

RESOLUTION NO. 09-756

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A 10 FOOT WIDE UTILITY EASEMENT AT ROYAL OAKS PARK FOR FLORIDA POWER AND LIGHT (“FPL”) FACILITIES TO PROVIDE ELECTRICAL POWER TO SERVICE THE COMMUNITY CENTER AT ROYAL OAKS PARK; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS OF THE UTILITY EASEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE UTILITY EASEMENT AND OTHER EASEMENTS NECESSARY TO COMPLETE CONSTRUCTION OF THE COMMUNITY CENTER; DIRECTING THE TOWN CLERK TO RECORD THE UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”) has embarked upon the construction of the Community Center (the “Community Center”) at Royal Oaks Park (the “Park”); and

**WHEREAS**, to service the Community Center with a power distribution system, distribution lines are required within the Park; and

**WHEREAS**, FPL will install underground power lines to service the Community Center; and

**WHEREAS**, FPL requires that a 10 foot wide utility easement (the “Utility Easement”) be granted to secure access for maintenance and operation of those facilities; and

**WHEREAS**, the Town Engineer and construction contractor for the Community Center recommend approval of the 10 foot wide Utility Easement for FPL facilities required to provide electrical power to service the Community Center in the Park; and

**WHEREAS**, the Town may be asked for additional easements for other utilities necessary to complete the construction of the Community Center at the Park; and

**WHEREAS**, the Town Council deems it to be in the best interest of the citizens of the Town to approve the Utility Easement and the further execution by the Mayor of additional easements necessary to complete construction of the Community Center at the Park.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing Recitals are true and correct and are incorporated herein by this reference.

**Section 2. Approval of the Utility Easement.** The 10 foot wide Utility Easement within Royal Oaks Park for FPL facilities required to provide electrical power to service the Community Center, a copy of which is attached as Exhibit "A", together with such changes as may be required by FPL and acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

**Section 3. Authorization of Town Officials.** The Town Manager and Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Utility Easement.

**Section 4. Execution of the Utility Easement and other Easements.** The Mayor is authorized to execute the Utility Easement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Utility Easement, to execute any extensions and/or amendments to the Utility Easement, and to execute any other easements necessary to complete construction of the Community Center in the Park, subject to the approval as to form and legality by the Town Attorney.

**Section 5. Recordation of the Utility Easement.** The Town Clerk is directed



to record the Utility Easement in the Public Records of Miami-Dade County.

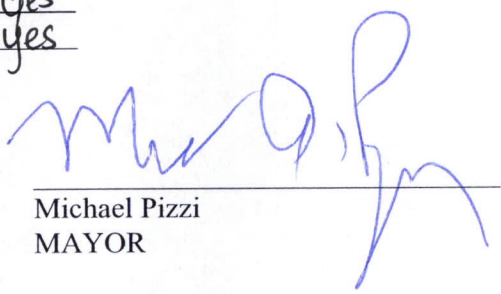
**Section 6. Effective Date.** This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 14<sup>th</sup> day of July, 2009.

Motion to adopt by Councilmember Mary Collins second by Councilmember Nancy Simon

FINAL VOTE AT ADOPTION

Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Richard Pulido	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember George Lopez	<u>yes</u>
Councilmember Robert Meador II	<u>yes</u>
Councilmember Nick Perdomo	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>



Michael Pizzi  
MAYOR

ATTEST:  
  
 TOWN CLERK

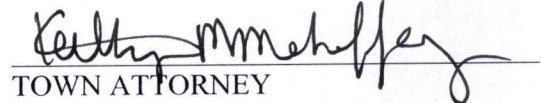
APPROVED AS TO LEGAL SUFFICIENCY:  
  
 TOWN ATTORNEY  
 Weiss, Serota, Helfman, Pastoriza,  
 Cole & Boniske, P.L.

Exhibit "A"

Work Order No. \_\_\_\_\_  
Sec. 16, Twp 52 S, Rge 40 E  
Parcel I.D.# \_\_\_\_\_

**EASEMENT**

This instrument prepared by:

(Maintained by County Appraiser) John J. Kendrick III, Esq.  
Weiss Serota Helfman  
Pastoriza Cole & Boniske, P.L.  
2525 Ponce de Leon Blvd., Suite 700  
Coral Gables, Florida 33134

The undersigned, 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, a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including wires, 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 ten feet (10') in width at Royal Oaks Park (the "Property") which is described as follows:

**Reserved for Circuit Court**

See Exhibit "A" attached hereto and made a part hereof for Sketch and Legal Description of Easement.

This Easement is granted for the purpose of locating electrical facilities to the Property and is limited to the placement of such electrical facilities within the easement area. Grantee shall use its best efforts to minimize any impact or disruption to the Property.

