

RESOLUTION NO. 2011-2025

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT EASEMENT DESCRIBED IN EXHIBIT "A" GRANTING AND GIVING TO FLORIDA POWER & LIGHT COMPANY FOREVER A TEN (10) FOOT WIDE EASEMENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF OVERHEAD AND UNDERGROUND UTILITIES TO BE INSTALLED FOR THE COMMUNITY CENTER AND AQUATIC FACILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town of Surfside has executed on April 27, 2011 an easement described in Exhibit "A" attached hereto, granting and giving to Florida Power & Light Company (hereinafter "FPL") forever a ten (10) foot wide easement for the construction, operation and maintenance of overhead and underground utilities to be installed for the Community Center and Aquatic Facility; and

WHEREAS, it is in the best interest of the Town to approve this easement.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above-stated recitals are hereby adopted and confirmed.

Section 2. Granting of Easement Approved. The FPL Easement attached as "Exhibit A" is hereby approved after-the-fact and the Town Manager is hereby authorized to do to do all things necessary to effectuate this easement.

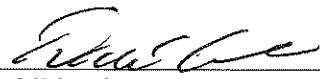
Section 3. Effective Date. This Resolution shall be effective immediately from adoption hereof.

PASSED and **ADOPTED** on this 10th day of May, 2011.

Motion by Commissioner Kepelman, second by Commissioner Olchyk.


FINAL VOTE ON ADOPTION

Commissioner Michael Karukin	<i>absent</i>
Commissioner Edward Kopelman	<i>yes</i>
Commissioner Marta Olchyk	<i>yes</i>
Vice Mayor Joseph Graubart	<i>yes</i>
Mayor Daniel Dietch	<i>absent</i>



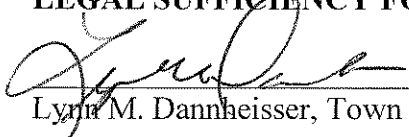
Daniel Dietch, Mayor

ATTEST:



Debra E. Eastman, MMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Lynn M. Dannheisser, Town Attorney

EASEMENT

This Instrument Prepared By:

Work Request No. _____

Sec. ___ Twp ___ S, Rge ___ E

Lynn M. Dannheisser, Town Attorney
9293 Harding Ave., Surfside, Florida 33154

Parcel I.D.
(Maintained by County Appraiser)

Plat Book 8, Page 92 of Public Records of Miami-Dade County
Plat Book 70, Page 31 of Public Records of Miami-Dade County

Form 3722 (Stocked) Rev. 7/94

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, (Grantee) having an address of 700 Universe Blvd. Juno Beach, Florida 33408, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement ten (10) feet in width described as follows:

Reserved for Circuit Court

SEE EXHIBIT "A"

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 ail 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 land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property. Grantee shall provide notice to Grantor prior to any work being performed in the easement.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on April 27 2011

Signed, sealed and delivered in the presence of:

[Handwritten Signature]

(Witness Signature)

[Handwritten Signature]

Mayor Daniel Dietch

Print Name:

[Handwritten Signature]

(Witness Signature)

Print Name:

MARTIN SHERWOOD

(Witness)

Print Name: Daniel Dietch
Print Address: 9293 Harding Ave., Surfside, Florida 33154

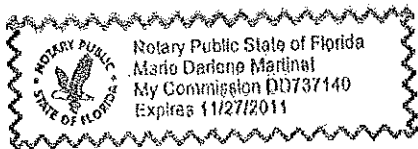
Attest: *[Handwritten Signature]*
Debra E. Eastman, M.M.C., Town Clerk

Print Name: Debra Eastman
Print Address: 9293 Harding Ave., Surfside, Florida 33154

(Corporate Seal)

STATE OF FLORIDA AND COUNTY OF MIAMI-DADE. The foregoing instrument was acknowledged before me this 27 day of April, 2011, by Daniel Dietch & Debra Eastman the Mayor & Town Clerk of the Town of Surfside, a Florida Municipality, on behalf of said corporation, who are personally known to me or have produced Surfside as identification, and who did (did not) take an oath.

