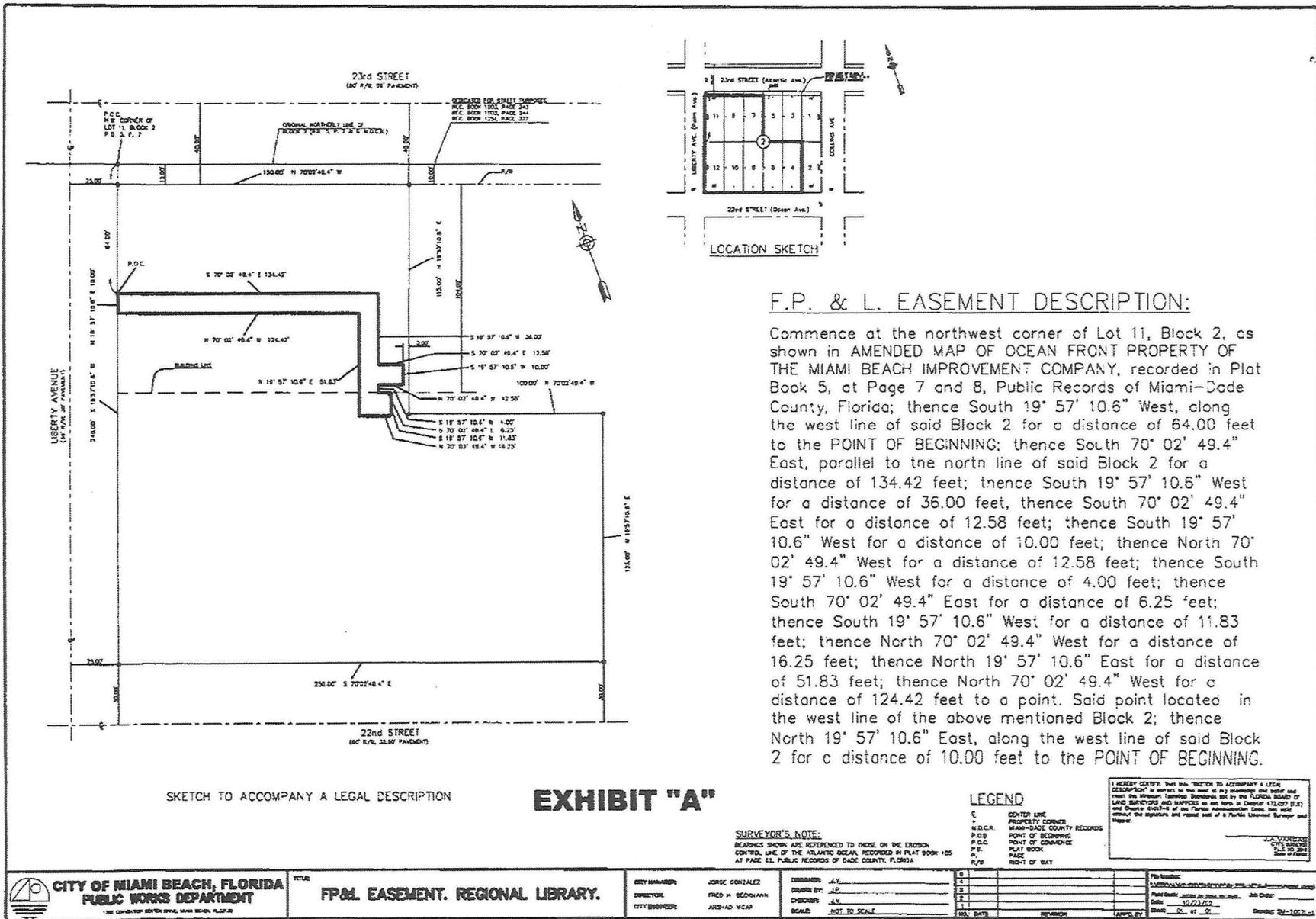
STATE OF Florida AND COUNTY OF Miami-Dade. The foregoing instrument was acknowledged before me this 21<sup>ST</sup> day of November, 2002, by David Dermer, and Robert Parcher, respectively the Mayor and City Clerk of the City of Miami Beach, a Florida corporation/municipality, on behalf of said municipality corporation, who are personally known to me or have produced \_\_\_\_\_ as identification and ~~did~~ (did not) take an oath.

