

C7 L 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.

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, 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.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission approve the Resolution.

BACKGROUND/HISTORY

The City is the owner of the property located at 1933-1945 Meridian Avenue, the current site of the Holocaust Memorial.

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 located at 1933-1945 Meridian Avenue. The Memorandum of Lease was recorded in Official Records Book 19624, at Page 2665, of the Public Records of Miami-Dade County, Florida.

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.

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).

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 19th 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 of the City's voters voting in a City-wide referendum.

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. 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.

Construction commenced in May 2024, and during the 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. FPL has reached out to the City and 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. This process will require for the City to execute a Non-Exclusive Underground Utility Easement in favor of FPL (Easement).

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.

FISCAL IMPACT STATEMENT

The execution of the proposed Easement with FPL will not result in any direct cost to the City. The granting of this Easement is essential to facilitate necessary electrical infrastructure for both the Project and the Holocaust Memorial, ensuring uninterrupted utility service.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the attached Resolution, approving, in substantial form, the Easement in favor of FPL, in the draft form attached to the Resolution as Exhibit "1", a copy of which is attached hereto, 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.

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?

No

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

Public Works

Condensed Title

Execute Non-exclusive Utility Easement for FPL, Holocaust Memorial Underground Project. PW

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 19th 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: _____

(Witness)

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\VSURV\FPL_EAS.dwg\XCSURVEY (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>811 PROTECT YOURSELF ALL STATES REQUIRE NOTIFICATION OF OPERATORS, CONTRACTORS, OR ANY PERSON PENETRATING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN ANY STATE</p> <p>Learn More Below Call before you dig FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT: WWW.CALL811.COM</p>	<table border="1"> <tr> <td colspan="2">FPL EASEMENT</td> </tr> <tr> <td>SCALE: AS SHOWN</td> <td>DATE: 10/10/24</td> </tr> <tr> <td>DRAWN BY: ALR</td> <td>CHECKED BY: ALR</td> </tr> <tr> <td>PROJECT NUMBER: 24003452A</td> <td>DRAWING NAME: VSURV\FPL EAS</td> </tr> <tr> <td colspan="2">SHEET TITLE: LEGAL DESCRIPTION</td> </tr> <tr> <td colspan="2">SHEET NUMBER: 1 of 2</td> </tr> </table>	FPL EASEMENT		SCALE: AS SHOWN	DATE: 10/10/24	DRAWN BY: ALR	CHECKED BY: ALR	PROJECT NUMBER: 24003452A	DRAWING NAME: VSURV\FPL EAS	SHEET TITLE: LEGAL DESCRIPTION		SHEET NUMBER: 1 of 2	
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