My Commission Expires:



[Handwritten Signature]
Notary Public, Signature

Print Name Mario Dardone Martinat

**LAND DESCRIPTION
SURFSIDE COMMUNITY CENTER
10 FOOT FLORIDA POWER AND LIGHT Co. EASEMENT
TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA**

A strip of land 10 foot in width being a portion of Lot 11, Block 1 as shown on "ALTOS DEL MAR No. 5", according to the Plat thereof, as recorded in Plat Book 8, Page 92 and a portion of vacated right-of-way of State Road A-1-A as described in the Official Records Book 27172, Page 4775, all in the Public Records of Miami-Dade County, Florida, said strip of land lying 5.00 feet each side of the following described centerline:

COMMENCING at the Northwest corner of Lot 1, Block 1, "SURFSIDE CENTER", according to the Plat thereof, as recorded in Plat Book 70, Page 31, of the Public Records of Miami-Dade County, Florida

THENCE South 86°51'54" West on the Westerly prolongation of the North line of said Lot 1, Block 1, said line also being the South line of Lot 2, Block 2, as shown on said "ALTOS DEL MAR No. 5", a distance of 20.02 feet to the intersection with the West line of a said vacated right-of-way;

THENCE South 05°22'19" East on said West line, a distance of 79.01 feet;

THENCE North 84°37'41" East, a distance of 5.00 feet to the intersection with a line 5.00 feet East of and parallel with said West line of a vacated right-of-way and to the **POINT OF BEGINNING** of said centerline;

THENCE South 05°22'19" East on said centerline and on said parallel line, a distance of 118.60 to the intersection with a line 12.50 feet North of and parallel with South line of Lot 11, Block 1, "ALTOS DEL MAR No. 5";

THENCE North 86°46'30" East on said centerline and on said parallel line, a distance of 66.30 feet to the **POINT OF TERMINATION** of said centerline;

The sidelines of this easement are to be shortened or lengthened so as to form a continuous strip of land in width and to intersect existing properties

Said lands lying in Section 35, Township 52 South, Range 42 East, Town of Surfside, Miami-Dade County, Florida and containing a total net area of 1,849 square feet, more or less.

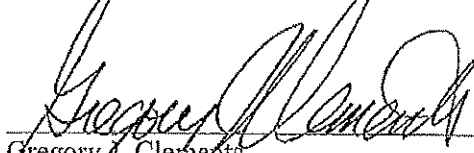
SURVEYOR'S NOTES:

1. Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

Prepared by:
CALVIN, GIORDANO & ASSOCIATES, INC.
1800 Eller Drive - Suite 600
Fort Lauderdale, FL 33316
April 07, 2011
P:\Projects\02607071202 Surfside Community Center\Survey\Legal Descriptions\065355-12-ESMT-FPL.docx

2. Lands shown hereon were not abstracted by the surveyor for rights-of-way, easements, ownership or other instruments of record.
3. Bearings shown hereon are Relative to Florida Department of Transportation right-of-way map for State Road A-1-A, Section 87060, Financial I.D. No. 2507471, prepared by Metric Engineering, Inc., and last dated February 2005, Sheets 12 to 15 of 15 with the baseline of said State Road having a bearing of North 05°22'19" West.
4. The description contained herein does not represent a field boundary survey.