My Commission Expires:

OFFICIAL NOTARY SEAL  
 LILLIAN BEAUCHAMP  
 NOTARY PUBLIC STATE OF FLORIDA  
 COMMISSION NO. DD109289  
 MY COMMISSION EXP. APR. 29, 2006

[Signature]  
 Notary Public, Signature  
 Print Name Lillian Beauchamp

F:\WORK\ALL\VGK\EASEMENTS\reg-13-11-02\miami.doc



**F.P. & L. EASEMENT DESCRIPTION:**

Commence at the northwest corner of Lot 11, Block 2, as shown in AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, recorded in Plat Book 5, at Page 7 and 8, Public Records of Miami-Dade County, Florida; thence South 19° 57' 10.6" West, along the west line of said Block 2 for a distance of 64.00 feet to the POINT OF BEGINNING; thence South 70° 02' 49.4" East, parallel to the north line of said Block 2 for a distance of 134.42 feet; thence South 19° 57' 10.6" West for a distance of 36.00 feet, thence South 70° 02' 49.4" East for a distance of 12.58 feet; thence South 19° 57' 10.6" West for a distance of 10.00 feet; thence North 70° 02' 49.4" West for a distance of 12.58 feet; thence South 19° 57' 10.6" West for a distance of 4.00 feet; thence South 70° 02' 49.4" East for a distance of 6.25 feet; thence South 19° 57' 10.6" West for a distance of 11.83 feet; thence North 70° 02' 49.4" West for a distance of 16.25 feet; thence North 19° 57' 10.6" East for a distance of 51.83 feet; thence North 70° 02' 49.4" West for a distance of 124.42 feet to a point. Said point located in the west line of the above mentioned Block 2; thence North 19° 57' 10.6" East, along the west line of said Block 2 for a distance of 10.00 feet to the POINT OF BEGINNING.

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

**EXHIBIT "A"**

**SURVEYOR'S NOTE:**  
 BEARINGS SHOWN ARE REFERENCED TO THOSE ON THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN, RECORDED IN PLAT BOOK 105 AT PAGE 11, PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**LEGEND**

C	CENTER LINE
+	PROPERTY CORNER
M.D.C.R.	MIAMI-DADE COUNTY RECORDS
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.L.B.	PLAT BOOK
P.	PAGE
R/W	RIGHT OF WAY

I HEREBY CERTIFY that this SKETCH TO ACCOMPANY A LEGAL DESCRIPTION is correct to the best of my knowledge and belief and that the same conforms to the requirements set by the FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS as set forth in Chapter 473.007 (F.S.) and Chapter 473.008 of the Florida Administrative Code, and that I am a duly Licensed Surveyor and Mapper.

J. J. VENTURA  
 J. J. VENTURA  
 741 20 000  
 State of Florida

**CITY OF MIAMI BEACH, FLORIDA**  
**PUBLIC WORKS DEPARTMENT**

TITLE: **FP&L EASEMENT. REGIONAL LIBRARY.**

CITY MANAGER: JORGE CONIALES  
 DIRECTOR: FRED W. BECKMANN  
 CITY ENGINEER: ARTHUR VCAR

DESIGNED BY: J.V.  
 DRAWN BY: J.P.  
 CHECKED BY: J.V.  
 SCALE: NOT TO SCALE

FILE NUMBER: 15021272  
 DATE: 10/21/12  
 SHEET: 1 OF 1

EXHIBIT "2"

"DRAFT"

UNDERGROUND EASEMENT (BUSINESS)

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

Sec. 34, Twp 53, Rge 42 E

Parcel I.D. 02-3226-001-0460 (Maintained by County Appraiser)

This Instrument Prepared By Name: Gisela Torres Esq. Co. Name: City of Miami Beach, Florida 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: \_\_\_\_\_