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 for communications purposes; the right of ingress and egress to said premises 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 tress or limbs outside of the easement area which might interfere with or fall upon the lines 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 land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said easement area.

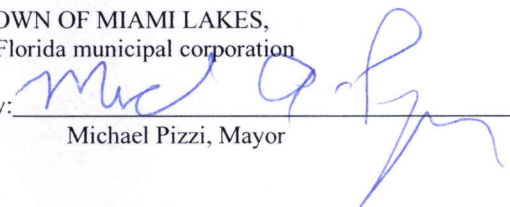
IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_ day of July, 2009.

Signed, sealed and delivered  
in the presence of:

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

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

TOWN OF MIAMI LAKES,  
a Florida municipal corporation

By:   
Michael Pizzi, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie Tejeda  
Deputy Town Clerk

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

\_\_\_\_\_  
Town Attorney

STATE OF FLORIDA                    )  
  SS:  
COUNTY OF MIAMI-DADE            )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of July, 2009, by **MICHAEL PIZZI, Mayor, on behalf of the TOWN OF MIAMI LAKES, a Florida municipal corporation**, who (check one) is personally known to me or [ ] has produced a Florida drivers license as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public, Signature  
Print Name:\_\_\_\_\_



**EXHIBIT "A"**  
**EASEMENT LEGAL DESCRIPTION FOR ROYAL OAK PARK**

SURVEYOR'S NOTES:

1. This is not a Boundary Survey.
2. Berings shown hereon are based on an assumed of South 02°35'34" East along the centerline of Northwest 87th Avenue.
3. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
4. The intent of this Easement Description is to encompass the recently installed Concrete Pad for FPL Transformer.

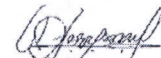
LEGEND:

1. SEC. denotes Section.
2. P.O.B denotes Point of Beginning
3. P.O.C denotes Point of Commencement.
4. P.O.T denotes Point of Termination.
5. R/W denotes Right of Way

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the Property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the Sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This Sketch does not represent a Land Survey.

William Herryman, Professional Land Surveyor, State of Florida, Certificate No. 2804

  
BY WILLIAM HERRYMAN  
Professional Surveyor and Mapper  
Certificate No. 2804  
STATE OF FLORIDA  
OFF. TEL.: 305-606-4031  
FAX: 705-412-3545

JOB No.: 09-059	DRAWN DATE: 06-17-2009	DRAWN: EOG	CHECKED: WH	SCALE: AS NOTED
<b>WILLIAM HERRYMAN</b> Professional Land Surveyor 300 Bayview Drive Suite 209, Florida 33160. Phone (305)-542-9963. OFFICE TEL. (305)-606-0031. FAX (305)-412-3545.				<b>FPL EASEMENT</b>  Sheet 1 of 3

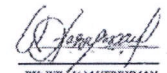
**EXHIBIT "A"**  
**EASEMENT LEGAL DESCRIPTION FOR ROYAL OAK PARK**

**FPL LEGAL DESCRIPTION:**

A Portion of Tract "A" of "ROYAL GARDEN ESTATES", according to the Plat thereof, as recorded in Plat Book 155 at Page 4 of the Public Records of Miami-Dade County, and more particularly described as follows:

**Commence** at the Intersection of Northwest 87th Avenue and Northwest 166th Street; thence run South 02°35'34" East along the the East line of Northeast 1/4 of Section 16, Township 52 South, Range 40 East for a distance of 135.17 feet to a Point which is a Southeast corner of North 1/2 of Northeast 1/4 of said Section 16, Township 52 South, Range 40 East; thence run South 89°31'08" West (Computed) North 89°30'05" East (Plat) for a distance of 40.03 feet to a Northeast corner of said Tract "A"; thence continue with the same bearing South 89°31'08" West along the North line of Tract "A" as shown in Plat Book 155 at Page 4 for a distance of 620.00 feet; thence run South 00°32'17" East for a distance of 74.91 feet **Point of Beginning**; thence run North 89°27'43" East for a distance of 241.25 feet; thence run South 00°32'17" East for a distance of 105.84 feet; thence run North 89°27'43" East for a distance of 19.38 feet; thence run South 00°32'17" West for a distance of 10.66 feet; thence run South 89°27'43" West for a distance of 29.38 feet; thence run North 00°32'17" West for a distance of 106.50 feet; thence run North 00°32'17" West for a distance of 10.00 feet to a **Point of Beginning**.