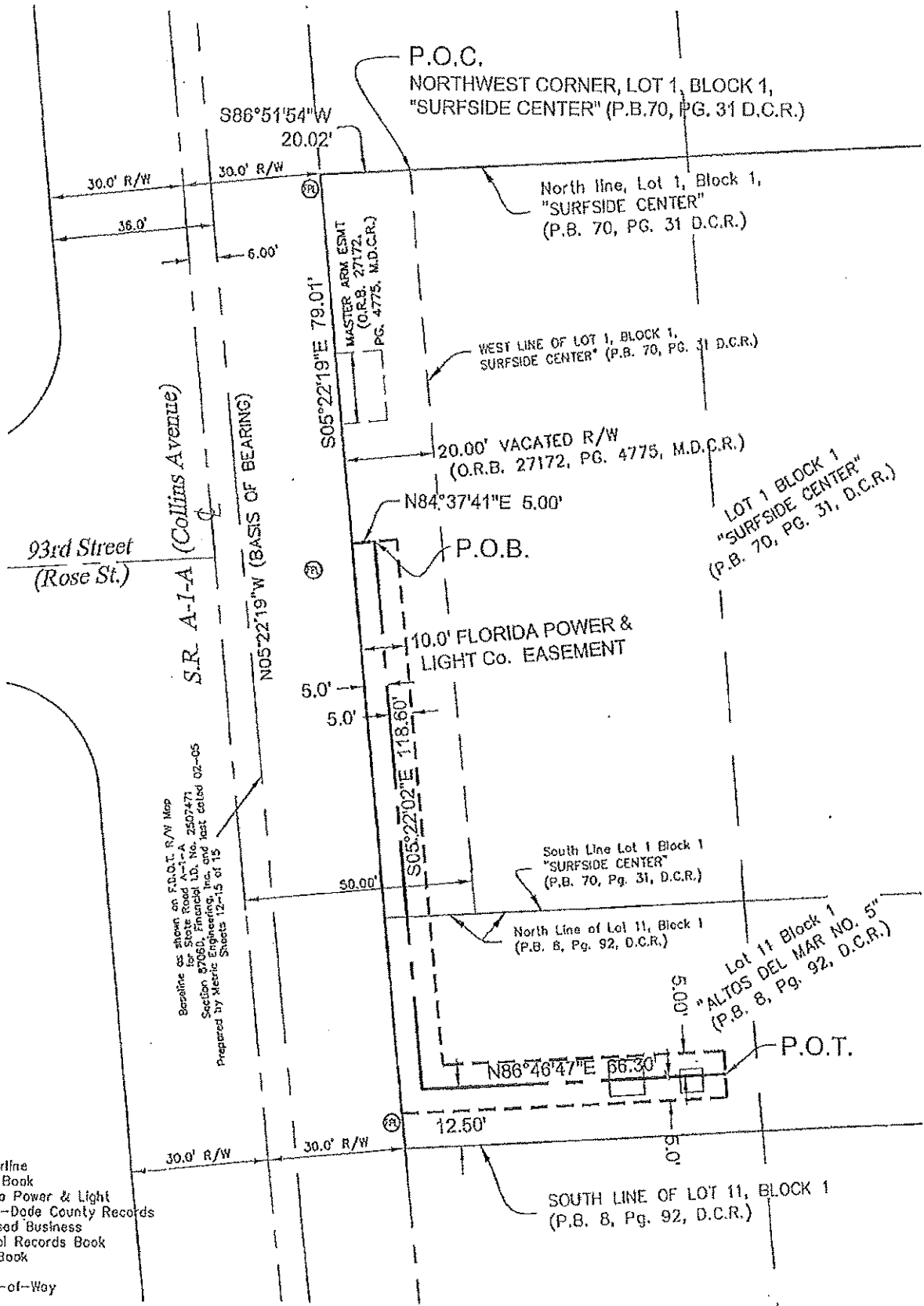
CALVIN, GIORDANO AND ASSOCIATES, INC.

 Date: 4-7-2011
Gregory J. Clements
Professional Surveyor and Mapper
Florida Registration Number LS 4479

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- LEGEND:**
- ⊕ Centerline
 - D.B. Deed Book
 - FP&L Florida Power & Light
 - M.D.C.R. Miami-Dade County Records
 - L.B. Licensed Business
 - O.R.B. Official Records Book
 - P.B. Plat Book
 - P.G. Page
 - R/W Right-of-Way



Baseline as shown on F.D.O.T. R/W Map for Site Road A-1-A Section 87056, Parcel ID. No. 2507471, Sing, Inc., and last called 02-05 Prepared by Metric Sheets 12-15 of 15

GA Calvin, Giordano & Associates, Inc.
 EXCEPTIONAL SOLUTIONS
 1100 Ebb Drive, Suite 600, Fort Lauderdale, Florida 33316
 Faxes: 954.921.7781 Fax: 954.921.8207
 Certificate of Authorization #228k

SKETCH OF DESCRIPTION
 10 FOOT FLORIDA POWER & LIGHT CO. EASEMENT
 TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA

SCALE 1" = 30'	PROJECT No. 06-5355.12
DATE 04-07-11	CAD FILE SEE LEFT

SHEET
3
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