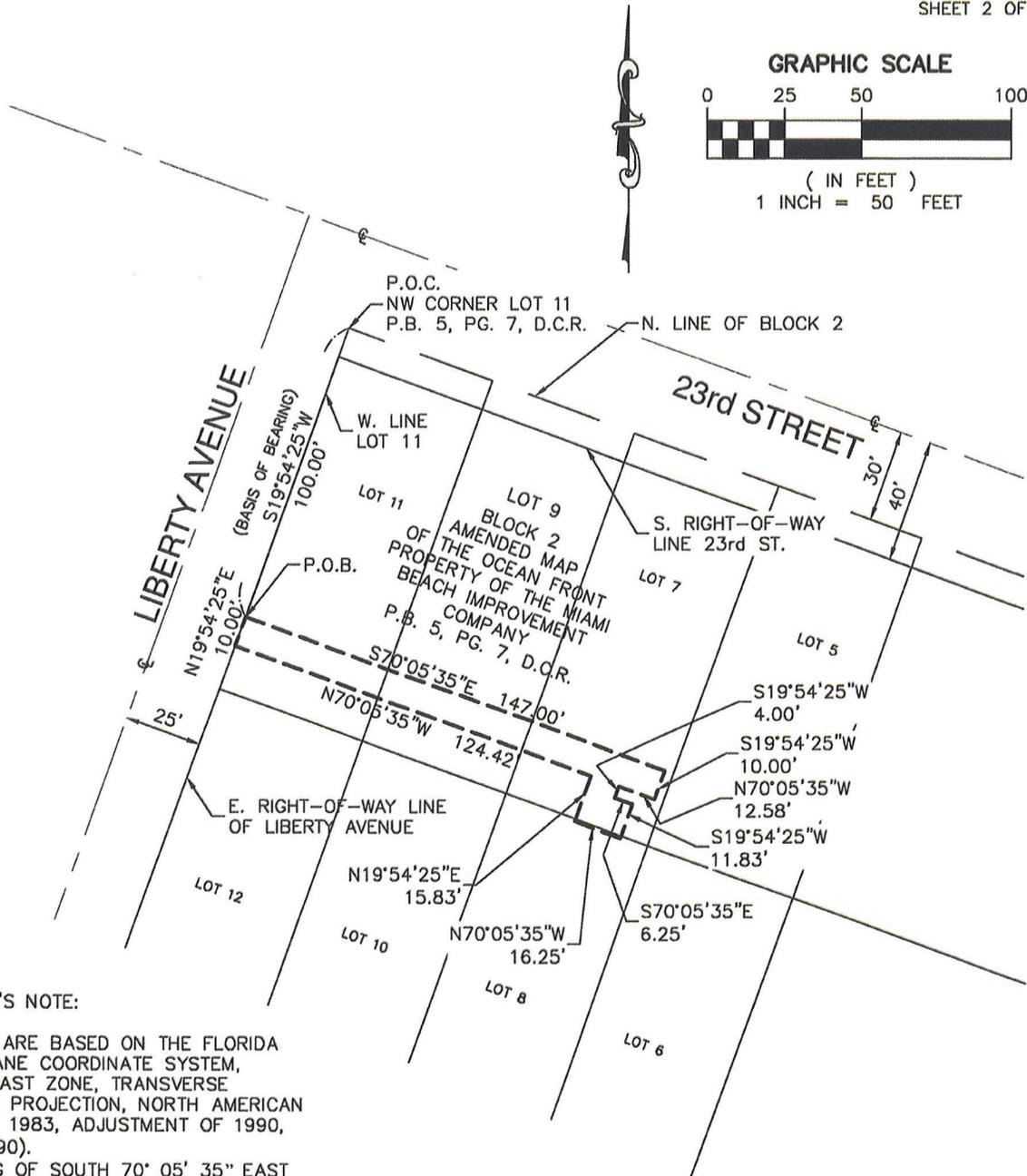
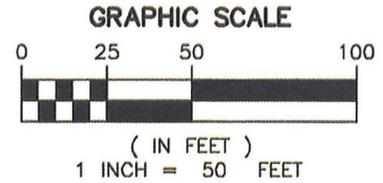
Print Address: \_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_







**SURVEYOR'S NOTE:**

BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT OF 1990, (NAD 83/90).  
 A BEARING OF SOUTH 70° 05' 35" EAST HAS BEEN ESTABLISHED ALONG THE NORTH LINE OF BLOCK 2.