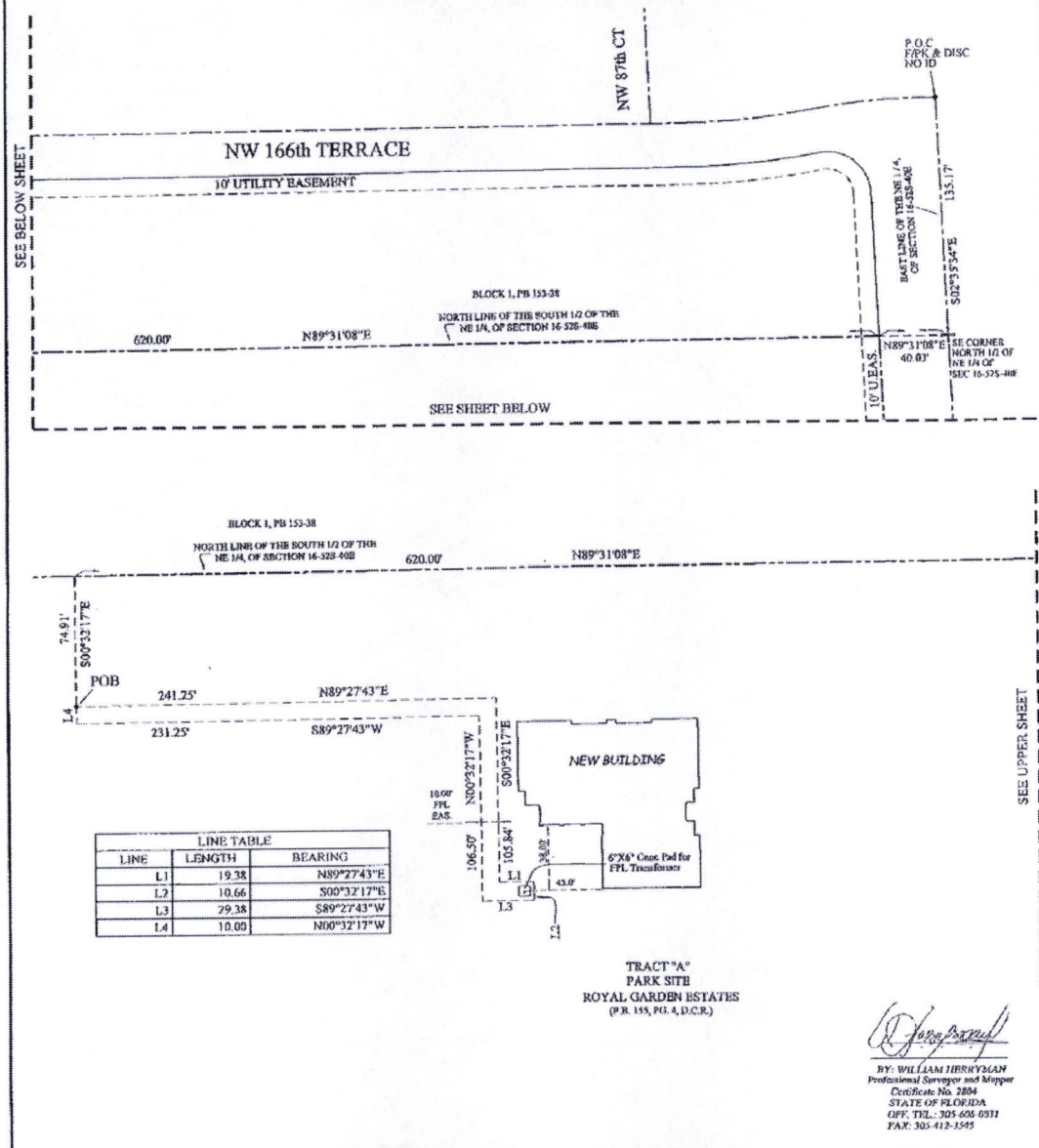
All lying and being in Section 16, Township 52 South, Range 40 East, situated in Miami-Dade County, Florida.

  
 BY: WILLIAM HERRYMAN  
 Professional Surveyor and Mapper  
 Certificate No. 2804  
 STATE OF FLORIDA  
 OFF. TEL.: 305-406-0001  
 FAX: 305-412-3545

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**EXHIBIT "A"**  
**SKETCH TO ACCOMPANY EASEMENT LEGAL DESCRIPTION**



JOB No.: 09-059    DRAWN DATE: 06-17-2009    DRAWN: EOG    CHECKED: WH    SCALE: AS NOTED

**WILLIAM HERRYMAN**  
Professional Land Surveyor  
300 Bayview Drive Suite 209, Florida 33160. Phone (305)-542-9963.  
OFFICE TEL. (305)-606-0031. FAX (305)-412-3545.

**FPL  
EASEMENT**

Sheet 3 of 3