**ABBREVIATIONS:**

- PG. - PAGE
- P.B. - PLAT BOOK
- D.C.R. - DADE COUNTY RECORDS
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- ⊕ - CENTERLINE



South Florida Office: 5747 N. Andrews Way  
 Ft. Lauderdale, Florida - 33309-2364  
 954-436-7000 - Fax: 954-436-8664  
 www.millerlegg.com

Certificate of Authorization L.B. 6680

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

**SKETCH & DESCRIPTION**

PROJECT NO.  
20-00141

FILE NO.  
SH-2

EXHIBIT "3"

"DRAFT"

UNDERGROUND EASEMENT (BUSINESS)

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

Sec.34, Twp 53, Rge 42 E

Parcel I.D.02-3226-001-0460 (Maintained by County Appraiser)

This Instrument Prepared By

Name: Gisela Torres Esq. Co. Name: City of Miami Beach, Florida 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: (Witness)

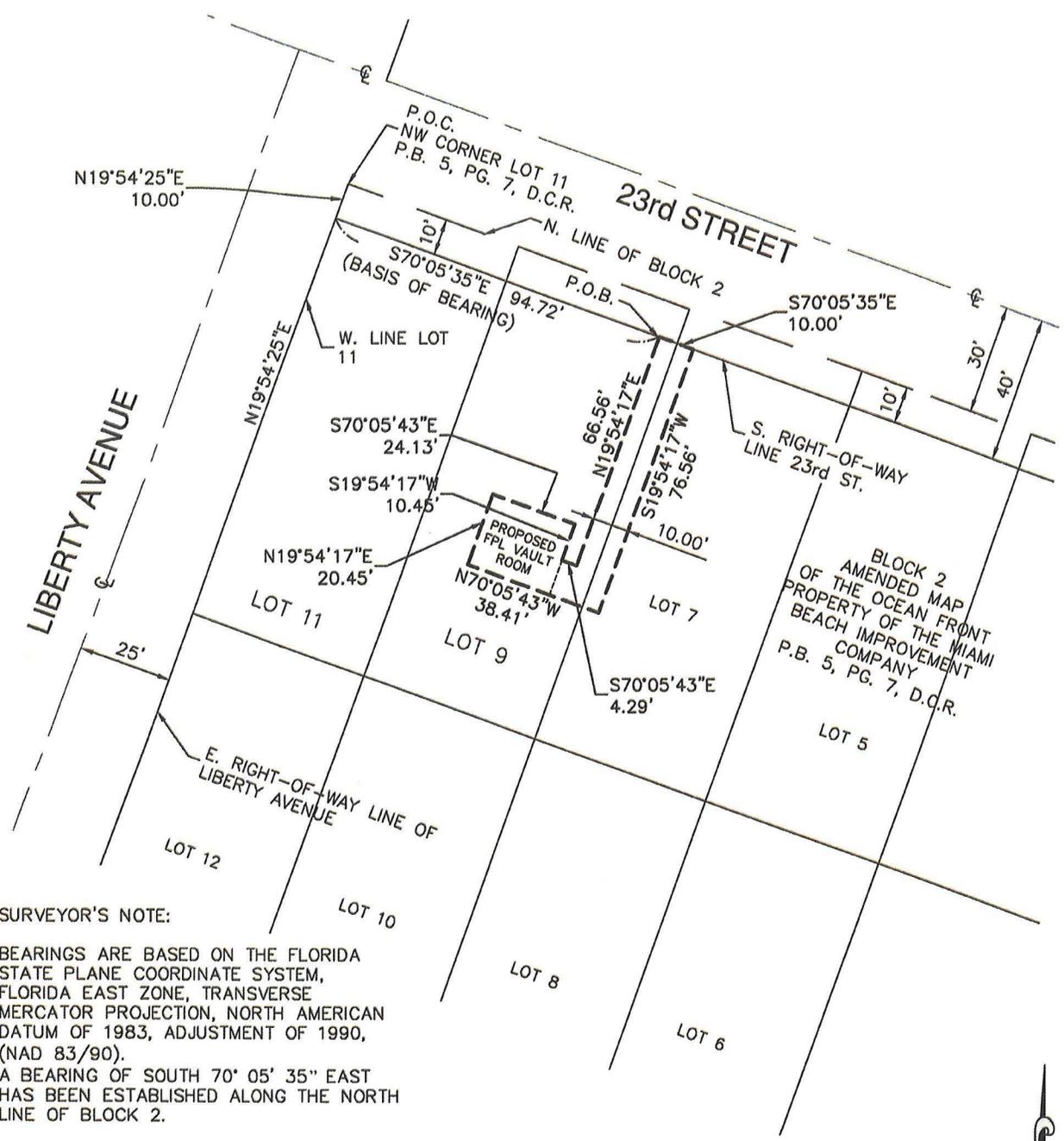
\_\_\_\_\_

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: \_\_\_\_\_







**SURVEYOR'S NOTE:**

BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT OF 1990, (NAD 83/90).  
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